



Over Historical Society

FAMOUS CASE IS DECIDED

Court Modifies Decree in Buck's Stove & Range Co. of St. Louis

AFFIRMS INJUNCTION GIVEN

Decision Does Not Settle the Appeal in the Contempt Proceedings in the Gompers and Mitchell Case—Freedom of Press Upheld.

WASHINGTON, D. C., March 11.—The Court of Appeals of the District of Columbia today modified and affirmed the opinion of Justice Gould, of the Supreme Court of the District enjoining the American Federation of Labor, Samuel Gompers and other defendants, from publishing in the "We Don't Patronize" list, the name of the Buck's Stove & Range Company, of St. Louis.

The opinion, which was handed down by Justice Robb, holds that the decree of Judge Gould should be modified to the extent that there should be eliminated from the decree the restriction of the labor organization and the other defendants from "mentioning writing, or referring," to the business of the Buck's Stove & Range Company, or its customers. Otherwise the decree is affirmed. The court holds that the "combination" and boycott in furtherance thereof, and the publication in the "We Don't Patronize List," in aid of the boycott, is illegal.

The court held that the defendants could not be restrained from all publications referring to the Bucks Stove & Range Company, but only to such as are made in furtherance of an illegal boycott.

In a partial dissenting opinion, Chief Justice Shepard took a strong stand in upholding the freedom of the press. He says that even assuming that the publication of the complainant's name in the "We Don't Patronize" column of the Federation list, was a step in the formation of a conspiracy to coerce independent dealers into refusing to have further business relations with that company. "I cannot agree that the publication can be restrained for that reason. Regardless of its character or purpose, the publication is protected from restraint in my opinion by the first amendment of the constitution which forbids any law abridging the freedom of the press."

The Chief Justice held that "the only remedy for libelous or otherwise malicious, wrongful and injurious publications is by civil action for damages and criminal prosecution. There is no power to restrain the publication."

The decision does not settle the appeal in the contempt proceedings, in which Messrs. Gompers, Morrison and Mitchell were given jail sentences.

WOULD USE CHLOROFORM

Southern Man Thinks Criminals Should Die This Way.

ATLANTA, Ga., March 11.—General Clement A. Evans, commander in chief of the United Confederate Veterans and chairman of the prison commission of Georgia, advocates chloroforming criminals who have received the death sentence.

"I believe the law has no right to do more than take a man's life," said General Evans. No living man should witness it. The death cell should be air tight and the man who is to die should inhale the very breath of death itself and should die painlessly and alone.

Any other death punishment is nothing short of barbarous. Even this is bad enough."

General Evans had already qualified this statement by declaring himself opposed to capital punishment for any crime save that of assault upon women.

QUEER SIGNALS FROM DISTRESSED VESSEL

WIRELESS STATIONS PICK UP FRAGMENTS OF MESSAGES AT DIFFERENT PLACES.

BOSTON, March 11.—Mysterious signals, apparently from some steamer in distress were picked up in a fragmentary form by the Wireless Station at Charleston and Newport tonight, but an account of the interruptions not enough of the message could be distinguished to indicate either name of the vessel or her whereabouts. "In distress; notify the life saving stations; west — south — east —", is the way the message was read at Newport. Operators who heard the message agreed that the flashes came from a heavier sending machine than an amateur was likely to have and felt quite certain it is not a hoax.

Another station picked up fragments of the message about the same time in which the situation of the vessel was located off New Jersey. It mentioned the word "Trainor." This led to the supposition that the message referred to the schooner Ann B. Trainor, reported dismantled off the Virginia coast.

MORE CHANGES WANTED

WASHINGTON, March 11.—The presidential election early in October and the inauguration ceremonies early in December when the weather is usually good, is the proposal that Representative Crumpacker of Indiana will make if March 4 is abandoned for the inauguration. Mr. Crumpacker believes that it is desirable to have an administration begin as soon after the election as possible in order that there may be quick response to the expression of the public on the policies of government. On the day of inauguration Mr. Crumpacker would have a regular session of Congress begin.

MUST PACK SALMON UNDER RIGHT NAME

Department of Agriculture Lays Down Important Ruling in Regard to Labeling Canned Salmon

WASHINGTON, D. C., March 11.—Because many packers put up "Humpback" and "Dog" salmon under fancy names and sell them to consumers who believe them to be superior varieties, the Department of Agriculture today ordered these fish when canned, to be labelled with their common names.

