

TAFT'S DANGEROUS STRIKE DECISION IS ANALYZED

Lawyer Points Out Injustice of Republican Candidate's Ruling Against Brotherhood of Locomotive Engineers—Tends to Create Wage Slaves.

By John P. Robertson.
The decision of Judge Taft, now a candidate for the presidency, generally referred to and complained of as the one furnishing a precedent for a long line of other laws enacted adversely affecting organized labor, was tried in the United States circuit court for the northern district of Ohio, and it may be found on page 138 of the 54th federal reporter, and is entitled Toledo, Ann Arbor & Northern Michigan Railroad company vs. Pennsylvania Co. et al.

For the purpose of brevity I will designate the plaintiff company as the Toledo company and the defendant as the Pennsylvania company. I think I am safe in saying that the Pennsylvania company was not nor was it intended to be the real defendant in this case. Between these companies it was very probably a friendly suit. The defendant, as well as the plaintiff, wanted just such a decision as it got. The fact that the brotherhood of local engineers, were, although not originally in the suit, or personally interested in the process, were to be made, and were made the real defendants against whom judgment was sought and finally rendered. The rules of the order of the Brotherhood of Engineers prevented a member of the order from handling the property (that is cars or freight) routed over the road of a railroad company on which the brotherhood were then engaged in a legal strike. A legal strike would be voted by the brotherhood themselves, approved and called by the chief. There had been such a strike on the Toledo road. The order had a membership of 35,000, and the chief notified the different officers of the Toledo road that a legal strike was then on the Toledo road, and that they must comply with the laws of the state.

By the third section of the interstate commerce act, all common carriers, "according to their respective powers, were very properly required to afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines connecting therewith." Section 10 of the act as amended (25th Statute at Large, p. 34) provides that any violation of the violation of this statute, by the corporation, its officers or employees, and that would include these engineers.

It is evident then that while the engineers remained in the service of the Pennsylvania company, a refusal on their part to handle cars, or freight routed over the Toledo road, would be a violation of this statute and a conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine not exceeding \$5,000.

But remember that this law did not apply to any others than the "corporation itself, and its directors, officers, agents, servants, employees, or persons acting for or employed by such corporation." It would seem then that the engineers might avoid a violation of the law, and consequently the penalty, by quitting the service of the company, and then acting as individuals. They would then not be employees, and this seems to be conceded by Judge Taft himself, page 138, I quote:

"They may avoid obedience to the injunction by actually ceasing to be employees of the company, and then the injunction would be in effect an order on them to remain in the service of the company, and this is not a violation of the law, and consequently the penalty, by quitting the service of the company, and then acting as individuals. They would then not be employees, and this seems to be conceded by Judge Taft himself, page 138, I quote:

"This would seem to be fair, and undoubtedly correctly lays down the law. No court of equity had ever issued an order that a free man should remain unwillingly in the service of another. Stick a pin here.

Then Judge Taft immediately proceeds to pave the way to justify himself in ignoring and disregarding this sound and salutary rule of the law. He continues:

"It is true that if they quit the service of the company in execution of rule 12, in order to procure or compel dependent companies to quit the plaintiff company, they are doing an unlawful act, rendering themselves liable for damages to the complainant if any injury is thereby inflicted, and that they may be incurring a criminal penalty, as already explained, but no matter how inadequate the remedy at law, the remedy of a court of equity cannot be extended by mandatory injunction to compel the enforcement of personal service against either the employer or the employed." * * * The reason is obvious. It would be impracticable to enforce the relation of master and servant against the will of either.

Exceptions Are Significant.
With two significant verbal exceptions this certain in law. These exceptions are, (1) that "quit service" under rule 12 would be an "unlawful act," and (2) that the quitters may be incurring a criminal penalty. These statements seem to have been made purposely to pave the way for what follows on page 139, as follows:

"It would seem from the foregoing authorities that we may enjoin Arthur from directing the engineers to quit work for the purpose of coercing the defendant companies to violate the law and complainant's rights. Though we cannot enjoin the engineers to quit lawfully quitting, it does not follow that we may not enjoin Arthur from directing them to do so."

"Though we cannot enjoin the engineers from quitting, it does not follow that we may not enjoin Arthur from directing them to do so."

TO HANG THREE CUT-OFF OPENS AT SAME JOB HISTORIC GROUND

At Vancouver, B. C., Two Negroes and a Chinese to Die December 18.

