

# JENKINS ON STRIKES.

## HE MODIFIES THE NORTHERN PACIFIC ORDER.

Rolls Strongly Upheld—The Courts Declared to Have Ample Power to Prevent Threatened Injury to Property Under Their Control—The Anti-Strike Injunction Continued in Full Force—Judge Dundy Talks Plainly.

### NORTHERN PACIFIC STRIKE ORDER.

MILWAUKEE, Wis., April 7.—The long looked for decision by United States Circuit Judge Jenkins on the motion made by the chiefs of the great railway organizations for a modification of his famous Northern Pacific strike order was rendered in the United States circuit court at 2 o'clock this afternoon. The petition of the men asked for the modification of the injunction of December 19, by changing the words "and from combining and conspiring to quit, with or without notice, the service of said receivers with the object and intent of crippling the property in their custody or embarrassing the operation of said road and from so operating the said receivers with or without notice, as to cripple the property or to prevent or hinder the operation of said railroad." It also asked that the passage in the supplementary injunction (which is much stronger) covering the same ground, be eliminated. The object of the motion was to bring to a direct issue before the court the question whether the courts could grant injunctions to restrain employees from striking.

The judge modified his injunctive order by striking out the clause which reads "and from ordering, recommending, approving or advising others to quit the service of the receivers of the Northern Pacific railroad on January 1, 1894, or at any other time." In all other respects he denied the motion of the men, thus continuing the strike injunction in full force. The judge held that it was not the province of the court to take part in any contest between labor and capital except to restrain those warring factions so far as their action might infringe the declared law of the land, that society might not be disrupted or its peace invaded, or that individual and corporate rights might not be infringed upon. If the combination and conspiracy alleged and the acts threatened to be done in pursuance thereof were unlawful, it could not, he thought, be successfully denied that restraint by injunction would be the appropriate remedy, especially if the proposed actions, if carried into effect, would result in paralysis of the railroad's business, stopping the commerce ebbing and flowing through seven states of the union, causing incalculable injury to the property and causing great public privation.

"It is no longer open to controversy," the judge went on to say, "that a court of equity may restrain threatened trespass involving the immediate or ultimate destruction of property, for which there would be no adequate compensation of law. It will in extreme cases, where the peril is imminent and the danger great, issue mandatorily injunctions, requiring a particular service to be performed or a particular direction to be given, or particular order to be revoked, in time of a threatened trespass upon property or upon public rights. I need not enlarge upon this subject. The jurisdiction beyond question is plenary and comprehensive." The judge then cited several authorities and continued: "It would be anomalous, indeed, if the court, holding this property in possession in trust, could not protect it from injury and could not restrain interference which would render abortive all efforts to perform the public duties charged upon this railroad."

### JUDGE DUNDY AGGRIEVED.

Talks Plainly to the Railroad Men About Judge Jenkins' Precedent.

OMAHA, Neb., April 7.—The American Railway union made application in the United States district court today to have the salaries of its members on the Union Pacific road, which were cut last August, restored to the old rate. Judge Dundy was visibly excited when addressing the attorneys. He said: "If it is stated that such a cut has been made in the wages of these men connected with this organization—or outside of it—on this railroad, when others who are drawing higher pay have been so highly favored, I will see that those who are drawing less pay will be treated the same way and I will advise that the old pay be restored. Still it is but fair to the other side that they should have notice. You have to rely on a great deal on the testimony of railroad men in these cases, and they should have notice, and I suggest the propriety, when Mr. Dickinson returns, of making the order."

"Now I have got myself into difficulty as you can readily see by following the example Judge Jenkins made in the Northern Pacific case when he allowed a schedule reducing the pay and binding in order that parties were bound to comply with it when no notice, not a minute, was given. I do not propose to get myself in that shape again and be denounced in open court where I have to preside at times. I followed his order, though mine was less stringent than his when he did not give the men a minute's notice, and now I am denounced all over the country for doing the very thing he did, when I was following a precedent he set. My term of court commences at Norfolk on Monday, but if necessary I will postpone that in order to have a speedy hearing in this case.

