

OTHER CASES ARISE FROM FATTY'S TRIAL

Two Courts Concerned in
Aftermath of Hearing.

DRY LAW HELD VIOLATED

Witness for Defense in Manslaughter
Trial Will Have to Face
Charge of Perjury.

SAN FRANCISCO, Dec. 5.—Two courts were concerned with the aftermath of the manslaughter trial of Roscoe C. (Fatty) Arbuckle, which ended in a disagreement yesterday. In the commission's division of the United States district court an appearance was made for Arbuckle in answer to a prohibition law violation charge against him and subsequently in the police court Mrs. Minnie Neighbors, witness for the defense in the manslaughter trial, appeared on a perjury charge in connection with her testimony.

Previous to the calling of these cases District Attorney Brady announced that he was investigating information that an attempt was made to intimidate Mrs. Helen M. Hubbard, one of the jurors in the manslaughter trial. She voted for conviction consistently.

Brady said he might present the matter to the grand jury for an exhaustive inquiry. The grand jury was scheduled to meet tonight. Police Lieutenant Lambert, mentioned in connection with the intimidation charges, has been asked by Chief of Police Detective O'Brien to make a full investigation.

Arbuckle to Go Home.
The prohibition law violation charge arose out of the serving and consumption of liquor at the party in Arbuckle's rooms in the Hotel St. Francis, September 5, during which he is alleged to have fatally injured Miss Virginia Rappe, motion-picture actress.

Arbuckle expected to leave for his home in Los Angeles tonight or early tomorrow. He will not return until summoned to appear in court.

Gus Oliva, commission merchant, denied today that he had telephoned to Mrs. Hubbard's husband asking the latter to send a note to his wife in the jury room advising her to change her vote. It was said yesterday that someone reported to be Oliva had given him such a message over the telephone. There had been ill-feeling between the Hubbards on one side and him and his brother, Sil Oliva, he said, and that since he had Hubbard arrested the trouble had been settled out of court. Hubbard once was a bookkeeper in the Oliva commission firm, according to Oliva.

Brady Announces Plans.
District Attorney Brady will personally examine witnesses, present other evidence and otherwise directly conduct the prosecution in the second trial of Arbuckle on a charge of manslaughter in connection with the death of Miss Virginia Rappe, he announced today.

The case has been set for retrial January 9. While he sat with the prosecutors during the first trial, Brady did not examine witnesses or take any part in the arguments.

Both sides agreed that the second trial will be much shorter than the first. Gavin McNab, chief defense counsel, said he did not expect it would last more than a week.

NEW GRAND JURY SWORN IN
Charge of Attempt to Intimidate
Witness to Be Heard.

SAN FRANCISCO, Dec. 5.—A new county grand jury was sworn in tonight, according to the announcement, and December 12 was set as the first meeting day. Otto A. Jungblut was named as foreman and Mrs. Elizabeth M. Lawrence as secretary. The assistant District Attorney U'ren is expected to lay his charge of attempted intimidation of Mrs. Helen Hubbard, one of the jurors in the Roscoe Arbuckle manslaughter case.

MODIFICATION IS ASKED

New Action Is Taken as to Future
Trading Act.

WASHINGTON, D. C., Dec. 5.—Eight members of the Chicago board of trade, who have asked that the future trading act, effective December 24, be declared unconstitutional, moved in the supreme court today a modification of the formal order of the law so far as that exchange is concerned.

Counsel for the eight members explained that the suspension of the operation of the law would prevent the board of trade from becoming a contract market. Should the law be held constitutional, the board would also, it was declared, would compel all its members to pay the prohibitive tax of 2 1/2 cents a bushel on all their dealings in futures, which might be dealt in while the case was under consideration, whereas as members of a contract market they would not be.

The court took the request under advisement.

41,000 ARE OUT ON STRIKE

(Continued From First Page.)

spokesmen said the number was from 65 to 75 per cent.

At Fort Worth company officials said 200 men were on strike and the unions gave no estimate.

Few men were reported on strike at Dubuque, Ia.; Cedar Rapids, Ia.; Austin, Minn.; Milwaukee or at plants near there. At Albert Lea, Minn., about one-third of the workers reported for work, according to plant officials. Reports from Kansas City, Kan., indicated 2000 men were out while union officials said the strike was 100 per cent effective at Wichita and Sioux City.

Unions Cut 100 Per Cent.

The strike voted by the meat cutters and butcher workers went into effect this morning.

Cornelius J. Hays, president of the union, said advice from cities reported that the union men walked out 100 per cent.

Cedar Rapids, Ia., and Milwaukee, Wis., reported that packing officials said their plants were unaffected.

