

Husband: Henry Mason VANCLEAVE

LDS Ordinance Data

Born: 08 Jan 1825 Place: Washington (Marion) County, KY
 Chr: in:
 Married: 23 Feb 1849 Place: Burks Plantation, Lorretto, KY
 Died: 21 Jan 1858 Place: Marion County, Kentucky
 Burial: in:
 Father: Cary Allen VAN CLEAVE
 Mother: Sarah (Sally) BEAM
 Other Spouses:

Bap:
 End:
 Seal:
 SP:

Wife: Eliza Jane BURKS

LDS Ordinance Data

Born: 19 Aug 1829 Place: Old Burks Plantation near Lorretto, Washington Cty, KY (Part that became
 Chr: in:
 Died: 29 Jan 1911 Place: Louisville, KY
 Burial: 31 Aug 1911 in: Bellefontaine Cemetery, St.L.County MO
 Father: Richard BURKS
 Mother: Jane SMITH
 Other Spouses:

Bap:
 End:
 SP:

CHILDREN

LDS Ordinance Data for Children

1	Name: James Wallace VAN CLEAVE Born: 15 Jul 1849 Married: 23 Mar 1871 Spouse: Katherine Louise JEFFERSON Died: 15 May 1910	Place: Washington (Marion) County, KY Place: Louisville, Jefferson Co, KY Place: St.Louis, Missouri	Bap: End: SP:
M			
2	Name: Laura Alice VAN CLEAVE Born: 20 Aug 1851 Married: Spouse: Died: 31 Jan 1854	Place: Washington (Marion) County, KY Place: Place: Washington (Marion) County, KY	Bap: End: SP:
F			
3	Name: Sarah(Sallie) VAN CLEAVE Born: Sep 1854 Married: Spouse: Died: 07 Feb 1926	Place: Washington (Marion) County, KY Place: Place: Louisville, Jefferson Co, KY	Bap: End: SP:
F			
4	Name: Luella Henry VAN CLEAVE Born: Aug 1856 Married: Spouse: Died: 15 Aug 1933	Place: Washington (Marion) County, KY Place: Place: Winona Lake, Indiana	Bap: End: SP:
F			

Name and Address of Submitter:
 Bill Van Cleave

Check one option for all individuals on this form:
 A. Please provide all proxies at any temple
 B. I will provide proxies for Bap End Seal
 at the _____ temple.

Relationship of Submitter to Husband _____ Wife _____

Husband:	Henry Mason VANCLEAVE
Source:	OneWorldTree, Ancestry.com. One World Tree (sm) [database online]. Provo, UT: MyFamily.com, Inc.
Born:	08 Jan 1825
in:	Washington (Marion) County, KY
Died:	21 Jan 1858
in:	Marion County, Kentucky
Relationship with Father:	Cary Allen \Van Cleave\ - Adopted
Relationship with Mother:	Sarah (Sally) Beam - Adopted

Address and Phone(s)	
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Medical

Notes

6. Henry Mason Van Cleave 1825 to 1858

born January 8, 1825, in Washington County, Kentucky died January 21, 1858, in Marion County, Kentucky married February 23, 1849, to Eliza Jane Burks (born August 1/19, 1829, in Marion County, Ke

Marriage Information	
Wife:	Eliza Jane BURKS
Married:	23 Feb 1849
Beginning status:	Married
in:	Burks Plantation, Lorretto, KY

Marriage Notes

Wife:	Eliza Jane BURKS
Born:	19 Aug 1829
in:	Old Burks Plantation near Lorretto, Washington Cty, KY (Part that became Marion 1912)
Died:	29 Jan 1911
in:	Louisville, KY
Relationship with Father:	Richard Burks - Natural
Relationship with Mother:	Jane Smith - Natural

Burial:	31 Aug 1911 Bellefontaine Cemetery, St.L.County MO
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Address and Phone(s)	
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Medical

Notes

Eliza Jane Burks was born on the old Burks plantation near Lorretto, KY. When she married Henry Mason Van Cleave on 23 February 1849. For a wedding gift her parents gave them a plantation, and his parents gave them slaves.

Henry was ki

Child:	James Wallace VAN CLEAVE
Born:	15 Jul 1849
in:	Washington (Marion) County, KY
Died:	15 May 1910
in:	St.Louis, Missouri
Relationship with Father:	Henry Mason \VanCleave\ - Natural
Relationship with Mother:	Eliza Jane Burks - Natural

Burial:	17 May 1910 Bellefontaine Cemetery, St.L.County MO
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Address and Phone(s)	
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Medical

Notes

James Wallace Van Cleave was "Pretty much a National Figure" quoting his son Brenton.

Born on a farm near Lorretto, KY, He Volunteered to fight for the Confederates at age 14.

After the Civil War James supported his mother and 2 survi

~ Finally, on January 28, 1908 the National Council of Industrial Defense was established with Van Cleave as chairman. The council became the chief spokesman for the anti-union employing interest on legislative matters, and the

*~ Year Book of the Holland Society of New York 1911
page 119-120 In Memoriam James Wallace Van Cleave*

James Wallace Van Cleave, a member since December 8, 1904, was born July 15, 1849, in Marion County, Kentucky, and James Wallace Van Cleave was "Pretty much a National Figure" quoting his son Brenton.

Born on a farm near Lorretto, KY, He Volunteered to fight for the Confederates at age 14.
After the Civil War James supported his mother and 2 surviving sisters, but the finances were in ruins after the Union Army raided their holdings.

Married Catherine Louise Jefferson of an important Louisville family of high social standing.
served seven years in the employ of L.S. Lithgow & Co. as a traveling man.
Moved to St. Louis became General Manager, Sec /Tres, then Vice President, then President of Buck's Stove and Range Company, taking it from a small nucleus to one on the largest of its kind, nationally.

Became President of the National Manufacturers Association 2 terms.
Vice President of Citizen Industrial Association of America & president of the St. Louis Association.
then 3 terms as President of that organization.
Founder of the National Council for Industrial Defence
He was not only a very able, energetic and intelligent man in his own business and in his performance of civic duty, but was exceptionally broad minded, just and conscientious.
He always attended his party's national convention
Was mentioned as a Candidate for the Presidency of the United States.
He will be remembered for his long fight with trade unions on the principal of the boycott, he successfully won an injunction against the AFL's do not Patronize action, so enraging Samuel Gompers that he and two of his officers were sentenced to contempt of court prison terms when he ignored the court continuing the boycott. On appeal it was upheld by the Supreme Court of the US, but it was never served since James Wallace died in 1910. And the board of directors arranged a settlement. He was my great grandfather.

During the life of James Wallace Van Cleave 1849 to 1910 the Region was Rent Asunder by the Civil War. He enlisted by age 13, in 1862.

