

WOULD END STRIKES.

Lawyers Say That Would Be the Effect of Judge Jenkins' Rule.

Effort to Secure a Modification of Plan Northern Pacific Order—Its Continuance Would Place Labor in an Attitude of Slavery.

IMPORTANT LEGAL FIGHT.

MILWAUKEE, March 5.—Capital and labor met face to face in Judge Jenkins' court here Friday and began what promises to be a battle over a principle that is of national importance. It was a bold stand that capital, represented by the attorneys of the Northern Pacific railroad, took—the position that a judge could by writ compel men to refrain from quitting the service of an employer. In opposition to this the attorney for the United Organization of Railway Employees took the ground that it was the right of every man to quit the service of any other man, to work when he pleased and to rest when he pleased. Involved between these two widely divergent lines was the question of the right of labor to organize, to act in unison or to in any way combine to advance its interests.

The arguments Friday were upon the petition to Judge Jenkins to have him modify his famous strike order wherein he enjoined the employees of the Northern Pacific railway from quitting the service of the road, and to combat this the receivers were represented by a full array of counsel, with ex-United States Senator John C. Spooner at their head. The labor organizations were also well prepared for the struggle, having Attorney T. W. Harper, of Terre Haute, Ind., and Quarles, Spence & Quarles, of this city. The courtroom was crowded all day.

Simply Wanted Better Wages.

Attorney Harper began the arguments for the plaintiff. He discussed the original and supplemental petitions of the North Pacific receivers, which averred that the Northern Pacific employees were all members of the eight great railroad organizations and asked for an injunction restraining the chiefs of these orders from advising or ordering the men to strike, without which order or advice they would not strike.

He went on to say that there was not a single allegation that if every man on the road quit work others could not be found to take their places. The petition did not aver that the men would quit for the purpose of crippling the road; it simply alleged that if they did quit it would cripple the road. The crippling of the road was an incident to, not the end of, their quitting. The end was simply to get higher wages elsewhere. Mr. Harper said that the men had the right to sell their services to the highest bidder.

Judge Interrupts the Attorney.

"Who disputes that?" interrupted Judge Jenkins, somewhat petulantly. "This order, as I understand it," reported Mr. Harper, somewhat savagely. "If it does not then I am about through. It not only enjoins them from quitting to receive higher wages elsewhere; it enjoins them from even talking about quitting."

The attorney followed in this vein, and said the liberties of the people must be carefully guarded and the men had a perfect right to work when they pleased and loaf when they pleased.

After some further talk Mr. Harper was suddenly interrupted by the court demanding what a strike was, anyway, and there was a lively spat between the judge and the lawyer.

"Before I get through," roared the lawyer, "I will show you a special act of congress giving the men the very rights you have enjoined them from exercising."

The judge seemed disposed to argue with the attorney, and said that one cause of the misunderstanding between the parties in the case was a misapprehension of what a strike really was.

Mr. Harper read the act of congress providing for the establishment of national labor unions, which declared that the men had the right to combine to regulate wages, reduce the hours of labor or improve their condition in any manner. What they could not do was to institute a boycott or keep other men from working, and the men did not ask to have those restrictions removed. He stated to the court that the chiefs who had been restrained could not order a strike. All they could do was to consent to a strike after two-thirds of the men on a road had voted to strike, and it was their special duty to see that two-thirds of the men had voted to strike before they gave their consent.

Called it Involuntary Servitude.

He then referred to the amendment to the constitution, which declares that there shall not be slavery nor involuntary servitude in the United States except as punishment for crime. Here there had been no crime, and if there had been the men should have been tried and convicted before they were compelled to work. It was a clear case of involuntary servitude. The men were not working because they wanted to or out of love for the receivers, but under the mandate of the court.

Mr. Quarles' Argument.

Charles Quarles, of this city, followed Mr. Harper. He had not got fairly started before Judge Jenkins interrupted with the remark: "Will you please point out the clause which prohibits the chiefs from conferring with the men."

Mr. Quarles read the clause in reference to ordering or advising a strike. "What is a strike?" asked the court sharply.

"It is a cessation of work by a concerted action for the purpose of securing an advantage to the party ceasing work," replied the lawyer.

Mr. Quarles continued on the line that the men had a perfect right to combine and to quit work if necessary. He had not got very far when the court interrupted him with the question: "But look here, Mr. Quarles, is it not a fact that they simply quit to enforce their demands?"

"Yes, it may be, and what the court wants to know evidently is whether they have the right to use this lever. As I said before, I claim they have the right to use the lever of inconvenience to the receivers. But your injunction forbids them to quit under any circumstances."

