

# FEDS DENIED INJUNCTION IN THE KILLIFER CASE

### Judge Sessions Denies Validity of Old Reserve Clause, But Denied Application of Federals Because of the Moral Status of Their Actions and Conduct in the Case at Issue.

## BOTH SIDES ARE CLAIMING THE VICTORY

### Herrman Issues Statement Showing Difference of Clause in Killifer Case and Reserve Clause as Now Contained in Organized Baseball Contracts—Further Action is Questionable.

Grand Rapids, Mich., April 10.—The old reserve clause in contracts of organized baseball players was held to be invalid and unenforceable in a decision handed down today by Federal Judge Clarence W. Sessions denying the application of the Chicago Federal League club for an injunction to restrain Catcher William Killifer from playing with the Philadelphia National League Club. Contracts of such nature were held by Judge Sessions to be "lacking in the necessary qualities of definiteness, certainty and mutuality."

"A contract exists," said the decision, "but if broken by either party, the other is remediless because the courts are helpless to enforce its performance or to award damages for its breach."

#### Federals' Moral Wrong.

Judge Sessions denied the application solely because the petition did not come into court with clean hands. He said the plaintiff knew Killifer was under a moral, if not a legal obligation to play with the Philadelphia club, when it induced him to repudiate his obligation by offering him a longer term of employment and much larger compensation. "In so doing a willful wrong was done to the Philadelphia club which was none the less grievous and harmful because the injured party could not obtain legal redress."

The conduct of both Killifer and the Federal League club was "tainted with unfairness and inducement of an actionable fraud," is the opinion of Judge Sessions.

#### Plaintiff's Actions Unfair.

After asking the question, "And the plaintiff in court with clean hands," the court answered it with the negative, ruling that "the motion for an injunction must be denied—not because there are any equities in Killifer's favor, which excuse or exempt him from the performance of his engagements and not because the merits of the controversy are with the Philadelphia club, but solely because the actions and conduct of the plaintiff do not square with one of the vital and fundamental principles of equity."

#### Reserve Clause 34 Years Old.

The reserve clause, bulwark of organized professional baseball, came into being in 1880 when the old National League adopted a by-law which retained a player's services for the next year to a club with which he signed a contract. This reserve clause was suggested by A. G. Mills, who afterwards was first chairman of the National Board. In 1882 when an attempt was made to form the National League, American Association and Northwestern League, the reserve clause was retained as one of the rules.

It was decided later that the contract was illegal because it gave the player no rights under a contract. It was then said about 1890 that the "ten days' notice" was inserted on legal advice. This made it necessary for a manager to give the player ten days' notice of release. This release then ended the contract between the manager and player.

The reserve clause was thought absolutely necessary to protect ball clubs, prevent contract "jumping" and subsequent competitive bidding.

Under the present ruling of the court, the old reserve clause contracts are not valid.

#### Complete Victory—Phillies.

Philadelphia, April 10.—The Philadelphia National League club regards the decision in the Killifer case as a complete victory, because every objection it made is conceded by the court. Attorneys for the club stated that the question of the validity of the reserve clause had not been raised by the Philadelphia club in the suit. "I cannot see that it will make any particular difference to baseball for that is only the opinion of one judge and another judge may view the case in an entirely different light. The public wants baseball and the players want to play baseball just as much as the club owners want them."

George W. White, president, and Samuel N. Clement, Jr., counsel for the Philadelphia National League club, discussing the Killifer decision today, said:

"We naturally feel much gratified at the decision because the contention of the Philadelphia club is sustained in every particular. Our position before the court was that the reserve clause in the 1913 contracts created a legal relationship between the players and the club which no third person could lawfully disturb. We contended that if a player violated the reserve clause the club could not compel him to perform; but we insisted that until the club and the player had agreed to disagree our friends of the Federal League must keep hands off."

#### Herrman Satisfied.

Cincinnati, Ohio, April 10.—Expressing no surprise over the decision of Judge Sessions in the Killifer case at Grand Rapids today, and contending that the contracts that are now in vogue differ materially from the one upon which Judge Sessions made a ruling, August Herrman, chairman of the National Baseball Commission, today said:

"The National League has only an outline of the Killifer decision and am of the opinion that it sustains the methods under which national agreements have been conducted. Judge Sessions holds that the 1913 contracts to the ball players are in form valid and binding on both parties."

