

GET THIRTY DAYS.

Judge Jackson Sentences Four Violators of his Injunction.

COURT ROOM WAS CROWDED

Tuesday Afternoon When Sentence was Passed on the men.

THE COMMUNITY LECTURE

In Severe Terms by Judge Jackson for the Obstructions That Have Been put in the Path of the Wheeling Railway Company in its Effort to Operate its Road—Defiance of the Authority of the United States Government Must end.

Most of the interest in the street car strike yesterday centered in the special term of the United States district court, Judge Jackson on the bench, called for the purpose of considering cases arising out of the strike. The judge opened court at 10 a. m., and the term came to its close at 3:45 in the afternoon, and it resulted in the conviction of four men arrested by the deputy marshals on the charge of obstruction of the cars of the Wheeling Railway Company. The men were each given thirty days in jail and a fine of \$50.

The first cases called were those against James Byrnes and John Hixenbaugh, who were arrested at the Forty-eighth street barns Sunday afternoon. Hixenbaugh had nothing to say in his defense, and Byrnes entered a plea of not guilty. Neither man was represented by legal counsel. Chief Deputy Wilton Randolph testified to the circumstances of the arrest, which have been printed in the Intelligencer. Hixenbaugh said he was not threatening the deputies; that his abuse had been directed against the non-union men. A. J. McClain, car dispatcher at the barns, testified to having heard the pair apply vile names to the deputies.

The Charles Reiter case was next called. He entered a plea of not guilty. He testified he was in a crowd gathered at the corner of Forty-third and Jacob streets, watching non-unionists put a car on the track, but said he had done nothing. He was commanded by the court to give the names of the persons in the crowd, and after some hesitation named William Speldel and Charles Brown. Deputy Marshal Law testified that Reiter had applied a vile name to the non-unionists, and that he had threatened the men with hanging if he didn't go back to Pennsylvania. James Pace, an employee of the railway company, testified that the defendant applied to him a vile name. George Parikand, another employee, testified that Reiter was cursing the men on the car.

The case of Waverly Pultz was next tried. He was arrested in upper Benwood Monday afternoon, for abusing a deputy marshal. Deputy Marshal Wade Hoff testified that Pultz had said he would shoot him if he had a gun, and that he had applied a vile name. Other deputies supported Hoff's testimony.

At the close of the hearing, Judge Jackson adjourned court until 2 o'clock in the afternoon, when he would pass sentence upon the four men. Before the recess, however, he inquired of Chief Deputy Randolph what had become of Oscar Holderman, the man who was arrested last week, and released on habeas corpus proceedings before Judge Paul, of the Ohio county circuit court. The deputy was directed to re-arrest Holderman.

Deputy Randolph complained that children, with the knowledge of their parents, are placing obstructions on the tracks. This has occurred in the North End and on the South Side, as well as in upper Benwood. The court instructed Deputy Randolph to take into custody any children, and their parents, who may be found placing these obstructions.

Afternoon Session.

The afternoon session of Judge Jackson's court was called to order at 2 o'clock, and the court room was crowded with spectators, including many business and professional men, who had learned that the judge would have something to say with reference to the street car strike in general, as well as in particular applying to the cases of the four men to be sentenced.

Judge Jackson Opens.

"Before passing upon the cases that have been submitted to the court for its action, I think, under all the circumstances, that I should talk to the community at large with reference to the strike, known now as the street car strike, and the first remark that I want to make is, that it seems to me remarkable, in a city as large as the city of Wheeling, with its mayor and police authorities, that that mayor, with all his policemen, has found it impossible to deal to any extent with the obstructions that have been placed upon the tracks of the street railway company.

"No evidence has been presented to this court to show any interposition upon the part of the mayor, the chief of police or the policemen under them to protect this property. I have inquired, in reference to that, of the officers of this court, and it is something I cannot well understand. In a city as large as the city of Wheeling, with such a local police force as it necessarily must have for the protection of the interests of every citizen and of every species of property within the limits of the city, I repeat that I cannot well understand why the city authorities have not taken some action in regard to this matter.

