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SENTENCED TO JAIL.

Gompers Mitchell and Morrison Convicted of Contempt.

THE JUDGE SCORES UNION MEN.

Declares They Have Openly Defied The Courts.—Gompers Says He Has Only Been Fighting the Battles of the Working Man—Union Men in Several Cities Protest

Washington, Special.—Twelve months in jail for Samuel Gompers, President, nine months for John Mitchell, one of the vice presidents, and six months for Frank Morrison, secretary, all of the American Federation of Labor, was the sentence imposed by Justice Wright, of the Supreme Court of the District of Columbia, for contempt of Court in violating an order previously issued enjoining them from placing on the "unfair" or "we don't patronize" list the Bucks Stove and Range Co., of St. Louis, Mo.

All three of the defendants were in court. Notice of an appeal to the Court of Appeals, of the District of Columbia, at once was filed, Gompers being released on \$5,000 bond, Mitchell on \$4,000, and Morrison on \$3,000.

With tears coursing down his own cheeks, President Gompers heard the order of the Court which condemned him to prison for a year. Both Mitchell and Morrison seemed stunned by what appeared to be the least concerned. Asked if he had anything to say why sentence should not be pronounced, President Gompers declared that he had not consciously violated any law. There was much he would like to say, he said, but he could not do it at that time. He added, however, that "this is a struggle of the working people of our country, and it is a struggle of the working people for right. It is a struggle of the ages—a struggle of the men of labor to throw off some of the burdens which have been heaped upon them; to abolish some of the wrongs and to secure some of the rights too long denied."

Mitchell and Morrison denied themselves to an endorsement of what Mr. Gompers had said.

A Scathing Arraignment.

The decision of Justice Wright, which consumed two hours and twenty minutes in reading was one of the most scathing arraignments that ever came from the bench in this city. He recited the conditions antedating the injunction and referred to the fact that for twenty-five years the Bucks plant had been operated as a ten-hour shop and always had maintained an "open shop." The Court read extracts from numbers of resolutions of labor organizations bearing on the Bucks case as tending to show the methods of influencing members of unions, "and these methods," the Court remarked, "seemed to be known as persuasion." The customers of the Stove Company, the Court said, had been intimidated, brow-beaten and coerced out of their business relations with their customers "by direct interference with and boycott of their (the customers) trade relations with their own customers and the public generally." Following an exhaustive discussion in restraint of trade, Justice Wright said:

"From the foregoing it ought to seem apparent to thoughtful men that the defendants to the bill, each and all of them, have combined together for the purpose of:

"1. Bringing about the breach of plaintiff's existing contracts with others.

"2. Depriving plaintiff of property (the value of the good will of the business) without due process of law.

"3. Restraining trade among the several States.

"4. Restraining commerce among the several States.

The ultimate purpose of the defendants, the Court said, in this connection was unlawful, their concerted project an offense against the law and, it added, they were guilty of crime.

Coming to the question of violation of the Court's injunction Justice Wright said:

Violation of the Injunction.

"That Gompers and others had, in advance of the injunction, determined to violate it if issued, and had in advance of the injunction counseled all members of labor unions and of the American Federation of Labor, and the public generally to violate it in case it should be issued, appears from the following which references point out also the general plan and the mutual understanding of the various parties:

"There read a mass of explanatory resolutions of protest from different labor organizations throughout the country, in connection with Judge Wright's decision, has not been decided.

editorials from the columns of the American Federationist and the labor press generally in support of his statement that there was a pre-determination to violate. The Court after quoting at great length the attitude taken by Mr. Gompers since the injunction was issued, his writings, interviews and the public addresses, remarked: "All of which was done, all of which was published, all of which was circulated in wilful disobedience and deliberate violation of the injunction, and for the purpose of inciting and accomplishing the violation generally and in pursuance of the original common design of himself and confederates, to bring about the breach of plaintiff's existing contracts with others; deprive plaintiff of property (the good will of its business) without due process of law; restrain trade among the several States; restrain commerce among the several States."

