THE MORNING OREGONIAN, TUESDAY, APRIL 16, 1907.



their sacred duty and work for the benefit of so beloved a people, adding: "To hatred they will oppose love: to er-ror, truth and to insults and maledictions, forgiveness. I pray God to end this per-socution of religion and permit the church to reacquire her liberty. Even non-Cath-olics, if they are lovers of civilization the common the grand jury under the provisions of the Civil Service act. One of the sections in the act provides that any persons dis-regarding any of the provisions of the law shall be fined not less than \$1,000, and may be imprisoned in the county jail for a term not exceeding six months. The Commission has announced its in-tention to sift the matter to the bottom, but, ft is said, will not prosecute the under-officials, who, it is asserted, merely carried out the command of Chief of Captain McSweeney said when he was asked to subscribe to the fund he was investigate. provided with as many blank envelopes as there were men at his station into which the money was to be put. gonian reporter and a Pinkerton

After Visitor's Departure He Calls Police, Who Trace Robber Over Roofs of Adjoining Buildings.

J. Z. Dufresne, an artist, who has a

The officer, accompanied by an Ore-

watchman, entered the Moore studio

hand and foot. The bindings comprised

pleces of a lace curtain torn into strips

and portions of Dufresne's suspenders

follows:

and found Dufresne securely bound

W. W. Miller, an attorney of New Jork, who is in Chicago, has prepared a petition for presentation to Judge Kohlsaat in the United States Court, asking that he instruct Receiver J. N. Faithorn of the terminal property to begin such a suit in the name and interests of stockhold-

mont Tavern, the big automobile belonging to and said to have been driven by

LISBON, April 15.—The German cruiser Roon, which, together with the German oraiser Bremen, will represent Germany at the inauguration of the Jamestown Exposition, left here today for Hampton

BUENOS AYRES, April 15. - Active eruptions are in progress among the Andean volcanoes in the territory of Rio Negro. Ashes are being thrown for a great distance.



the two papers, in which the charge was inferred to have been made that the court was subservient to the corporation inter-ests of the state.

In the course of his opinion Justice Holmes discussed at some length Mr. Patterson's contention that the charges

The defense on which the plaintiff in error most relies is raised by the allegation that the articles complained of are true and the claim of the right to prove the truth. He claimed this right under the con-stitutions, both of the state and of the United States, but the laiter ground alone comes into consideration here for reasons comes into consideration here, for reasons aiready stated. We leave undecided the question whether there is to be found in the 14th amendment a prohibition similar to that in the first. But even if we were to assume that freedom of speech and freedom of the press were molecular from birdes. of the press were protected from abridge-ment on the part not only of the United States but also of the states, still we should be far from the conclusion that the plaintiff be far from the conclusion that the plaintiff in error would have us to reach. In the first place, the main purpose of such consti-tutional privileres is "to prevent all such previous restraint on publications as they had been practiced by other governments," and they do not prevent the subsequent pun-ishment, as such, as may be deemed con-trary to the public warfare. The prelim-inary freedom extends as well to the faise as to the true; the subsequent punishment

In the next place, the rule applied to criminal libels applies yet more particularly to contempt. A publication likely to reach the eyes of a jury declaring the witness in a pending case a perjurer would be none the less a contempt that it was true. It would tend to obstruct the administration of instice, because even a correct conclusion is not to be reached or helped in that way if our system of trial is to be maintained. The theory of our system is that the conone to be reached in a case would be

induced only by evidence and argument in open court and not by any outside influence, whether of private talk or public print. What is true with reference to a jury is also true with reference to a court. Cases like the present are very likely to arise.

Ince the present are very inkey to arise, no doubt, when there is a jury, and the pub-lication may affect their judgment. Judges generally, perhaps, are less apprehensive that publications impugning their own reas-oning or motives will interfore with their ministration of the law. But if a court regards, as it may, a publication concerning matter of law pending before it as tend ing toward such an interference it may pun ish it, as in the instance put. When a case ian it, as in the instance put. When a case is finished, courts are subject to the same criticism as other people, but the propriety and necessity of provening interference with the courts of justice by premature statement, argument or intimidation hardly can be denied.