A movement is on foot to induce Secretary Wilson to reverse the recent decision holding flour bleached with nitrogen peroxide is adulteration under the food and drugs act. Hundreds of letters have been sent to him asking that the matter be referred to a board of scientific experts for decision. It is announced that Secretary Wilson will stand by his ruling.

LEGISLATURE HAS ADJOURNED

Session of Washington Law-makers Comes to an End After 60 Days

PASSED LOCAL OPTION BILL

Appropriation Exceeded All Previous Sessions and Will Total up About Ten Millions—Passed Act Submitting Equal Suffrage to a Vote.

OLYMPIA, March 12.—The 11th session of the legislature came to a close this morning at 12:20 o'clock after a 60-day session.

The most notable works of the session consisted in the passage of a local option bill, act submitting equal suffrage amendment, to vote of the people; adoption of a complete criminal code and abolishing racetrack gambling. It exceeded all previous sessions in the amount of money appropriated, provision being made for the expenditure of approximately \$10,000,000. Part of this total however, is to be made up by the disposal of the land resources and issuances of state bond. The legislature today voted expenditures exceeding \$100,000. The bills passed including the omnibus appropriation bill providing for all state departments and institutions and miscellaneous measures. Consideration of all bills ceased at noon and the afternoon and night spent in concurring in amendments.

The Legislature tonight adopted a resolution providing for a committee with power to investigate any or all state officers. The resolution is the outcome of charges in connection with the administration of the present insurance commissioner, J. H. Shively and Secretary of State Samuel H. Nichols filed in both houses and senate. The resolution first limited the investigation of these officers, but a later resolution was amended so as to mention no names and to give the committee general powers. The committee is required to report to the Governor before July 12, 1909, and instructed to hold its meetings in Olympia. President Ruth has appointed as senate members of the committee Allen of King and Fishback of Lewis.

SWINDLED OUT OF \$18,000 AND JAILED

WASHINGTON MAN BACKS BOGUS PRIZEFIGHT AND LANDS IN JAIL.

OMAHA, March 11.—Frank H. Pilling of Tacoma, not only dropped \$18,000 to the Maybray swindlers, but drew a sentence in prison in addition. Pilling writes a letter from Washington prison to Mr. Warner, United States Marshal, telling him about having been duped out of \$18,000 and wants to know if there is any chance to get his money back. He says he gave a check for \$18,000 as a venture on a prizefight promoted by the Maybray crowd in Seattle in August, 1908, the check was endorsed by J. K. Thompson, a banker of Tacoma. After the fight Pilling tried to stop payment on the check and Thompson, the letter said, had him arrested for violation of the Washington law against aiding and abetting a prizefight. Pilling was convicted and sentenced to term in the penitentiary. He appealed the case. The letter was turned over to the federal authorities at Council Bluffs.

GAS FUMES KILL

SAN FRANCISCO, March 10.—C. M. Lombard a carpenter aged 68 years, was found dead in bed yesterday morning in a room filled with illuminating gas. In her solicitude for her aged lodgers help, Mrs. Annie Hoffman probably unwittingly contributed to cause his death.

Fearing that a strong wind which was blowing Tuesday night might cause the old man to catch cold, Mrs. Hoffman closed his windows from the outside before leaving the house to visit a friend. It is believed that the wind extinguished the gas light before the window was closed.

NAMED AFTER TAFT

CHICAGO, March 11.—President Taft, through his private secretary, has sent a letter of acknowledgement and thanks to Joseph Olles, of Waukegan, Ill. who named his little son, born at 11 A. M. March 4, William Howard Taft Olles.

WOUNDED WITH AX, HE STILL LIVES

PETERSON SEEMS TO HAVE A CHANCE FOR LIFE, BUT IT IS SLIM.

Nels Peterson, the mill hand who was terribly injured by a heavy ax in the hands of "Bob" Davis Wednesday evening, seems to have a fighting chance to live. All day yesterday he was more or less conscious of his surroundings, and since he has lived this long there seems a probability that he may pull through, unless complications arise of a serious nature. "You can't kill some men with an ax" is a saying that seems to apply to Peterson.

Davis is still locked up in the city jail. A representative of the Astorian called to see him yesterday afternoon, and asked him about the affair. Davis did not talk much, but apparently was not trying to deny the part he had taken in the affair.