As to Secretary Frank Morrison Court declared that he had full knowledge of all that was being done, took part in the preparation and publication of the American Federationist of April, 1908, with complete knowledge of its contents.

Concerning Mitchell the Court pointed to various acts which, he said, placed him within the pale of the law.

Vital Questions Involved.

Continuing as to all three of the defendants the Court said:

"In defence of the charges now at bar neither apology nor extenuation is deemed fit to be embraced; no claim of unmeant contempt is heard; persisting in contemptuous violation of the order, no defence is offered save these:

"That the injunction (1) infringed the constitutional guaranty of freedom of the press and (2) infringed the constitutional guaranty of freedom of speech."

In connection with the consideration of the contention that the injunction invaded the right of free speech and of the press the Court held in part:

"The position of the respondents involves questions vital to the preservation of social order, questions which smite the foundations of civil government, and upon which the supremacy of the law over anarchy and riot verily depend."

In the opinion of the Court even where a tribunal had fallen into error in the determination of a cause which was invested with jurisdiction to "hear and determine," the duty and necessity of obedience remained nevertheless the same.

The Law Rendered Null.

"Before the injunction was granted these men announced that neither they nor the American Federation of Labor would obey it; since issued they have refused to obey it; and through the American Federation of Labor disobedience has been successfully achieved, and the law has been made to fail; not only has the law failed in its efforts to arrest a widespread wrong, but the injury has grown more destructive since the injunction than it was before. There is a studied, determined defiant conflict precipitated in the light of open day between the decrees of a tribunal ordained by the Government of the Federal Union and the tribunals of another Federation grown up in the law, one or the other must succumb, for those who would unlay the law are public enemies."

In passing sentence on the defendants the Court said:

"It would seem not inappropriate for such a penalty as will serve to deter others from following after such outlawed examples, will serve to vindicate the orderly power of judicial tribunals, and establish over this litigation the supremacy of law."

History of the Case.

The Bucks Company prosecution of the officials of the Federation began in August, 1907. The original action was a test case wherein it was sought to enjoin the labor unions from using the "unfair" and "we don't patronize" lists in their fight against firms and individuals. Justice Gould of the Supreme Court of the District of Columbia, issued an injunction which was later made permanent forbidding the publication of the company's name in these lists. President Gompers in an editorial in "The Federationist" of last January, made known his intention not to obey the Court's order, contending that the injunction issued was in derogation of the rights of labor and an abuse of the injunctive power of the Courts.

Gompers, Mitchell and Morrison subsequently were cited for contempt, and this phase of the case has been before the Court for many months, the proceedings taking the form of a hearing of testimony before an examiner and many arguments.

Roosevelt Asked to Interfere.

Whether President Roosevelt will take any action, as he has been urged to do in telegrams received from different labor organizations throughout the country, in connection with Judge Wright's decision, has not been decided.

CANNOT AID GOMPERS

Appeals of the Labor Leaders Continue Their Case Before the Courts and the President Has No Power to Assist Them.

Washington, Special.—In an official statement issued at the White House Saturday in regard to presidential interference in the cases of President Gompers, Vice President Mitchell and Secretary Morrison, of the American Federation of Labor, now under sentence for contempt of court, attention is called to the fact that the cases are still before the courts and that no matter what the President's opinion may be as to the justness of the sentence imposed he cannot take any action looking to pardon or express any opinion as to the merits of the cases.

The text of the statement follows: "Various appeals have been made to the President to interfere by pardons in the case of Mr. Gompers and his associates. Those making the appeals are unaware of the fact that the matter is still before the courts. It is a civil suit between private parties and there has been no way by which the government could have interfered even if it had desired to do so."

Whether the President does or does not think the sentence of Mr. Gompers and his associates excessive is not at present of consequence because he cannot take any action or exercise any opinions while the case is pending before the courts. When the decision is made then the President can promptly consider whether the terms of imprisonment are excessive or improper.

