

PICKET CASE TAKEN UNDER ADVISEMENT

Decision Not Expected Until Late Next Week.

UNION'S STAND IS DETAILED

Peaceful Protests Against Jewelers Maintained to Be Lawful; Technicalities Are Discussed.

Union labor's position in the test case of Oregon's law affecting the right of picketing was presented in detail to Circuit Judges Gatens, Kavanaugh and Stapleton, sitting en banc, by Attorney W. S. U'Ren and Wilfred F. Farrell yesterday. After a brief reply by Attorney Martin L. Pipes on behalf of leading jewelers of Portland, who demand an injunction preventing the picketing of their places of business by jewelry workers' union No. 41, the jurists took the case under advisement. No decision is expected before the latter part of next week.

"I believe that all law and public policy are on the side of the defendant in this case and my authorities are at your honor's disposal," concluded U'Ren after an argument begun in the morning and ended at 4 o'clock in the afternoon.

Union Maintains Rights.
The contention of the jewelers is that there is no such thing as peaceful picketing; that any picketing injures trade, and is a damage against the rights of a citizen whose redress is through the courts. The union maintains that peaceful picketing exists, is lawful, and that the defense has recourse in the criminal courts against lawless picketing.

Chapter 346 of the Oregon laws, which is being tested out, is held by Pipes not to apply to the case. U'Ren contends that the matter at issue comes clearly within the provisions of the law.

Section 2 of the law reads: "No restraining order or injunction shall be granted . . . between an employer and employee, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property . . . for which injury there is no adequate remedy at law . . ."

Law Interpretation Argued.
The lawyer for the plaintiff argued Thursday that the law only applied to controversies between employer and employee, whereas the present issue is between employers and a labor organization.

"If his contention that the law applies only between employer and employee is true," declared U'Ren yesterday, "the law is a farce. All the employer would have to do to evade the provisions of this act would be to discharge an employee or employ as soon as there was a sign of trouble, and the case would not apply to 'employer and employee.' It is legal quibbling and hairsplitting."

U'Ren held that the only injury done the business of the jewelers was legal damage, saying that the unions had exercised their legal rights in a lawful manner, so long as there was no threat or intimidation to scare customers from the stores.

Frail Women Used, Is Plea.
"If there had been seven or eight husky men hanging around the door of one of these jewelry shops, warning people not to patronize them, you or I might have been afraid to go in, no matter how much we might have sympathized with the cause of the employer," said U'Ren. "But that was not the case. A frail woman patrolled with a dog in the entrance, requesting friends of union labor not to patronize the store. Is that intimidation? Is that threatening?"

"The injunction must be denied. The public policy of the nation and the state are in favor of the constitutionality of this law."

"The right to picket peacefully is as fundamental as the right of free speech, maintained Farrell in the opening argument for the defense. Conditions have changed today, he said, and the law is fairly explicit.

Peaceful Picketing Held Issue.
"The law allows the individual the right to exercise free speech in order that his friends may know that his employer has been 'unfair' to his employees," said Farrell. "It is all a question of whether or not the picketing is peaceful. The defendant's attorney, the plaintiff in this case to show that it was not peaceful, and we contend that no such showing was made. There was no evidence of force, of insulting language or of disrespect for law in the picketing as carried on by the jewelers' union, and we believe we have ample support in the statutes for peaceful picketing."

In beginning his argument Attorney U'Ren took exception to a definition of "unfair" as given by Attorney Pipes. "My esteemed colleague took a definition from a dictionary published 30 years ago," he declared, "and a definition of date. The legal definition of the term 'unfair,' as applied by the labor unions to concerns which refuse to deal with organized employees, is not a term of reproach or a reflection against the character or honesty of the employer."

"Then you do not get the idea of reproach or a slur against the employer when you see his place of business labeled 'unfair'?" interrupted Pipes.

"I get the idea that the employer is mentally and intellectually a 'back number' if he refuses to deal with labor as organized," replied U'Ren. "He ought to roll over and wake up."

"Yet the term is not a reflection against the man, you say?" pursued Pipes.

"That is only my personal opinion of the man whose business is 'unfair,'" answered U'Ren. "It is not the legal definition of the word, as construed by the courts."

Replying to the contention of the jewelers that they had no organization to fight the union, U'Ren said that at least they were "an aggregation held together by the desire to break this union and bring back the wages of journeymen jewelry workers to \$40 a week. He maintained that the present scale of the jewelry, which is virtually the same as demanded by the union and in some cases higher, was the result of union agitation.