#### Defects Have Been Remedied.

"The reserve clause, which is not in the nature of a promise to my as well as myself for the reason that the defects pointed out by Judge Sessions have been remedied in our 1914 contract. At present I can only show you the difference between the old reserve clause and the new. The old clause says: 'In consideration of the compensation paid to the party of the second part (the ball player), by the party of the first part (the club owner), as recited in clause one, the party of the second part agrees and obligates himself to contract with and continue in the service of said party of the first part for the succeeding season at a salary to be determined by the parties to such contract.' The new clause reads: 'The player will, at the option of the succeeding season upon all the terms and conditions of this contract, save as to clauses one and ten, and the salary to be paid the player in the event of a conference attended by the secretary and treasurer of the Brooklyn Federal League club tonight and will join the Brooklyn club at Pittsburgh Monday. The agreement was reached at a conference attended by President Charles Weeghman and Manager Joe Tinker of the Chicago Federal League club and Messrs. Ward and Seaton. According to the terms of the agreement Seaton will receive a salary of \$8,500 per annum for three years and the Brooklyn club is also to bear the traveling expenses of Mrs. Seaton incurred in accompanying her husband around the circuit.'"

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"Clause one relates to salary, while ten is the 'reserve clause.' Weeghman Weofel. Knoxville, Tenn., April 10.—Charles Weeghman, who is here today with the Chicago Federal League club, which he is president, was shown the decision and said:

"I anticipated such a decision. The loss of Killifer will in no way injure the Chicago club because we have just as good catchers. If the reserve clause is not valid, why did we come into court with 'unclean hands'? I cannot understand such a decision. A pitcher Thomas Seaton came to terms with Walter Ward, secretary and treasurer of the Brooklyn Federal League club tonight and will join the Brooklyn club at Pittsburgh Monday. The agreement was reached at a conference attended by President Charles Weeghman and Manager Joe Tinker of the Chicago Federal League club and Messrs. Ward and Seaton. According to the terms of the agreement Seaton will receive a salary of \$8,500 per annum for three years and the Brooklyn club is also to bear the traveling expenses of Mrs. Seaton incurred in accompanying her husband around the circuit."

#### Victory for Feds—Gilmore.

Chicago, April 10.—Judge Sessions' statement regarding the reserve rule makes legal the claim of the Federal League on practically every one of the 200 ball players on its roster, according to officials of the league here. Except Earl Hamilton, the pitcher who "jumped" to St. Louis American contract, join the Federal League, all the others all the players now in the Federal organization were held to their former league affiliations only by the reserve rule.

President Gilmore said the verdict indicated a victory for the Federals.

#### Tener Says Nothing.

Harrisburg, Pa., April 10.—Governor Tener was much interested in the Killifer decision but he declined to say anything for publication.

#### Feds Undecided.

Indianapolis, Ind., April 10.—Whether further proceedings would be instituted against William Killifer, whom the Federal League club at Grand Rapids, Mich., today refused to enjoin from playing with any baseball team other than the Chicago Federals, Edward E. Gates, general counsel for the Federal League, could not say tonight because he had not had opportunity to consult his associates.

#### COLLEGE GAMES.

At Macon, Ga.: Clemson College 7; Mercer University 3.

At Norfolk, Va.: Yale 12; Mt. St. Joseph 9.

At Raleigh, A. & M. 4; Davidson 3.

At Spartanburg: Erskine 2; Wolford 1.

At Lexington, Va.: Washington & Lee 11; Lehigh 7.

At Roanoke, Va.: Roanoke 14; Hampden Sidney 3.

At Atlantic City: Columbia University 6; University of Pa. 1.

At Atlanta, Ga.: Techs 3; University of Illinois 2.

At Durham: Penn State College 5; Trinity College 1.

At Nashville: Michigan University 10; Vanderbilt 4.

At Charlottesville: Princeton 10; U. of Virginia 4.

#### SALLY LEAGUE SCORES

At Columbus 1; Albany 8.

At Jacksonville 4; Macon 2.

At Columbia 0; Charleston 6.

#### TO PLAY FAYETTEVILLE.

Local High School Girls Go to Fayetteville Today.

Accompanied by their coach, Miss Kate Styrton, and about 50 of their friends, the girls' basketball team of the High School will leave on the A. & Y. train this morning for Fayetteville, where they will play the High School girls of that city. They will return to Wilmington on the afternoon train, due here at 8:05 P. M.

The Coast Line authorities have arranged for a special car for the team and their friends, and special rates have also been authorized.

The Fayetteville team played the local girls here last Saturday and were defeated in a very exciting game. They will make a desperate effort to even things up today.

The local team will line-up as follows today: Mary Lathrop and Adelaide Worth, goal; Emma McEachern and Sophie Northrop, guards; Mary Hall, J. C. Lyda, Dora C., and May Claire Peterson, R. C.

Just in—Easter shipment of high grade candies. Warren's. Front and Adams. Advertisement 2.

### IN SHORT METER

Scores Yesterday. At Newport News 3; Philadelphia Athletics (Yan.) 5. At Richmond 9; Norfolk (2d team) 10.

Schwartzje to Norfolk. Washington, April 10.—Herman Schwartzje, a young pitcher, training with the Washington Americans, will be placed with the Norfolk team in the Virginia League. It was said today.