"Authorities who regulate the welfare and prosperity of a city are supposed to be indifferent as between parties connected with any violations of the law in reference to the rights of citizens, either of liberty or property.

"I understand that the state authorities and municipal authorities are just as much bound to protect the rights of

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the street railway company as the United States is bound to enforce the laws regulating the transmission of its mails over railway property of any kind or character whatsoever.

"It is to be regretted that there is a want of action upon the part of the local authorities and that the street railway company has been compelled to appeal to the United States court to do that which it was the duty of the local authorities to do.

"In the administration of the laws of the land, either federal, state or municipal, sympathy is not to be considered. The question of legal right is the question that it is the duty of the officers of either of those three branches of authority to consider and to enforce.

Strike Sympathy.

"I have been told since my arrival in the city that the reason there seems to be no desire upon the part of the local authorities to enforce the law in protecting the property of the street railway company is, that they sympathize with the strikers. I have also been informed that these men who have struck for higher wages do not appear in the front of this trouble. But they are behind it and they incite and excite a class of the population of the community who have a small stakehold in its interest and welfare, to present themselves in the front to obstruct the operation of this street railway company and thus to a great extent diminish the value of the company's property.

"Let me ask the strikers who have left the service of the company if it would not be more manly upon their part to come forward and present themselves in the breach, instead of getting a lawless and irresponsible element in this community to stand in front as a bulwark to protect them against the execution and enforcement of the laws? Is it manly to incite women, through their children, to appear upon the scene and try to obstruct this street railway company? In running its cars over its own property?"

"It seems to me if there is any manhood among those engaged in this strike that they would come out themselves and make their fight, and not ask these poor, unfortunate, infatuated people along the line of this railway to hoot and howl and excite a mob for the purpose of interfering with the running of the cars of the company.

"The court is not here to sympathize. Those who administer the law are not expected to sympathize. Their only sympathy is with justice and right under the laws of the land. That is the proper sympathy.

"I am told—as it appeared before me in the prosecution by the government of the United States upon an information filed in this court some six years ago, against parties who were prosecuted for obstructing this same railway—that children, and small children at that, are used in piling rocks upon the track of the railway company. It appears from the evidence here that the rocks are piled on the track in the absence of the officers of the road, and have been driven into the track by the cars. Of course parties who do these things are not going to take witnesses with them, as it might result in their arrest. They do it at a time when the officers of the government who are there for the protection of the property, are absent.

Hooting and Yelling.

Every time a crowd gathers along this railway and hoots and yells at the officers of the government in the exercise of their legitimate duties in enforcing the processes of this court, it is aiding and abetting this strike and those who engage in it are just as bad as the principals who go and drive spikes in the track or tear up the rails to derail a car.

It is the fomenting of a public sentiment that is unhealthy—a sentiment in opposition to the enforcement of the laws of the land—that you people who are under arrest to-day are engaged in. Why do not all of you think and reflect about this matter? Why cannot you remember that the welfare of society is involved every time there is an effort upon the part of dissatisfied citizens in regard to any matter they are interested in and they produce a strike?

"The society of this country has many grades and elements in it. There is the rich man; there is the man who has a comfortable living; there is the man who is struggling for existence, and there is the man who can never 'make both ends meet.' Now, whose fault is it? This is a free country. No man is compelled to work except to save himself and his family from starvation. There is no law, except the law of the Almighty, that compels a man to work. By the sweat of your brow you shall earn what you possess. No railway company, no corporation or co-partnership of any character and no citizen can compel other people to work for them.

