

Husband: James Wallace VAN CLEAVE		LDS Ordinance Data
Born: 15 Jul 1849	Place: Washington (Marion) County, KY	Bap:
Chr:	in:	End:
Married: 23 Mar 1871	Place: Louisville, Jefferson Co, KY	Seal:
Died: 15 May 1910	Place: St.Louis, Missouri	SP:
Burial: 17 May 1910	in: Bellefontaine Cemetery, St.L.County MO	
Father: Henry Mason VANCLEAVE		
Mother: Eliza Jane BURKS		
Other Spouses:		

Wife: Katherine Louise JEFFERSON		LDS Ordinance Data
Born: 03 Oct 1849	Place: Kentucky	Bap:
Chr:	in:	End:
Died: 01 Jun 1928	Place: Memphis, TN	SP:
Burial: 02 Jun 1928	in: Bellefontaine Cemetery, St.L.County MO	
Father: Thomas Lewis JEFFERSON		
Mother: Elizabeth Anne CREAGH		
Other Spouses:		

CHILDREN		LDS Ordinance Data for Children
1	Name: Edith Corrine VAN CLEAVE	
F	Born: 21 Jun 1872	Bap:
	Place: KY	End:
	Married: 05 Dec 1895	
	Spouse: James Humphrey FISHER	
	Died: 01 Jul 1930	SP:
	Place:	
2	Name: Hiram VAN CLEAVE	
M	Born: 05 Aug 1874	Bap:
	Place: Jefferson County KY	End:
	Married:	
	Place:	
	Spouse:	
	Died: 02 Apr 1875	SP:
	Place: Jefferson County KY	
3	Name: Giles Bell VAN CLEAVE	
M	Born: 15 Jul 1877	Bap:
	Place: KY	End:
	Married: 08 Sep 1908	
	Place:	
	Spouse: Florence RICHARDSON	
	Died: 28 Jul 1929	SP:
	Place: Louisville, Jefferson Co, KY	
4	Name: Lee Wallace VAN CLEAVE	
M	Born: 12 Mar 1879	Bap:
	Place: Louisville, Jefferson Co, KY	End:
	Married:	
	Place:	
	Spouse: Alice Virginia MEYSENBURG	
	Married: 06 Apr 1921	
	Place:	
	Spouse: Nancy Belle BLAIR	
	Died: 02 Aug 1939	SP:
	Place:	
5	Name: Harry Fones VAN CLEAVE	
M	Born: 05 Nov 1883	Bap:
	Place: Louisville, Jefferson Co, KY	End:
	Married: 26 Apr 1911	
	Place: St.Louis, Missouri	
	Spouse: Hazel Alma JOHNSTON	
	Died: 10 Oct 1937	SP:
	Place: Louisville, Jefferson Co, KY	
6	Name: Wilhemena Born VAN CLEAVE	
F	Born: 05 Nov 1883	Bap:
	Place: twin to my ancestor	End:
	Married: 15 Jun 1904	
	Place:	
	Spouse: Frank F. HOWARD	
	Died: 1906	SP:
	Place:	
7	Name: Brenton Gardner VAN CLEAVE	
M	Born: 1889	Bap:
	Place: Saint Louis, Missouri	End:
	Married:	
	Place:	
	Spouse: Irene SAVAGE	
	Married:	
	Place:	
	Spouse: Richard MALTBIE	
	Died: 1972	SP:
	Place: Ladue, Missouri	

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:	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
Address and Phone(s)	

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 rememberd 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 contemp 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 Notherners, 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 Akademy. 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

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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."l.

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, the citizens' 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 evident 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.

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-United 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-- President NY State Food Commission., Chairman Federal Food Board of 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 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.