### Attack on Free Press.

In his dissenting opinion, Justice Harlan

said: The court leaves undecided the specific question whether there is to be found in the 14th amendment a prohibition as to the rights of free speech and free pross similar to that in the first. Tet he proceeds to say the main purpose of such constitutional pro-visions was to prevent all such "previous restraints" upon publication as had been practiced by other covernments, but not to prevent the publishment of such as may be desemed contrary to the public welfare. I cannot assent to that view, if it meant that the Legislature may impair or abridge the

cannot assent to that view, if it meant that the Legislature may impair or abridge the right of a free press and of free speech whenever in its judgment the public wei-fars requires that it be done. The public weifars cannot override constitutional priv-tilges, and, if the right of free speech and Higes, and, it the Fight of free speech and of a free press are in their ensecte attri-hutes of National citizenship, then neither Congress nor any state since the adoption of the 14th amendmont can, by legislation, or by judicial action, impair or abridge them. In my judgment the action of the court below was in violation of the right of the pressure and the free pressure as guaranteed speech and a free press as guaranteed constitution. further and hold that the privilege

of free speech and of a free press belong-ing to every elitzen of the United States constitute essential parts of every man's constitute essential purts of every man's liberty and I protest against the violation of that clause of the 14th amendment for-bidding a state to deprive any person of his liberty without due process of law. It is a tunnk, impossible to conceive of liberty as secured by the constitution against hostils aution, whether by the Mation er by the state, which does not embrace the right to enjoy free speech and the right to have a free unces. free press.

# MUST PAY TRANSFER TAX

## Astor Family Loses Appeal Against

## New York Law,

New York Law. WASHINGTON, April 15.-New York's inter stranger of the Supreme Court of the United States in deciding the case of Winthrop Chanler and other beine of the thate Mrs. Laura Astor Delano vs. Con-ragionat Mr. Chailer. The case arcse in by which she devised to members of the Astor family about \$4,000,000 worth of Astor, under directions given by him be-fore his death and before the statute was enacted. The question thus presented was wheth-

olles, if they are lovers of civilization, must agree with us that this would add to the common good and prosperity of the

The Pope then proceeded to the creation of the new cardinals. After this he made the appointments of archibiops and bish-ops, including Monsignor Albert Guertin, bishop of Manchester, N. H.; Monsignof James Davis, bishop of Davenport, Ia.; Monsignor Emmanuel L. Ruse y Rodri-gues, bishop of Pinar del Rio, Cuba, and Right Rev. F. M. Jones, bishop of Porto

Must Explain Montagnini Papers.

PARIS, April 15 .- It is stated that M Pichon, French Minister of Foreign Af-Fichon, French Minister of Foreign Af-fairs, has asked M. Delavaud, Minister of Norway, and M. Dumaine, charge d' affaires at Munich, to explain their at-titude toward the Cabinet policy re-garding the Vatican, as alleged to be revealed in the papers of Mgr. Montag-nini, seized at the nunciature in Paris.

# DAUGHTERS ARE FOR PEACE

Mrs. McLean Says Finances of Order Are in Splendid Shape.

WASHINGTON, April 15.—The Conti-nental Congress of the Daughters of the American Revolution at its opening ses-sion today adopted by a unanimous vote a resolution in favor of international peace. The Daughters tonight attended a musical reception. Mrs. Donald McLean, the president said the finances of the25." scribe. the president-general, who presided, said that the finances of the organization were in splendid shape and that 1000 members had been added since last year without a dollar of extra expense. Over 300 indi-

and cared for. Richmond Pearson Holeon, delegated by the Peace Congress in New York, ad-dressed the Daughters.

## Freight Wreck at Hood River.

HOOD RIVER, Or., April 15.-(Special.) Trackmen and wreckers have been en-HOOD RIVER, OF, April 15.-(Special) — Grackmen and wreckers have been en-ginged today in repairing and clearing up wreckage from the track of the 0, R. & N. Company, occasioned by a freight car jumping off the rails onto the bridge over the Hood River. When the accident took piace the train was moving slowly or it is probable that a disastrous wreck would have occurred. In jumping the track the car smashed the trucks and solintered the bottom so badly that it had to be rolled off the track into the guich many feet below. The wrock took place yesterday afternoon, and held both east and west-bound trains until a late hour last night. The car is a total loss and rails and thes were so hadly damaged for 50 feet that they had to be replaced.

