

AROUND TOWN

What the Union Men of Portland Are Doing.

A GOOD SHOWING IN ALL TRADES

A Compendium of the Various Local Organizations in the City--All in a Healthy Condition and Growing.

FEDERATED TRADES COUNCIL.

Portland, Or., Feb. 19, 1904. Meeting called to order at 8 o'clock, Vice-President Duke in the chair. Minutes of previous meeting read and approved.

Credentials--Cooks and Waiters, Fred Smith; Coopers, C. E. Allen, Joseph Bushman, Floran Pfluger, Jr.; Lathers, F. Richardson, J. S. Trowbridge; Plasterers, --, Bessit; Tailors, George Miller; Carpenters and Joiners, O. N. Pierce, Perry Stewart, John Christie.

Communications--Printing Pressmen's Union, relative to the communication of last week; referred to Allied Printing Trades Council. From Metal Polishers', Buffers' and Platers' Union, of New Butan, Conn., stating that tools manufactured by the Stanley Rule & Level Co. are unfair, referred to Carpenters' Union. From Wichita, Kan., Central Labor Union, acknowledging receipt of money sent from this Council; filed. From Waco, Texas, Central Labor Union, acknowledging receipt of \$5 donated by this Council; filed. From Los Angeles Labor Council, stating that the Maier Packing Company, Hauser Packing Company and Cudahy Packing Company have adjusted their difficulty with the Butchers' Union of that city; filed. From Stationary Firemen's delegate, asking that Council reconsider action taken two weeks ago, which prohibits smoking during meetings of Council; laid over until head of new business is reached. Quarterly report of secretary-treasurer of State Federation of Labor was read and filed. The bill of Glass & Prudhomme Co., for \$3.25 for 1000 envelopes, was ordered paid.

Reports of Committees--Hall committee reports that Council can rent Artisans' Hall, in Abington Building, on Wednesday evenings, for \$20 per month. Motion that meeting night be changed and Artisans' Hall be accepted; lost. Committee appointed several weeks ago to visit unions not represented in Council report that they have visited all unions that are not affiliated with Council, and recommend that a letter, which they have drafted, be sent to each union that has not already returned to Council. Motion that report be adopted; carried.

At this time Brother C. H. Gram asked for and was granted the privilege of the floor. He stated that representatives of a carnival company were in waiting and desired to be admitted to Council. Motion that they be admitted and allowed 10 minutes to present a proposition to the Council; carried. Messrs. Hutchinson and Arnold were then admitted. They stated that the attractions which they represent will be in this city during the latter part of June and first part of July. They ask that organized labor take the matter up and advertise the attractions as an organized labor enterprise, the carnival company agreeing to guarantee that there will be no financial loss to the unions. Owing to the short space of time allotted to the gentlemen, they asked that a committee be appointed to meet with them and talk the plan over. They then retired.

Unfinished Business--Constitution and by-laws were taken up. Motion that rule requiring the second reading be suspended and that we proceed to adopt this evening; carried. In order that delegates may have time to prepare amendments to constitution the further consideration of same was laid over until heading of new business.

New Business--The following resolution was read: "Resolved, That the Federated Trades Council refuses to place on the unfair list any employer who is dictated to as to the prices he shall make to the public. Motion to lay on table; carried. Motion that a committee of five be appointed to meet with the representatives of the carnival company; carried. Chair appointed Brothers Bröck, Gurr, Reed, Gill and McDonald. Committee instructed to report at next meeting. A number of amendments to the constitution relative to the building trades were offered. Motion that they be referred to committee from building trades. Motion that matter be laid on table; carried. Motion that section 1 of article 1 of by-laws be amended by striking out Friday evening, leaving the space blank; carried. Motion that section which prohibits smoking during meetings of the

Council be stricken out; lost. Motion to reconsider vote by which we decided to adopt constitution tonight; carried. Substitute motion that adoption be made a special order of business for 10 o'clock Friday evening, March 4; carried. Musicians report that a number of places of amusement in the city are employing non-union musicians. Union men are requested to look for the Musicians' Union house card when visiting theaters or other places of amusement where musicians are employed. Labor Commissioner O. P. Hoff was present and delivered a short address to the Council.

Receipts--Printers, \$3; Barbers, \$3; Stereotypers, \$1.50; Bookbinders, \$1.10; Bartenders, \$9; Musicians, \$3; Laundry Workers, \$12. Total, \$32.60. Disbursements, \$3.25. Meeting adjourned.

GRANT McDONALD, Sec.

DEATH OF WELL-KNOWN PRINTER.

Edward Lamb, one of the most widely and favorably known printers on the Pacific Coast, died at his home in Salem, on February 18, of dropsy of the heart. He had been practically confined to the house for several months, but not bedfast until a few days prior to his death.

