

Taft Sorry He Can't Jail The Union Miners

**Astounding Statement By
The Chief Justice—Miners
Are Set Free.**

Washington, July 31.—After ten years of litigation in the Coronado case, organized miners have defeated an attempt to raid their treasury for damages because of a lockout in Arkansas. The federal court of appeals at St. Louis, Mo., has ruled that mining is not interstate commerce and is not under the jurisdiction of the Sherman anti-trust law. This decision is based on views expressed by the United States supreme court when the case was before it two years ago.

An Arkansas coal operator (Bache) started the court proceedings when he broke his contract with the miners and declared for the anti-union shop in 1914. Mine guards and strikebreakers were imported and the inevitable violence followed. The Coronado company and interlocked concerns sued the United Mine Workers of America and the Arkansas miners for \$740,000 damages, alleging conspiracy to interfere with interstate commerce. Under the Sherman anti-trust law damage awards are trebled, and the miners were held in damages amounting to \$2,200,000. Every lower court upheld the award.

The United States supreme court took the international union out of the case because that body had nothing to do with what was proven to be a local strike. The court also ruled that the mining of coal is not interstate commerce and that under the antitrust law it is necessary to prove that a conspiracy to actually interfere with interstate commerce exists, and that a strike, in which interference is

incidental, does not constitute a conspiracy under the law.

The supreme court remanded the case to the lower court for retrial on the basis of these views, which were then upheld by Federal Judge Pollock (Kansas district). The company appealed to the circuit court of appeals at St. Louis, Mo., which has just decided in favor of the miners. These decisions probably end the litigation, which has cost the United Mine Workers vast sums of money.

While the miners have won a most important case, out of the contest comes sinister declarations by the United States Supreme Court that will not be overlooked by opponents of organized labor.

Trade unions can be sued under the anti-trust law, said Chief Justice Taft. It is significant that since that declaration was made, two years ago, agitation for the incorporation of trade unions has subsided.

"Coal mining is not interstate commerce and the power of congress does not extend to its regulation as such," said the chief justice. This is in line with similar statements made by the court in other cases, and is especially pleasing to coal owners who are resisting every attempt at federal regulation.

The chief justice, however, gave notice that while coal mining is beyond control of congress, the courts, rather than a jury, will pass judgment on the legality of the workers' efforts to unionize mines.

"If unlawful means," said the chief justice, "had here been used by the national body to unionize mines whose product was important, actually or potentially, in affecting prices in interstate commerce, the evidence in question would clearly tend to show that that body was guilty of an actionable conspiracy under the anti-trust act."

Chief Justice Taft repeatedly stated that the United Mine Workers of America had no connection or association with the Coronado lockout and therefore could not be held for damages.

Despite these declarations, the chief justice made this astonishing statement:

"The circumstances are such

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as to awaken regret that in our view of the federal jurisdiction we can not affirm the judgment" (of the lower courts against the United Mine Workers).

In other words, the defendant is innocent of every charge made against him, but we regret that we can not find him guilty.

GEORGE BERRY POLITICAL VICTIM

(Continued From Page 1.)

assembled and the roll call began. The roll call proceeded as usual down to the finish. Berry was far in the lead, with 368 1-2 votes. On the surface it looked as if there would be more balloting, with Berry's chances better than even. There were known Berry votes that had gone else-

where as a compliment on that ballot.

Swing to Bryan as Delegates Obey Orders.

But there was a drag in the proceedings. The tellers did not announce the result as quickly as usual. Soon the reason became clear. Someone arose to announce a change of vote to Charles W. Bryan. Then came another, and another. The orders were going into effect. The tellers stalled and the chairman stalled—the stalling was manifold though obvious. Nothing ever was more plain than the carrying out of orders in that convention in those early morning hours.

Major Berry was being saluted on the altar of political expediency—or what seemed like political expediency to John W. Davis and the Democratic party bosses.

Delegation after delegation changed its vote to Bryan, on orders. Massachusetts, which had split its vote at first, rebelled and changed its whole vote to Berry. So did Ohio, where William Green, secretary-treasurer of the United Mine Workers, had refused to cast his vote for Davis.

Voting Delayed to Help Bryan.

The chairman dragged the proceedings along, offering as a reason that the tellers could not keep up with the changes. This was a laughable transparency. Time was in reality being given for the various state bosses to whip their delegations into line for Bryan. The little conference across the street, where the presidential nominee was closeted, needed time to get the word all down the line.

Two hours went by while the vote changing process was under way. Finally, when Bryan had garnered 729 votes, only four more than the required two-thirds, the result was announced without difficulty or delay.

It is worth noting that the Panama Canal Zone delegation, which had split its vote at first, paying some other candidate a compliment, was among the first to ask recognition from the chair when the changing process began and they realized the frame-up to prevent a second ballot. It was the last delegation to be recognized. It then swung its six votes to Berry.

One amazing fact remains: Charles W. Bryan was not placed in nomination until after the recess at midnight. Nominations had been completed, with sixteen candidates in the race. Bryan's entry into the race and his subsequent nomination were the result of orders issued in the midnight conference.

When the first ballot had been completed, and before the ordered changing of votes had begun, Berry had 368 1-2 votes, while Bryan

had only 338 1-2. Bryan clearly was not the free choice of the convention. He was steam-rolled into nomination.

Walsh Absent During Balloting.

During the entire period consumed by the voting and vote-changing, Permanent Chairman Thomas J. Walsh was not in the chair. It was announced from the platform that he had gone to his rooms, exhausted. Many persons believe, however, that Walsh purposely left the convention hall rather than preside over a session the nature of which he must have known before he left the hall.

There are varying explanations of why Berry was thrown aside and why Bryan was nominated. It is known that William Jennings Bryan, before the nomination of Davis, had publicly branded Davis as the candidate of Wall Street, that he had staked in his chair when the nomination finally was made and that he did not declare definitely that he would wholeheartedly support Davis until after Charles W. Bryan was nominated for the vice-presidency.

SENSE FROM CONGRESS

"A national system of employment offices, each in touch with all others, can meet any possible labor shortage by an adequate system of intelligent distribution. It can take up the burden of proper distribution of immigrant labor as well, to relieve to some extent the congestion of cities."—Representative Scott Leavitt, of Montana, in Speaking on the Need of a Greater National Employment Service.

"Of the iniquity of lynching in America no civilized person, to say nothing of one whose conscience has been trained in the school of Christ, needs longer to be convinced. The danger which this form of violence constitutes for orderly government is appallingly obvious."—Representative L. C. Dyer, of Missouri, in Urging Anti-Lynching Legislation.

"I am opposed to the lawlessness, secrecy, methods, bigotry and intolerance of the Ku Klux Klan. In this matter the Constitution is my guide and will follow its inspiration and abide the consequences."—Representative Harry B. Hawes, of Missouri.

Rock Island, Ill., July 24.—Carpenters in this city, Davenport, and Moline have secured a two-year agreement and a wage increase of 12 1-2 cents an hour. The new rate is \$1.12 1-2.

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