The strike was voted by the Amalgamated Meat Cutters and Butcher Workmen of North America two weeks ago after a wage reduction of

approximately 10 per cent in all lines had been ordered by the packers. This cut, the packers announced, was agreed on in the shop representation council by committees of employees and representatives of the plants. The reduction went into effect last Monday morning.

Two hundred extra policemen were assigned to the stockyards district here this morning.

8 OR 10 HURT IN FIGHTING

Commission Men and Strikers in
Clash in St. Paul.

ST. PAUL, Minn., Dec. 5.—Eight or ten men were injured in fighting that was precipitated when a group of commission men tried to break through the picket lines around the Swift & Co. plant in South St. Paul late today.

Reports were that the commission men were on horseback and rode into the crowd of pickets. First police accounts were that both sides wielded clubs. The commission men failed to penetrate the picket lines.

Shortly before their clash with the commission men, strike sympathizers had intercepted a train carrying more than 200 strikebreakers and under a shower of stones, the strikebreakers were scattered.

It was planned to send in additional trains containing workmen intended to take the places of the strikers.

MARTIAL LAW IS THREATENED

Dispersing of All Crowds Before
Packing Plants Demanded.

KANSAS CITY, Mo., Dec. 5.—(By the Associated Press.)—The Kansas court of industrial relations today told Mayor Burton of Kansas City, Kan., and H. T. Zimmer, chief of police, that unless crowds surrounding the packing plants were dispersed by tomorrow the industrial court would ask Governor Allen to declare martial law in Kansas City, Kan., and order the state militia to take charge.

Information late today was that all packing houses here operated with greatly reduced forces, although official statements made at packing house headquarters earlier had estimated the number of strikers at about 25 per cent. The strike was felt most severely at the Cudahy plant, according to a Cudahy official.

Each Side Confident in Omaha.

OMAHA, Dec. 5.—Both company spokesmen and union labor leaders were predicting victory for themselves in the strike in the packing plant industry as a protest against reduced wages which became effective in Omaha at 6 o'clock this morning.

Strikers Ordered to Work.

DENVER, Dec. 5.—Judge Morley in the district court today ordered striking packing-house workers to return to work until the Colorado state industrial court can investigate the controversy between the men and the companies.

FRESH BOYCOTT IS FEARED

New Special Constabulary of 5000
Organized in Calcutta.

LONDON, Dec. 5.—(By the Associated Press.)—Apprehension is felt over the possibility of a fresh outbreak of the boycott movement in Calcutta, where the Prince of Wales is to arrive on Christmas evening according to a dispatch to the Morning Post today from its Calcutta correspondent.

Extremists openly declare that another "hartal" is coming which will amaze even the prince himself.

A new special constabulary of 5000 citizens has been organized.

GERMANS GET MORE TIME

(Continued From First Page.)

for several months as the best means of insuring payment of a substantial indemnity to France. They contend a delay of three years will enable Germany to regain considerable of her pre-war economic stability.

WASHINGTON, D. C., Dec. 5.—Labor unrest is again appearing in Germany, according to advices made publicly tonight by the commerce department.

This condition has become apparent, it was said, coincidentally with the sharp decline of the mark and the advancing costs of food and clothing. Workers in the Dusseldorf steel industries are striking for a 15 per cent increase of pay while the 30,000 men employed in the Krupp works at Essen have presented a demand for a "living cost bonus."

Needle-Pierced Child Dies.

MINNEAPOLIS, Dec. 5.—Davison Sandies, 2-year-old son of Mrs. John H. Sandies, who had a needle removed from his heart on November 7, in what surgeons said was one of the most remarkable operations ever performed in the north-west, died yesterday at a local hospital. The needle pierced his heart when he fell on a sewing basket.

Sales Tax for Veterans Planned.

WASHINGTON, D. C., Dec. 5.—Adjusted compensations for world-war veterans, funds for which would be raised by a 1 per cent general sales tax, is proposed in a bill introduced today in the house. Veterans would be given five options—adjusted service pay, insurance, vocational training, farm or home aid or land settlement aid.

'Leak Case' Review Refused.

WASHINGTON, D. C., Dec. 5.—The supreme court declined today to enter into a review of the so-called "leak case," a case in which an ex-secretary of one of the justices and several associates, including a former employee of the department of justice, were convicted in the court of the District of Columbia of conspiracy to defraud the United States.

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DOGGING OF WORKERS BY STRIKERS BARRED

"Importunity" in Picketing
Also Condemned.

ALL JUSTICES CONCUR

U. S. Supreme Court, However,
Rules Specific Instances De-
pend on Each Case.

WASHINGTON, D. C., Dec. 5.—Picketing in connection with a labor strike is unjustifiable if carried to the point of "importunity and dogging," the supreme court ruled today.

Decision as to whether specific instances of picketing come within the court's inhibition must be left for determination on the facts in each case, it was declared, but the court suggested that pickets should have the right of "observation, communication and persuasion," and might further be limited to "one representative for each point of ingress and egress."