If you want to make application to have the old pay restored, I want you and every other one of the employees on the road to understand that if they have been wronged by the reduction that they will not have to join any union to get a hearing, because, as I said before, I will hear one person at a time, or a hundred, or four thousand—as they claim to have in this union—and I will make no distinction between the parties. I made the order in the first in-

stance when this order was made January 27, giving and granting the right to all employees to come into court and have the matter determined if they felt aggrieved. But some of them instead of doing that commenced firing threatening letters at me and ignored the order I made for their benefit. I simply authorized the receivers to put in force the schedule that had been made. I did not order them to do it. It was wholly unlike the one in the Northern Pacific case. There the judge in making the order, which I followed, not only did what I did, but directed and ordered the receivers to put it into force, and I never did that."

### HILL ON THE TARIFF.

He is to Make an Address in the Senate.

WASHINGTON, April 7.—In the senate Mr. Hill of New York gave notice that at 2 o'clock next Monday he would submit a few remarks on the pending tariff bill. Some amusement was created by the introduction of the following resolution by Mr. George of Mississippi:

Resolved, That, in view of the present depressed financial condition of the people, the low price of agricultural and other products, the indebtedness of the people and the increased value of money, the committee on the tariff be directed to prepare a bill to reduce by 30 per cent all official incomes not protected by the statutes of the United States.

### FARM STATISTICS.

Those of Missouri and Kansas Summarized in a Census Bulletin.

WASHINGTON, April 7.—In a census bulletin just issued, giving the farm statistics for the United States, Missouri and Kansas are thus summarized:

MISSOURI

Number of farms.....	238,943
Acres improved.....	19,792,813
Acres unimproved.....	10,987,977
Total acres.....	30,780,790
Value land, fences and buildings.....	\$628,858,354
Value implements and machinery.....	21,834,719
Value live stock on hand June 1, 1889.....	12,701,173
Estimated value of farm products.....	109,751,024
Number of horses.....	946,911
Number of mules.....	231,714
Total number of cattle.....	2,469,718
Swine.....	4,877,432
Sheep.....	839,562
Pounds of wool.....	4,643,984

KANSAS

Number of farms.....	105,617
Improved acres.....	22,978,361
Acres unimproved.....	7,911,138
Total acres.....	30,889,500
Value land, fences and buildings.....	\$559,738,040
Value implements and machinery.....	18,986,792
Value live stock on hand June 1, 1889.....	12,068,336
Estimated value farm products, 1889.....	\$6,070,063
Number of horses.....	931,335
Mules.....	66,937
Total cattle.....	3,188,033
Swine.....	4,023,979
Sheep.....	401,192
Pounds of wool.....	2,512,340

### NATIONAL BANK FINANCES.

Summary of Their Condition Under the Recent Call of the Comptroller.

WASHINGTON, April 7.—Reports from all of the 3,777 national banks in the country, under the recent call, have been received by the comptroller of the currency. A summary of these reports show, the lawful money reserve on February 28, 1894, to have been \$433,980,261, made up of the following items: Gold coin, \$124,904,826; gold treasury certificates, \$66,456,110; gold clearing house certificates, \$7,825,000; silver dollars, \$7,741,205; silver treasury certificates, \$43,181,166; silver fractional coin, \$6,078,278. Total specie, \$256,166,585; legal tender notes, \$142,768,676; United States certificates for deposit for legal tender notes, \$35,045,000. The aggregate reserve on December 19, 1893, the date of the last call, was \$414,135,407.

### Appropriation Bills in the House.

WASHINGTON, April 7.—The house spent the day in committee of the whole. After some good natured banter by Mr. Reed on the subject of the "billion-dollar congress," the urgency deficiency bill was taken up. The bill, which carries something over \$1,000,000, was passed with one important amendment providing for the continuation of the census bureau until March 4, 1895, and providing for the publication of a condensed volume of 230 pages of an abstract of all the data procured by the census. After the deficiency bill was disposed of, the consideration of the postoffice appropriation bill was resumed. Only one amendment was adopted—setting aside \$30,000 for the establishment of star routes to new postoffices.