Mr. Lamb was born in Manchester, N. H., in 1855, and came to Oregon with his parents in 1859. While a boy, he learned the printer's trade on the Catholic Sentinel and the Oregonian, and worked as a compositor on the latter paper until 1892, when he went to Washington, D. C., and served three years in the government printing office. From 1895 to 1898 he traveled all over the United States, working in nearly all the larger offices. In 1898 he went to Salem, and entered the state printing office, where he has since been employed. He was a first-class workman, faithful to his employer, and universally liked by his associates. He was a charter member of Multnomah Typographical Union. Upon going to Salem he transferred his membership to Capital Typographical Union, of which organization he served two terms as president and two terms as secretary. He was a member and past master of the local lodge of Artisans.

Mr. Lamb was married last October to Miss Elizabeth Whitlock, of Silverton. Besides his wife, he left a mother, Mrs. James Lamb, of Portland, and five sisters, Mrs. Newton Thompson, Mrs. J. H. Langworthy and Mrs. Arthur Leighton, of Astoria; Mrs. E. J. B. Clossett and Miss Mollie Lamb, of Portland.

The funeral was conducted from the residence on High street, north of Center, at 1:30 p. m., Saturday, under the auspices of the Typographical Union.

The boys will miss Ed. Lamb as they did Cass Humphrey and "Dode" Baker when the Grim Reaper called "30" on them many years ago. Mr. Lamb belonged to the same school of printers and was equally as popular as they. They all took away with them a clean record and a paid-up card, and there can nothing be said better of a printer than this.

BAKERS' UNION.

The regular meeting of the Bakers' Union was held last Saturday evening. The business transacted was mostly routine. Several withdrawal cards were granted, one to John Arnold, formerly sergeant-at-arms of the union, who is bound for the Philippine Islands. He left for San Francisco Saturday night, and from there will take passage on a Manila liner. Mr. Arnold learned his trade in Portland, but has decided to seek new fields of labor.

Andrew and Karl Bastarsch also took withdrawal cards, and will go into business for themselves. They took charge of the New York bakery this week, located on Grand and Hawthorne Avenues.

The union's new bill of prices for the ensuing year is now in the hands of the international, but is expected here soon. There is no difficulty anticipated in getting the bosses' approval, as they are about the same as last year. There are some minor changes, but the hours and important features have not been changed.

CABINET MAKERS ORGANIZE.

While in the city, Henrich Neidlinger, special organizer for the Amalgamated Woodworkers, succeeded in organizing a flourishing young union of cabinet makers. Seventeen of these mechanics signed for a charter, and paid in their fees. The charter will be here in about two weeks. Temporary officers were elected, and the new union starts off under the most favorable conditions. The union was formed on the evening of February 17th.

Another meeting was held February 24, at which time five more mechanics in this handicraft appeared and declared their intentions of becoming members. By the time the charter arrives it is expected that double the membership will have been secured.

The new union is composed of a fine body of men and skilled mechanics. There are few of them less than 30 years of age, well dressed, and mostly men with families.

HABEAS CORPUS

(Continued from Page 1)

in the United States, whom he says were patriots, have advised the President that he had the power, and, while Judge Marshall and Judge Storey and others had decided to the contrary, he felt it proper to give the President the power. It is worthy of note here, that during the entire war, when the question came repeatedly before the courts, this was the only judge in all the land who had attempted in the slightest to justify the action of the President. It is worthy of note that the same opinion which this judge speaks of as having been given to the President that he had such power, came before other courts repeatedly, and that each and every court in the land placed its stamp of condemnation upon these opinions, and said that they did not contain good law.

The question next arose in the case of re Kemp, 16 Wis. 382, decided in December, 1862. General Elliot, commanding the military department, answered that the President had suspended the writ. The three judges of the Supreme Court of Wisconsin, after a learned discussion on the subject, decided that the President had no such power; that the right to suspend a writ of habeas corpus was vested solely in the legislative body, in Congress. The same decision was rendered in Britain vs. Wilcox, 21 Ind. 370, decided early in 1863.

In March, 1863, Congress passed an act upon the subject, which is generally spoken of as having authorized the President of the United States to suspend the writ of habeas corpus. The details of this act are seldom spoken of, and I believe are not very familiar to the people. It was claimed in Congress that, inasmuch as the country was in almost a death struggle, that the President of the United States should be unhampered in the administration of all governmental matters, and that an act should be passed allowing him to suspend the writ of habeas corpus, according to his own judgment, and for such length of time as he thought proper, and in such cases as he thought proper. The Congress, composed of eminent lawyers and patriots, emphatically repudiated this claim, and said that not even the great Lincoln should have such a dangerous power. The act expressly provides that wherever, in any of the states, except where actual war was in progress, a man was arrested by military authority, his name should be furnished to the courts, and that, if that man was not indicted at the next-term of the grand jury, he should be released within 20 days, and the act required the courts to release the prisoners upon failure of the grand juries to indict, and expressly provided that any creditable citizen might compel the release of such prisoners, and commanded the military authorities to obey all such orders of release granted by the courts.

It will be seen that this act justified the statements of Blackstone and the other great text book writers and judges, who have rendered opinions, that the writ could not be suspended except where limitations and regulations could be made in reference to its suspension, which would prevent it being made an instrument for tyrannical and arbitrary purposes.