Considered essential by Southerners but increasingly opposed by Northerners, slavery became a catalyst for disintegration, and the Ohio Valley was a seam along which the young nation ripped apart west of the mountains. Beginning with South Carolina in December 1860, seven deep South States seceded by February 1861, soon followed by Virginia, Arkansas, North Carolina and Tennessee. The slave state of Kentucky -neutral at first -and Missouri remained in the Union but were riven by guerilla warfare. Oriented toward the Ohio Valley, 48 northwest Virginia counties entered the Union as West Virginia in June of 1863. There upland subsistence farmers, long at odds with powerful Tidewater planters, had opposed Virginia's secession.

In the vast western theatre, rivers and railroads dictated strategy. Union troops coursed down the Ohio and Mississippi Rivers to battlegrounds in Kentucky, Tennessee, and Mississippi. The early loss of Forts Henry and Donelson cost the Rebels the Tennessee and Cumberland Rivers, Gateways to the deep South. Confederate Generals rallied troops at major rail centers. After Nashville fell, Corinth, Memphis, and Chattanooga capitulated, cracking the Memphis and Charleston Railroad, the "Vertebrae of the Confederacy." The surrender of Knoxville along the Chattanooga gave the Union another key rail line, the Virginia and Tennessee. Meanwhile, the Union had won control of the Mississippi through victories at Vicksburg and Port Hudson, splitting the Confederacy and choking off its lifeline to the West.

Although it reached its final conclusion in the East, the Civil War was largely won west of the Appalachians, where Union General William Tecumseh Sherman had predicted that whoever "gets the control of the Ohio, Mississippi, and Missouri Rivers will control the continent.

7. James Wallace Van Cleave 1849 to 1910

born July 15, 1849, in Marion County, Kentucky died May 15, 1910, in st. Louis, Missouri.

married to Catherine (Kate/Katie) Louise Jefferson (born October 3, 1849 in Kentucky, died June 1, 1928, in Memphis, Tennessee) the daughter of Thomas Lewis Jefferson and Elisabeth Ann Creagh.

James attended Springfield Academy. While a student he joined the Confederate Army to fight in the civil War, at the age of 13. He enlisted September 10, 1862, at Springfield, Kentucky, as a Private, in Company K, 8th Calvary Regiment, under General John H. Morgan ("Morgan's Raiders").

His mother learned of this and drove her buggy to Springfield and took him home, as the story is told, by his EAR!

From 1868 to 1888 he worked for J.S. Lithgow & Company, a stove manufacturing firm in Louisville. ,
He is listed in the 1880 Federal Census for Kentucky as living in Jefferson County, Middletown District, Town of Anchorage.

In 1888 James moved to st. Louis, Missouri, where he became one of the most successful and prominent businessmen of his day.

He worked for the Buck's Stove and Range Company, as vice-President and General Manager, and later as President of the Company.

James was President for some years of the National Association of Manufacturers. He gained national prominence due to the long fight against labor unions, which ended in the conviction of Samuel Gompers (President), John Mitchell (Vice-President), and Frank Morrison (Secretary) of the American Federation of Labor; for contempt of court under the Sherman Anti-Trust laws. This long and strenuous fight was nationally acclaimed in the business circles.

James was a Democrat until 1896, from then until his death he was a Republican supporter.

He is listed in the 1900 and 1910 Federal Censuses for Missouri as living in st. Louis County, city of st. Louis.

James was a member of the st. Louis Businessmen's League and the st. Louis Manufacturers Association. In 1903 he pioneered the formation of the citizens Industrial Association of America, becoming the President of the st. Louis branch and Vice-President of the national organization.

James is mentioned in the Encyclopedia of History of st. Louis, published in 1899, and in st. Louis the Fourth city, published in 1909.

James traced his family lineage for the needed application support in submitting it for membership in the prestigious Holland Society of New York, circa 1890. Much of the history of this branch of the family is due to his work.

His will was probated May 27, 1910 in st. Louis

Kate died at the home of her daughter Edith. Her will was probated June 6, 1928, in st. Louis.

James and Catherine are buried in the Bellefontaine Cemetery, in st. Louis County.

Children:

- Edith Corrine Van Cleave Fisher 1872 to 1930 Hiram Van Cleave 1874 to 1875
- Giles Bell Van Cleave 1877 to 1929
- Lee Wallace Van Cleave 1879 to 1939
- Harry Fones Van Cleave 1883 to 1937<=====my ancestor
- Wilhelmina Born Van Cleave Howard 1883 to 1906 twin to my ancestor
- Brenton Gardner Van Cleave 1889 to 1972

Chapter 17

Organized Labor in American History
Philip Taft Copyright 1964 1st ed. Harper & Row, Publishers

Employers Take the Offensive

LOCAL GROUPS

Opposition to Labor organizations had "expressed itself in local organizations of employers manufacturers' associations, industrial associations, employer associations citizens' alliances. The names had been different in different parts of the country, but they always had one common purpose, and that was organized resistance, either to some demand of organized labor or to some practice of organized labor, for the immediate purpose of protecting the individual interest of the members of such an association of employers or citizens against such encroachment."1.

A call to arms was sounded by John Kirby, Jr. an industrialist operating in Dayton, Ohio. Unions had expanded in the metal trades of that city and under Kirby's inspiration the Dayton Employers' Association was established in 1900. In St. Louis, James W. Van Cleave became the chief of the Citizens' Alliance, and under his aggressive leadership, the city became an important center of open-shop propaganda. The Chicago Employers' Association, organized by Fredrick w. Job, was another active opponent of unionism. Made up of vigorous open shoppers, these organizations rallied employers against the closed shop and what they described as evils of unionism.

CITIZENS' INDUSTRIAL ASSOCIATION

The diverse groups came together in the fall of 1903, and formed the Citizens' Industrial Association with David M. Parryof the National Association of Manufacturers as chairman of the executive committee. The 250 delegates from 124 organizations listened to warnings of the power of unions and called upon the employing interests to defend the true principles of the American government, free competition.

In February 1904 a constitution and by-laws were drawn up, and the Citizen's Industrial Association began its short and active existence.

It sought to assist the authorities of the state and nation "in maintaining and defending the supremacy of the law and the rights of citizens," to encourage harmonious relations between employer and employee, and to assist associations of employers "to establish and maintain industrial peace, and to createand direct a public sentiment in opposition to all forms of violence, coercion and intimidation." I also established a Bureau of Organization to assist in the formation of employer's groups, and a Bureau of Education for the publication and distribution of literature promoting its

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objectives. 2

The. association urged employers to organize in associations in their industries to forstall the spread of unionism. Under the leadership of C.W. Post a wealthy dry cereal manufacturer, the Citizens' Industrial Association carried on propaganda through public meetings and in paid advertisements in the press. In some communities, thecitizens' alliances resorted to stronger tactics in support of employers during strikes and lockouts. As a result, union organizing was impeded not only by the active support given to employers but by a community effort that was sometimes rallied to take action against organized labor. The Citizens' Industrial Association survived for three years.3

NATIONAL ASSOCIATION OF MANUFACTURERS

"It seemed to be the consensus of opinion of the organizations participating that it ought to concentrate more attention among the organizations on the effort being made through legislation to put the principals of the closed shop onto the statute books, and to make it difficult for those who undertook to run an open shop to secure protection for themselves and their workmen against the encroachments of organized labor."4