(United Press Leased Wire.)
Vancouver, B. C., Nov. 3.—Three men will be hanged in Vancouver, December 18. Out of four charges of murder heard in the recent sittings of Vancouver and Westminster, three convictions were registered and in the fourth the jury disagreed. In Canada a conviction of murder compels the judge to impose the death penalty. The trio will meet death on the same scaffold the same day.

The convicted men are two negroes and one Chinaman. The Chinaman was sentenced Saturday for the murder of a woman at Vancouver, August 13. Jenkins was convicted of killing Mrs. Mary Morrison at Hazelton, June 9.

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The Most in Value **Roberts Bros** THIRD AND MORRISON The Best in Quality

Sale of Warm Hosiery and Knit For Women Underwear For Children

We are splendidly ready to supply your wants in Knit Underwear and Hosiery with complete stocks and full assortments. Now is your chance to get a family supply of good, warm winter Hosiery and Knit Underwear—and save a worth while amount in the transaction. Involved in this sale are sample lots and manufacturers' surplus stocks, bought by us at bargain prices, offered at correspondingly low price.

Pants and Vests

Best \$1.50 Grade \$1.10

A special offering of women's fine, white wool ribbed Vests and Pants in correct winter weight; vests are hand finished and silk trimmed; pants are faced with saten band; they come in all sizes, 4, 5, 6; our regular \$1.50 line, priced for this sale \$1.10 at

Union Suits

\$1.25 Values at 89c

Tomorrow we place on sale for the first time a splendid line of women's gray wool Union Suits, excellent form-fitting garments in Onetta style; they come in all sizes and are fully worth \$1.25, 89c priced for this sale at

Children's Stockings

at 25c and 35c

We are now showing a complete stock of children's heavy winter weight Stockings, two of our best selling numbers, are of fine black wool, made with reinforced heel and toe, in both fine and wide rib and in all sizes; the best stocking values in the city 25c at 35c and

Women's Stockings 35c Val. 19c

A special offering of women's fine ribbed, all-wool Stockings in Oxford gray color, made of fine selected yarn; they come in all sizes and are fully worth 35c a pair, priced for this sale at 19c

Especially Low Priced Offerings in Tapestry Portier's & Couch Covers

Complete Assortment to Choose From

We are somewhat overstocked in Tapestry Portieres and Couch Covers. We want to remedy this state of affairs and so have made worthwhile price reductions to bring our stocks down to their proper sizes. It's a great opportunity for those who have need for these goods. Perhaps just what you want is on this list.

Couch Covers

AT \$1.00—At this low price you have choice of a very attractive assortment of styles and colors in Roman and oriental striped effects; they come full 50 inches wide and 3 yards long and fringed all around.

Couch Covers

AT \$1.75—Striped Tapestry Couch Covers of excellent quality; they come in a large variety of neat new designs in bright rich colorings; full 50 inches wide and 3 yards long.

Couch Covers

AT \$2.75—Striped Negus Tapestry Couch Covers of splendid wearing quality; they come 60 inches wide and 3 yards long; finished all around with heavy knotted fringe, neat and attractive patterns in rich colorings.

Couch Covers

AT \$3.25—Brocaded Armure Tapestry Couch Covers of extra heavy quality; 60 inches wide and finished with deep knotted fringe; splendid colorings in new designs.

Couch Covers

AT \$5.50—Velour and Tapestry Brussels Couch Covers in beautiful new patterns and colorings, 3 yards long and 60 inches wide; great values at this price.

Tapestry Portieres

AT \$2.25 PR.—A special offering of Armure Tapestry Portieres in pretty red and green two-toned effects; they come 36 inches wide and 3 yards long.

Tapestry Portieres

AT \$3.95 PR.—Armure Tapestry Portieres of splendid quality, made 50 inches wide and 3 yards long, neatly finished with heavy fringe; they come in a large assortment of styles and colors.

Brocaded Portieres

AT \$5.50 PR.—Brocaded Repp and Ottoman Tapestry Portieres, 50 inches wide and 3 yards long; they come in two-toned, figured and flowered designs in all popular shades and colorings; they are well made and neatly finished with heavy knotted fringe.

Brocaded Portieres

AT \$7.50 PR.—Brocaded Repp Portieres in self colors and duplex styles, finished in a number of neat effects, fringed, hemmed and with Persian band borders; they come 50 inches wide and 3 yards long; exceptional fine vals. at this price.