### Simpson Wants a Ship Canal.

WASHINGTON, April 7.—Representative Simpson of Kansas is preparing a joint resolution which he will soon submit to congress, proposing an international commission between the United States and Canada for a system of canals and waterways closely connecting the great lakes with the Atlantic ocean. Mr. Simpson, who sailed the lakes in his early days, is an expert on the matter.

### A Caucus on the State Bank Issue.

WASHINGTON, April 7.—Over 150 Democratic members of the house today united in a request to Chairman Holman of the Democratic caucus for a caucus on the state bank question next Tuesday.

# UNION PACIFIC MEN.

## THEY ARE WINNERS IN THE FEDERAL COURT.

Judge Caldwell Decides in Their Favor—The Wage Schedule and Regulations of the Past to Continue in Effect—Good Words Spoken for the Labor Organization—The Receivers Indirectly Rebuked by the Court—An Important Decision.

### Union Pacific Wage Schedule.

OMAHA, Neb., April 6.—United States Circuit Judge Caldwell's decision in the Union Pacific wage schedule case was rendered this morning and was a complete victory for the employees. The opinion was lengthy, and went into the history of the Union Pacific schedules and appointment of receivers.

Judge Caldwell said that when a court of equity took upon itself the conduct and operation of a great line of railroad, the men engaged in conducting the business and operating the road became the employees of the court, and were subject to its orders in all matters relating to the discharge of their duties, and entitled to its protection. An essential and indispensable requisite to the safe and successful operation of the road is the employment of sober, intelligent, experienced and capable men for that purpose. When a road comes under the management of a court in which the employees are conceded to possess these qualifications—and that concession is made in the fullest manner here—the court will not upon light or trivial grounds, dispense with their services or reduce their wages. And when the schedule or wages in force at the time the court assumes the management of the road is the result of a mutual agreement between the company and the employees which has been in force for years, the court will presume the schedule is reasonable and just and any one disputing that presumption will be required to overthrow it by satisfactory proofs. This the court contended had not been done by the receivers, although they had all recommended that it be made.

It is the court's belief that the receivers made the request ignorantly as only one of them is a practical railroad man and their opinions upon the subject of wage schedules is confessedly of little value. The court shares in their anxiety to have an economical administration of this trust to the end that those that own the property and have liens upon it may get out of it what is fairly their due.

The wages of the men, the judge went on, must not be reduced below a reasonable and just compensation for their services. They must be paid fair wages, though no dividends are paid on the stock and no interest on the bonds. It is a part of the public history of the country, of which the court will take judicial notice, that for the first \$36,000,000 of stock issued, the company received less than two cents on the dollar and the profits of the construction, represented by outstanding bonds, was \$43,929,328.34. There would seem to be no equity in reducing the wages of the employees below what is reasonable and just in order to pay dividends on stock and interest on bonds of this character.

### RIGHTS OF LABOR AND CAPITAL.

The recommendation of the receivers to adopt their schedule cannot be accepted by the court for another reason. That schedule was adopted without affording to the men or their representatives any opportunity to be heard. This was in violation of the agreement existing between the company and the men, by the terms of which no change of the schedules was to be made without notice to the men and granting them a hearing. This was a fundamental error. The receivers were the first to break the contract between the court and its employees, but if the converse had been the case the court could not have directed or enjoined the men to continue in its service. Specific performance of a contract to render personal service cannot be enforced by injunction, by pains and penalties or by any means. The period of compulsory personal service, save as a punishment for crime, has passed in this country. In this country it is not an unlawful for employes to associate, consult and confer together with a view to maintain or increase their wages by lawful and peaceful means any more than it was unlawful for the receivers to counsel and confer together for the purpose of reducing their wages. A corporation is organized capital; organized labor is organized capital; what is lawful for one to do is lawful for the other to do.

The system of rules and regulations by which the company has been able to bring into service and retain for twenty-five years, in some instances, the class of men who have appeared before the court at this hearing is certainly commendable, and meets the entire approval of this court. In the opinion of the court the allowance made by the schedules now in force are just and equitable. The employees, under the present system, share the burdens of diminished business.