The chief promoter of the new alliance was the National Association of Manufacturers. Organized in 1895 its first years were devoted almost entirely to reform of the tariff and the promotion of foreign trade. Under the leadership of President David M. Perry, the association launched its campaign against unionism. In a bitter attack, Parry charged the unions with being socialistic and countenancing violence, restriction of output, and the boycott. "Organized labor," he accused, " does not place its reliance upon reason and justice, but on strikes, boycotts and coercion. It is, in all essential features, a mob knowing no master except its own will. Its history is stained with blood and ruin It denies to those outside its ranks the individual right to dispose of their labor as they see fit--a right that is one of the most sacred and fundamental of American liberty."5

NATIONAL COUNCIL OF INDUSTRIAL DEFENSE

The Manufactures' Association conducted active campaigns against unionism among employers and developed effective propaganda materials against union labor and its activities. At the twelfth annual convention (1907) President Van Cleave called for the raising of a fund of \$500,000 a year, for three years, to form a combination of employers' groups to combat organized labor.

At the second meeting in New York, on October 28, 1907, James Van Cleave, the unanimously elected chairman, reported that "some cooperative action should be taken on the part of the Association of Manufacturers to keep themselves well informed and ready for prompt action where legislation is threatened contrary to their best interests.

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Finally, on January 28, 1908 the National Council of Industrial Defense was established with Van Cleave as chairman. The council became the chief spokesman for the anti-union employing interest on legislative matters, and the National Manufacturers' Association and the Citizens' Industrial Association each "agreed to contribute for the prevention of the passage of injurious class legislation the sum of \$500 a month for one year. "National employers' associations were requested to contribute \$50.00 a month."

The council maintained divisions dealing with legislation, legal questions, publicity and education.⁷ Calling for joint effort among all employer groups combine "to show [their] strength and ...teeth if necessary" their power is imme~surably increased.⁸

The effective activities of the council were exposed by the investigation which followed the revelations of Colonel Martin Mulhall, who had been a principal go-between of the National Association of Manufacturers and politicians, members of Congress, and other public figures. It showed the effectiveness of the lobby in Washington, and of its ability to defeat legislation touching the vital interest of organized labor.

However, the investigation itself revealed that the power of the anti-employer combine was weakening, and the rise of the Progressive movement under Theodore Roosevelt, as well as the election of Woodrow Wilson in 1912, were in part the result of the dissatisfaction with the labor policies of the Republican administration. Nevertheless, the council from its outset was extremely effective. Under the leadership of James A. Emery, counsel of the National Association of Manufacturers' and chief Washington lobbyist, the anti-union employers were able to delay the enactment of much legislation favorable to organized labor. Only with the Wilson administration was labor able to get long-sought relief.

THE AMERICAN ANTI-BOYCOTT ASSOCIATION

Steps to organize the American Anti-Boycott Association were the out-growth of the campaign of the United Hatters of North America against manufacturers who refused to deal with it. Initiators of this project were Charles H. Merritt and Dietrich E. Loewe, who managed non union hat making plants in Danbury, Connecticut. Both of them had operated under union agreements in the 1880's and early 1890's. During the severe decline in business in 1893, Danbury hat manufacturers requested the union to consent to a wage cut. The national officers of the Finishers' Union, with which the workers were affiliated, advised its members to agree. They refused. Thereupon, nineteen manufacturers, D. E. Loewe and Company and C. H. Merritt, among them, decided on a lockout.¹⁰ The two firms were among those which broke the power of the Hatters Union. In 1901 the Hatters began an aggressive campaign to organize the plants outside of the union fold. Strikes and boycotts were used to bring unwilling employers to terms. A number of employers decided on counteraction. A meeting of open-shop firms in the hatmaking industry, held in New York in February 1902 decided to initiate the American Anti-Boycott Association and hired Daniel Davenport, a Bridgeport lawyer, as counsel and secretary. Organization was completed in December, and the preamble to the constitution declared: "The undersigned, aware of the far-reaching consequences and dangerous extent of the boycott, threatening capital by arbitrary proscription and labor by tyrannical persecution, form themselves into an association."¹¹

Field men and solicitors were confidentially employed to recruit members "because men were afraid that the union machinery would be turned against them if their membership were disclosed. Outspoken views, such as one hears today from businessmen on this subject, were exceptional in these early days."¹²

The association was endorsed by President Charles W Elliot, president of Harvard University, who noted that it "has already proved to be an effective combatant, all people of good will may wisely wish it success in defeating and ultimately eliminating the boycott as conducted by the American Federation of Labor or numerous bands of unionist."¹³

THE DANBURY HATTERS' CASE

Inevitably, the association played an important role in the Danbury Hatters' Case. The Hatters' Union had sought for almost a decade to recoup the losses it suffered in the lockout of 1893, and it gradually succeeded in the Danbury area. In 1901 it tried to gain recognition from D. E. Loewe and Company, but the firm refused. The union waited until it had ended the successful boycott against Henry Roelf and Company, and then decided a strike against Loewe and Company on July 25, 1902. Almost all of the 230 employees left their jobs.¹⁴

A boycott on the products of the struck firm was imposed, and union agents toured the country to discourage purchases of Loewe's hats. The company took defensive measures and announced in a paid advertisement in the local newspapers "that each and all members of all labor unions, individually and collectively"... "would be held responsible for damages sustained by Loewe and Company." The warning was unheeded. According to the attorneys, the boycott was effective and a profit of \$27,000 in 1901 was turned into a loss of \$17,000 in the next year, and a slightly smaller loss in 1903. In September 1903 a suit was begun against 248 members of the Danbury Hatters' Union in the federal court of Connecticut under the Sherman antitrust law for treble damages totalling \$240,000. It was the first suit against a labor union under the Sherman law, and to protect themselves, Loewe's attorneys started a companion action in the Connecticut courts.

According to Loewe's attorneys, the boycott was part of a general scheme to unionize all hat factories and to prevent the interstate movement of nonunion goods in interstate commerce. The second contention of the lawyer's was that union members as individuals were liable for the acts of their officers. In pursuance of the latter doctrine, the sheriff of Fairfield County, accompanied by the federal marshal attached bank accounts of 248 union members. In defense, the Hatters' Union claimed that unions were not engaged in trade or commerce and were therefore not subject to the provisions of the Sherman law. The view was sustained by Federal District Judge James P. Platt, who dismissed the complaint. There upon, Loewe and Company was paid \$20,000 by the hat manufacturers, and the Anti-Boycott Association took over the suit.

An appeal was immediately taken to the Court of Appeals, which referred the issue to the U.S. Supreme Court. In a lengthy decision by Chief Justice Melville W. Fuller, the court held that "Congress did not provide that one class in the community could combine to restrain interstate trade and another class could not." Justice Fuller stated that Congress had not exempted labor unions from the Sherman law as evinced from the debates when the act was being considered, and he noted that a specific exemption of organized labor which had been voted by the Senate had been rejected by the conference committee of the two Houses.

