

LABOR UNION HELD LIABLE AS TRUST

Violent Acts Declared Sherman Law Violation.

UNIONS MAY BE SUED

Restriction Found Not Incited to Restrain Interstate Commerce. Damages Set Aside.

WASHINGTON, D. C., June 5.—In deciding the celebrated Coronado coal case, the supreme court today held that labor organizations, although unincorporated, are amenable to the Sherman anti-trust act and that under it such organizations may be prosecuted for restraint of interstate commerce.

The court also held that labor unions may be sued.

Chief Justice Taft, in announcing the decision, did not indicate any dissent.

The case which presented the questions passed upon by the court was an appeal by the United Mine Workers of America, district No. 21, of that organization, and its officers, 27 local unions in that district and their officers and 65 individuals, some of the latter not members of any union, from a decision by the United States district court of Arkansas, approved by the circuit court of appeals, holding them guilty of violating the Sherman anti-trust act during the coal mine strike in Arkansas in 1914 and imposing damages of \$200,000, which were trebled under the anti-trust law.

Damages Set Aside. The effect of the decision will be to set aside the damages because of the finding of the acts which caused the destruction of property were not incited for the purpose of restraining interstate commerce.

During the strike lawlessness prevailed and property damage was done by the Coronado and eight other mines controlled by the Bache-Denman Coal company. The United Mine Workers of America contested the jurisdiction of the federal courts on the ground of being an unincorporated association of mine workers, it was not subjected to prosecution under the Sherman anti-trust law.

Five questions were presented by the controversy, Chief Justice Taft said. First, whether there had been a correct selection of the parties to be sued; second, whether the parties not being incorporated were subject to suits; third, whether the United Mine Workers of America had been engaged in a conspiracy or in the destruction of property for which that organization and its officers could be held liable; fourth, whether there was evidence to show that the conspiracy alleged did restrain or monopolize interstate commerce, and fifth, whether the trial court, in charging the jury, had coerced them into returning the verdict. There had been no misstatement of the facts under the laws of Arkansas, where the case was tried, the supreme court held.

Organizations Held Liable. In view of federal legislation, the court announced that such organizations are amenable to the Sherman act for their acts and that funds accumulated to be expended in conducting strikes are a subject to action in suits.

On the ground that there was nothing in the evidence to show that the international union or international board of the United Mine Workers of America had authorized the strike or took any part in preparation for it or its maintenance, or had ratified it by paying any of the expenses, the court concluded that the international union and its officers should not have been held by the trial court as subject to the joint liability with the district and local organizations and officers for participation in the conspiracy for the destruction of property incident to the strike.

The authority placed by members of district No. 21 in their officers to order a strike, it was held, made the district organization responsible for any unlawful injuries inflicted during the conduct of the strike and made the fund accumulated for strike purposes by the district subject to the payment of any judgment which is recovered.

Case Is Famous. The "Coronado Case" was the name applied to one of the most famous proceedings to reach the supreme court within recent years. Its fame arose not only from the long period it remained on the docket, but from its importance, involving as it did the question of whether organized labor as represented in the United Mine Workers of America could be prosecuted under the Sherman anti-trust law for restraint of interstate commerce resulting from strikes.

The Coronado and Associated Coal companies of Arkansas instituted in the United States district court of Arkansas civil proceedings against the United Mine Workers to recover treble damages under the Sherman act for property losses suffered by them during a strike in the Arkansas coal fields in 1914. The coal companies alleged that the United Mine Workers had unlawfully conspired to suppress non-union competition and that the destruction of the property had been resorted to, with attendant restraint of interstate commerce, to accomplish that end.

The decision of the court dismissing the suit was set aside by the United States circuit court of appeals for the 8th circuit, and in the same court, on second trial, before a different federal judge, the jury

CHILEAN BRINGS LOVELY DAUGHTER TO UNITED STATES.



CARLOS ALDUNATI AND SENORITA ALDUNATI.

Carlos Aldunati, distinguished lawyer and statesman of Chile, brought his lovely daughter Catherine to the Chilean-Peruvian conference on Tacna Arica at the Pan-American union. There were no other women accompanying the delegation. Note the latest Paris hat and gown clasped by only one long pin worn by Catherine Aldunati.

found that the destruction of the mine property was due to a conspiracy to prevent the mining of coal by nonunion labor, and had resulted in wages scale and hours of labor conferences held by labor leaders and the mine operators in the central competitive field, beginning in 1898, during which the union miners had impressed upon them the importance of removing the competition of nonunion mines. It was asserted that the operators at these conferences attempted to unite the mine owners and labor leaders and the mine operators in the central competitive field, beginning in 1898, during which the union miners had impressed upon them the importance of removing the competition of nonunion mines. It was asserted that the operators at these conferences attempted to unite the mine owners and labor leaders and the mine operators in the central competitive field, beginning in 1898, during which the union miners had impressed upon them the importance of removing the competition of nonunion mines.

