

JUDGE DISSENTS

(Continued from Page 1)

pugnant to my notions of civil liberty, so antagonistic to my ideas of a republican form of government and so shocking to my sense of propriety and justice that I cannot properly characterize it.

Solely a Legislative Power.

"It is so clear that the power to suspend the privilege of the writ of habeas corpus is not lodged in the executive branch of the government that it seems like a waste of time to discuss the question. If there is any one question positively and finally settled it is that the power to suspend the privilege of the writ of habeas corpus is solely a legislative power.

"The constitutional privileges are not in the nature of things separable. It was intended by our fathers that all should be inviolable except one, and that to be suspended by the legislature only in cases of great emergency. Martial law exists or it does not exist. When it exists there is no civil law. Martial law and civil law cannot exist together. If the civil law can enforce one guarantee it can enforce all. If the civil law is overthrown it is powerless to enforce any right. When martial law does not prevail, unless the privilege of the writ of habeas corpus is suspended, every right guaranteed by the constitution is enforceable, and the constitution is violated, rudely violated, when one is deprived of liberty without due process of law.

"Habeas corpus is the proper remedy to release from arbitrary arrest, and unless its privileges have been suspended, one is not subject to arrest on suspicion merely, and detention beyond the time fixed by statute for return to the writ.

"As the privilege of the writ has not been suspended, as the courts are open, as martial law does not prevail and as no charge has been presented against the petitioner, he should be discharged.

Take Right From Every One.

"The greatness of this country consists in being able to protect, by the shield of its constitution, the humble and the exalted, the pure and the wicked. We gave the wretches Guiteau, Prendergast and Czolgosz trials by due form of law, and by so doing, we strengthened the nation at home and abroad. Had we departed from the principles declared by our fathers we should have lessened the liberty of every citizen and imperiled the title to all property.

"When we deny to one, however wicked, a right plainly guaranteed by the constitution, we take that same right from every one. When we say to Moyer:

"You must stay in prison, because if we discharge you you may commit a crime," we say that to every other citizen. When we say to one governor:

"You have unlimited and arbitrary power," we clothe future governors with that same power. We cannot change the constitution to meet conditions. We cannot deny liberty today and grant it tomorrow; we cannot grant it to those heretofore above suspicion and deny it to those suspected of crime; for the constitution is for all men, for the favorite at court, for the countryman at plow—at all times and under all circumstances.

"We cannot sow the dragon's teeth and harvest peace and repose; we cannot sow the wind and gather the restful calm.

In the Days of the Colonies.

"Our fathers came here as exiles from a tyrant king. Their birthright of liberty was denied them by a horde of petty tyrants that infested the land—sent by the king to loot, to plunder and to oppress. Arbitrary arrests were made and judges, aspiring to the smile of the prince, refused 'by pitiful evasions,' the writ of habeas corpus.

"Our people were banished; they were denied trial by jury; they were deported for trial for pretended offenses, and they finally resolved to suffer wrong no more, and pledged their lives, their property and their sacred honor to secure the blessings of liberty for themselves and for us, their children. But if the law is, as this court has declared, then our vaunted priceless heritage is a sham and our fathers stood 'between their loved homes and the war's desolation' in vain.

"It is entirely probable that the act of the governor in calling to his aid the military arm of the government cannot be questioned, but when it comes to superseding the civil power and exercising martial law, to disobeying the writ of habeas corpus or other process of the court, to detaining citizen upon suspicion, then the question of whether an insurrection exists is not to be determined by the governor's proclamation.

Court Ignores Constitution.

"The court has not construed the constitution, it has ignored it; and the result is that it has made greater

inroads on the constitution than it intended, and not one of the guarantees of personal liberty can now be enforced.

"When the court says that because the governor is the head of the executive department of the state; that when he takes command of the military forces he is still at head of the civil power, and the section of the bill of rights which declares 'that the military shall always be in strict subordination to the civil power,' has no other meaning than that the military shall always be under the command of the governor, it is simply annulling that section of the bill of rights.

"Moyer may be guilty of the most heinous offenses. It may be that he deserves to linger in prison the remainder of his natural life, but he is entitled to his liberty unless some one, in proper form and before a proper tribunal, charges him with violation of the law.

"If one may be restrained of his liberty without charge being preferred against him, every other guarantee of the constitution may be denied him."

LABOR NOTES

Canadian unions are fighting a bill in parliament to incorporate trade unions.

The California State Federation of Labor is preparing to organize the school teachers of San Francisco.