PROTEST MEETING

It was a stunning blow to organized labor and a "Protest Conference" was called by the executive council for March 18, 1908. Representatives of many international unions, railway brotherhoods farmers organizations joined in demanding immediate amendment to the Sherman antitrust law. The Supreme Court decision applying the Sherman law to labor activities, according to the conference, 'makes the crisis an especially grave one, for under that decision every normal, peaceful and helpful activity of the worker whether exercised individually or in association may be construed as a 'conspiracy' or a combination in restraint of trade and commerce and punished by fine and imprisonment or both and damages may be inflicted to the extent of every individual's possessions."¹⁶

An appeal was presented to Congress which argued for an amendment to relieve organizations "not for profit and without capital stock and their members from the penalties of the Sherman law."¹⁷ The Danbury Hatters' case was returned to the lower court and the trial began on October 4, 1909. After eighteen weeks of testimony, the judge ordered a verdict for the plaintiffs, but left the decision on the fixing of damages to the jury. It brought in a verdict for the Loewe Company and assessed damages of \$232,240.¹² against the union. The verdict was reversed by the Circuit Court of Appeals, on the ground the the trial judge had improperly decided all issues except the amount of damages.

Another trial opened before Judge James L. Martin in August 1912. This time a verdict of \$252,130.90 the full amount requested, was returned. An appeal was taken to the Supreme Court, and the verdict was upheld, in a decision written by Justice Oliver Wendell Holmes for a unanimous court. In January 1915, Gompers and

Alton B. Parker, chief counsel for the union, petitioned Congress for the settled--of course, without prejudice to the power and right of the court to punish for contempt by proper proceedings. 22

The defendant were again brought before Judge D. T. Wright, who had found them guilty in the first contempt trial. When they refused to apologize, the original sentences were reimposed. On appeal the U.S. Supreme Court found the statute of limitations had barred punishment, and the case was dismissed.

The defendants were displeased because the issues involved were not settled. On the other hand, C. W. Post, a leading opponent of organized labor and a stockholder in the corporation, tried to prevent a peaceful settlement of the original controversy between the unions and the company. When he failed, he brought an unsuccessful suit against the AFL and the new management.

The Danbury and the Buck's Stove and Range cases were serious defeats for organized labor. The AFL was forced to end the publication of the "unfair list." The two cases were evidence of the success of the offensive against organized labor, and raised the question whether the moderate policies of the AFL could ever succeed. In fact, the victories of business on the picket line and in the courts strengthened the hands of Gompers' opponents within the AFL. 23

This Chapter continues:

THE UNION THE NATIONAL ERECTORS' ASSOCIATION COLLECTIVE BARGAINING DYNAMITE THE OPEN SHOP IN LOS ANGELES DYNAMITING OF THE TIMES BUILDING THE INDIANAPOLIS DEFENDANTS COMMISSION ON INDUSTRIAL RELATIONS THE NATIONAL CIVIC FEDERATION

notes:

1. Statement of James A. Emery, "Maintenance of a Lobby," in *Hearings Before a Subcommittee of the Senate Committee on the Judiciary on S. Res 92, 63rd Cong. 1st sess., 1913*, iv, p.3715.
2. *Violations of Free Speech and Rights of Labor, Senate Report 6, Part 6, 76th Cong., 1st sess., Pursuant to S. Res. 266 (74th Cong.), pp.7-8.*
3. Selig Perlman and Philip Taft, *History of Labor in the United States 1896-1932 (New York: Macmillan Co., 1935), IV, pp. 129-137.*
4. *Testimony of James Subcommittee..., p. 5720. A. Emery, in Hearing Before a*
5. *Quoted from the speech of President David M. Parry to the New Orleans Convention in 1903 in Albion. Guilford Taylor Labor Policies of the National Association of Manufacturers (Urbana, Ill.: University of Illinois, 1928), pp. 35-36.*
6. *Hearings Before a Subcommittee... on S. Res.*
92,p. 3736.
7. *Ibid., p. 3737.*
8. *Ibid., p. 3733.*
9. *Ibid., pp. 3762-3816, contains a list of documents and letters connected with these activities.*
10. Donald B. Robinson, *Spotlight on a Union (New York: Dial Press, 1948), pp. 74-75.*
11. Walter Gordon Merritt, *History of the League for Industrial Rights (New York: League for Industrial Rights, 1925), p. 11.*
Ibid., p. 14.
13. *Quoted in ibid., p. 14*
14. Robinson, *op.cit., pp. 86-87*
15. Walter Gordon Merritt, *Destination Unknown (New York: Prentice- Hall, Inc., 1951), pp.15-16.*
American Federationist, April 1908, p. 268.
Ibid., p. 262.
American Federationist, February 1915, p. 116.
19. *Report of the Proceedings of the Thirty-sixth Annual Convention of the American Federation of Labor, 1916, p. 78.*
20. Robinson, *op. cit., p. 94.*
21. *American Federationist, September 1910, pp. 807-808*
22. Samuel Gompers, et. al. v. *The Buck's Stove and Range Company. On writ of certiorari to the Court of Appeals of the District of Columbia (May 15, 1911). opinion of Mr. Justice Lamar, Senate Document 33, 62d Cong., 1st sess., p. 16.*
23. Philip Taft, *The A.F. of L. in the Time of Gompers (New York: Harper and Brothers, 1957), pp. 262-271.*

Harold C. Livesay

Internet source....

SEE: <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=221&invol=418>

This site is a complete brief of all the proceedings as reviewed in the U.S.Supreme Court under the title GOMPERS v. BUCKS STOVE & RANGE CO.,221 U.S.418
Reproduced below

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Samuel Gompers and Organized Labor in America
1978 Little, Brown and Company * Boston * Toronto

Chapter VIII The Populists Go Under, Big Business Digs In, Small Business Goes to Court 1893-1906

In 1903, the National Association of Manufacturers mounted an antiunion drive on a national scale. The NAM was not as the name might suggest an organization of corporate moguls; it was, rather, a small businessmen's group, a kind of antilabor chamber of commerce and Lions Club combined. Decrying the closed shop (a shop that hired only union members) as un-American, the NAM attacked in industry after industry and inflicted major defeats on the building trades', meat cutters', and teamsters' unions. Not content with these tactics, the NAM decided to use the legal weapons unleashed by the Pullman case. James Van Cleave, president of the Bucks Stove and Range Company of Saint Louis and of the National Association of Manufacturers, ordered members of the stove polishers' union to work a ten-hour day instead of their accustomed nine hours. The stove polishers went on strike, declared a boycott of Van Cleave's products, and asked the federation to put Van Cleave's company on the "We Don't Patronize" list published regularly in the American Federationist. After some hesitation, Gompers agreed. In addition, Gompers sent circulars to all affiliates, asking their members to publicize the boycott.