"I was instructed to deliver all the envelopes to the inspector," said he, "and I did so. They all contained money. A few had \$10 bills and a great many \$5 bills."

After Captain McSweeney's testimony, Inspectors Reveere, Kelly and Wheeler were sent for, Reveere and Kelly re-sponded at once, but Wheeler could not be found, and he will be subpenned to

on tound, and he will be subjected to appear before the Commission tomorrow. On hearing from the Commission that Jenkins and McSweeney had told com-plete stories of the election assessment, Reverse said that in all he collected about \$3700 from the officers and men under him. Kelly admitted having obtained \$2600 from his men. Both inspectors said no lists had been kept of these who did not sub-

scribe, and that no special favors were given those who contributed to the fund. given those who contributed to the fund. Inspector Kelly was asked if he con-sidered Chief Collins' request for contri-buttons as a command. "Yes, I took it as an order," replied Kelly, "but I could have disobeyed if I wanted to." Both the inspectors testified that the money had been given to E. H. Roach, ex-Commissioner of Public Works.

# if Company Can Evade It.

Elkins law, as shown by the verdict of sullty returned sgainst it in the United States District Court, the Standard Oil Company has by no means given up. No legal technicality is to be overlooked by its attorneys and the case will be kept in the courts as long as possible. Within a few days Judge K. M. Lands

The the courts as tong as possible, within a few, days Judge K. M. Landis will be asked to fix the time when he can hear arguments on a motion for a new trial, notice of which was served on the court immediately after the jury had returned the defense will present a motion in arcest of judgment. On this question Dis-triet Attorney Sims and his special as-sistant, James H. Wilkerson will be called upon to reply. The argument of the de-fense will be that, in accepting the sit cent rate, the Standard Oil Company com-mitted an additional of the Eikins act and that the contention of the Gov-ernment that each car of oil shipped con-stituted an additional offense is not good. To this the government will reply that, as only one offense can be pumished by no more than 150,000 and that the amount

ers. There is a remote possible studio in Moore's Gallery, was bound, gagged and robbed of his gold watch \$25 in coin at 1:50 o'clock this

morning by a lone highwayman, who was masked. The incident was at-tended by sensational features, for af-ter the robber had departed Dufresne succeeded in working loose from the

succeeded in working loose from the such action, the terminal property lost a tenant obligated to pay in the aggregag and hopping to a window, his feet being bound, shouted for the police. The night clerk at the Imperial Hotel gate \$13,000,000, was deprived of annual revenue equal to 5 per cent on a capital-ization of \$3,000,000 and thereafter drifted mmediately phoned police headquarters rapidly into the bands of a receiver, it is and Patrolman Gustafson was sent to

alleged. DEADLOCK ON RIO GRANDE

Trainmen and Conductors Will Ballot on Strike Onestion.

While Gustafson telephoned headquar ters and inaugurated a search of th DENVER April 15 -- Negotiations which have been going on for the last two weeks premises, Dufresne told his story as between representatives of the Brother-"You fellows got here mighty quick

between representatives of the Brotal-hood of Railway Trainmen and the Order of Railway Conductors and the manage-ment of the Denver & Rio Grande Rail-road closed resterday with the refusal of the company to accede to the demands of the men for an increase in wages on the hasis of the Chicago astilement. and he is just gone" (referring to the robber). "I was asleep when he en-tered, and he evidently had ransacked the gallery and studio before he found my room. The fellow entered my room, and I awoke only to look into the muzthe basis of the Chicago settlement. The 20 members of the general commit

zle of a revolver. I remained per-fectly still while he tied my hands, all The so members of the general commit-tee departed for home today, taking bal-lots for the members of the two organiza-tions to vote on the proposition of accept-ing or rejecting the company's couther representing and authorize the word of the while having his gun within easy reach of his right hand. After tying my hands, he tore up the curtain and proposition and authorizing the grand of-ficers of the orders to call a strike if tied my feet, and then bound a strip of the curtain around my head. He then went through my pockets and took the money from my trousers. The

necessary. The members of the general committee will return next Monday, when the ballots will be counted.