State Bar to Investigate Protests.

SALEM, Or., Sept. 12.—(Special.)—Protests filed by Albert E. Ridgway, secretary of the Oregon Bar association, against Lee Roy Keeley, a Portland attorney, to prevent his being permanently admitted to practice law in Oregon will be investigated by the bar association within the next few weeks, according to an order of the supreme court, handed down Wednesday. Date of the hearing will be set as soon as all the facts connected with the case have been presented to the court by officials of the bar association.

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Traffic Division Assures Northwest Growers That Movement of Crops Will Not Be Retarded.

OREGONIAN NEWS BUREAU, Washington, D. C., Sept. 12.—Telegrams in profusion came to members of the Oregon and Washington delegations in congress today from fruit growers' organizations of the two states, asking the railroad administration to restore the pre-war schedule for handling refrigerator cars. It was represented in the telegrams that 25,000 refrigerator cars are needed to handle the season's fruit crop for Oregon, Washington and Idaho and that unless the old plan is restored there will be a shortage of 2500 cars.

The railroad administration replied that it had been fully advised of the situation and was preparing for the handling of the fruit crops as expeditiously as possible. Both the traffic division and the car section of the division of operations said that return to pre-war schedules would not offer a remedy. "To return to those schedules, which the fruit growers' organizations said would effect great saving in time, it was explained would compel running shorter trains and thus defeat the purpose for which it was intended."

"We have been carefully advised of the situation all the time," the traffic division said, "and have been preparing for moving the fruit crops. In anticipation of the conditions of which the fruit growers are so apprehensive, we some time ago ordered all refrigerator cars returned to the northwest empty where delay would be occasioned

WASTE OF FUNDS CHARGED

DOUGLAS COUNTY DISTRICT ATTORNEY TAKES ACTION.

Governor Olcott Is Informed Fish and Game Commission Work at Oak Ridge Is Needless.

ROSEBURG, Or., Sept. 12.—(Special.)—That the fish and game commission has wasted funds of the state and abandoned valuable property to the elements is charged here in connection with a matter brought to the attention of Governor Olcott this week by District Attorney Neuner of Douglas county.

Several years ago, it is charged by the district attorney, the legislature appropriated \$6000 for the purpose of improving the North Umpqua hatchery, and it was proposed to construct additional buildings and a new dam in anticipation of new racks. The state proceeded with condemnation action to secure lands required and after some litigation secured title. A sawmill was then erected by the state, which later cut out about 180,000 feet of lumber for the project.

Two tons of nails were freighted to the hatchery by teams, a lot of logs were cut for the mill and then the project was abandoned. The nails and logs were left to deteriorate and now with this expense incurred the fish commission is turning attention to building a hatchery at Oak Ridge.

Chehalis Legion Organizes. CHEHALIS, Wash., Sept. 12.—(Special.)—The constitution and by-laws of Loren P. Ficus Post, No. 22, Chehalis branch of the American Legion, have been adopted and the post will, in the

SEOUL IN STATE OF SIEGE

Several Suspects Held for Attack on Governor; Troops Patrol.

TOKIO, Sept. 12.—(By the Associated Press.)—Since the attempt to assassinate Baron Saito, governor of Korea, at Seoul, September 2, every part of that city has been occupied by Japanese troops and the place is virtually in a state of siege.

The would-be assassin is still at large, although a number of persons suspected of being implicated are under arrest.

The attack followed days of agitation in Seoul and demonstrations being marked by public meetings and the closing of shops. An independent newspaper was issued August 22, the ninth anniversary of the annexation of Korea by Japan, as an avowed expression of protest. The day was called "National Disgrace Day" in the publication.

DELMAS TO GO STRAIGHT

Victoria Cross Winner, Held for Forgery, Announces Reformation.

ABERDEEN, WASH., Sept. 12.—(Special.)—D. M. Delmas, Victoria cross winner, held here on a charge of for-

gery committed in 1914, said today that he had hoped through his war record in France to wipe out his past. He said he had hoped to die in France, but that he came out only wounded.

The cross, he said, was awarded him for rescuing a wounded captain. Delmas claims to have had all the dross smelted out of his life by the war and has determined to go straight, he says.

Temple Excavation Begun. PENDLETON, Or., Sept. 12.—(Special.)—All contracts for the Elks' new temple here have been signed and work is well under way on excavation for the four-story edifice. Under the con-

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