Van Cleave responded by obtaining an injunction in the Supreme Court of the District of Columbia. The order forbade the AF of L and its officers to interfere with the sale of Bucks Stove's products "in any manner," including "declaring or threatening any boycott... or in any manner assisting such boycott." Gompers then decided to make the Bucks injunction a test case, "as it contained practically every phase of the abuse we wished to remedy." Accordingly, he defied this injunction as he had so many before. The federal court, however, did not view such cavalier behavior with the indulgence shown by many state tribunals. Gompers and two other AF of L officers were cited for contempt. Gompers received a one-year sentence. Once again the appeals dragged on. In the midst of them Van Cleave died, and his successor asked that the case against Gompers be dropped. Although Sam thus avoided a term in jail the case inflicted another stinging defeat on the federation because it sustained the use of the injunction against an established union practice.

AS a result of the combination of corporate intransigence and the counterattack by small employers, the AF of L's growth leveled off in 1904. Shorn of its cherished weapons of direct economic action, the federation faced a bleak future unless it could find a way to strike back. Not only did there seem little hope for further expansion, but the existing organization might be wiped out. By 1902 Gompers had gone over almost entirely to the defensive. The defeats in the steel industry 1892 and in 1901, together with The Danbury Hatters and Buck Stove and Range cases persuaded him to seek new methods to deal with both classes of employers. His strategies, coupled with his iron will and tireless energies, preserved the organization he built, but like him, the AF of L passed into cautious middle age.

Labor in America A History

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Foster Rhea Dulles
1966 Thomas Y. Crowell Company

The Progressive Era, p. 197

The Danbury Hatters' case particularly awoke the resentment of labor because of its effect in bringing secondary boycotts under the ban of the Sherman Act and subjecting individual members to damage suits. But even while it was making its tortuous way through the courts, the American Federation of Labor itself became involved in another dispute which had even wider repercussions. In 1906 the metal polishers employed by the Bucks Stove and Range Company, of Saint Louis, went on strike for the nine-hour day and appealed for aid. The AF of L responded by putting the company on its "We Don't Patronize" list in the American Federationist and advising all union members to boycott its products. J. W. Van Cleave, president both of Bucks Stove and Range Company and of the National Association of Manufacturers, a bitter enemy of all unions, promptly secured an injunction not only restraining the officers and members of the A.F. of L. from placing his firm on the "We Don't Patronize" list, but also from in any way calling attention to the metal polishers' strike either in writing or orally.

The A.F. of L. refused to heed this sweeping court order. While the offending company was taken off its unfair list, Gompers continued to state that union men could not be coerced to buy Buck stoves and ranges. He was thereupon found in contempt of court and sentenced to a year's imprisonment, two other officers of the federation also being adjudged guilty and given somewhat lighter sentences. He was never to serve this sentence. Court proceedings continued even after the death of Van Cleave and withdrawal of the original injunction, but the case was finally dismissed by the Supreme Court. Although the A.F. of L. leaders consequently escaped jail, their conviction was nevertheless a shock that aroused labor even more against injunction law than its earlier defeats on this score. Gompers could not be reconciled to the position in which he found himself--a conservative, friend of employers, the arch foe of labor radicalism, attacked by the government as though he were a revolutionary or an anarchist.

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Year Book of the Holland Society of New York 1911

page 119-120

In Memoriam

James Wallace Van Cleave

James Wallace Van Cleave, a member since December 8, 1904, was born July 15, 1849, in Marion County, Kentucky, and was a descendant of Jan Van Cleaf, who came to this country prior to 1650. He spent the first eighteen years (until 1867) of his life on the paternal estate. During the Civil War he fought on the side of the South and his father was killed. At the close of hostilities, the resulting alteration in circumstances forced the family to Louisville, where he completed his education and entered the employ of L. S. Lithgow & Co., stove founders, with whom he remained seven years. He then removed to St. Louis, where he became connected with the Excelsior Manufacturing Company as a traveling representative. In 1880 Mr. Van Cleave returned to Louisville to become the Secretary of the Lithgow Manufacturing Company successors to the firm with which he first engaged. Subsequently, in connection with his work, he organized the James W. Van Cleave Company, which became one of the largest stove concerns in the South. Eight years later he accepted the managership of the Bucks Stove & Range Company of St. Louis, and had been with them in various capacities of general manager, secretary-treasurer, vice-president, and president. The concern meanwhile grew from a small nucleus to one of the largest of its kind in the country. Mr. Van Cleave became first vice-president of the Citizens' Industrial Association of America and president of the St. Louis association. Of the latter he was for the third time elected to the presidential chair. He was also president of the National Association of Manufacturers refusing the re-election for the third time, partly on account of ill health. Two years ago (1909) the Manufacturers' Association, with the co-operation of Mr. Van Cleave, organized the National Council for Industrial Defense. its object being to watch legislation affecting manufacturing interests. He was not only a very able, energetic and intelligent man in his own business and in the performance of civic duty, but was exceptionally broad-minded, just and conscientious. He will be remembered for his long fight with the trades unions on the principle of the boycott in connection with the Bucks Stove & Range Company, a contest in which he expended money and labor without limit. While contending for public and private rights in this matter, he was always in close sympathy with the workmen in their struggle. "The cause of equitable administration of public affairs, purified from the evil influence of personal or class interests, loses by his death an able and honorable supporter." He died May 15, 1910, at his boy's home in St. Louis, leaving a wife and family.

Addendum to James Wallace Van Cleave

American Directory of Organized Labor page 203 editor -Cynthia Russell Spomer

1894 The American Federation of Labor Chartered the Stove Mounters International Union in response to a request from Stove Mounters Locals in Detroit, Michigan; St. Louis, Mo.; Evansville, Indiana and Belleville, Illinois.

Growth was slow reaching 2,000 in 1904 but falling again to less than 1,000 by 1910 although gains were made during World War I, membership dropped to almost the original number by 1937.

During the 1930's the union's affiliation with the AFL became controversial.

A lawsuit involving AFL President Samuel Gompers, Stove Mounters International Union and James Wallace Van Cleave, owner of Buck Stove and Range Co. and President of the National Association of Manufacturers resulted in Samuel Gompers and other AFL leaders being sentenced to prison.

Membership peaked in the 1950's at 15,000 and began a decline. In 1960 the Union was renamed the Stove, Furnace & Allied Appliance Workers International Union of North America.

James Wallace Van Cleave served under General John Hunt Morgan beginning September 10, 1862 at Springfield, Kentucky as a Private in the 8th Calvary Regiment known as "Morgan's Raiders".