Toronto Won. Nashville, Tenn., April 10.—The Toronto International League club defeated the Nashville Southern League today by a score of 2 to 0.

EASY PICKINGS FOR UNIVERSITY. PRINCETON. Princeton University won form the University of Virginia in baseball here today 10 to 4. Heavy hitting by the Princeton players was a feature. Princeton ..... 10 14 2 Virginia ..... 4 6 5 Wood and Wall; Neff, James and Green.

GEORGE BAUMGARDNER MAY JUMP AGAIN. St. Louis, April 10.—Rumors that George Baumgardner, the St. Louis American pitcher, had jumped to the Kansas City Federals, were denied tonight by C. C. Madison, attorney for the Federal League team. Madison said he was not trying to sign Baumgardner. Baumgardner earlier in the season signed a contract with the Kansas City Federals, but refused to report to that club, later signing a contract with the St. Louis Americans. "He's organized baseball's next move," said Madison. "We will move after they do. Just now I will not attempt to sign another St. Louis player."

Boston Easy Winners. Dayton, O., April 10.—The Boston Americans bunched hits here today and won from the Dayton team of the Central League, 12 to 3. Collins pitched seven innings and was hit freely. Boston ..... 12 14 1 Dayton ..... 3 8 3 Collins, Kelly and Cady; Fahrer, Grant, Merchant and Armstrong, Westney and Garity.

Better Than Indicated. Roanoke, Va., April 10.—The Roanoke Virginia League, won here today from Hampden-Sidney College 14 to 3. The collegians, however, put up a much better game than the score would indicate, errors of one player allowing several runs for the leaguers. Morgan, who was released at Pittsburgh yesterday by Pittsburgh Federals, signed a Roanoke contract today to play shortstop.

TRAVIS AND HUNTER MEET AT PINEBURST TODAY. Pinehurst, N. C., April 10.—Walter J. Travis, of the Garden City Club, New York, and Robert Hunter, of the Weeburn Club, Conn., will meet here tomorrow in the final round of the annual mid-April golf tournament. Travis today won from J. V. Hurf, of Pittsburgh, four up and two to play, and from J. D. Stanford, Jr., of Detroit, four up and three to play. J. E. Armstrong, of Buffalo, carried Hunter to 19 holes in a match this morning, but this afternoon the Weeburn golfer was six up and five to play in his match with R. Y. Shannon, second, of Rochester, N. Y.

TIGERS EVEN UP WITH CINCINNATI REDS. Cincinnati, April 10.—Detroit overcame matters with the Cincinnati Nationals today by defeating them in the second exhibition game of the series by a score of 5 to 3.

SCORE TIED IN NINTH AND RUSSELL'S TRIPLE WON THE GAME. Raleigh, N. C., April 10.—A. & M. won from Davidson this afternoon in a slow but exciting game of baseball by the score of 4 to 3. But for poor base running by the Techs, the score should have been larger.

PITTSBURGH REGULARS DEFEATED TOPEKA TEAM. Topeka, Kas., April 10.—The first team of the Pittsburgh Nationals won today, 5 to 2 from Topeka. Pittsburgh ..... 5 12 2 Topeka ..... 2 7 2 Cooper, McQuillan and Katera; Drucke, Glaze, Jones and McAllister, Rapp.

MAJOR LEAGUE MAGNATES TO CONFER SUNDAY. St. Louis, April 10.—President Johnson, of the American League; August Herrmann, chairman of the National Baseball Commission; and an array of lawyers, will confer with President Hedges, of the St. Louis Americans, here Sunday as to what action organized baseball shall take in regard to the action of Pitcher Earl Killifer in jumping his contract with the St. Louis Americans to play with the Kansas City Federals.

COLUMBUS A. A. DEFEATED CLEVELAND AMERICANS. Columbus, Ohio, April 10.—The Columbus American Association team today defeated the Cleveland Americans, 8 to 7.

NATIONALS AGAIN WINNERS IN ST. LOUIS CITY SERIES. St. Louis, April 10.—Two runs in the eighth enabled the local National Leaguers to defeat the Americans in the fifth game of the Springfield series, 3 to 2. The series now shows four victories for the Nationals and one for the American Leaguers.

WALTER JOHNSON TWIRLING SENATORS DOWNED BRAVES. Washington, April 10.—The Washington Americans, with Johnson pitching, today defeated the Boston Nationals 7 to 4. Engel relieved Johnson in the seventh inning.

ORIOLES SHUT OUT BY NEW YORK YANKEES. Baltimore, April 10.—The New York Americans shut out the Baltimore International today, 4 to 0.

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### Trinity Defeated By Penn College

HEAVY HITTING QUAKERS AND FINE MOUND WORK TOLD THE STORY.

(Special Star Telegram.) Durham, N. C., April 10.—Pennsylvania State defeated the Trinity baseball team here this afternoon 5 to 1.

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