"They can quit to-morrow and go to Texas if they will," retorted the judge, a little excitedly. "But they don't want to do that. Their officers may advise them, too."

"But, your honor, they can't go unless each man puts as good a man in his place as he is himself, because your injunction forbids them from in any manner embarrassing the receivers in the operation of the road. If the object of the strike is to gain an advantage it is legal; if the object is to do injury, it is malicious. In either case no injunction is necessary, as the law punishes malicious trespass."

Definition of a Strike.

At the opening of the afternoon session Attorney Quarles read a definition of a strike furnished by Grand Chie' Clarke, of the order of Railway Conductors. It was as follows:

"A strike is a concerted cessation of or refusal to work until or unless certain conditions which obtain or are incident to the terms of employment are changed. The employee declines to longer work, knowing full well that the employer may immediately employ another to fill his place, also knowing that he may and may not be reemployed or returned to service. This gives the option of acceding to the demand and returning the old employee to service, of employing new men or of forcing conditions under which the old men are glad to return to service under the old conditions."

Following this up Mr. Quarles said that a strike was merely a combination to secure better wages or to protest against any unjust reduction. In this case the Northern Pacific employees had done no unlawful act and the only thing they were suspected of being about to do when the injunction was issued was to get the highest wages possible, a perfectly lawful proceeding, provided they did not violate any law.

May Be Strikes Without Violence.

At this point Judge Jenkins interrupted to ask if a strike could be made effective without the use of violence or intimidation. Mr. Quarles thought it could and called attention to the fact that all the men were charged with was that they intended to quit—not that they contemplated any violence or intimidation. After saying that because some strikes were attended with violence all the strikes could not be declared illegal, the attorney went on to say that the court could not abridge the right of any citizen, no matter how much it might inconvenience a corporation or any person in particular. It was not right for a court to impose restrictions upon any certain class, and to deprive labor of the right to combine was to take away its only weapon and its only shield.

The Other Side.

Col. John H. McNaught opened the argument for the receivers. He began by making the broad statement that the object of the writ issued by the court was not intended to limit the right of the employees to quit. He added that he knew the writ did not prevent the men from quitting at any time they might choose, because he had asked the court to include that clause and the court had refused.

If the order to strike had been issued, said the attorney, great damage would have been done. People along the line of the Northern Pacific would have suffered for the necessities of life by the road being compelled to stop running trains. As it was, the turbulent element was held in check.

Mr. McNaught went on to read the clause in the by-laws of one of the labor unions, wherein it was specified that any man refusing to obey an order of the union leaders would be expelled. Attorney Harper interrupted to say that this did not apply to strikes but to orders relative to a settlement.

Can Prevent Men from Quitting.

Changing his course a little Mr. McNaught argued that the court did have the power to prevent the men quitting, as the road was being operated under his orders.

"The court," shouted the lawyer, has the same power over these men that he has over his clerk."

"The clerk could quit," said Mr. Harper.

"Not if his action in so doing would embarrass the court."

"Humph," ejaculated Harper, "the receivers could quit."

"And throw this great estate into the street," shouted McNaught. "Ruin this great business involving millions of dollars."

"Yes, they can quit any time they see fit. The law can compel no man to serve in a position against his will."

Called Harper an Anarchist.

Here occurred the most dramatic incident of the day. Attorney McNaught suddenly wheeled and facing Attorney Harper he exclaimed in a voice so shrill that it was almost a shriek: "That is anarchy; that is communism. I thought you were a lawyer, pardon me for saying it."

Harper is a man of massive proportions, and he did not move a muscle of his face but, rising, said: "I repeat that the receivers can quit whenever they see fit. The law can compel no man to serve in a position against his will, and if that be anarchy make the most of it."

Before the adjournment the court said that he desired to hear counsel on the last clause in the injunction which restrained the heads of the various organizations from conferring or ordering a strike. Arguments will be resumed for a week or two.

SLW HIS KEEPER.

Convicted Murderer Kills a Guard in a Frustrated Attempt to Escape.

TRENTON, N. J., March 5.—Joseph Wallwitz, alias John Malwitz, sentenced to twenty years in the state prison, sawed the bars of his cell door and gained access to the corridor, where he obtained a rope and lassoed Keeper James T. Walters and choked him into unconsciousness. Center Keeper Joseph B. Lippincott appeared on the scene and the convict secured the gun of the unconscious man and killed Lippincott. Wallwitz was recaptured.

THREE SHOT DOWN.