Opinion Given by Taft.

The opinion of the court, which was read by Chief Justice Taft, was approved by all the justices except Mr. Clark, who did not state the grounds for his dissent.

The case arose out of a strike at the American Steel Foundries plant at Granite City, Ill., where 1600 men were normally employed. After shutting down, it resumed operations as an open shop with about 350 men, about half of whom belonged to labor unions. The tri-city trades council, the refusal of the manager of the plant to negotiate, declared a strike and established picketing. There was considerable violence until the courts intervened and restricted the picketers' activities. The council thereupon contested the authority of the courts to interfere.

Opinion Given by Taft.
Chief Justice Taft, in declaring the opinion of the court, said: "If in their attempts at persuasion or communication, those of the labor side adopt methods which, however lawful in their announced purpose, inevitably lead to intimidation and obstruction, then it is the court's duty to limit what the propagandists do as to time, manner and place so as to prevent infractions of the law and violations of the rights of the employer and the employer for whom they wish to work."

"In going to and from work men have a right to a free passage without obstruction as the streets afford, consistent with the right of others to enjoy the same privilege. We are a social people and the accounting by one of another in an insensitive way and an offer by the one to communicate and discuss information with a view to influencing the other's action are not regarded as a violation of that other's rights. If, however, the other is declined as it may rightfully be, then importunity and dogging become unjustifiable annoyance and obstruction which is likely to savor of intimidation."

"In the present case, under the conditions which the evidence disclosed, all information tendered, all arguments advanced and all persuasion used were intimidation—they could not be otherwise. It is idle to talk of peaceful communications in such a place and under such conditions, however sincere."

Intimidation Is Charged.

"The whole campaign became effective because of its intimidating character, in spite of the admonition given by the leaders of their followers as to lawful methods to be pursued, however sincere."

"Our conclusion is that picketing thus instituted is unlawful and cannot be peaceable and may be properly enjoined by the specific terms of 'picketing,' because its meaning is clearly understood in the sphere of the controversy by those who are parties to it."

"But while this is so, we must have every regard for the congressional intention manifested in the act and to the principle of existing law which declared that ex-employees and others probably acting with them shall have an opportunity, so far as is consistent with peace and law, to observe who are still working for the em-

ployer, to communicate with them and to persuade them to join the ranks of his opponents in a lawful economic struggle."

"Regarding as primary the rights of the employees to work for whom they will, and to go freely to and from their place of labor, and keeping in mind the right of the employer, incident to his property and business, to free access of such employees, what can be done to reconcile the conflicting interests?"

Each Case Held Separate.

"Each case must turn on its own circumstances. It is a question of equity which may try one mode of restraint, and if it fails or proves to be too drastic may change it. We think that the strikers and their sympathizers should be limited to one representative for each point of ingress and egress in the plant or place of business and that all others be enjoined from congregating or loitering at the plant or in the neighborhood streets by which access is had to the plant; that such representatives should have the right of observation, communication and persuasion, but with special admonition that their communications, arguments and appeals shall not be abusive, libelous or threatening and that they shall not approach individuals together, but singly. This is not laid down as a rigid rule, but one which should apply to this case, under the circumstances disclosed by the evidence and which may be varied in other cases. It becomes a question for the judgment of the chancellor who has heard the witnesses. The purpose should be to prevent the inevitable intimidation of the presence of groups of pickets, but to allow missionaries."

Deposed Washington Master Factor

in Reorganization.

SPOKANE, Wash., Dec. 5.—Pend Oreille County grange of the Western Progressive grange, Washington, Wash., Saturday following the disbanding of the old Pomona grange.

The meeting was attended by William Bouck, deposed master of the Washington grange, and representatives of nine of the 11 local granges of the county. The vote to disband the old organization was said to be more than five to one.

Bouck is reported to have been in the county for several days before the Newport meeting.

Fred Nelson of Seattle, state master of the old grange, has also spoken before a number of local granges.

Church Building Is Sold.

HARRISBURG, Pa., Dec. 5.—(Special.)—The South Methodist church building, erected more than 50 years ago, has just been sold to the local congregation of the Church of God, where the membership of the South Methodist church affiliated with the Methodist Episcopal church here about five years ago.

Phone us for prices on your winter coal. Diamond Coal Co., Bldg. 2027.

Whose birthday

in

December

?

Say it with flowers

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in original Government cases containing 25 pairs of one solid size to a case. Sizes 9 to 11 packed as follows:

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Safe-Sure

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ashes take wing and fly away.

Into your nostrils, clothes and draperies.

The rest you carry out.

Gasco Briquets are all heat and no ash.

Therefore they are the cheapest fuel you can buy.

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