"You who are engaged in obstructing the running of cars on this railway are destroying the rights of the people who constructed a road quite as much for your convenience and benefit as for their own profit. Without this railway running through four streets from Bridgeport and Martin's Ferry in Ohio, to Benwood in our own state, what inconvenience would you be subjected to? Think a moment, what a matter of public benefit this street railway is to you. Suppose the railroad should be obliterated and you had nothing but the trucks and express wagons that are now passing over four streets, for the accommodation of the public, what would be the effect upon your city? You would be retrograding from the condition of an electric street railway back to the old omnibus and old horse car line to the electric railway, and from the electric railway to the next advanced means of transportation that may happen in the future.

None Compelled to Work.

"This country is a country of progress; it is a country in which all citizens enjoy equal rights; it is a country where every man has a right to labor for himself and be protected in the acquisitions that result from his labor. Now, think of that! No man is compelled to work. He may choose to be lazy. Neither is any man compelled to work for inadequate wages. But in connection with that there is another thing to consider: If you cannot get what you think is right and fair for your services stop—quit—and let your neighbor come in who is willing to work for the same compensation. He has a right to do it. Why should you interfere with men who are engaged by the company and who are willing to work for wages that you do not wish to labor for? You should not interfere with them.

"I am not here, gentlemen, to sympathize with either side in this matter. I am here to enforce the law. It may be that the railroad company is paying more compensation for labor now than the revenues of the road justify. The railway company certainly is the judge of that. It may be that the laborer who is employed is not getting what he thinks he ought to receive. He is the judge of that. If the railway company says, 'We are paying you too much and shall have to reduce your wages,' you have a right to quit. They cannot compel you to work. If the laborer says to the railway company: 'You are not paying me enough; you ought to give me more,' and they refuse to do it, you have a right to quit. Nobody interferes with you. That is your right—your inalienable right—under our institutions. But there the thing stops. You have no right to organize a communistic club or a communistic society for the purpose of enforcing that, which, under the law, you are not entitled to enforce.

The Law of the Case.

"The law does not give you any right to go into the courts of the country and say to this railway company, 'We are working to-day for sixteen cents an hour, but you must give us twenty

cents.' You cannot make them do it. The law does not give the railway company any right to go into the courts of the country and say to the laborer, 'We have been paying you sixteen cents an hour, but you must come down to twelve,' and force them to do it. The courts cannot do that. Now, there is the whole thing in a nutshell.

"If any of the new men engaged in this strike are within the sound of the court's voice, (and I have no feeling in this matter except the feeling that I have been paying you sixteen cents an hour, but you must come down to twelve, and force them to do it. The courts cannot do that. Now, there is the whole thing in a nutshell.

"What are the results of strikes? They demoralize labor. What else do they do? They interfere with values. The property of a city may have a value to-day, and the property of a railroad company may have a value to-day, but repeated strikes by labor organizations or communistic associations, or by people who have anarchistic views, reduce the value of property. And when you reduce the value of property you reduce the ability of those who own property and those engaged in business to pay a fair, remunerative price for labor.

Labor and Capital.

"Labor and capital must go hand in hand together. Capital should not be too exacting, nor should labor be too exacting. Capital and labor should deal with each other in a spirit of fairness, but neither should claim the right to dictate terms to the other. You go to your groceryman, and ask him what tea is worth, or what coffee is worth, and he tells you. 'Well,' you say, 'I will go to another place; I think I can do better.' That groceryman to whom you went cannot compel you to take his tea or his coffee at the price he fixed, but you go to the other man, thinking you can do better, and you buy of him. Now, that is the underlying principle between man and man in all the negotiations of life. You ask a man what anything you want to purchase is worth and he gives you the price. You can leave him or go elsewhere. You have the right to select whether you will take it or not. You go to a railway company and ask what wages they pay and they will tell you. You can either accept their terms or go elsewhere. Now, you people who have been engaged in running cars on this line and have been receiving sixteen cents an hour, or possibly two dollars a day, have struck for twenty cents an hour. Your combined efforts cannot force that railway company to pay the advance asked for. This railway company can go out in this great nation of ours and get men from any source. It has been shown that they have already been able to get men from other places—from Philadelphia and Chicago—to take your places.