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 before [221 U.S. 418, 422] 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. It 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

Wife:	Katherine Louise JEFFERSON
Born:	03 Oct 1849
in:	Kentucky
Died:	01 Jun 1928
in:	Memphis, TN
Relationship with Father:	Thomas Lewis Jefferson - Natural
Relationship with Mother:	Elizabeth Anne Creagh - Natural
Burial:	02 Jun 1928 Bellefontaine Cemetery, St.L.County MO

Address and Phone(s)	
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Medical

Notes

I have no personal recollection of my Great great grandmother Catherine Louise Jefferson. She was born in Louisville KY on Oct 3 1849 of an affluent family in high social standing. Her father was Thomas Lewis Jefferson a except in my fat

Child:	Edith Corrine VAN CLEAVE
Born:	21 Jun 1872
Died:	01 Jul 1930
Relationship with Father:	James Wallace \Van Cleave\ - Natural
Relationship with Mother:	Katherine Louise Jefferson - Natural
Burial:	Bellefontaine Cemetery, St. Louis County, MO

Address and Phone(s)	
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Medical

Notes

Marriage Information	
Husband:	James Humphrey FISHER
Married:	05 Dec 1895
Beginning status:	Married
in:	KY

Marriage Notes

Child:	Hiram VAN CLEAVE
Born:	05 Aug 1874

in:	Jefferson County KY
Died:	02 Apr 1875
in:	Jefferson County KY
Relationship with Father:	James Wallace \Van Cleave\ - Natural
Relationship with Mother:	Katherine Louise Jefferson - Natural

Burial:	Apr 1875 Hobbs Cemetery, Anchorage, Jefferson County KY
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Address and Phone(s)	
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Medical

Notes

Hiram died as an infant.

Marriage Information	
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Marriage Notes

Child:	Giles Bell VAN CLEAVE
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Born:	15 Jul 1877
in:	KY
Died:	28 Jul 1929
in:	Louisville, Jefferson Co, KY
Relationship with Father:	James Wallace \Van Cleave\ - Natural
Relationship with Mother:	Katherine Louise Jefferson - Natural

Burial:	30 Jul 1929 Bellefontaine Cemetery, St. Louis County, MO
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Address and Phone(s)	
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Medical

Notes

Marriage Information	
Wife:	Florence RICHARDSON
Married:	08 Sep 1908
Beginning status:	Married

Marriage Notes

Child:	Lee Wallace VAN CLEAVE
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Born:	12 Mar 1879
in:	Louisville, Jefferson Co, KY
Died:	02 Aug 1939
Relationship with Father:	James Wallace \Van Cleave\ - Natural
Relationship with Mother:	Katherine Louise Jefferson - Natural

Burial:	04 Aug 1939 Bellefontaine Cemetery, St. Louis County, MO
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Address and Phone(s)	
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Medical

Notes

Lee was president of the Bucks Stove and Range Compny like his father before him and also President of the National Association of Stove Manufacturers, He lived in St Louis at his death in 1939 and is buried in the Bellefontain Family Pl

Marriage Information	
Wife:	Alice Virginia MEYSENBURG
Beginning status:	Married

Marriage Notes

Child:	Harry Fones VAN CLEAVE
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Born:	05 Nov 1883
in:	Louisville, Jefferson Co, KY
Died:	10 Oct 1937
in:	Louisville, Jefferson Co, KY
Relationship with Father:	James Wallace \Van Cleave\ - Natural
Relationship with Mother:	Katherine Louise Jefferson - Natural

Burial:	12 Oct 1937 Bellefontain Cemetery, St. L Co. MO
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Address and Phone(s)	
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Medical**Notes**

I never knew my Grandfather but from letters he wrote to his son Bill, and letters he wrote in the depths of dispare, to the height of his joy. Letters written about him by his beloved, estranged wife. and by his brother Uncle Brenton, I feel I know him better than than I would have otherwise.

Most of the entry here will come from my Uncle Brenton's recollections and my Grandmother's written history later on. See also the notes attached to Hazel Alma Johnston Van Cleave.