Who Was Who in America Historical Volume 1607-1896

Morgan, John Hunt: Army Officer; b. Huntsville, Alabama June 1, 1825; son of Calvin Cogswell and Henrietta (Hunt) Morgan; married Rebecca Bruce, circa 1857; m.2nd, Miss Ready, Dec 4, 1862

Served as enlisted man during the Mexican War, organized Lexington Rifles, 1857; scout Confederate Army, 1861, commissioned Captain 1862; began raids in Ky., Ohio, Indiana, harassed Federals; commissioned colonel, 1862 headed brigade which raided extensively in Ky.; captured Federal force, Hartsville, Tennessee, took over 1,700 prisoners 1862, for which action he was commissioned Brigadier General in command calvary division; a raid on Ky and Ohio resulted in his surrender, 1863, however he saved Tennessee for the Confederacy for several months; escaped, 1863; commanded Department of South West Virginia, 1864. Killed in action Greenville, Tennessee, Sept. 4th, 1864; buried Lexington, Ky.

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The following pages represent Biographies as found in Who Was Who of the principals in a Labor Dispute over a Boycott against the Buck Stove & Range Company, of St. Louis, Missouri

Who Was Who in America -A Companion Volume to Who's Who in America Historical Volume 1897 to 1942 A Third Printing

Van Cleave, James Wallace -Manufacturer, born Marion County, Ky., July 15, 1849; Son of Henry Mason and Eliza Jane (Burks) Van Cleave; educated Springfield Academy (Ky); served in Confederate States of America (C.S.A.) under General John H. Morgan 1862-1863; married Katie L. Jefferson, March 22, 1871. Began stove manufacturing business, 1871; president The Buck Stove & Range Co. President National Association of Manufacturers..Citizens' Industrial Association of St. Louis; Chairman National Council for Industrial Defense, Republican. Home: St. Louis, Mo. Died 1910.

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In the same Book

Who Was Who in America

Gompers, Samuel, president American Federation of Labor; born England, January 27 1850; son of Solomon and Sarah (Root) Gompers; married Sophia Julian, Jan 27, 1867 (died 1920); married second Gertrude Gleaver Neusebeler, Apr 16, 1921. Cigarmaker for the Trade; has been advocate of the rights of labor, and connected with the efforts to organize the working people since his 14th year.: helped develop the Cigarmakers International Union becoming an officer, 1887; one of the founders of the Federation of Trades and Labor Union, organized in 1881, of which (he) was president 3 yrs; one of (the) founders (of the) American Federation of Labor, 1886 and has continually served as president excepting 1895, also editor of the American Federationist: has written a number of pamphlets on the Labor question and the Labor Movement; 1st Vice President National Civic Federation; member Advisory Commission Council National Defense, 1917-19; representative of the American Federation of Labor at the Peace Conference, Paris France, 1918-19; president International Commission on Labor Legislation at the Peace Congress; chairman of delegates from AF of L Amsterdam, 1919; member Unemployment Conference 1921 President's Advisory Disarmament Commission., 1921, President's Agricultural Conference 1921. President Pan American Federation of Labor; member of Sulgrave Institute. Author; Labor in Europe and America; American Labor and the War: Labor and the Common Welfare; Labor and the Employer; Out of Their Own Mouths. Home: New York, NY Died Dec 13, 1924.

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John Mitchell, Labor official; born Braidwood, Will County, Ill., February 4, 1870; Son of Robert and Martha (Halley) Mitchell; educated Braidwood, from 6 until 10 years of age; subsequent education obtained by night study; studied law 1 year; Read on economic questions; gathered information on questions of organization etc-1 by connection with organized Labor from 1.6 years (of age); married Katherine O'Rourke June 1, 1891. Worked in Coal mines 1882; joined Knights of Labor.. 1-8-85; traveled in the West, mining coal 1885-90; Sec/Treas sl..lb-district of J-Inited Mine Workers of America, 1895; Organizer 1897 -, National Vice President 1898, appointed acting national president, Sept 1898; President; 1899 to 1908, United Mine Workers of America; Chairman Trade Agreement Department of National Civic Federation; 1908-11; on lecture platform, subject trade unionism, 1911-13; Second Vice President A F of L 1900-1914 (4th VP 1898-1900); directed strikes of anthracite coal workers 1900, 1902; member State Workmen's Compensation Commission, NY; 1914-15; Chairman NY State Industrial Commission 1915-1917; President NY State Food Commission., Chairman Federal Food Board or NY State, President NY Council of Farms and Markets. and member Federal Milk Commission for Eastern States 1917. Home Mount Vernon, NY. Died Sept 9, 1919.

The other man involved in Contempt Proceedings against James Wallace Van Cleave, Frank Morrison was not included in Who Was Who (he was Secretary of the A. F. of L.)

JAMES WALLACE VAN CLEAVE Holland Society "de Halve Maen" obituary

JAMES WALLACE VAN CLEAVE, a member of our Society since December 8, 1904, was born July 15, 1849, in Marion County, Kentucky, and was a descendant of Jan Van Cleaf, who came to this country prior to 1653. He spent the first eighteen years of his life on the paternal estate. During the Civil War he fought on the side of the South and his father was killed.

At the close of hostilities, the resulting alteration "in circumstances forced the family to Louisville, where he completed his education and entered the employ of L. S. Lithgow, Lithgow & Co., stove founders, with whom he remained seven years.

He then removed to St. Louis, where he became connected with the Excelsior Manufacturing Company as travelling representative. In 1880 Mr. Van Cleave returned to Louisville to become the Secretary of the Lithgow Manufacturing Company, successors to the firm with which he first engaged. Subsequently, in connection with this work, he organized the James W. Van Cleave Company, which became one of the largest stove concerns in the South.

Eight years later he accepted the managership of the Bucks Stove & Range Company of St. Louis, and had been with them in the various capacities of general manager, secretary-treasurer, vice-president and president.

The concern meanwhile grew from a small nucleus to one of the largest of its kind in the country. Mr. Van Cleave became first vice-president of the Citizens' Industrial Association of America and president of the St. Louis association. Of the latter he was for the third time elected to the presidential chair. He was also president of the National Association of Manufacturers, refusing the re-election for a third time, partly on account of ill health. Two years ago the Manufacturers' Association, with the co-operation of Mr. Van Cleave, organized the National Council for Industrial Defense, its object being to watch legislation affecting manufacturing interests.

He was not only a very able, energetic and intelligent man in his own business and in the performance of civic duty, but was exceptionally broad-minded, just and conscientious. He will be re-membered for his long fight with the trades unions on the principle of the boycott in connection with the Bucks Stove & Range Company, a contest in which he expended money and labor without limit. While contending for public and private rights in this matter, he was always in close sympathy with the workmen in their struggle. "The cause of equitable administration of public affairs, purified from the evil influence of personal or class interests, loses by his death an able and honorable supporter." He died May 15, 1910, at his boy's home in St. Louis, leaving a wife and family.

THE HOLLAND SOCIETY

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U.S. Supreme Court

GOMPERS v. BUCKS STOVE & RANGE CO., 221 U.S. 418 (1911)

221 U.S. 418 SAMUEL GOMPERS, John Mitchell, and Frank Morrison, Petitioners,

v.

BUCK'S STOVE & RANGE COMPANY. No. 372.

Argued January 27 and 30, 1911.

Decided May 15, 1911.