Fatal Result of a Political Quarrel in Mississippi.

Rev. Mr. Ratliffe Kills Representative Jackson and a Bystander at Kosciusko—Another Spectator Is Mortally Wounded.

A SOUTHERN TRAGEDY.

MEMPHIS, Tenn., March 6.—The most sensational tragedy in the history of Mississippi occurred at Kosciusko, the county seat of Attala county, Saturday. S. A. Jackson, a member of the state legislature and one of the most prominent democratic politicians in the state, was shot and instantly killed and Samuel Russell and William Sanders, two innocent bystanders, fatally wounded by Rev. W. P. Ratliffe, also a member of the legislature and one of the leaders of the populist party in Missouri.

The tragedy was the culmination of a political feud of long standing which was brought to a climax by a bitter newspaper controversy. Ratliffe published an editorial in his paper, the Vindicator, reflecting on Jackson's vote in the recent contest in the legislature over the election of a successor to United States Senator Waittall. Jackson replied in a card in another paper, in which he denounced Ratliffe as a liar.

The two men met at the courthouse in Kosciusko Saturday for the first time since the publication of Jackson's article. There was a large crowd on hand attending a bankruptcy sale by the sheriff. No one noticed the meeting of the two men until they began scuffling in the courthouse door. Both Ratliffe and Jackson pulled their revolvers and began a terrible duel to the death.

When the smoke of battle cleared away Jackson was found with a bullet hole in his forehead, while his right arm near the shoulder was shattered by a glancing shot aimed at his head. A few feet away lay Samuel Russell and William Sanders, two bystanders, with mortal wounds. Russell was shot through the head and expired in a few minutes. Sanders was shot in the thigh and is expected to die. Ratliffe discharged every chamber of his revolver, and, finding that he had no more ammunition, he coolly stood and watched the writhing of his victims until the sheriff arrested him and took him to jail.

Ratliffe was seen in the jail and asked for a statement, but he refused to talk further than to say he shot Jackson in self-defense. Jackson was a prominent merchant of Kosciusko and was reputed to be a wealthy man. He leaves a wife and several children.

Russell and Sanders, the bystanders who were shot, were farmers. The jail is strongly guarded to prevent Ratliffe being lynched by Jackson's friends.

Mr. Ratliffe was leader of the popular party in this section, and represented this county in the legislature. He is a "hardshell" Baptist preacher.

GOT HIS RELEASE.

Ed Williamson, the Famous Shortstop, Dies at Hot Springs.

CHICAGO, March 6.—A telegram from Hot Springs, Ark., on Sunday announced the death of Ed N. Williamson, the famous ex-shortstop of the Chicago baseball club. His death was caused by dropsy. Williamson grew very portly after he stopped playing ball in the fall of 1890. His health, however, was not considered in jeopardy until last December.

Williamson was probably the greatest all-round ball player who ever donned a uniform. In addition to his skill at shortstop Williamson was a good catcher and a first-class pitcher. He played little in the outfield because his size was greater demand elsewhere, but he doubtless would have become an unsurpassed outfielder. He was one of the best batters in the profession and a brilliant base runner, being a clever slider. He was also the undisputed champion long-distance thrower of the profession, and easily won the prize offered for that feat in Cincinnati in the fall of 1889.

He was 37 years of age. He played his first engagement as a professional ball player with the Newcastle (Pa.) team in 1878. Before the close of that season he accepted an engagement with the Alleghenies, of Pennsylvania, a professional team which, while a member of no organization, was one of the strongest clubs in the country. He remained there over a year and then accepted a place in the team that was being formed to represent Indianapolis in the league in 1878. At the end of the season he left the Indianapolis and joined the Chicago club, with which organization he remained until 1880, at which time, owing to an injury received in Paris while on the famous tour of the world trip, he was compelled to retire. Since then he has been engaged in the saloon business in this city.

HAVE A RIGHT TO QUIT.

Admission That Judge Jenkins' Order Was Too Sweeping.

MILWAUKEE, March 6.—The attorneys for the Northern Pacific receivers admitted Saturday that the injunctive orders of Judge Jenkins might be too sweeping and said they would not object to their modification. This is an important concession to the railroad labor chiefs who are making the fight and who want to know if strikes are to come under the ban of the federal courts.

The arguments on the motion to modify the anti-strike orders by eliminating the portions objectionable to the railroad chiefs was concluded late Saturday afternoon. Judge Jenkins took the matter under advisement and his decision will probably not be announced for a week or two.

EXPLOSION OF POWDER.

One Man Killed and Two Others Injured at Wilkesbarre.