Harry Fones Van Cleave -1883 to 1937

Harry Fones Van Cleave was born November 5, 1883. His father was James Wallace Van Cleave (1849 to 1910) and his Mother was Catherine Louise Jefferson Van Cleave (1849 to 1928). He had a twin sister named Wilhemina Born Van Cleave (1883 to 1904) .

The twins were born during the period after James Wallace had returned to Louisville to become Secretary of the Lithgow Manufacturing Company. My Grandmother Hazel Alma Johnston Van Cleave used to tell me that Catherine was embarrassed about the fact that she had twins as she felt it was like having a litter.

The twins were the sixth and seventh children of James and Catherine. Seven years later in 1889 they would have their last- child, # eight, a son named Brenton Gardner Van Cleave. As children the twins were known as "Jack and Jill" .

The family lived in Louisville until The twins were 4 & 1/2 nearly 5 when Harry's father accepted an offer to manage the Bucks Stove and Range Company in St. Louis and in 1888 they moved the family to St. Louis Missouri.

Harry did well in school first in St. Louis public schools and then he attended the Manual Training School which was a private preparatory school for Washington University. He graduated in 1900.

He wanted to go to West Point but his father was opposed and wanted him to go to work. He worked as a draftsman for several concerns. Then, he wanted to be in the new automobile business and he worked at that for a while.

About 1901, George Gannet introduced my Grandmother Hazel Johnston to Harry, she described him as: "6'4" tall and slim as a bean pole." He had blond hair. He had a twin sister that was just the opposite, short and dark! Well, Harry and I dated a lot, and when he brought me home from a dance one night, he leaned over and kissed me good night, and I slapped his face. The next time he came to call, I was not at home and it was Christmas eve. he brought a beautiful volume of Long fellow's Evangeline in a brown suede cover.

In 1903 he got the idea he wanted to be a farmer. There is some difference of opinion on this point and I can recall my Grandmother expressing the opinion on some occasions that Harry was sent down to an Alberta Peach Farm to recover his health, and on other occasions, that James Wallace sent him down there because he thought he was getting too serious about my Grandmother.

Harry himself said in a letter to my dad when Dad was about 19, "When I was just your age, my father sent me down in Arkansas on a farm where I had even no neighbor closer than 2 miles, and many is the time I have told and retold the stories connected with my 3 lonely yet happy years down there, contact with life in its gloomy aspects makes life much brighter as dire want disappears and little things accomplished are all much more worthwhile for such contact.

Harry's younger brother Brenton spent some time with Harry down on this farm he wrote: "It was an Alberta Peach farm a God forsaken place (about 15,000 trees) with a log house of four rooms, dirt roads were all there were into town, seven miles (away)."

In 1904, Harry's twin sister "Mena" had been married to M. Frank Howard, but died in childbirth with the birth of her first child. Brenton's letter expressed his feelings, "Mena, was the favorite child in the family and (she) had everything, looks, character, popularity, friends, etc. It was a shame for her to have to be taken so young. I shall never forget my sorrow."

In the Fall of 1905, Harry returned to St. Louis and began working for the American Mors Auto Company learning how to put Automobiles together. He had asked my Grandmother to marry him before and at this point he asked again, finally in 1911 they were married quietly at home on Morgan Street in St. Louis. (This street is now called Enwright, it was changed during WWII).

James, before he died in 1910, bought Harry an agency with the Speedwell Company and they tried to make a go of it. Harry had a showroom in the Langdon Taylor Building near Delmar and Euclid in St. Louis.

The couple lived free with Hazel's Mother and Father for 6 months, before they established an apartment with 4 rooms and got along pretty well for a year.

Early in 1913, the Speedwell Agency went broke, and on July 7, 1913 my Dad, William Wallace Van Cleave was born. Hazel did not permit anyone to take her to the hospital and had a very difficult birth at home.

William Powers Johnston, Hazel's father got a job with the Art Metal Construction Company in Cleveland and persuaded Harry and Hazel to go along with them, Hazel's Mother's, and her Mother's Mother who they called "Granny Huffer", and a seamstress named Mrs. Hume pulled up and moved to Cleveland with the extended family.