The Illinois Central Railroad Company has renewed its agreement with the union machinists of the entire system.

The strike of building trades, which has tied up all building operations in Peoria, Ill., for seven weeks, has ended in a victory for the men.

William Blakely, of Linton, Ind., has been appointed statistician by the national executive board of the United Mine Workers of America.

The Bakers and Confectioners' International Union recently issued its first charter to a local union of the craft in Porto Rico. The union begins with seventy-two members.

The executive council of the International Typographical Union advises locals that it was imperative for subordinate unions to ask for the council's approval before appealing for financial aid.

Street car men of San Francisco have adopted a monthly button, to be worn at all times while on duty. The color will be changed each month, with the name of each current month printed thereon.

The New York branch of the National Association of Postoffice Clerks has under consideration a proposition to consolidate the association with the organization of letter carriers and railway postal clerks.

The Iron Molders' Union, probably the strongest labor organization in Montreal, Canada, announces its intention of inaugurating a demonstration against the Dominion government's immigration policy.

Secretary-Treasurer Benham, of the California State Federation of Labor, reports that an even 100 unions have affiliated with the federation since the adjournment of the Fresno convention in January, this year.

The Western Federation of Miners, having been ordered to vacate its offices in the Mining Exchange building, at Denver, the executive board of the organization today leased new offices in the Pioneer building.

The San Francisco Typographical Union has registered a protest against the election of international officers by the present referendum vote, and endorses the old system of choosing officers at regular conventions.

By next Christmas the union musicians of New York will have their own building, a magnificent four-story brick structure. It will be occupied entirely by the Musical Mutual Protective Union of 4600 members.

A permanent tribunal of conciliation and mediation for the settlement of trades disputes has been organized at Hamilton, Ontario, by the joint action of the local trades and labor council and the Hamilton Board of Trade.

City Clerk Bender, of Chicago, Ill., as arbitrator, removed the possibility of a strike of 10,000 teamsters by settling the dispute between the teamsters and Team Owners' Association. The men are given a slight advance over last year, but not as much as they asked.

The Carpenters' Union of Yazoo City, Miss., unanimously adopted a motion to place an assessment of 5 per cent upon the earnings of every union carpenter in Yazoo City for six months, the money to be divided among the churches destroyed by the recent fire.

The recent convention of the Western Federation of Miners amended its constitution so as to provide that membership cards from the United Mine Workers of America, as well as those from the American Federation of Labor, will be accepted by the first-named organization.

After a conference last Saturday with the United Garment Workers, Samuel Gompers, president of the American Federation of Labor, announced that he was satisfied with the action of the garment workers in striking against the open shop and the American Federation of Labor will aid the strikers in their fight.

The Spokane Typographical Union elected the following officers at its regular meeting June 26: President, N. L. Cassidy; vice-president, W. D. Wheaton; secretary-treasurer, H. W. Metcalf; reading clerk, Frank Young; sergeant-at-arms, Charles Cole; executive committee, E. J. Pelkey, Chris Schwabe, J. A. Prudhomme, F. C. Gibson.

Trade Union Directory

SUNDAY.
Photo Engravers, Local 31—Meets every first Sunday in month at 11 A. M. at 230 1/2 Yamhill street.
Typographical Union, 58—Meets every first Sunday in the month in the Auditorium building.

Railway Freight Handlers, 334—Meets every second and fourth Sunday 230 1/2 Yamhill street.

MONDAY.
Broom Makers—Meets every first and third Monday evening at Plasterers' Hall, 127 First street.
Cooks' and Waiters', Local 189—Meets every Monday evening at Bartenders' Hall, 264 1/2 Alder.

Grain Handlers, 263—Meets every first and third Monday evening at Davis Hall, corner Russell street and Albina avenue.
Journemen Tailors, Local 74—Meets every second and fourth Monday evening in Union Hall, corner Second and Stark streets, third floor.

Sailors' Union of Pacific—Meets every Monday night at 23 North Front street.
Photographers and Engravers—Meets first Monday in each month in the engraving department, Oregonian Bldg., ninth floor.
Plumbers—Meets every Monday evening at 228 1/2 Yamhill street.

Stereotypers and Electrotypers, 48—Meets first Monday in each month at 250 Tenth street.
Street Railway Employees' Association, 18—Meets every first and third Monday in each month in Union Hall, Second and Stark streets, third floor.

Journemen Barbers, Local 75—Meets every Monday evening at 230 1/2 Yamhill street.