The conspiracy was alleged to have been an outgrowth of the standard wage scale and hours of labor conferences held by labor leaders and the mine operators in the central competitive field, beginning in 1898, during which the union miners had impressed upon them the importance of removing the competition of nonunion mines. It was asserted that the operators at these conferences attempted to unite the mine owners and labor leaders and the mine operators in the central competitive field, beginning in 1898, during which the union miners had impressed upon them the importance of removing the competition of nonunion mines.

Acts Held Unlawful. This decision by the United Mine Workers constituted a conspiracy, it was charged, which became unlawful when the acts of the labor leaders to suppress nonunion competition, by means of the mine owners and labor leaders, resulted in acts of violence which caused a restraint of interstate commerce.

Union leaders throughout the proceedings asserted that labor unions had been declared by the Clayton act to be exempt from prosecution as "illegal combinations or conspiracies in restraint of trade." They insisted that it was legitimate for them to remove nonunion competition when possible by strikes and picketing, and that the Clayton act had been grafted in 1914 of an unlawful conspiracy under the Sherman law, the suit against them had been improperly brought, they asserted, because the coal operators of the central competitive field had not been joined with them as defendants, although they had been equally as insistent and active at that time as the labor organizations in having all mines unionized.

The district court authorized the local organizations and officers for participation in the conspiracy for the destruction of property incident to the strike.

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RATE DECISION UPHeld

CARRIERS FOUND TO HAVE OVERCHARGED SHIPPERS.

Tariff Is Declared to Have Been Greater for Shorter Haul and Adjustment Is Ordered.

SAN FRANCISCO, June 5.—A decision of the United States district court in Portland adjusting freight rates between San Francisco and Portland and San Francisco and North Portland, was upheld today by the United States circuit court.

The lower court decision also adjusted seed freight charges between Roswell, N. M., and Yakima and Walla Walla, Wash., and between Pecos, Tex., and the same two northwestern points, which it was claimed were inequitable.

JUDGE BEAN IS AFFIRMED

Appeal to Supreme Court Is Expected in Action.

The case involving the question of whether the Southern Pacific could charge a greater rate to Portland than to North Portland, a longer haul, was brought before Judge Bean in the federal court by H. A. Farrington 18 months ago. The

prisoner declared his exchequer had been reduced \$6000, in addition to another \$2000 contributed by his wife to fight his legal battle in order to remain in service, and that his foes were now trying to deprive him of his salary for the last year. In sheer desperation and the press after failure to get them before the secretary of war or the president.

Adapted resolution directing thorough investigation of supply, control and prices of gas, oil and other petroleum products.

Received report from federal trade commission furnishing information regarding the pending merger of independent steel concerns.

Considered bills on unanimous consent calendar.

Adopted joint resolution authorizing president to call conference of maritime powers to devise means of ending oil pollution of rivers and harbors.

Passed bill giving official sanction to sesqui-centennial exposition to be held in Philadelphia.

Agricultural committee voted to indefinitely postpone presentation of resolution to reimburse importers for \$5,000,000 lost on sugar importations in 1920.

court upheld the contention of the plaintiff and decided that the rates to North Portland were discriminatory.

The railroad company took an appeal which brought the decision of the United States circuit court of appeals upholding Judge Bean's decision. In all probability the case will be appealed to the supreme court for final decision.

Mr. Farrington represented a number of shippers in his original suit, which was based upon the question of whether the rate on sugar should be higher between Portland and San Francisco than between North Portland and San Francisco.

MAJOR FOUND GUILTY

base of the enemies' line after all other arms had failed.

Perhaps the present system of promotions is not perfect, but it takes a big man to make or break a system and when that man appears to produce a real improvement over the present arrangement he will be welcomed by the army as great.

The suggestion that Major Wheeler Nicholson might have been suffering from shock and nervousness of an early word when he wrote the letter to President Harding was injected into the questioning of military experts during the day. Major James A. Bethan and Major Arthur N. Allen, surgeons of the American board that had since had Major Nicholson under observation, reported, however, that the accused was mentally normal.

Major Shot in Head. Major Nicholson was shot in the head and sustained a fracture of the front temple bone, escaping death by a hair's breadth last winter, when he entered another officer's quarters at Camp Dix and was mistaken by a guard, who fired, as the only witness in his defense, Major Nicholson admitted author-

DEAD PERSONS SAID TO KEEP PROMISES

French Astronomer Offers Proof Soul Lives.