"The President has already instructed the Department of Justice to keep him fully informed as to the progress of the case so that in the event of its becoming proper for him to act he may have at his disposal all of the facts which will enable him to decide whether there was justification for some punishment, whether the sentence is or is not altogether too severe. But at the present the President has no more to do with the case than with the case of the \$29,000,000 fine imposed by Judge Landis on the Standard Oil Company, which is also on appeal and concerning which the President has also been repeatedly asked to interfere by well meaning persons who did not know that he could not interfere while the matter was still before the courts on appeal."

The Evacuation of Cuba.

Havana, By Cable.—New Year's day will witness the beginning of the evacuation of Cuba by the army of pacification, which has been in possession of the island since the beginning of the provisional government, October, 1906. The first provisional regiment of marines, numbering about 900, will be among the first troops to leave. About half this regiment will sail from Havana on January 1st on the cruiser Prairie, which will return about the middle of the month and embark the remainder.

Headquarters and Companies A, B, C and D, twenty-eighth Infantry will embark on the United States transport Sumner at Matanzas, on December 31st. From there the transport will proceed to Havana and embark Companies F, G and H, stationed at Guanajay, and Company E, stationed at Guines.

From that time on, the transports Sumner and McClellan will be employed in the embarkation at intervals of the remainder of the year. Battery B, Third Artillery, and the Fifteenth Cavalry, will sail on February 2d. The headquarters and Eleventh Cavalry, the mountain artillery and Fifth Infantry; the Eleventh Infantry, and the Seventeenth Infantry will leave Havana about February 27th for Newport News. It is the intention to have all of these appear in the inaugural parade at Washington.

This leaves only two companies of engineers and two battalions of the Seventeenth Infantry. These troops will embark April 1st, which will complete the evacuation.

The embarkation of the troops will be effected with as little ceremony as possible. The purpose in deferring the departure of a portion of the Seventeenth Infantry until April 1st has been the subject of considerable speculation, but it is believed that this will be agreed upon at a conference between Governor Magoon and president-elect Gomez. It probably is for the purpose of keeping the barracks and quarters in good order and it is possible to turn over to the Cuban authorities a model camp.

Cubans, with the exception of a few who profess to fear that disorder will follow the evacuation of the island, are greatly pleased at the departure of the American forces as marking the complete establishment of independence. All show the kindest feelings toward the troops.

DEATH TO HUNDREDS

Results from a Severe Earthquake in Southwest Italy

FOLLOWED BY BIG TIDAL WAVE

Extreme Southwest Portion of Italy Experiences the Worst Catastrophe That Country Has Known in Many Years.

Rome, By Cable.—The three provinces of Cosenza, Catanzaro and Reggio di Calabria, comprising the Department of Calabria, which forms the southwestern extremity of Italy, or "the toe of the boot," were devastated Monday by an earthquake, the far-reaching effects of which were felt almost throughout the entire country.

The Town of Messina, in Sicily, was partially destroyed and Catania was inundated.

In Messina hundreds of houses have fallen and many persons have been killed. Owing, however, to the fact that telegraphic and telephonic communications were almost completely destroyed, it is impossible to obtain even an approximate estimate of the vast damage done.

The fate of entire regions within the zone of the earthquake is unknown but reports received here up to a late hour Monday indicate that the havoc has been great and the destruction to life and property more terrible than Italy has experienced in many years. The uncertainty of the situation for many thousands has filled all Italians with the deepest distress, for they still have fear that the day may come when that part of the country which seems to have been most blessed by nature will be destroyed by the blind forces of that same nature which nearly nineteen centuries ago overwhelmed Pompeii and Herculaneum.

All reports show that the present catastrophe embraces a larger area than the earthquake of 1905.

The tidal wave which followed the earth shocks on the eastern coast of Sicily sunk vessels and inundated the lower part of Catania. It is known that a number of people were killed at that place, but the rushing waters carried everything before them and caused such an indescribable confusion that it will be impossible for some time to estimate the damage and the lives lost.