TUESDAY.
Allied Printing Trades Council—Meets fourth Tuesday of each month, 300 Alisky Building, third and Morrison streets.
Bartenders' International League of America, Local 339—Meets every Tuesday, alternate afternoon and evening, at Bartenders' Hall, 264 1/2 Alder street.

Brotherhood of Book Binders, Local 90—Meets third Tuesday evening of each month in Alisky building, third floor, room 300.
Cigar Makers, 202—Meets every first and third Tuesday evening of each month Arion Hall, 228 1/2 Yamhill.

Journemen Horseshoers, 75—Meets every first, second and third Tuesday evening of each month Plasterers' Hall, 127 First street.
Musicians' Mutual Protective Association—Meets first Tuesday afternoon of each month room 227 Chamber of Commerce.

Portland Printing Pressmen, 43—Meets every second Tuesday evening in the month in the Plasterers' Hall, 127 1/2 First street.

Team Drivers, 162—Meets every Tuesday evening in Union Hall, Second and Stark streets, third floor.

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SEVENTEENTH AND QUIMBY STREETS

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Cooks' and Waiters', Local 189—Meets every Monday evening at Bartenders' Hall, 264 1/2 Alder.

Retail Clerks No. 294—Meets every Tuesday evening at 162 Second St. Riggers, Liners, Ship Painters and Cleaners—Meets second Tuesday of each month in Alisky building, room 300.

WEDNESDAY.
Bricklayers' Union—Meets every Wednesday evening in Arion Hall, 228 1/2 Yamhill street.
Brotherhood of Electrical Workers, Local 125—Meets every Wednesday evening in Painters' Hall, 234 1/2 Morrison street.

Leatherworkers—Meets every Wednesday evening, 162 Second street, third floor. D. H. Williams, sec-treas. Address, 442 E. Eighth St.

Plasterers' Union, 821—Meets every Wednesday evening Plasterers' Hall, 127 First street.
Carpet Workers and Drapers, Local 110—Meets every Wednesday evening at 230 1/2 Yamhill street.

THURSDAY.
Amalgamated Sheet Metal Workers, Local 15—Meets every second and fourth Thursday evenings in the month Engineers' Hall, 47 1/2 First.

Boiler Makers' Union—Meets every second and fourth Thursday evening at Arion Hall, 228 1/2 Yamhill street.

Longshoremen's Association, 265—Meets first and third Thursday evening in Union Hall, Second and Stark streets, third floor.

Coopers—Meets first and third Thursdays in each month, Bartenders' hall, 264 1/2 Alder street.

Steam Engineers, Local 87—Meets every Thursday evening in Engineers' Hall, 47 1/2 First street.

Wood and Wire and Metal Lathers, Local 54—Meets every Thursday evening at 230 1/2 Yamhill street.

Theatrical Employees, Local 28—Meets every second and fourth Thursday in Marquam building at 2 P. M.

Brotherhood Painters, Decorators and Paper Hangers of America, Local 10—Meets every Thursday evening in Painters' Hall, 234 1/2 Morrison.

FRIDAY.
Machinists, Willamette Lodge No. 63—Meets every Friday evening at 162 Second street.

Federated Trades Council—Meets every Friday evening at 162 Second street.

Laundry Workers, Local 90—Meets every Friday evening in Plasterers' Hall, 127 1/2 First street.

United Garment Workers of America, Local 228—Meets every first and third Friday evening of each month in the Marquam building in Knights of Pythias Hall.

Hod Carriers and Building Laborers, 71—Meets every Friday evening in Painters' Hall, 234 1/2 Morrison.

Brotherhood of Carpenters and Joiners, Local 50—Meets every Friday evening at Union Hall, Second and Stark streets, third floor.

SATURDAY.
Bakery and Confectionery Workers—Local 114—Meets every first and third Saturdays, 6 o'clock p. m., at 228 1/2 Yamhill street.

Beer Drivers' and Bottlers', Local 201—Meets every first and third Saturday evening at Bartenders' Hall, 264 1/2 Alder street.

Brewers' Union—Meets every first and last Saturday evening in the month at 228 1/2 Yamhill street, Arion Hall.

Longshoremen's Association, 264—Meets every first and third Saturday evening in Union Hall, Second and Stark streets, third floor.

Stationary Firemen—Meets every first and third Saturday evenings in Musicians' Hall, 227 Chamber of Commerce.

Bridge and Structural Iron Workers—Meets every Saturday evening at 230 1/2 Yamhill street.

Shipwrights, Caulkers and Ship Joiners—Meets first and third Saturday evenings in Painters' Hall, 234 1/2 Morrison street.

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