INCIDENTS ARE CITED

Persons Who Died Are Declared to Have Even Given Warnings of Coming Events.

PARIS, June 5.—(By the Associated Press.)—Conclusions of Camille Flammarion, the French astronomer, from the study of a few hundred cases along purely scientific lines, and apart from religious or spiritualistic view points, that the soul lives after decomposition of the body, is endowed with faculties still unknown to science and can manifest itself at a distance without the mediation of the senses, were elaborated further today.

"I have spent 50 years studying the question," the astronomer said, "and have applied to it the same rules as to scientific research. I excluded every example which would not stand the test of scientific verification."

Among the proofs offered by Dr. Flammarion are cases of dead persons fulfilling their promise, giving notice of their own demise and giving warnings of events which afterward materialized, even such as the execution of vengeance for wrongs through mediums previously unaware of the wrong done.

So-Called Preets Cited. Among the proofs cited are the following: The late composer Saint Saens, just before his death, related the fact that of the last day of the war of 1870 while he was dining gaily with comrades at an advanced post, he distinctly heard the chanting of the themes around which he later composed his famous requiem. From this phenomenon he had a presentiment of misfortune, and later learned that his friend, the great artist Henri Regnault, had died that same instant.

A patient says Dr. Flammarion made a pact with him that if he died before the doctor did he would come back and give evidence of the spirit of the soul. A few months later the doctor's attention was drawn to the movement of a candelabra, which continued until a piece of it was detached and placed on a table as if laid there by a careful hand. Two days after that the doctor learned that his patient had died several days. The breaking of the candelabra, it was said, was to prove the survival of the soul.

Another instance cited by Dr. Flammarion is the case of a young man employed by a Glasgow manufacturer. The young man, who died of poison which he had mistakenly drunk for whisky, appeared after death to his employer and begged him not to believe what he was going to be told. The employer previously was unaware of the young man's death. He was told a few minutes later that the boy had committed suicide. A careful investigation, however, proved that death

LA PINE SCHOOL BURNED

Deputy Fire Marshal to Investigate \$25,000 Blaze.

BEND, Or., June 5.—(Special.)—To investigate the causes of a fire which early today destroyed La Pine's \$25,000 school building, Deputy State Fire Marshal Pomeroy and Deputy Sheriff Stokoe will leave for La Pine today.

The fire in La Pine's school building was a disastrous blaze in less than an hour. The fire is considered to have been of incendiary origin.

The building has been vacant since the close of school a week ago, and last night rain which fell after 9 o'clock obliterated all tracks in the vicinity. When the fire was discovered at 2 o'clock this morning, however, a single pair of tracks were found leading to and from the structure. Flames were then too far advanced to be combated. Insurance of \$17,000 was carried.

Plans for rebuilding, which will involve a bond issue, are being considered.

RADIO CONCERT IS FINE

Van Dyck Hardwick, Walter Hardwick and Maurice Lepiat.

A string orchestra of 50 pieces, under the direction of Ted Bacon, will be the feature of the Willard P. Hawley Jr.'s radioconcert tonight beginning at 9 o'clock. Hawley's station is located at Irvington and operates on 360 meters. The program will be as follows: March "Militaire" (Schubert); "Evening Reverie" (Saint-Saens); "Gavotte Mignone" (A. Thomas); "Intermezzo Cavalleria Rusticana" (Mascagni) played by eight violins and harp; "Melodie" (Ole Bull); "Humoresque" (Dvorak); "Triumphal March" (Greig).

IRISH LEAVING BALEEK

Woodstock to Celebrate.

The Woodstock community club last night decided to hold a regular old-fashioned Fourth of July celebration in that district, with picnic dinner, sports, music and all the usual features. The celebration will dedicate the new Woodstock park and all citizens of Portland are invited to attend and view the new recreation spot in that district of the city.

repelled with a Lewis gun. It is believed that one Sinn Fein gun crew was wiped out.

It is officially stated that but one member of the crown forces was killed. Seven republicans are known to have been killed, while 16 were made prisoners, including the commandant.

The military has taken strong positions on the neighboring hills of Belleek to prevent a surprise attack, while British special constables are on duty on all the Fernagh roads leading to Pettigo.

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ENDEAVORERS SIT TODAY

DELEGATES FROM 2 STATES CONVENE AT 2 O'CLOCK.

Sunrise Prayers on Mount Labor to Be One of Features of Convention of Church Society.