"He was choking her," he said. "When we got the door open I rushed in and hit him. I guess I hardly knew what I was doing. She was being choked, and was gurgling."

Davis meant when he said that he hardly knew what he was doing that, because of anger, or some other feeling that swept over him, he did not deliberately attempt anything, but struck in a paroxysm. That at least was what he evidently meant. He also intimated that the man deserved punishment for the choking he was giving the woman, and Davis evidently talks as if he means that his action was in defense of the woman, or to save her life.

When examined by Dr. Fulton immediately after the affray no marks of any choking were discernable on the woman's throat, and a woman's throat leaves the marks of finger prints very readily. At the hospital yesterday Howard M. Brownell, assistant prosecuting attorney, and Chief Oberg secured a statement from Peterson, who was able to talk, a little. He was able to tell very little of the occurrence but he said that when he entered the woman's place he had about \$20 and last night when his clothes were searched by the authorities only a couple of dollars could be found.

If Peterson lives Davis will doubtless be charged with an attempt to kill with a murderous weapon; if he dies it looks as if Davis will have a charge of murder in the first degree to combat. Davis is said to be a man who made friends, and when the liquor was out of him he was quiet and peaceable enough, but a few drinks would make him more or less of a dangerous man to quarrel with. He is a short, thick set fellow, not at all unpleasant to talk to. It looks as if he had a "few drinks" in him at the time, and when he heard the cries from the woman—who was "his woman"—his anger shot up into ungovernable rage, and in that momentary rage he seized the heavy ax and

MAYOR RESIGNS UNDER FIRE

Los Angeles Man Will Not Force the Recall Measure and Steps Down

NEWSPAPERS FORCE HIM OUT

Investigations Showed That he Permitted Vice of All Kinds to be Protected and His Own Personal and Private Acts Have Been Very Bad.

LOS ANGELES, March 11.—Mayor A. C. Harper resigned tonight as Mayor of this city and also withdrew his name as a candidate succeed himself in the recall election to be held March 26. The resignation which was in compliance with an agreement made with an afternoon paper, came as a complete surprise. Harper in his letter of resignation says he does so in fulfillment of an obligation to resign at whatever time the newspaper demanded it, and notes that such demands were made today. In explaining its action in demanding Harper's resignation and withdrawal the newspaper declares: "The reasons that it has taken this drastic action are unpublizable" and come after searching Harper's official and private record.

For many weeks the principal newspapers of the city have waged a campaign against Harper accusing him of permitting vice of all kinds to be protected and that his own personal and private acts have not been above reproach. The mayor's office was investigated by the grand jury recently and in the final report he was scored for the alleged offensive acts not in his capacity of mayor, but as a private citizen, but no indictment was returned against him.

Harper contends that his action tonight nullifies the recall election and throws the matter of choice of his successor into the council. His opponents do not concede this. They claim on the other hand that the recall election will be held and renders the election of George Alexander, the municipal league candidate, assured.

"I've lived in Astoria on and off for 20 years," he said yesterday. "Yes, I was up in Alaska, but never around Skagway. No, I don't know anything about 'Soapy' Smith." In fact, Davis didn't seem to know who the famous "Soapy" was, even, which may seem a little odd. Some of the police say that they have understood that Davis should be a member of Smith's gang of black legs and outlaws, who never met defeat or learned what law meant until they ran up against the Canadian mounted police.

CARMACK TRIAL DRAWS NEAR CLOSE

THE ATTORNEY FOR DEFENSE SPOKE NINE HOURS AND DID NOT FINISH.

NASHVILLE, March 11.—Attorney Washington, defending the Coopers and Sharpe spoke nine hours today and then did not get through. When court adjourned he announced he would conclude sometime tomorrow. The jury will be obliged to listen to more southern oratory before it can consider the verdict as Washington's long speech is only a preliminary affair for the defense. He will be followed by Judge Hart, who will make the main address for the defense. Attorney-General McCann will lose for the state.

GANS WILL FIGHT

NEW YORK, March 11.—Joe Gans the lightweight, will meet Jabez White, the English fighter at the National Athletic Club here tomorrow night. Gans arrived here last evening, from Baltimore and will put the finishing touches on his training today preparatory to the battle. He realizes that he has a hard proposition before him.

HAPPY AFFAIR

NEW YORK, March 11.—Ceremonies were held at the little town of Irvington-on-the-Hudson last night during which Justice David Brewer of the Supreme Court of the United States presented to the town an oil painting of his uncle, the late Cyrus W. Field, who was so instrumental in the laying of the first Atlantic Cable.