## Express Employes Win All Points.

NEW YORK, April 15 .- As a result of the NEW YORK, April 15.—As a result of the five days' conference the threatened strike of 55,000 employes of the express companies operating in the metropolitan district has been averted. The employes have gained an increase of wages, a reduction in their hours of work in most cases from 12 to 10 and the recognition of their union. Prior to April 6, the heads of the com-panies had refused to accede to any of the demands of the men, and the latter made preparations to strike on May 1. Captain Balley, accompanied by Patrolmen Anderson, cuillips, Gruber and Johnson, soon Joined Gustafson on the roofs, and all possible hiding-places were thoroughly investigated.

the demands of the men, and the latter made preparations to strike on May 1. A conference was arranged and the set-tlement was reached. The strike was to be a far-reaching movement and express employes all over the country were affiliated with those in and about New York. The companies which participated in the conference were the United States Express Company, American, Adams, Southern, Wells-Fargo, Nickerbocker, National, Pacific, Long Is-iand, New York & Fiston Dispatch, Co-lumbia, Dunlap, Monahans and the Fuller.

### Women as Tanners and Brewers.

CHICAGO. April 15.—As the result of her investigation into the brewerles and tanneries of Milwaukee, Miss Irene Osgood, of Northwestern University Settlement, yesterday declared before the Women's Trade Union League at Hull House that women are fast dis-placing men. 'In 1903 a certain big tanner in Milwaukee employed only two women," she said. "I went through

w Holman collided with a wagon be the petition will not be presented when the receivership proceedings are called for hearing tomorrow. The inancing whereby Mr. Harriman and his friends rid themselves of an ing the receivership ingures in the bind of the second secon ing the rig were badly frightened and severely cut, while the rig was practically demolished.

While coming into the city from Clare-

The woman in the automobile, who gave her name as Ada Carmen, was hurrled to the Good Samaritan Hospital, where it was found that she was but slightly injured and immediately left that institution with her escort, who gave his name as Kohler.

The man reported injured was taken from the scene by Rudolph Becker, a chauffeur, but how badly he was in-jured could not be learned, as it was im-possible to find Becker.

Whether the occupants of the wagon were injured was not learned, but as no were injured was not learned, but as no one seriously injured was reported at any of the hospitals, it is presumed that they escaped with but a few scratches. Hol-man, the owner of the automobile, was not to be located early this morning.

### Dunbar Will Take Appeal.

SALEM, Or., April 15.-(Special.)-Al-though a positive line of action has not been outlined as yet, it has practically been decided by counsel for ex-Secretary of State Dunbar that an appeal to the

Supreme Court will be taken from the de-cision of Judge William Galloway in over-ruling the defendant's motion to dismiss the complaint in the case of Sears vs. Dunbar, in which a petition to amend the complaint was made for permission substitute the state as plaintiff in lieu of Sears.

### Plot to Kill Labor Leader.

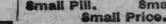
ST. PETERSBURG, April 15-Informa ion has come to the leaders of the Con stitutional Democratic party that an at tempt is being planned to kill Father Petroff, the noted St. Petersburg labor leader and Constitutional Democratic Deputy, who is at present imprisoned in a monastery, as soon as he is released, Suspicious individuals here recently COFFEE The world is not mis-

taken; good coffee almost makes a good breakfast.

Your grocer returns your money if you don't like Schilling's Best: we pay him.





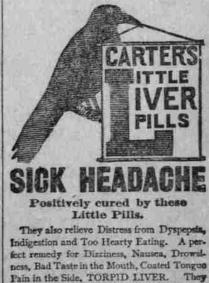




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watch he secured from the vest, but in searching the trousers he over-looked several gold pieces. He went out by the door he had forced in entering and I was unable to follow and hardly able to move. I hobbied to the window and shouted for the po-lice after getting rid of the cloth about STANDARD KEEPS UP FIGHT my head. Has No Intention Paying Big Fine