They found a beautiful apartment, but Harry couldn't find a job. W.P. Johnston quit his job at the Art Metal Construction Company and he and his wife, and his mother-in-law moved to Chicago where he bought a stationary printing business.

Harry and Hazel returned to St. Louis where Harry went to work selling trucks for a man named Sam Breadon.

They moved right next door to their first apartment, but since this apartment was on the second story and Hazel found it difficult to pull the baby carriage up the steps, Harry found another apartment and they moved again to Debaliver and Pershing,... on the first floor!

I was not able to find out what happened to the Sam Breadon job but my Grandmother simply said "we had bad luck again."

Harry and another man who put up the capital, worked out a plan to start a trucking business in Nashville. The roads in the territory were privately owned and one man might own 10 miles and the next 5 might be owned by another, and the next 10 by yet another. They had a lot of little bridges and the trucks weighed 5 tons and carried another 5 tons in cargo. Bridges kept breaking down,... and the company went out of business.

Harry and Hazel and Bill moved back to St. Louis and Harry went back to work for Sam Breadon again, but it wasn't long before Harry got a line on the going to work for the Packard Motor Car Company. He went to Chicago interviewed for the job and got it. It was to manage the Packard Agency in Grand Rapids Michigan.

Then to Grand Rapids where they lived in a Hotel. This all took place around 1919 when Bill was 6 years old and was ready to start school. They moved from the Hotel to a flat and sent for their furniture which was in a warehouse in St. Louis.

The day the furniture arrived, Harry came home at noon and announced he was being transferred to Detroit with Packard. Since the family was so unsettled, Hazel who was pregnant decided to return to Chicago to have the baby (Jocelyn).

In 1920 when Hazel was strong enough, Hazel, "G. Mommy", Bill and baby Jocelyn took the train to Detroit, to join Harry. "G. Mommy" returned to Chicago as Granny Huffer was ill.

I do not know what happened with Packard, it was probably a pretty steady job, but Brenton suggested that Harry learn the Furniture business. He said he could travel to Danville, Illinois to learn the business and then they could look for a store to buy. They rented a furnished house for the summer, and got it into shape about the time they needed to give up the house to the family returning from vacation. In the Fall of 1920 they moved into another furnished rental and Harry contracted for a furniture store in Sidney, Ohio.

Add more as time allows...

Harry's brother Brenton suggested Harry buy a furniture store and settle down. He said he could go to Danville, Illinois and learn the business in the Rhodes Burford Furniture Co. Then look for a store to buy. He did just that. Danville was the chosen spot. One of the Rhodes Burford Stores was there and Mr. Griffin was the manager. I became very fond of Mrs. Griffin and still hear from her occasionally. We called them Ma and Pa Griffin.

We rented a furnished house for the summer and by the time I had it cleaned up it was time for the family to come home from vacation!

That fall we moved into another furnished home and by the following Spring, Harry had contracted for a furniture store in Sidney, Ohio. We moved into a 2 story house, 4 rooms downstairs and 4 upstairs and a bath. It was old and I guess one family had built it for there was 2 more houses and a garage in a group that went all around the corner. We lived their 3 years, I think.

Harry did fairly well in the store.

Giles Van Cleave, one of Harry's brothers came to see us and brought a man from Chicago to install a radio he had brought as a present for Bill. Well, first thing we had to find a place to instal the antenna. The roof was slate so he could not install it there. So he chose a barn down the alley. The alley really was a canal that ran all the way to Dayton. He chose a place half way down the block but I told him we would have to get permission from the owners who were a couple of old maids. He came back and said they said NO! They thought radios were the work of the Devil and thought something was being taken out of the air that should be left in. He finally found a place and connected the antenna. While he was working, I went downtown and every friend I told about Bill's radio was so excited for they never heard one. So I invited them to come over that night as a man was going to run it. When I got home that night I had 35 people invited, and all accepted and came. Then I remembered I would have to have chairs so I called the undertaker and rented them. I thought it would be pretty silly if I did not serve anything so I made sandwiches and got some bottled drinks.

