USE AND ABUSE OF INJUNCTIONS

Secy. Taft Gives His Views in Answer to Labor's Criticism of Him.

HOLDS UNIONS BENEFICIAL.

Sees No Objection to Statute Defining Rights of Laborers in Controversies With Former Employers.

Martin's Ferry, O., Jan. 9.—The views of William H. Taft, secretary of war, in regard to the use and abuse of injunctions, are stated in a letter in reply to questions propounded by Llewellyn Lewis, secretary of the Ohio Federation of Labor, given out here today. Secy. Taft prefaces his statement with a declaration that he believes it to be "highly beneficial and entirely lawful for laborers to unite in their common interests."

TAFT'S ANSWER.

Proceeding directly to the answer of the questions propounded, he says:

"First—You ask me what I would think of the enactment of a law defining the cases in which a temporary restraining order may issue, and defining in specific terms the language in which such order may be framed. I see no objection to the enactment of a statute which shall define the rights of laborers in their controversies with their former employers. As this statute would fix the full limits of their action, it would necessarily furnish a definite rule for determining the cases in which injunctions might issue, as well as their character and scope. It should be said that this statute, however, if enacted by Congress, could relate only to the District of Columbia or some place within the exclusive jurisdiction of the federal government, or to those employers and employes whose relations are within congressional definition and control. Generally the law governing the relations between employer and employes is a state law, and is only enforced in the federal courts when the jurisdiction arises by reason of the diverse citizenship of the parties. Speaking generally, however, both as to federal and state legislation, I see no objection to a statute which shall, so far as possible, define the rights of both parties in such controversies more acurately. Indeed, the more exactly the law of limitations on the actions of both parties are understood, the better for them and for the public.

HEARING ON APPLICATIONS.

"Second—You ask me what I think of a proposition that no restraining order or injunction shall issue except after notice to the defendant and a hearing is had. This was the rule under the federal stautes for many years, but it was subsequently abolished. In the class of cases to which you refer I do not se any objection to the re-enactment of that federal statute. Indeed, I have taken occasion to say in public speeches that the power to issue injunctions exparte has given rise to certain abuses and injustice to the laborers engaged in a peaceable strike. Men leave employment on a strike, counsel for the employer applies to a judge and presents an affidavit averring fear of threatened violence and making such a case on the exparte statement that the judge feels called upon to issue a temporary injunction. The temporary restraining order is served on all the strikers; they are not lawyers; their fears are aroused by the process with which they are not acquainted; and, although their purpose may have been entirely lawful, their common determination to carry through the strike is weakened by an order which they never have had an opportunity to question and which is calculated to discourage their action. To avoid this injustice I believe, as I have already said, that the federal statute might well be made what it was originally, requiring notice and a hearing before an injunction issue.

"Third—In answer to your question, it would seem that it is unnecessary to impose any limitation as to the time for a final hearing if, before an injunction can issue at all, notice and hearing must be given. The third question is relevant and proper only should the power of issuing exparte injunctions be retained in the court. In such case I should think it eminently proper that the statute should require the court issuing an exparte injunction to give the person against whom the injunction was issued an opportunity to have a hearing thereon within a very short space of time, not to exceed, I should say, three or four days.

OBJECTIONS TO JUDGES.

"Fourth—Your fourth query is, in effect, what I should think of a provision in such cases by which the contemnor—that is, the person charged with the violation of an order or injunction—might object to the judge who issued the injunction as the one to try the issue whether the injunction had been violated and to fix punishment in case of conviction, and thereby require another judge to try the issue and impose sentence if necessary.

"In federal courts in such a case it would be proper to provide that the senior circuit judge of the circuit court should, upon the application of the defendant or contemnor, designate another district or circuit judge to sit and hear the issue presented. I do not think such a restriction would be unreasonable. In most cases it would be unnecessary. But I admit that there is a popular feeling that in contempt proceedings, and the very name of the proceeding suggests it, the judge issuing the injunction has a personal sensitiveness in respect to its violation and therefore that he does not bring to the trial of the issue presented by the charge of the contempt of his order the calm judicial mind which insures justice. I think that this popular feeling is in most cases unfounded, but I believe that it is better, where it can be done without injuring the authority of the court and the efficiency of its process, to grant such a privilege of the contemnor and thus avoid an appearance of injustice even at some inconvenience in the matter of securing another judge.

MUSTN'T WEAKEN AUTHORITY.

"There is some analogy, though it is not complete, between the exclusion of a judge from sitting in the court of appeals to review a decision of his own, which now obtains in the practise of the federal court of appeals by statute, and the present suggested case. It is of the highest importance that the authority of the court to enforce its own orders effectively should not be weakened, and therefore I am opposed to the intervention of a jury between the court's decree and its enforcement by contempt proceedings. It would mean long delay and greatly weaken the authority of the court. I do not think that the permission to change the judge, however, would constitute either serious delay or injure the efficacy of the order, while it may secure greater public confidence in the justice of the court's action. The appearance of justice is almost as important as the existence of it in the administration of courts.

"Sincerely yours,
"WILLIAM H. TAFT."

DEADLY AND DISASTROUS WRECK ON SOUTHERN PACIFIC

San Jose, Cal., Jan. 9.—Southbound train No. 10, Sunset express, on the Southern Pacific railroad, was wrecked early this evening at Rucker, 25 miles south of this place, and Mrs. A. P. Boyd and her little son of Portland, Or., were killed. An unknown tramp, stealing a ride on the brakebeams, was also killed. Eighteen injured have been taken to a Gilroy hospital, where their injuries were treated. A partial list of the injured follows:

William Ferguson, Lawrence, Mass.; badly crushed; may die.