WILKESBARRE, Pa., March 6.—An explosion occurred in the barrel house of the Moose powder works. Thomas Weir was killed. Archie Diamond and Dewitt Stanton were seriously injured. The force of the explosion was terrific, nearly every pane of glass in the Moose works was broken. The entire end of the building was blown to pieces, and there is danger of the remaining part of the structure collapsing.

MISSING LINKS.

The word captain, so often used in the Bible, simply means officer.

AMERICAN pumps are known in China and Japan as well as in all parts of Europe.

The "Georgia thumper" grasshopper has a wing spread equal to that of a robin.

GREEK sculptors often used eyes of glass or crystal in the faces of their statues.

ROTHSCHILD requires of his cook a different kind of soup for every day in the year.

THE PENSION BILL.

Discussion Over the Appropriation Measure.

On the 24 the house took up the pension bill. The aggregate of this bill is nearly \$162,000, which is over \$11,000,000 below the estimates and \$15,000,000 less than the amount appropriated for the current year.

Meredith (dem., Va.) charged that thousands of men are on the pension rolls who have no claim to be there, and when this statement was challenged he described a case that came under his personal knowledge, without mentioning any names.

On the 3d Mr. Pickler (rep., S. D.) made a vigorous speech in behalf of a liberal pension policy. The old soldier, his widow, his children and his grandchildren should have justice, he said.

Gen. Black (dem., Ill.) ex-commissioner of pensions, followed Mr. Pickler, who in his speech, he said, might almost be adopted as a declaration of principles by the house. While it was true that there was no praise of the union soldier that would not find an echo on the democratic side, the assault of Mr. Grout (rep., Vt.) speaking for the republican minority, could not be overlooked. Mr. Grout, Mr. Black said, had laid down three propositions: (1) that the pension office was unfriendly to the soldiers; (2) that it was inimical to their rights, and (3) that the democratic party was hostile to the union soldier. In 1861 the house, which had eighteen years under the control of the republican party, appropriated \$675,000,000, while during the sixteen years of democratic rule the house had sent to the pension office \$2,000,000 less than \$100,000.

Mr. Waugh (rep., Ind.) declared that no pension bill, general or private, had ever been rejected by a republican vote.

On the 5th Mr. Hepburn (rep., Ia.) in his argument declared that the late confederate states contributed not one dollar to the payment of pensions. Of the \$15,000,000 internal revenue taxes the south pays less than \$0,000,000 of the \$177,000,000 customs receipts the south pays \$4,000,000 of the miscellaneous receipts less than \$2,000,000. "So that," said he, addressing the southern members, "you contribute less than \$15,000,000 to the revenue of the government. How do you get that back? Millions return to the south in a debt of postal remittances and \$8,000,000 as a debt of postal remittances. You therefore receive back \$3,000,000 more than you contribute. You contribute not a cent to northern pensions. What difference does it make to you what we do with our own money?" He denied that there was any great number of fraudulent pensions.

Mr. Enloe (dem., Tenn.) said there is always one great difficulty in discussing the pension question. A large amount of money is involved, a large number of votes are involved, consequently there is strong temptation for the demagogue to exercise his calling. Because the democratic administration sought to strike the pension bill, he said, the republicans were entitled neither to the government's gratitude nor its bounty the republicans assailed the president secretary of the interior and Commissioner Lochren. As an evidence of the existence of fraud Mr. Enloe said there had been 17 convictions of pension claim agents for manufacturing testimony in pension cases. Mr. Enloe had read a letter from Commissioner Lochren under date of March 5, 1894, saying that there were between 8,000 and 10,000 pension cases at present under investigation where there was a strong presumptive evidence of fraud.

CONFESSED A CRIME.

An Ohio Convict Owns Up to a Double Murder.

COLUMBUS, O., March 6.—Charles Murray, a colored prisoner serving a twelve-year sentence for burglary in Greene county, attempted suicide Monday night by dashing his head against the cell wall and thrusting a pointed poker into his neck. Thinking he was dying he confessed to Warden James that in 1887 he killed a farmer and his wife near Xenia. He says there was no one at home but the wife, and, hiding in the farmer's barn until she came out to the barn on an errand, he threw a rope around her neck and strangled her. Just then her husband came driving up. Murray told him there was something wrong with his horse's foot and as he was stooping down to look at it the rope was thrown over his head and he was soon strangled too. The bodies were taken into the house and the house burned. His object was robbery, but he was so alarmed that he did not stop to see what was in the house. He was arrested and tried, but acquitted of the crime. If he lives