### THE JUDGE'S CONCLUSIONS.

In conclusion Judge Caldwell said: "We may be indulged in giving expression to the hope that in future differences about wages between courts and their employes, at least, and we would fain hope that between all employers and employes, resort may be had to reason and not to passion, to the law and not to violence, to the courts and not to a strike. It is a reproach to our civilization that such differences should result, as they often have, in personal violence, loss of life, destruction of property, loss of wages to the men and loss of earnings to the employer, and, when they occur on great lines of railroad, great damage and inconvenience to the public."

After the decision had been rendered, the engineers who had been attending the conference, adopted a series of resolutions thanking Judge Caldwell for his fairness. Petitions were presented to the court to restore the pay of the monthly employes which were cut last September and also to give employes control of the hospital funds. The judge said he could not take time to receive

either of these and advised the men to first present them to the receivers for action.

## SEIGNIORAGE BILL DEAD.

### The House Refuses to Pass It Over the President's Veto.

WASHINGTON, April 6.—As soon as the house met yesterday the Republicans commenced their filibustering tactics to prevent the unseating of Hilborn, Republican of California. The resolution, however, finally carried by a vote of 170 to 13, and the resolution to seat Mr. English was adopted by a vote of 165 to 17, the Republicans declining to vote.

Mr. Bland then called up the seigniorage bill, returned by the president without his approval, and moved that it pass, the objection of the executive to the contrary notwithstanding.

Mr. Tracey of New York raised the question of consideration against it, and Mr. Bailey made the point of order that the constitution required the consideration of a bill returned with a veto, and that the question of consideration therefore should not be raised against it. The speaker sustained the point of order.

Mr. Bland stated that on Saturday at 3 o'clock he would demand the previous question. From all quarters of the Democratic side there seemed to be a general desire to avoid the conflict of opinion in debate, and Mr. Bland's suggestion of three days' debate was met with a chorus of cries of "Vote, vote."

Then followed one of the most remarkable scenes witnessed in the house in years. The Republicans were ejected out of their chance of seeing the dimensions in the Democratic ranks thoroughly aired. Mr. Tracey who was standing in a side aisle, said that as far as the Democrats of the minority of the coinage committee were concerned they were willing to take a vote immediately. This statement was received with shouts of applause from the Democratic side. Mr. Tracey went on to say, however, he had not conferred with the Republicans of the committee, and suggested that he would like to have the opinion of Mr. C. W. Stone of Pennsylvania, who made the minority report against the bill.

Mr. Stone replied, after conferring a moment with those about him on the Republican side, that the debate in the house when the seigniorage bill was passed had been so limited he was unwilling to enter into any agreement to close the debate at this time. When he ceased speaking there was great confusion on the floor. Members on both sides were conferring in groups. The speaker, with uplifted gavel, surveyed the house for a moment. Mr. Bland expressed a willingness to have the vote taken immediately. Mr. Reed, Mr. Burrows, Mr. Dingley and Mr. Stone were in earnest consultation to the left of the speaker's rostrum. As it subsequently appeared they agreed that Mr. Dingley should make the opening argument for his side. Meantime no one addressed the chair and the speaker stated the question to be on the motion to pass the bill, the president's objection to the contrary notwithstanding.

The Republicans made strenuous efforts to have the veto discussed, and pandemonium reigned for a time, but the speaker choked them off and ordered the roll call to proceed.

The Republicans were beside themselves with anger. They refused to vote on the first roll call. The anti-silver Democrats were in despair, as the first roll call gave the silver men the necessary two-thirds. Finally, after a consultation they agreed to vote and did vote on the second roll call. This turned the tide, and upon the announcement of the vote it was found the motion to pass the bill over the veto had been defeated, the silver men lacking 74, the necessary two-thirds. The house then at 5 o'clock adjourned.

## THE PRENDERGAST CASE.

### Execution Postponed Until July 2—in an Awful Tangle.

CHICAGO, April 6.—Assassin Prendergast will not be hanged before July 2, and not until May 21 will the investigation into the condition of his mind be commenced. Such was the order issued by Judge Chetlain yesterday. The defense insisted on the case being tried before a jury from the regular venire, and to this the state's attorney stoutly objected. He insisted a special venire should be made, as he wanted "men of intelligence," not the kind of men to be found on the regulation jury.