A. Saunders, Chicago; badly crushed.

Howard Muller, San Francisco; badly hurt.

Mrs. M. John, San Francisco; feet crushed.

W. Oakley, Union City, N. Y.; slightly hurt.

A. E. Belleme, New Orleans; fractured arm.

Mrs. Weckert, South Dakota; scalp wound.

Mr. L. Howard, San Francisco; fractured foot.

D. J. Scully, Napa, Cal.; ankle and hip fractured.

Charles Savage, Pasadena, Cal.; scalp wounds.

Mr. and Mrs. Serber, Hamilton, O.; arms and wrists cut.

The cause of the wreck is not known. Six coaches behind the engine left the track. One was rolled into the county road, and in this were the more seriously hurt. The train was one hour late leaving San Jose, and was running at high speed in an effort to make up lost time. A wrecking train carrying physicians and nurses was made up here and dispatched to the scene, as was also a passenger train to which the uninjured pasengers of the wrecked train were transferred. The train is made up in San Francisco, and its destination is New Orleans.

PUBLIC LANDS GRAZING.

Senator Carter of Montana is Opposed To the Policy of the President.

Helena, Mont., Jan. 9.—Senator Carter of Montana notified officials of the National Woolgrowers' association, which meets here next week, that he will soon offer an amendment to Senator Burkett's bill providing for the control of grazing upon the public lands in the arid sections of the country.

Opposing the administration's wish, as specified in Senator Burkett's bill, that this matter shall be controlled by the president and secretary of agriculture, Senator Carter would place the supervision of this proposed legislation entirely in the hands of the general land office of the department of the interior.

A CONGRESSIONAL LOTTERY.

House Scene of One in Drawing for Rooms in New Office Building.

Washington, Jan. 9.—A congressional lottery was conducted today in the house of representatives for rooms in the new office building of that body.

Chairmen of committees had already been assigned quarters in the new building and today's drawing was participated in only by the 333 members who are not heads of committees. There was much interest in the proceeding. A blindfolded page drew from the box marbles corresponding with the numbers of the seats of the members. The name of Representative Kitchen of North Carolina was drawn first and he selected from the diagram in front of the speaker's desk what in his opinion was the choicest room available in the building.

Upon the conclusion of the drawing the house adjourned.

A TAFT ASSOCIATION.

Hundred and Fifty Republicans Meet In Concord, N. H., and Form One.

Concord, N. H., Jan. 9.—About 150 Republicans of this state met here today and formed the Taft association of New Hampshire. Former Gov. Frank Wollins was chosen president. Letters were received from United States Senators Gallinger and Burnham and Congressmen Currier and Sulloway, expressing disapproval of the meting, on the ground that it was unwise for the party to declare at this time in favor of any candidate.

Many other letters were read endorsing Secy. Taft.

A resolution favoring a continuance of New Hampshire's system of sending unpledged delegates to the national convention was adopted.

CHINESE STUDENTS.

Those Educated in America Take Precedence Over Those of Europe.

Washington, Jan. 9.—Chinese students educated in America have taken precedence over those educated in Europe and in Japan, according to advices received at the state department from American Consul General Bergholz at Canton, China. Recently the Chinese government conducted at Pekin an examination to test the ability of the students who had been sent abroad for education. Mr. Bergholz says that 42 students were examined 24 of whom had pursued their studies in Japan, 14 in the United States and four in Belgium. Three from Japan failed, and one from America, but of the 38 that passed only seven secured the doctor's degree, and five of these were educated in America. Of the 16 highest in rank America had 10, the west taking the honors both in the number of students and in the rank obtained in the examination. Nine of the 13 Americans were educated on the Pacific coast. The students who passed with the highest honors were appointed to positions in some of the government boards in Pekin.

A COUNTERFEITER'S DEFENSE.

Rev. J. A. Kays Says He Was Simply Making Experiments.

Springfield, Ill., Jan. 9.—The trial was begun here today of Rev. James A. Kays, former pastor of the Cumberland Presbyterian church of Lincoln, Ill., charged with making counterfeit coins. Dr. Kays says he was simply making experiments to ascertain whether he could make medals for the children of his Sunday scool.

ILLINOIS CENTRAL RY. ANSWERS STUYVESANT FISH

Chicago, Jan. 9.—With the implied purpose of controverting the charges made by Stuyvesant Fish in his suit to enjoin the voting of 281,231 shares of stock of the Illinois Central railroad held by the Union Pacific Railroad company and by the Railway Securities company, an answer was filed in the superior court in this city today. Accompanying it were affidavits from Mr. Harriman, Walter Luttgen, John Jacob Astor, Alex. G. Hackstaff, Cornelius Vanderbilt, John W. Auchincloss, Robert W. Goelet and Charles A. Peabody. The documents admit the existence of hostility toward Mr. Fish, but it is declared that this hostility is due to the actions of Mr. Fish in beginning the litigation.

Goelet and Peabody each deny that Harriman dominates and influences him. Harriman avers that he does not dominate or influence Goelet or Peabody or any of the directors of the Illinois Central.

Each of the affiants denies having voted prejudically to the interests of the Illinois Central Railroad company, and declares that the only dealings had between that company and the Union Pacific Railroad company within the last two years have been agreements for connecting their tracks and the use of the station of the Union Pacific at Omaha, both of which were recommended, it is pointed out, by Mr. Fish, and for the interchange of traffic and division of rates in which, it is said, no change has been made or proposed within a year.