For a period the Town of Messina and the whole province of Reggio were completely isolated through interruptions to the telegraph and telephone and landslides that obstructed the railways. Absolutely nothing was heard from Reggio throughout the day while the first news from Messina came in the form of a dispatch which a torpedo boat, flying at full speed along the coast of the peninsula, carried from point to point, always finding the wires down, until it reached Nicotera, where the telegraph lines were found to be intact. From this point the dispatch was sent. It briefly stated that the situation was desperate and after summarizing the immensity of the catastrophe ended with the announcement that Captain Passino, commander of the local station of torpedo boats, was buried under the debris after heroic work in trying to save others.

The Italian government proceeded energetically to relieve the far-spreading general distress, concentrating at the points of greatest need troops and engineers. Members of the Red Cross were despatched to various places, and camps with provisions were immediately prepared, all available railway lines and warships being used for their transport.

The City of Messina has suffered probably more than any other place, the latest information coming indirectly from that quarter stating that two-thirds of the town was destroyed and several thousand persons killed. The steamers Washington and Montebello, which were in that harbor, later proceeded to Cantanara, loaded with injured who were so stupefied by terror that they seemed unable to realize what had happened, simply saying that it looked as though the end of the world had come. Five steamers left Catania for Messina, to assist in removing the injured from that place who are reported to number thousands.

At Cantanara the panic-stricken people, fearing new shocks, absolutely refused to re-enter their houses and are camping on the squares which are free from water and the surrounding country.

The tidal wave sank five hundred boats there and did great damage to a large number of vessels and steamers, including the Austrian steamer Buda.

In Calabria, the region around Monteleone was most affected. The

Village of Stefanconi, inhabitants of which number 2,300 was practically destroyed. Only five persons were killed, but many were injured.

Midnight reports state that Reggio di Calabria, eight miles from Messina on the opposite side of the strait, has met the same fate as Messina, but these reports have not been confirmed owing to the lack of telegraphic facilities.

A very severe shock was felt at Caltanissetta, a city of Sicily, and although much damage was done, no one was killed. The shock created great alarm and notwithstanding the downpour of rain the whole population remained in the streets throughout the day and marched in religious procession.

The Pope was greatly distressed at hearing of the scourge that had afflicted the loyal population in the south. He could hardly credit the truth of the dispatches describing the devastation and fatalities as ten times greater than in 1905.

At midnight a regiment of soldiers left here for Calabria.

Troops Protect Mine Property.

Stearns, Ky., Special.—State troops are patrolling this place and Worley to prevent an attack of miners and their sympathizers who threaten to burn the property of the Stearns Lumber and Coal Company.

Berry Simpson and others for whom warrants have been issued, are hiding out in the hills and a deputy marshal will lead a posse of 50 against them.

Wyoming Mayor Frozen to Death.

Sheridan, Wyo., Special.—The body of John S. Taylor, who was serving his fifth term as mayor of this city, was found in a clump of bushes a mile north of town, where he had evidently frozen to death. He was thirty-eight years of age and leaves a widow and two children.

Although the inaugural ball may be held in the pension building, let the survivors have no false hopes.

Corpse Too Large For Doors.

Kittanning, Pa., Special.—Miss Dora Yockey, thirty years old, who died here Friday, is so large that a specially constructed casket had to be ordered for her, and this casket can only be taken into and out of the house by removing one of the windows, its frame and about eighteen inches of the wall of the house. She weighed over 600 pounds. She was always large, but was afflicted during the last years with a disease similar to elephantiasis, and her weight increased enormously.

Montana Experiences an Earthquake.

Butte, Mont., Special.—A dispatch from Virginia City, Mont., says that at 4:30 o'clock Sunday afternoon that region was shaken by the severest of a series of many seismic disturbances that have been going on for more than a week. The electric plant was put out of commission. This plant is ten miles from Virginia City, and as telephone communication is interrupted the extent of the damage is not known.

Returning Exiles Cheered.

New York, Special.—Cheers and Venezuelan flags greeted the steamer Maracaibo when she swung from her pier Saturday bearing General Nicholas Dolando, General Ramon Ayala, General Felix Ampard and other exiles of the Castro regime on their way back to Venezuela at the special invitation of the head of the republic, Juan Vicente Gomez, to assist in the new order of things governmental, following the overthrow of Castro.

Meeting of Public School Teachers.