This is the act under which Lincoln acted during the war. He simply had the right to suspend the writ of habeas corpus for a limited period of time, until the grand juries could determine whether or not the prisoner was guilty of an offence against the laws of the United States. It emphatically exalted the civil power above that of the military. Yet, in 1903, James H. Peabody issues a proclamation that the writ of habeas corpus is suspended by ME.

In 1867 the question as to the effect of the President's proclamation of the suspension of the writ of habeas corpus, prior to the passage of the act of Congress of March 3, 1863, came before the Circuit Court of the United States for the District of California in the case of McCall vs. Canning et al., Fed. Case 8673, and Judge Dearly, in delivering the opinion of the court, says: "I do not propose to argue the question. There are some things too plain for argument, and one of these is that by the constitution of the United States the President has not the power to suspend the privilege of the writ, and that Congress has."

The question next arose in North Carolina, in the reconstruction days of 1870. The case is "Ex parte Moore et al., 64 N. C. 802." The Governor of the state attempted to suspend the writ of habeas corpus, and declared that the safety of the state was at stake. The Supreme Court declared that no such power existed, and that the state could only maintain its supremacy by lawful means, and that lawful means were amply sufficient for that purpose.

Up to this time it will be seen that with the exception of one judge, who rendered his opinion in times of stormy war, there was an absolute

unanimity in support of the proposition that the writ of habeas corpus could only be suspended by the legislative department of the government.

The question next came before the Supreme Court of Idaho, in 1899, and is reported in the case of ex parte Boyle, 57 Pac. 706. The governor of the State of Idaho issued a proclamation declaring Shoshone County in a state of insurrection and rebellion. A writ of habeas corpus was applied for in the Supreme Court by a County Commissioner of Shoshone County, who had been arrested on suspicion of having been in some way implicated in some crime. The Supreme Court of Idaho denied his application for a writ of habeas corpus, and held that the Governor of the State of Idaho, or any military officer, had the right to suspend the writ of habeas corpus. This, too, in the face of the fact that the framers of the Idaho constitution had expressly settled the question, and left no room for construction by declaring in their constitution not only that the writ of habeas corpus could not be suspended except in cases of rebellion or invasion, when the public safety demanded it, but had added also the following words: "And then only in the manner provided by law." Yet, in spite of this constitutional provision, which emphatically declares that the Legislature must act, the Supreme Court of Idaho had the hardihood and audacity to say that the constitution could "cut no figure." That it was a question of self-defense of the state, and that the Governor, or the military commander, had the right to act in self-defense for the state, the same as an individual would have the right to act in his own self-defense.

This same view had been urged upon the courts during the time of the Civil War, and in every other case which arose, and had always been repudiated and declared to be untenable by all the other courts. The same argument was used to support the tyranny of the crown in England in the early days. Every other case, even including the decision of Judge Smalley, in Vermont, had held that the question must be decided by constraining the constitution, and that no one, Governor or anyone else, had any powers, except such as were given by the constitution; but the Idaho court says that the constitution does not control; so that in the Idaho decision it is laid down as the law that the mere will of perhaps a half-drunk military officer controls where he thinks the safety of the state is at issue.

It is worthy of note that the Idaho court cites not a single case in support of its holding. It is worthy of note also that it cites no statute or section of the constitution which justifies such a holding, and that no section of the constitution or statute exists which justifies such a holding. Every law book in the land, every text book, written on the subject of constitutional law is against the Idaho holding.

The Supreme Court of Idaho further declares, in effect, that the petitioner is a self-confessed malefactor, and that he has undertaken to flee to the courts as a refuge from crimes for which punishment is justly due, and an attempt is made by the court to prejudice the public or the lawyers who might read the decision, against the petitioner, on this ground. This is a deliberate distortion of the record in the Idaho case. A certified copy of the petition, filed by the prisoner, shows that he did not confess that he was guilty of any crime, but expressly stated that he was innocent and had had no complicity of any kind with any offense; yet the court, for the purpose of trying to make someone think it was rendering a wise or just decision, brands the petitioner as a self-confessed criminal. The Idaho decision winds up with the statement that the court's opinion as to the law is based upon the court's construction of the constitution and statutes of Idaho. This is a most remarkable statement, bearing in mind the fact that its opinion begins by saying that the constitution cuts no figure, and that the question was one of self-defense by the state. It might be added that the Idaho court overlooked the fact that a man who acts in self-defense can always put his finger on the law which authorizes this act, and that if a state, nation or community commits an act which is alleged to be in self-defense, there must be some law shown justifying the act.

The truth is that the Idaho decision is a plain outrage upon the constitution of that state, and is a disgrace to the judiciary and can and will never be followed. To cite it as an authority is an insult to a court.

It is upon this Idaho decision that Governor Peabody bases his action. There is not a lawyer of standing in the state that will advise him or anyone else that the law in the State of Colorado justifies the suspension of the writ of habeas corpus, and his conduct in attempting to suspend it is a deliberate surrender of the rights of the people to a coterie of mine-

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