The annual convention of the Oregon district of the Christian Endeavor society of the Church of the United Brethren will convene this afternoon at 2 o'clock at the Third United Brethren church, Thirty-second avenue and Sixty-seventh street Southeast. Delegates from both Oregon and Washington will be in attendance.

The convention will adjourn tomorrow night. The main address will be delivered by Miss Emma Paige of Marshalltown, Ia., who has been engaged in missionary work on the Pacific coast for the past three months. Her topic will be "The Challenge of Christ." She will speak tomorrow night.

Rev. O. E. Krenz of Vancouver, Wash., will speak tonight on "The Church's Responsibility and Opportunity Tomorrow morning Rev. W. A. Nicolas of Spokane, superintendent of the Columbia River conference, will speak.

An impressive feature of the convention will be "sunrise prayers," to be held at 8:30 o'clock tomorrow morning on Mount Labor.

The officers of the convention are: President, Rev. Ira Hawley; vice president, George Gieger; recording secretary, Leroy Seagust; corresponding secretary, Flossie Overman, and treasurer, William A. Dunigan.

S. & H. green stamps for cash. Holman Fuel Co., coal and wood. Broadway 423; 540-21.—Adv.

Phone your want ads to The Oregonian. Main 7070. Automatic 560-95.

really was due to taking the poison by mistake. Dr. Flammarion reproduced a great number of examples already published in his prophetic works, showing manifestation of the spirit at different periods after death, from an hour to several hours. He says, however, he does not pretend to say that the soul is immortal, but contents himself with classifying evidence proving scientifically that it does survive the body.

They Came, They Saw, They Bought!

That this sale was rightly named—

"Oregon's Greatest Shoe Sale"

has been forcibly demonstrated since opening. And why not? The oldest Shoe House in Portland, and one of the most reliable in the whole country, had just announced its first sale in 40 years! No wonder they came! As one man aptly put it: "You advertised for customers; then hired a policeman to keep 'em out!" But—

I want to thank the crowds for the patience and good humor displayed, and I also want to see the good-natured policeman again who so ably assisted us in handling the ladies.

We have tried hard to render the best possible service, but with a force of over 40 salesmen, only a few of whom knew the stock, it has been difficult. We are now thoroughly organized and can go the pace. But remember, this is a sale, so please render the salesmen every assistance you can to save time. We want everybody to have an equal chance, and the hundreds who were unable to be waited on can now be taken care of, and we invite you again. It will pay; it will pay everybody to take full advantage, for real shoes won't be sold at such prices again in many a day.

A better sale was never held. A better reason for a sale was never had. A new location has been purchased (127 Sixth St.) and a New Store with a New Stock is to open. This one quits, and every pair of Shoes is to be sold—

COME and come in the forenoon.

C. W. SHIVELY FOR Eggert, Young Co.

129-131 Third St. NEAR ALDER

Not Moved! It's a REAL Sale of REAL Shoes at REAL Reductions!

Children never look so well as when dressed sensibly and right. That means playsuits for playtime. Makes it easier for mother, too! Once the kiddies are dressed in Kute Kuts, they can go through the day in these practical playsuits.

These playtime togs for children are at once so smart and sturdy that they are really two garments in one. They serve for "dress-up" as well as play. That's why Kute Kuts save money. What's more, they save time and work in mending. For Kute Kuts are made only of extra-strong, wear-long fabrics. Every strain point is reinforced. Every seam is sewn in "for keeps." Every button is on to stay. "Every stitch is guaranteed."

Let your dealer show you these style-plus-wear playsuits today! Priced low, too!

Can't Bust 'Em KUTE KUTS PEG-TOP PLAYSUITS

MADE BY ELOBESSER-HEYMANN CO.—San Francisco—Los Angeles—Portland

Mfrs. of "Can't Bust 'Em" Overalls, Trousers, "Argonaut" Shirts, etc. Kute Kut design patented U. S. Pat. No. 54530. Infringements will be prosecuted.

Portland Headquarters, 29 North Fifth St. Phone Broadway 2326.

Imperial Hotel Phil Matchless Manager

The 5!!!! Big Points Service, Comfort, Convenience, Location and Price—guide the traveler irresistibly to the

HEINZ PURE VINEGARS

Can you mix a good salad? Your skill in salad making is seemingly enhanced if you use Heinz Vinegar. At any rate, the salad is improved by its mellow flavor—its delicate aroma. Heinz Olive Oil, pressed by Heinz in Seville, Spain, plays a big part in the salad's perfection.

All "dressed-up" for play

Children never look so well as when dressed sensibly and right. That means playsuits for playtime. Makes it easier for mother, too! Once the kiddies are dressed in Kute Kuts, they can go through the day in these practical playsuits.

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