I prepared all that and everybody came. But all he could tune in was a howl and a roar that sounded like someone going up the scale. The radio never worked there but when we moved up the street the next year we installed it and it was wonderful.

Then we moved to Main Street near the point as it was called. But by that time, Harry was paying more attention to outside interests than he was to business.

We had our third and last child, Marcia, on March 17, 1924.

Children: William Wallace Van Cleave 1913 to 1992
Married Catherine Isabella Streiff 1914 to 1992
Children: William Wallace Van Cleave, Jr. 1942 -
Lynn Van Cleave 1944 -
Peter Wallace Van Cleave -1949 -
Jocelyn Van Cleave Silver 1920 to 1997
married Frank Harper Silver
Children: Susan Silver
Frank Van Cleave Silver
Jocelyn Silver

Marcia Van Cleave 1924 never married, and died
Nov 2003

Brenton wrote in a letter to my Aunt Jocelyn, dad's sister:

Your Dad as a boy was most attractive, tall, sandy haired, and liked by everyone. He and I were more or less pals although there was 7 years difference in our age. He made things for me in his shop. He was very handy with tools. He would fix my toys , make me a coaster on wheels for going up and down the sidewalk on Morgan Street (Note that Brenton lived there from age 4 until he was 21).

He grew out of his clothes faster than my Mother could buy them. I remember him as I look back, as a tremendously tall individual with his trousers and his coat sleeves too short. I think he could outgrow a suit in two months. He was slow to move, his actions were on the slow side, inclined to be so opinionated that at times it was a hinderence to him in his relations with my father. My father was a leader and he expected his boys to do as he said right or wrong. Your Dad could not see this and there were arguments, but to my knowlege your Dad never changed his mind. (A good trait if you are right in your judgement.)

He did well in school, first in St.Louis Public Schools and then in Manual Training School. A school that corresponds to The Country Day School here now. It was a preparatory School for Washington University. The Manual training part was a wonderful thing and included carpentry, machine tooling, wrought ironwork etc. Your Dad was good naturally at all these things as was his brother Lee. (Lee went to the same school.) I followed in their footprints as far as manual training was concerned.

Add this to my letter:

Your (Jocelyn's) Dad was

- A fair tennis player
- Good Baseball player
- Excellent Skater
- Fairly good golfer
- A good dancer
- Liked Rural Things
- Soft Hearted, and Big hearted
- Generous to a fault
- Had no desire to accumulate money
- Made friends easily and kept them
- An excellent swimmer

We did a lot of things together in spite of the age difference

You can be very proud of him as he lived a good life and only made one mistake.

Harry's kid brother, Brenton, (7 years his junior) writing to Jocelyn Van Cleave Silver (his niece) in response to her questions about her Dad. c. 197? Brenton's letters were not dated.

Your Dad after he finished school wanted to go to West Point. My Dad (James Wallace) did not think so, but wanted him to go to work. My dad as smart as he was, did not want his boys to go to college. I could never understand this as he did not go, and one would think he would want his sons to be better educated than he was. Anyway your dad had jobs as draftsman for several concerns, this was another course he took at school. He was good at it. The auto age came along about that time and he wanted to be in the automobile business.

He did this for awhile, and then got the idea he wanted to be a farmer. My dad bought a five hundred acre farm outside of Ft. Smith Arkansas for your dad. It was an Alberta Peach farm (about 15,000 trees). He went down there about 1903 (age 20). A godforsaken place with a log house, four rooms. A dirt road was all there was into town. seven miles. I used to spend my summers down there more because I felt sorry for your dad than any other reason. I too was homesick. I thought at times I couldn't stand it. I learned to swim, ride horseback, shoot a gun, cook, cleanhouse and raise chickens while I was there, to say nothing of learning to fight with some of the neighborhood boys. The natives were illiterate and tough.