[221 U.S. 418, 419]

This is a proceeding to reverse a judgment finding that Samuel Gompers, John Mitchell, and Frank Morrison were guilty of contempt in violating the terms of an injunction restraining them from continuing a boycott, or from publishing any statement that there was or had been a boycott against the Buck's Stove & Range Company. The contempt case grew out of litigation reported in 33 App. D. C. 80,-L.R.A. (N.S.), 516. It will only be necessary to briefly refer to the facts set out in that record.

The American Federation of Labor is composed of voluntary associations of labor unions with a large membership. It publishes the American Federationist, which has a wide circulation among the public and the Federa- [221 U.S. 418, 420] tion. Samuel Gompers is president and editor of the paper. John Mitchell is vice president of the Federation and president of the United Mine Workers, one of the affiliated unions. Frank Morrison has charge of the circulation of the paper. The Federation had a difference as to the hours of labor with the Buck's Stove & Range Company, of which J. W. Van Cleave was president, who was also president of the American Manufacturers' Association. This controversy over the hours of work resulted in a boycott being declared against the Buck's Stove & Range Company, and it was thereupon declared 'unfair' and was published in the American Federationist on the 'Unfair' and 'We Don't Patronize' lists. The company filed in the supreme court of the District of Columbia its bill against the Federation, the defendants above named and other officers, alleging that the defendants had entered into a conspiracy to restrain the company's state and interstate business, in pursuance of which they had boycotted it, published it on the unfair lists, and had by threats also coerced merchants and others to refrain from buying Buck's products for fear that they themselves would be boycotted if they continued to deal with that company. The result of the boycott had been to prevent persons from dealing with it, and had greatly lessened its business and caused irreparable damage.

After a lengthy hearing, the court, on December 18, 1907, signed a temporary injunction, which became effective when the bond required was given on December the 23d. The order is published in the margin. 1 <<http://caselaw.lp.findlaw.com/cgi-bin/>>

I Ordered that the American Federation of Labor, Samuel Gompers, Frank Morrison, . . . John Mitchell, . . . their and each of their agents, servants, attorneys, confederates, and any and all persons acting in aid of or in conjunction with them or any of them, be, and they are hereby, restrained and enjoined until the final decree in said cause from conspiring, agreeing, or combining in any manner to restrain, obstruct, or destroy the business of the complainant, or to prevent the complainant from carrying on the same without interference from them or any of them, and from interfering in any manner with the sale of the product of the complainant's factory or business by defendants, or by any other person, firm, or corporation, and from declaring or threatening any boycott against the complainant or its business, or the product of its factory, or against any person, firm, or corporation engaged in handling or selling the said product, and from abetting, aiding, or assisting in any such boycott, and from printing, issuing, publishing, or distributing through the mails, or in any other manner, any copy or copies of the American Federationist, or any other printed or written newspapers, magazine, circular, letter, or other document or instrument whatsoever, which shall contain or in any manner refer to the name of the complainant, its business or its product in the 'We Don't Patronize,' or the 'Unfair' list of the defendants, or any of them, their agents, servants, attorneys, confederates, or other person or persons acting in aid of or in conjunction with them, or which contains any reference to the complainant, its business or product, in connection with the term 'Unfair' or with the 'We Don't Patronize' list, or with any other phrase, word, or words of similar import, and from publishing or otherwise circulating, whether in writing or orally, any statement or notice term 'Unfair' or with the 'We Don't Patronize' attention of the complainant's customers, or of dealers or tradesmen, or the public, to any boycott against the complainant, its business or its product, or that the same are, or were, or have been declared to be 'unfair,' or that it should not be purchased or dealt in or handled by any dealer tradesman, or other person whomsoever, or by the public, or any representation or statement of like effect or import, for [221 U.S. 418, 421] Thereafter testimony was regularly taken, and on March 23d, 1908, the injunction was made permanent, with provisions almost identical with the temporary order of December 17, 1907

From this final decree the defendants appealed, but be- [221 U.S. 418, 422] fore a decision was had, the Buck's Stove & Range Company began contempt proceedings by filing in the supreme court of the District a petition entitled 'Buck's Stove & Range Company, plaintiff, v. The American Federation of Labor et al., defendants, No. 27,305, Equity,' alleging that petitioner had 'filed in this cause its original bill of complaint, naming as defendants, among others, Samuel Gompers, Frank Morrison, and John Mitchell.' All of the record and testimony in the original cause was made a part of the petition, as follows:

'Reference is hereby made to the original bill and exhibits filed, the answer and amended answer of the defendants, the testimony taken on both sides, the original order restraining and enjoining the defendants pendente lite, and the final decree in the cause, and each and every other paper and proceeding in this cause from the institution of the suit to the filing of this [221 U.S. 418, 423] petition, and it is prayed that the same may be taken and read as a part thereof at any and all hearings on this petition, whether in this court or on appeal from its decision herein rendered.'

Some of the publications were charged to be in violation of the terms of the temporary injunction, dated December 23, 1907, and others were alleged to be in violation of the final decree dated March 23, 1908.

The petition set out in nine distinct paragraphs the speeches, editorials, and publications made at different times by the several defendants, charging that in each

instance they continued and were intended to continue the boycott, and to republish the fact that the complainant was or had been on the 'unfair list.' It concluded by alleging that by the devices, means, speeches, and publications set forth, and in contempt of court, the defendants had disobeyed its orders and violated the injunction. The prayer was (1) that the defendants be required to show cause why they should not be attached for contempt, and adjudged by the court to be in contempt of its order and its decree in this cause, and be punished for the same. (2) And that petitioner may have such other and further relief as the nature of its case may require. Signed: Buck's Stove & Range Company, by J. W. Van Cleve, president. It was also sworn to by the president of the company and signed by its solicitors.

A rule to show cause issued, requiring each of the defendants to show cause why they should not be adjudged to be in contempt and be punished for the same. Each of the defendants answered under oath, and, as treating the contempt proceeding as a part of the original cause, admitted the allegations as to the history of the litigation in paragraphs 2, 3, 4, and 5 of the petition, but 'for greater accuracy refer to the record in this cause.' Publications were admitted, but explained. Each of the defendants denied under oath that he had been in disregard or [221 U.S. 418, 424] contempt of the court's order, and denied that any of the acts and charges complained of constituted a violation of the order. There were several issues of fact on which much evidence was taken. This related to the question of intent, and whether there had been a purpose and plan to evade any injunction which might be granted. There was also an issue as to whether John Mitchell had put a resolution to the convention of the United Mine Workers; whether Samuel Gompers and Frank Morrison had rushed the mailing of the January issue of the American Federationist, on December 22, so as to avoid the injunction dated December 17, which became operative on giving bond by complainant on December 23; and also whether they had thereafter sold and circulated copies of this issue containing the Buck's Stove Company on the 'Unfair' and 'We Don't Patronize' lists. Evidence was taken partly by deposition, partly before an examiner in chancery. Each of the defendants was called as a witness by the complainant, and each testified as to facts on which the allegation of intent or evasion was based, and as to the publications, speeches, and resolutions which he was accused of having made, and which the petition alleged constituted an act of disobedience and contempt of court.