BERKELEY BORN 225 YEARS AGO TODAY

AUTHOR OF SAYING, "WESTWARD THE COURSE OF EMPIRE TAKES ITS WAY."

DUBLIN, March 12.—In this year of notable anniversaries it is not without interest to recall that on this date 225 years ago, March 12, 1684, there was born in Kilkenny the celebrated prelate and philosopher, George Berkeley, who is best remembered for his plan to "plant arts and learning in America." No man of his time was held in higher esteem for his virtues and his philosophical powers. Pope ascribed to him "every virtue under heaven," and other distinguished men testified to his goodness and amiability.

To Americans Berkeley is best known as the author of a plan for establishing a college in the Bermudas for the purpose of training pastors for the colonial churches and missionaries to the Indians. In anticipation of the happy results of his scheme he wrote his well known stanzas beginning with the familiar line: "Westward the course of empire takes its way."

Full of courage and enthusiasm in regard to his scheme Berkeley sailed for America, with his wife, landing at Newport, R. I., early in 1729. He bought a small farm to which he gave the name of "Whitehall," and settled down to await with philosophical calm a promised endowment from the English government. While waiting he pursued his usual occupation of study and writing. He attracted to his retreat many of the leaders in American thought, and he came to see that the proposed college should be, not in the Bermudas, but on the mainland. However, he received the grant from the government, and he returned to England. Before his departure from America he divided between Yale and Harvard colleges the books of his private library. His title to his Whitehall farm he transferred to Yale, to be applied to the maintenance of three scholarships and various prizes for those who should excel in Latin composition. The Berkeley prizes, it is said, have been awarded with unflinching regularity at Yale since 1733.

INSURGENTS TO FIGHT CANNON

Hold a Three Hours Meeting Behind Closed Doors and go Over Situation

SATISFIED WITH THE OUTLOOK

Meeting Voted Unanimously to Give Tariff Legislation Fight of Way and Decided Upon a Definite Plan For Making Fight For Revision of Rules

WASHINGTON, D. C., March 11.—For three hours tonight the Republican "Insurgents" discussed behind closed doors the details of the fight they propose to make in congress next Monday the adoption of the rules of the last house. The leaders of the movement express satisfaction with the size of the meeting claiming that at least ten more members would vote with them against the rules. It is known that much time at the meeting was devoted to discussion of compromise with the organization forces. It was suggested that the insurgents enter an agreement whereby the committee should be appointed to revise the rules of the house. Pending the report the rules of the last house would be enforced. The sentiment was that the speaker did not have the power of appointing a committee if such compromise is agreed on. Among these present at the insurgent meeting tonight was Poindexter of Washington.

After the meeting Gardner said: "Meeting voted unanimously to give the tariff bill the right of way and decided upon a program embodying definite plan for revision of rule. This program is not to be made public until congress is organized."

MADE A BIG FIND

Somebody Carelessly Leaves Stacks Worth \$25,000 On Counter.

SAN FRANCISCO, March 11.—That someone in this city is so careless of his wealth that he can lose \$25,000 without making any inquiries for it was the astonishing discovery of J. L. Samuels, who two days ago picked up a package in the drygoods store with which he is connected, containing a small fortune in negotiable securities. Just as the store was about to close last Monday night Samuels' attention was called to a large envelope which had been left on the hoisier counter. The contents of the envelope consist mainly of mining shares in paying concerns and as most of them are unregistered they could be easily negotiated.

Samuels waited for two days before announcing his find in the belief that the owner of such a valuable package would certainly advertise his loss. The shares are now in a safe deposit where they will be kept, until an owner appears and proves his property by naming the exact value of the shares and the companies which issued them.

YOUNG WILL NOT BE POSTMASTER

Wrote Letter Criticising Taft Which is His Undoing and Minto Will Hold Job for Another Year

WASHINGTON, D. C., March 11.—It is learned from reasonably reliable sources that John C. Young will not be appointed Postmaster by President Taft. Young's ante-convention letter criticising Taft places him in the category with the Collector of the Port of New York, who was displaced by Loeb. A decision has been reached to permit Postmaster Minto, who was loyal to Taft before and during the campaign, to remain in office at least one year longer.

President Taft is the recipient of a deluge of telegrams from Oregon requesting the appointment of Fulton as Federal Judge.