Nashville, Tenn., Special.—Prof. R. L. Jones, Superintendent of Public Instruction, has prepared the programme of the twenty-second annual meeting of the Public School Officers' Association, to be held at Carnegie Library, Jan. 12-14. The annual meeting of the State Library Association will be held coincident with the School Officers' meeting. All indications are that the meetings will be largely attended.

Blacksburg Votes Bonds.

Blacksburg, Special.—The election authorizing the issuance of \$15,000 in 6-per cent 20-year bonds for the purpose of paying off some indebtedness of the town, and probably furnishing electric lights, was held Monday and resulted in 80 votes being cast for and 14 against bonds. Messrs. P. H. Freeman, M. H. Morrow and O. A. Osborne were elected commissioners of public works.

There were 3,369 foremen at the German universities during the winter semesters, constituting 8.3 per cent of the total attendance.

GOVERNMENT CONTROL

This, Under the Department of Justice, to Prepare and Present All Cases of Complaints After Inquiries.

Augusta, Special.—In reply to numerous inquiries received here regarding President-elect Taft's new plan for government control of all corporations doing an interstate business, it may safely be said that Mr. Taft will do all in his power to establish the reform as outlined in his speech of acceptance and his campaign speeches.

In carrying out this plan the President-elect will need certain additional necessary legislation by Congress involving a decrease of the powers of the Interstate Commerce Commission, an increase of the powers of the Bureau of Corporations in the Department of Commerce and Labor, and the creation of a practically new bureau on the Department of Justice.

The Interstate Commerce Commission will exercise a purely and only a quasi-judicial function. This Bureau of Corporations will be given jurisdiction over all corporations doing an interstate business, including the railroads, and will have as its duty the work of preparing and presenting to the Interstate Commerce Commission all cases brought up by complaints from individuals and all cases made necessary by the bureau's own investigation.

The Department of Justice will have a bureau whose duty will be to assist the Bureau of Corporations in preparing and prosecuting cases whenever the Bureau of Corporations feel the need of calling on the Department of Justice for certain legal and technical co-operation. It is not likely that the new executive will recommend the Federal licensing of the corporations that will come under the jurisdiction of the Bureau of Corporations, but he will probably favor some provision which will compel these concerns to submit themselves to the most thorough scrutiny of the agents of the bureau. This will apply to the matter of rates, methods of operation, accounts, books and all features affecting the public interest.

It is an ambitious plan and by it it is doubtless hoped that much of the wasted energy which is now the rule in the regulation of corporations will be done away with. At present the operations of the Interstate Commerce Commission, the Bureau of Corporations, and the Department of Justice frequently overlap, and one of the three sometimes finds that it is "only repeating the work of the other." But by the new scheme, the powers and duties of the Bureau of Corporations will be so increased that this bureau will be the originator of all cases dealing with corporations, and this will make it impossible to have any repetition or overlapping in the work.

The plan is also in direct line with the frequently expressed wish of Mr. Taft to do "everything" in his power to expedite the administration of justice in this country. Ever since he was nominated he has repeatedly emphasized the necessity for making more prompt the deciding of all cases at law, both by the government and in individual legal procedure before the courts. He has taken this view because he is convinced that the delays in the law which are now the rule serve only the purpose of the rich man, who is able to endure long waiting for decisions, and mitigate against the poor man to whose interest it is that every suit he brings should be decided at the earliest moment possible.

Capt. Minus Retired.

Washington, Special.—Capt. J. C. Minus, commandant of cadets at Clemson College, has been retired from active service in the army because of poor health. It will be necessary, therefore, for the war department to name his successor at an early date. It is not yet known who the new man will be.

Stricken Blind While in Pulpit; Can't Recover.

Springfield, O., Special.—Physicians say there is little hope that Rev. Wilbur S. Y. Davis, who was stricken blind during a sermon Sunday, will recover his sight.

The bravery of the minister, who, rather than alarm the congregation, finished his sermon in total blindness, and in spite of excruciating pain, attracted the attention of the clergy throughout the country, and he is the recipient of hundreds of most sage and of condolence and admiration.