Special Dress Goods and Silks

Our great Silk and Dress Goods sections offer very unusual and important opportunities for economists. The most of the goods challenge the attention of the most careful buyers. No matter what your need in Dress Goods or Silks might be, it's here and prudent shoppers will quickly take advantage of these exceedingly low prices.

Black Dress Goods at \$1 and \$1.25 Yard

A full showing of black Dress Goods, comprising all the popular weaves for this season—new satin-finished Brunellas, new Voiles, hand-finished Worsteds, Ocean Serges, English Diagonals and Chevron, Chevots, wool Taffetas, shadow striped Panamas, Batistes, Serges, Poplins, etc., made by the best foreign and domestic mills, including Priestley's. Fabrics that are guaranteed to give satisfaction in every respect; special values at \$1.25 and \$1 a yard.

Colored Broadcloths, Especially Reduced

Tomorrow, we place on sale a special purchase of 50 and 54-inch colored Broadcloths of exceptional fine quality; they come in the best shades of brown, green, tan, gray, blue, red, Copenhagen, rose, etc.; four qualities to choose from, reduced as follows

New Striped Silks

AT \$1.00—An unmatchable showing of new striped Messaline Silks, shown in all the new shades of green, brown, mulberry, tan, Copenhagen, navy, etc.; comes in neat hairline stripes, invisible, shadow and swirl stripe effects; an excellent quality silk of fine firm weave with a very high lustrous finish unusual value at this price.

New Persian Silks

AT \$1.00—Tomorrow we show for the first time a full line of beautiful new Persian and printed warp Silks in taffetas, Louissenes and Messalines; they come in rich, elegant and effective colorings in beautiful combinations, strictly high class silks; the best values we have ever offered at this price.

NEWSBOY HELD UP AND RELIEVED OF SCANTY EARNINGS

(Special Dispatch to The Journal.)
Reno, Nev., Nov. 3.—Fifteen-year-old Clyde Speck, one of The Journal's newsboys in this city, was held up by two hobos, at the south part of the railroad yards, about 6:30 morning, while delivering Journals. It was still dark. The holdup was pulled off near the "hobo" camp. The pair accosted the boy, ordering him to dig up. He told them that he did not have any money, and started to leave, when one of them said: "Come through now, we need the mon."

The boy told them to search him, which they immediately did, securing 40 cents, all the money he had taken in at that early hour in the morning. Speck said that he never carried his watch or any money with him on the route, because he always meets a dozen or more hobos. This is the first time they have ever molested him.

83 YEARS OLD

Some months ago we received a letter from Mr. F. T. Houghton of Hornitos, California. The case did not look assuring. He was eighty-three years old, had suffered with kidney disease for years and was unable to do anything and was skeptical.

We wrote him that the real difficulty with kidney troubles was inflammation of the kidneys and that up to the date of Fulton's Renal Compound there was nothing known to reduce inflammation in the kidney tubes and that that was the reason for his failure and that he would probably get the usually favorable results under the Renal Compound.

He sent for it several times, each time reporting progress notwithstanding his four score years.

We now have an order from him for three dozen more for himself and friends. His letter closes with this statement:

"Since I learned the value of your specific for kidney disease I have recommended it to many and have given a number of bottles away to convince doubters. I take pleasure in stating that our friend Manger is better and I am working daily on my ranch."

Skidmore Drug Co., 15 Third street, are our sole local agents.

TO IRRIGATE WITH ELECTRIC POWER

(United Press Leased Wire.)
Reno, Nev., Nov. 3.—Electrical supplies are being forwarded to the Round Valley Land & Power company for the purpose of supplying electric power to thousands of farms and ranches in Plumas county, California, to secure their irrigation through electricity. Contracts for the power are being made and the company has sent notices to the farmers desiring to use electric pumps. The plant of the company is west of Greenville, where a 800-foot fall of water is utilized in generating power. The opening of the power house will change the lighting systems of several towns in the county from oil to electricity.

Notaries Commissioned.

(Special Dispatch to The Journal.)
Salem, Or., Nov. 3.—Commissions as notaries have been issued to W. A. Brown, Pookagama, W. C. Bryant, More and John S. Clark, La Grande.