When the hearing came up before Judge Chetlain it was agreed that only one continuance should be made and that one long enough to provide for the full trial of the case. The state asked for four months and the defense asked for two weeks more. The trial of the case was reckoned to take a month and consequently the dates of May 21 and July 2 were agreed upon. The case is now in an awful tangle, and neither State's Attorney Kern, Special Counsel Trude, upon whom the burden of the prosecution rests, nor the attorneys for the defense are prepared to say what will be the outcome.

## STOCK OF WHEAT.

### Statement of Visible and Invisible Supply Submitted to Congress.

WASHINGTON, April 6.—The report of the secretary of agriculture in reply to the resolution of Senator Pettigrew calling for a statement of the visible and invisible supply of wheat was submitted to the Senate. The total supply on March 1, 1893, he states, was 610,000,000 bushels. Exports from March 1, 1893, to March 1, 1894, consumption from March 1, 1893, to March 1, 1894, amount in farmers' hands March 1, 1893, and visible supply March 1, 1894, he states amounted to 729,000,000 bushels, which he gives as the total amount distributed and available for distribution. The apparent discrepancy is 119,000,000 bushels. The supply on hand March 1, 1894, he says, was 190,000,000. The probable consumption from March 1 to July 1, 1894, he puts at 121,000,000 bushels, leaving 69,000,000 bushels available for export from March 1 to July 1, 1894.

# IT IS A ROCKY ROAD.

## THAT BROTHER BRECKENRIDGE HAS TO TRAVEL.

A Cross-Examination That Made Him Squirm—He Denies Point After Point—His Definition of Expression of Affection Finely Drawn—Never Made a Prostration of Love to the Plaintiff—Mrs. Blackburn's Evidence Mildly Denied.

### Breckenridge on the Rack.

WASHINGTON, April 5.—Colonel Breckenridge looked quite pale when he stepped into the witness place this morning. The first question Attorney Wilson asked him was whether he had ever been in Goldsboro to which he replied that he had been in the little hamlet once to make a speech at a little barbecue which he thought was in 1886 or 1888. He did not remember the colored woman who opened the door at No. 1819 H street the day after he took luncheon there in April last (as heretofore testified to) nor having complimented her on the luncheon.

"Did you not say to her that when you and Madeline went to keeping house you wanted her to come and cook for you?" was asked.

"That is entirely fanciful. I never said anything of the sort to any colored woman."

"Did she not say that she had been in service in that family a long time and did not want to leave?"

"No such conversation could have occurred."

Referring to Breckenridge's statement that he had made no protestations of love to Miss Pollard on the occasion of the momentous carriage ride, Mr. Wilson asked him when he first began to talk to her affectionately.

"I never did make protestations of love. I talked to her kindly, encouragingly, when she was depressed; endeavored to get her to do something to make a place in the world for herself. I spoke solicitously to her, particularly when I first learned that she was in trouble, having the interest in her that a man might for a young unmarried woman with whom his life has become interwoven."

### EXPRESSIONS OF LOVE DENIED.

"There were no expressions of affection?"

"There were expressions of affectionate interest, but not such as could be construed into an intimation that our relations could be on a different basis than they were."

"Then it was a sort of business interest for her welfare?"

"Expressions of kindly interest."

"Were the expressions which might be understood by her to be expressions of love?"

Breckenridge wished to draw the distinction carefully between expressions and demonstrations. He said there was nothing but perfect understanding on their part of their relations.

"There were no expressions of love on her part?"

"I would not say that. She was at times very demonstrative; at times otherwise."

"Your relations were those of lust rather than love?"

riage was the colonel's second, when it was really his third; that he had asked Dr. Paxton not to make that marriage public; and that after his marriage with Mrs. Wing he stopped with her at the hotel Leocrea in New York, registering as William J. Campbell and wife. He could not recall at that time that he had sent certain telegrams to Mrs. Blackburn.

"Do you deny," asked Mr. Wilson, "that you said to Mrs. Blackburn 'I intend to marry this young woman when a sufficient time has elapsed after the death of my wife?'"

"My recollection is that nothing was said about my wife at that interview. Mrs. Blackburn seems to have confused that with a subsequent interview."