Advice to Strikers.

"Now, act with some wisdom; be prudent; go home and think and reflect over this matter, and see if you have not made a mistake. Appeal, always, to your employer, when you think you are not paid a fair price, and consult and reason with him in reference to it. Then, if you and he don't agree in your views, and you can afford to do so, quit him. But don't undertake to take his property out of his hands by strikes; don't undertake to destroy his property by the same means, when you are dissatisfied with the field in which you are employed. That is the way to do it.

"While coming up on the train yesterday afternoon from Parkersburg, I dictated to my stenographer what I consider the pith of this whole matter, and I will read it to you.

"The court is here for the purpose of administering the law relating to this case. It is not here for the purpose of administering sympathy to either the street railway company or to those who have been employed by that company. Known now as strikers, who are insisting upon the company increasing the wages for their services.

"This is a free country. The constitution and laws of this country guarantee to every citizen the right to engage in any business that he is disposed to enter into. No limitations or restrictions are imposed upon the individual action of any citizen in regard to this right. In a free country like ours competition in every department of life is open to every citizen. He who by diligent and continuous effort acquires not only a competency but a fortune, has a perfect right to be protected in it. On the other hand, a laborer of the country who maintains and supports himself and family by his daily toil, has an equal right to be protected. Labor cannot, by individual action, or by united action, deprive the employer of his right to fix the price of labor any more than the employer can compel the laborer to work for him for a price less than the laborer feels is remunerative.

"The trouble in this case seems to be that there is an effort upon the part of the employees of this street railway company to force the employer, the railway company, to advance their wages without knowing whether such action upon their part is justified in any respect whatever. Every employer has a right to look in the question as to what he can afford to give or to receive. If he cannot afford to give or to receive, the matter to be determined and decided by the revenues derived from the business in which he is engaged. No employer can determine that, for the employer alone is possessed of all the facts upon which he must base his decision and action. In this case it must be remembered by the employee that the employer is just as much interested in maintaining the operation of the road and in obtaining revenues from it, as the employee is interested in obtaining a just and fair compensation for his labor.

"Suppose we reverse the situation upon this occasion, and the employer determines to reduce the wages of the employees in the service of the company. The employer cannot compel his employee to serve for a reduced rate of wages. If he cannot, is it right and proper that the employee, who seeks to have his wages and compensation increased, should take such steps as to coerce the employer to comply with his request without knowing whether or not the employer can afford to do so? Even if he could afford to do so, has an legal right to undertake to coerce the employer? The employee has the privilege of remaining with his employer or quitting his service. Why don't he elect to do that which the laws of his country justify him in doing? Whenever there is not a sufficient remuneration upon the part of the employer for the services of the employee, let the employee leave the service of the employer and seek other employment.

"I understand from the public press that this community is in sympathy with what are now known as the strikers. Let me say now that this is a mistaken sympathy upon their part. No community can decide, as such, between the rights of the employer and the employee. They cannot be familiar with the circumstances that have influenced the employer to refuse to accede to the demands of the employee on this occasion. This misguided sympathy is often a wrongful sympathy, and operates not only to the prejudice of the parties for whom the sympathy is expressed, but to the injury and detriment of the public at large. In this country the relation of capital and labor is not to be determined by sympathy. Labor will always command capital when capital can afford to pay for it. Capital will always command labor when it feels that it is justified in doing so. The effect of this public sympathy is unfortunate. It serves to stimulate parties who, while they may have some rights, have taken the wrong position in the assertion of them. A legal or equitable or a just right cannot be enforced in this country of law and order except through the forms of the laws of the country. Whenever any community undertakes to set up for itself a stand-

ard, and to enforce that standard by mob violence, by communistic orders or by efforts upon their part, which are conceived in a spirit of anarchy, and which lead to and end in anarchy, then the time has come when the laws of the land must be enforced to control that spirit of anarchy. Such is the duty of the court here to-day. The court is here to enforce law and order. It is here to restrain mob violence and to prevent interference with the movements of the mails of the United States, and to protect the rights of citizens of the United States under the inter-state commerce act.