BARNETT READY TO PUT UP BAIL

(United Press Leased Wire.)
San Francisco, Nov. 3.—Walter J. Barnett, the convicted vice-president of the California Safe Deposit and Trust company, who has appealed, is said to be ready to furnish bail, alleged to have been supplied by wealthy New York financiers. It was learned today that county jail today that a coterie of eastern capitalists have decided to come to his aid. It is understood that Barnett will be temporarily freed, either tomorrow or Thursday.

Barnett is held in a \$100,000 bail bond. Those who are said to be ready to subscribe for this sum are Edwin Hawley, president of the Iowa central railroad; J. E. Ray, of the Chicago, Rock Island & Pacific railroad; Edward F. Hutton, the broker; E. P. Earle, a New York mining man, and William C. Peyton, of the Peyton Chemical company of San Francisco.

LAND GRABBING FROM A NOVELIST'S ANGLE

(United Press Leased Wire.)
Los Angeles, Cal., Nov. 3.—A novel without any villain, dealing with land grabbing in the western states in which each character thinks he is in the right, is promised, by Stewart Edward White as his next work. White, who is visiting here, says he will go west this winter on his new book to work the story of the development of the great central country and its exploitation by a few who had been taught that to grab what one can get is not wrong, is to be the burden of White's work.

"My book will probably deal with the development of the country by the pioneers and land grabbers who did not grab the land believing it was wrong to do it, but grabbers who had been taught to do it if one could. The land grabbers are merely one of the great wastes of nature's resources that were incidental to the development of the country. I don't believe in such a waste, but if one goes back, say, two generations, he will come to the conclusion that if it had to be exploited, that it had to be exploited wastefully."

Cooper Medical Is Stanford's.

(United Press Leased Wire.)
Stanford University, Cal., Nov. 3.—The management of the Cooper Medical college of San Francisco today began its career as an integral part of Stanford university. The university trustees took control yesterday afternoon. The college will be known as the School of Medicine of Stanford university. It is announced that there will be no change in the personnel of the faculty, practically all of the professors being re-

CASTORIA

For Infants and Children.
The Kind You Have Always Bought Bears the Signature of *Wm. D. Galt*

900 DROP

ALCOHOL 3 PER CENT.
A Vegetable Preparation for Assisting the Food and Regulating the Stomach and Bowels of INFANTS & CHILDREN

Promotes Digestion, Cheerfulness and Rest. Contains neither Opium, Morphine nor Mineral. NOT NARCOTIC.

Recipe of Old Dr. J. C. Williams' Pink Pills for Pale People

A perfect Remedy for Constipation, Sour Stomach, Diarrhoea, Worms, Convulsions, Feverishness and Loss of Sleep.

Fac-Simile Signature of *Wm. D. Galt* NEW YORK.

At 6 months old 35 Doses - 35 Cents

Exact Copy of Wrapper.

THE CENTAUR COMPANY, NEW YORK CITY.

60 YEARS IN THE LEAD.

WARM AIR FURNACES

OAK

EVERY CHARTER OAK IS GUARANTEED

Cooking and Heating Fuel and Trouble Savers

EVERY CHARTER OAK IS GUARANTEED

If your dealer fails to talk you into the mistake of buying another make, write to us

CHARTER OAK STOVE AND RANGE CO. ST. LOUIS, MO.

WOMEN'S HAND SEWED SHOES

BEST \$3.50 VALUES PRICED \$2.37

Tomorrow at this price you have choice of a dozen new and up-to-date styles, quite the best values we have ever offered at a sale of this kind; about 500 pairs of women's fine hand-made shoes in fashionable leathers, in all sizes and widths, in straight lace, Blucher and button styles; most all sizes in each style; broken lines of our best selling \$3.00 and \$3.50 grades, priced for this sale at

Women's vici kid, patent and coltskin shoes; regular \$2.50 values at \$1.75

Boys' satin calf, box calf and vici kid shoes; \$2.50 values, special at \$1.75

Black Dress Goods at \$1 and \$1.25 Yard

A full showing of black Dress Goods, comprising all the popular weaves for this season—new satin-finished Brunellas, new Voiles, hand-finished Worsteds, Ocean Serges, English Diagonals and Chevron, Chevots, wool Taffetas, shadow striped Panamas, Batistes, Serges, Poplins, etc., made by the best foreign and domestic mills, including Priestley's. Fabrics that are guaranteed to give satisfaction in every respect; special values at \$1.25 and \$1 a yard.

Colored Broadcloths, Especially Reduced

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New Striped Silks

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