Your dad stayed down there until father died, I think this is correct, this was about 1910 (Harry age 27, and Brenton was 20),... a few years earlier than that I guess, as he was married in 1911.

The farm was sold and is now one of the most beautiful golf courses in the south. It was fifty year since I had been there. It is the Hardscapple Country Club. The old house was a part of the first clubhouse. It all burned down some years ago and all that was left that I remembered was the big oak trees in the front yard.

Your dad was a favorite of the ladies. They all liked him. He had a St. Louis girl while he was there and I think he spent a lot of time mooning and dreaming of her. There was a tremendous fire place with a big rocking chair, your dad's. He spend many hours in the rocker dreaming.

We did most of our own cooking, rabbits, squirrel, chicken and occasionally a neighbor would butcher a hog so we ate high on the hog a while.

Your dad and I once rode horseback 70 miles in one day, to see and inspect another fruit farm. Your dad had many friends in Ft. Smith. It was a little western type town in those days, no paved street and a canopy over the sidewalks for every store. It was really a country town and tough. I was amazed a few years ago how it had grown up.

Your dad and I went swimming one time in an abandoned strip coal mine. A wonderful spot. On the way home something jumped off the road. I thought it was big frog and it was. I hit it with the hitching strap and stunned it. We had shot a few doves and a rabbit. We took it all home Frog leggs, rabbit,doves, cornbread and gravy and milk. I think this was the most food that ever appeared on the table at Hardscapple. Too, there was always a pot of beans on the table and before every meal the pot was heated. I still like baked beans.

We would go to town on Saturday in the wagon. A two horse farm wagon. We would get the weeks supply of groceries and a few bottles of beer which we would drink on the way home.

We both had passable voices. Harry would carry the tune and I would attempt tenor. We thought we were good. The more beer we had the surer we were we were good. I could go on for ever telling you about the things that happened at the farm. Your dad was a wonderful companion and I loved him as did most people.

When he came back to St. Louis he met your mother and fell in love with her. She was a beautiful girl, one of the prettiest I ever knew. They were married about 1911 I think. He was a devoted father and I'll never forget when we would go to lunch I would have to listen to every happening at home and the children. We used to kid him about it. Bill his first, came in for most of the early praise. He loved all his children and it was a shame this did not hold the family together.

Marriage Information

Wife: Hazel Alma JOHNSTON
 Married: 26 Apr 1911
 Beginning status: Married
 in: St.Louis, Missouri

Marriage Notes

Child: Wilhemena Born VAN CLEAVE

Born: 05 Nov 1883
 in: twin to my ancestor
 Died: 1906
 Relationship with Father: James Wallace (Van Cleave) - Natural
 Relationship with Mother: Katherine Louise Jefferson - Natural

Address and Phone(s)	
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Medical

Notes
 Harry's twin sister was known as Mena in the family and she was pretty and popular and when she died at an early age from complications of pregnancy, Brenton could not describe his sorrow.

I did not hear many stories of Mena until Bren

Marriage Information	
Husband:	Frank F. HOWARD
Married:	15 Jun 1904
Beginning status:	Married

Marriage Notes

Child:	Brenton Gardner VAN CLEAVE
Born:	1889
in:	Saint Louis, Missouri
Died:	1972
in:	Ladue, Missouri
Relationship with Father:	James Wallace (Van Cleave) - Natural
Relationship with Mother:	Katherine Louise Jefferson - Natural
Burial:	26 Jun 1972 Bellefontaine Cemetery, St. Louis County, MO

Address and Phone(s)	
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Medical

Notes
 I met Uncle Brenton only once when he went to my Grandmother's funeral in 1965, when I was a Senior at Drury College. I shook his hand and accepted an invitation to go to his home in Ladue for a Iced Tea after the burial. He was a tall ma

Marriage Information	
Wife:	Irene SAVAGE
Beginning status:	Married

Marriage Notes