All of Mrs. Blackburn's statements being read to him categorically, the colonel said that Mrs. Blackburn's recollection differed on all those points from his own. He denied that he had said that he was thirty-one years older than the plaintiff, and was sure that he had not said that she supposed he was foolish to marry a woman so much younger than himself. He was sure that Mrs. Blackburn must have confused things said by the plaintiff about the matter with what he said and must have put into her own language her understanding of his statements.

"I have no recollection of that," Breckenridge said of Mrs. Blackburn's recital that on his second visit he had said that he noticed she was much shocked by the announcement of his engagement.

"I am sure I have no recollection of that," Breckenridge said when confronted with Mrs. Blackburn's statement that he was giving a poor return for all the devotion of his wife.

"I deny that that occurred in that way and in that connection," was the answer when Mr. Wilson pinned him down to a direct statement regarding his story to Mrs. Blackburn that, being a man of honor, he had been obliged to propose marriage to Miss Pollard on discovering her feelings toward him.

"Now Mrs. Blackburn says that she told you you had an unusually high sense of honor in that connection. Do you deny that?" Mr. Wilson persisted.

"I deny that I have any recollection of it having happened in that way."

Breckenridge's version of the conversations regarding the trip to Europe differed radically from that of lady's as did his memory of what she said about being obliged to withdraw her protection from Miss Pollard unless they were more discreet in their conduct. "That did not happen in that form and in that connection," he said, and the answer was substantially the same regarding his (Breckenridge's) request that Mrs. Blackburn should go to New York with the plaintiff until they were married.

"I was," said Breckenridge, "urging her so far as I could without exciting her suspicion to get the young woman out of town. I endeavored to leave the impression on her mind always that we were engaged. If I may use such a word, I was honestly endeavoring to carry out the contract with Miss Pollard to deceive her, and do not blame Mrs. Blackburn for feeling a little acerbity."

"Do you deny that?" Mr. Wilson demanded, after reading Mrs. Blackburn's testimony regarding his description of the interest he felt in Miss Pollard and of the standing of her family.

"I have no recollection of that, and my recollection is that it happened in a different way," was the final answer. "Mrs. Blackburn puts her own construction on my words."

## TO TAX THE GREENBACKS.

### The House Banking Committee Reports in Favor of a Radical Change.

WASHINGTON, April 5.—By a vote of 8 to 5 the house committee on banking and currency decided today to report in favor of subjecting greenbacks to state and municipal taxation. The bill was introduced by Representative Cooper of Indiana and is regarded as an important one bearing on the general currency question. Representative Springer of Illinois was the only Democrat to vote against reporting the bill and Representative Walker of Massachusetts the only Republican to vote in favor of it.

Representative Caminetti of California, introduced in the house today a resolution for the holding of a conference of nations of the Western hemisphere to draft treaties looking to remonetization of silver.

## CASH FOR THE CHEROKEES.

### Nearly Six and Three-Quarter Million Dollars in Currency on Deposit.

New York, April 5.—In the sub-treasury yesterday a group of admiring officials surrounded a pile of paper currency, the dimensions of which were about thirty cubic feet. It represented \$6,740,000, and was the money paid in by R. T. Wilson and company, the Wall street bankers, for the bonds of the Cherokee nation, which were awarded to them after a long fight.

It was not an easy matter to get this amount of currency, but the Union trust company finally supplied it, and in the afternoon it was put in a cab and taken to the sub-treasury. The money is in all denominations, from 1,000 dollar bills to tens. It will remain in the sub-treasury until the Cherokee nation demands the whole or any part of it.

## Killed the Elephant.

WICHITA, Kan., April 5.—George, a big elephant belonging to Howe & Cushing's show, got on a rampage yesterday, and his keeper is now in the hospital. A new keeper then took charge and had the elephant strapped down and beaten with stake pins and bored with red hot irons. A terrible struggle took place between keepers and the animal, and then in the fight that ensued the elephant was badly hurt and died at noon yesterday.

## One Thousand Houses Destroyed.

SHANGHAI, April 5.—Last night a fire broke out in that part of Shanghai occupied by the natives and despite all the efforts made to check the flames they spread in every direction. The fire burned all night destroying 1,000 houses.