The court made a special finding as to two of the nine charges, and then found that all three of the defendants were guilty of the several acts charged in paragraphs 17 and 26; that respondents Gompers and Morrison were guilty of the several acts charged in the 16th and 20th paragraphs; that respondent Morrison was guilty of the acts charged in the 25th paragraph; and that respondent Gompers was guilty of the several acts charged in the paragraphs 19, 21, 22, and 23. The finding concluded:

The court, being fully advised in the premises, it is by it, this 23d day of December, A.D. 1908, considered that the said respondents, Samuel [221 U.S. 418, 425] Gompers, Frank Morrison, and John Mitchell, are guilty of contempt in their said disobedience of the plain mandates of the said injunctions; and it is therefore ordered and adjudged that the said respondent Frank Morrison be confined and imprisoned in the United States jail in the District of Columbia for and during a period of six months; that the said respondent John Mitchell be confined and imprisoned in the said jail for and during a period of nine months; and that the respondent Samuel Gompers be confined and imprisoned in the said jail for and during a period of twelve months; said imprisonment as to each of said respondents to take effect from and including the date of the arrival of said respective respondents at said jail.'

On the same day the defendants entered an appeal, which was allowed, and bail fixed. After notice to the defendants the complainant moved 'the court to amend or supplement its decree by awarding to it its costs against the defendants under the proceedings in contempt against them.' This motion was granted in an order which recited that 'upon consideration of the motion of complainant, filed in the above cause, for award of its costs in the contempt proceedings in said cause against the defendants Samuel Gompers, John Mitchell, and Frank Morrison, and after argument by the solicitors of the respective parties, the motion is granted, and it is ordered that the complainant, the Buck's Stove & Range Company, do recover against the defendants named, its costs in the said contempt proceeding, to be taxed by the clerk, and that it have execution therefor as at law.'

The parties also entered into a stipulation, the material portions of which are as follows: 'For the purpose of avoiding unnecessary cost in the matter of the appeal by the defendants Samuel H. Gompers, John Mitchell, and Frank Morrison from the judgment against them under the contempt proceedings in the above entitled cause, it is stipulated that, . . . with [221 U.S. 418, 426] the approval of the court of appeals, the record in the above cause [Buck's Stove & Range Co. v. American Federation of Labor et al.] . . . may be read from by either party to the appeal in said contempt proceedings, in so far as the same may be relevant and material, with like effect as if the said record of the original cause were embraced in the transcript, in the appeal from the said contempt proceedings.'

This stipulation was signed by counsel for the defendants and for the Buck's Stove & Range Company.

The petition in the contempt proceeding, the answer, orders, final decree, amended decree, and stipulations, were all entitled in the original cause, 'Buck Stove & Range Company v. The American Federation of Labor, Samuel Gompers, John Mitchell, Frank Morrison, et al.' The appeal papers in the court of appeals of the District were, and those here on certiorari are, entitled 'Samuel Gompers, John Mitchell, and Frank Morrison, appellants, v. The Buck Stove & Range Company.' On December 23d, 1908, the defendants were found guilty of contempt, and on the same day they appealed. On March 26, 1909, the court of appeals rendered its decision in favor of the Buck's Stove Company on the appeal from the decree of March 23d, 1908, and found that the decree was, in some respects, erroneous, and modified it accordingly. From that decision both parties appealed to this court, -the Buck's Stove Company contending that it was error to modify in any respect; the American Federation of Labor et al. contending that the court of appeals erred in not reversing and setting aside as a whole the decree granting the injunction.

There subsequently came on to be heard in the court of appeals of the District of Columbia the appeal from the decree in the contempt proceeding. On that hearing the Buck's Stove & Range Company moved to dismiss the appeal, because the evidence had not been incorporated [221 U.S. 418, 427] in a bill of exceptions, claiming that it was a criminal proceeding and was governed by the practice applicable to law cases. This motion was resisted by the defendants, who contended that the contempt proceedings were a part of the equity cause, and that the case was to be governed by equity practice, in which the whole record could be examined on appeal.

The court of appeals held that the proceeding was for criminal contempt, and that for want of a bill of exceptions it could not examine the testimony, but must treat the findings of fact by the judge as conclusive, and limit its consideration to the question whether, as a matter of law, the petition charged and the finding found acts which amounted to a violation of the injunction. It held that some of the facts alleged did constitute a good charge of contempt, and as each of the defendants was found to be guilty of at least one of such acts of disobedience constituting a violation of the injunction and a contempt of court, it held that the conviction must be sustained. This ruling was put on the ground that on a general verdict of guilty, the conviction and sentence on an indictment containing several counts, some of which were bad, must stand, if those which were good would sustain the sentence. It therefore not only refused to examine the evidence, to determine whether the proof was sufficient to sustain the conviction, but it also declined to consider the sufficiency of the other charges in the petition, of which the defendants were also found guilty. If affirmed the judgment of the supreme court of the District. The defendants thereupon applied for and obtained a writ of certiorari.

The appeal and cross appeal in the original cause of the Buck's Stove & Range Company v. American Federation of Labor were heard here together. During the argument it

Marriage Information	
Wife:	Katherine Louise JEFFERSON
Married:	23 Mar 1871
Beginning status:	Married
in:	Louisville, Jefferson Co, KY

Marriage Notes

Child:	Laura Alice VAN CLEAVE
Born:	20 Aug 1851
in:	Washington (Marion) County, KY
Died:	31 Jan 1854
in:	Washington (Marion) County, KY
Relationship with Father:	Henry Mason \VanCleave\ - Natural
Relationship with Mother:	Eliza Jane Burks - Natural
Burial:	Thomas Church Graveyard Cemetery
Address and Phone(s)	

Medical

Notes
died at age 3 buried in KY.

Marriage Information	
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Marriage Notes

Child:	Sarah(Sallie) VAN CLEAVE
Born:	Sep 1854
in:	Washington (Marion) County, KY
Died:	07 Feb 1926
in:	Louisville, Jefferson Co, KY
Relationship with Father:	Henry Mason \VanCleave\ - Natural
Relationship with Mother:	Eliza Jane Burks - Natural
Burial:	08 Feb 1926 Bellefontaine Cemetery, St. Louis County, MO
Address and Phone(s)	

Medical

Notes
One of 3 in the family that survived the raid of Union Officers after the Civil War.

Marriage Information	
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Marriage Notes

Child:	Luella Henry VAN CLEAVE
Born:	Aug 1856
in:	Washington (Marion) County, KY
Died:	15 Aug 1933
in:	Winona Lake, Indiana
Relationship with Father:	Henry Mason \VanCleave\ - Natural
Relationship with Mother:	Eliza Jane Burks - Natural
Burial:	Bellefontaine Cemetery, St. Louis County, MO
Address and Phone(s)	

Medical

Notes
One of 3 that survived the raid of union officers after the Civil War.

Marriage Information	
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Marriage Notes