"Every good citizen of the state is interested in the suppression of this violence and in the enforcement of the law. A precedent of this character, which defies law and order, will result in disaster to the community. If such a thing is countenanced by the community at this time, it is only an inducement for other persons, who may conceive that they have a just grievance, to take the same course, and the time is not far distant when a repetition of similar acts of disorder will end in violence. And I say to the good people of this city that such violence will result in disaster to the community, to its business, to its enterprises, and will drive capital from its borders, which will seek investment elsewhere, and the grass may grow in the streets of your now prosperous and thriving city."

Experience With Strikes.

"Those are the quiet thoughts that I dictated in a very short time while coming up here, and I had them written out, and have submitted them to you for your consideration.

"I have talked to you, to-day, gentlemen, from no limited experience. I have passed the notch of three score years and ten. I have dealt with strikes before, and have never found any good results from them. I have dealt with them on the Baltimore & Ohio railroad, on the Norfolk & Western railroad, with that most notable strike of the employees of the Monongah Coal Company and of the employees of this same company, six years ago, as the records of the court will disclose. I believe I have had one or two smaller affairs to deal with, but those I have mentioned were notable in their character. In every instance where I have been called upon to interfere as a judge of the United States court for the protection of the rights of property, I have found those who, in their misguided judgment organized the strike, and those who aided and abetted it, did that which did them no good, and only resulted in some injury to the owners of the property against which the strike was raised.

"Take my advice. I feel kindly toward all of you. Born in Virginia, raised in the mother state as well as in the state of my adoption—the state of West Virginia—all my sympathies are with West Virginia. My feelings of sympathy are always with the oppressed and downtrodden. I have been poor myself. I am not rich now. Indeed, I may consider myself a poor man, after devoting nearly twenty-eight years of my life to the public service, on a salary that has barely supported myself and family. Notwithstanding all this, my observations and experiences have been that it is better to endure the ills you have than to fly to those you know not of.

The Marshals to Remain.

"Go home to your families. Be peaceable; be quiet; observe the law; then when you lie down upon your pillow at night you will feel the conscious conviction that you have done well. I have to dispose of these cases I have here to-day. I regret that I am compelled to enforce the law against these parties. God knows I wish it were otherwise. This court does not like to punish anybody, although he has had a great deal of it to do in his life, but as an example to you all, he must do it.

"The marshal and his deputies are going to remain here until peace and order are restored. It is useless to undertake to fight a great government like the United States. Those officers represent the emblem of authority of this great sovereign government. This court to-day is only administering its laws. Now, think of that, and then say how long you will continue this course. Stop before you get into the clutches of the law, and let order and peace once more prevail in your community."

Concluding, Judge Jackson sentenced each man to serve thirty days in the Ohio county jail and to pay a fine of \$50. At the conclusion of Judge Jackson's remarks, Pultz, Reiter, Hixenbaugh and Byrnes were taken to the Ohio county jail and committed in due form.

The father of Pultz went to Deputy Marshal Randolph and informed him that his son was not sane, and that he would hold the United States court responsible for his safe-keeping. The marshal conducted Pultz to Judge Jackson, and reported what he had said. The judge interpreted what Pultz had said to be a threat, and warned him against a repetition. Mr. Pultz said the marshal had misunderstood him, but the latter said he had only repeated what Pultz said to him. Judge Jackson told Pultz that there was a proper manner to go about the matter if it could be shown that his son was of unsound mind. This ended the incident.

MRS. PINKHAM'S WARNING TO WOMEN.

Neglect is the Forerunner of Misery and Suffering—A Grateful Husband Writes of His Wife's Recovery.

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