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9

CENTRAL PENNSYLVANIA AREA. THURSDAY, FEBRUARY 23, 1939

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CHAIN STORE TAX IS RULED INVALID DAUPHIN COURT

Tax Has Been Virtually Ineffective Since Passage by 1937 Legislature.

Harrisburg.—The Dauphin County Court on Monday this week invalidated the chain store tax—enacted by the 1937 legislature to raise salaries of teachers in fourth class school districts.

The tax had been virtually ineffective since it was signed by former governor George H. Earle in the summer of 1937 because of preliminary injunctions granted most chains operating in Pennsylvania.

The court's decision, written by President Judge William M. Hargest, held the graduation of taxes on stores from \$1 for a single unit to \$500 per unit in chains of 500 or more stores, theatres or gasoline stations to be "unreasonable, arbitrary and capricious" and without any "natural, reasonable or just relation" to the purposes of the act.

The court handed down two injunctions, one in the action brought by the American Stores Company; the other in that brought by the Stanley Company of America, Warner Bros. Pictures, Inc., and Warner Bros. Theatres, Inc., theatre operators.

The tax was intended to raise an estimated \$1,550,000 a year to increase fourth class school district teachers' salaries from an \$800-\$900 minimum to \$1,000 a year.

"The decision in this case is difficult," Judge Hargest wrote. "If we follow the cases of the United States Supreme Court we would be led to the conclusion that the statute does not offend the equal protection clause of the Federal constitution."

"But if we follow the Pennsylvania Supreme Court cases, we are plainly led in a different direction."

"In none of the states whose statutes are under attack in the Supreme Court of the United States was there a decision holding that graded income or inheritance taxes were invalid such as in Pennsylvania."

"The precise question confronting us is whether, under our constitution, there can be a valid classification for the purpose of imposing this graduated tax on different classes."

"When the ordinary man voted that 'all taxes shall be uniform' it is certainly taking the words out of their ordinary significance to hold that 'all' does not mean what it says, and it requires a refinement of reasoning in which the ordinary man would not indulge to extract excise or privilege taxes from the operation of this language."

"Certainly the ordinary man did not do this in voting for this provision."

ONE EMPLOYER, ONE EMPLOYEE, ONE UNION

The Enterprise Food Market, in Philadelphia, had two employees, Camille Carter, who favored the Congress of Industrial Organizations, and Neil Tornese, who favored the American Federation of Labor. A dispute arose as to whether the Congress of Industrial Organizations or the American Federation of Labor should be the negotiating agency to deal with the company for wages and working conditions. The Pennsylvania State Labor Relations Board ordered an election to determine the question. A ballot box was set up on January 24, and when the election was over at 5:30 p. m. the ballot box was still empty. Not a vote was cast. Tornese, the American Federation of Labor man, was fired for economy after the election had been ordered, and Carter said he could see no reason for voting, since he was the only employee of the company.

ST. BENEDICT BOYS ARE PLACED ON PROBATION

Warned that they might have been facing federal charges as the result of breaking into the St. Benedict post-office on February 9th, John Malloy, 16, and Joseph Ohman, 16, both of St. Benedict, were placed on probation for two years by Judge Ivan McKenrick on Monday. They were ordered to report regularly to Rev. C. Clyde Levengood, pastor of the Bakerston Methodist church, who had interceded in the boys' behalf.

Judge McKenrick pointed out to the boys that although they had obtained only \$1.50 in stamps, envelopes and money, they were fortunate that the federal authorities had decided not to press charges.

Beverly Ann Hesselfinger, 17 month old daughter of Mr. and Mrs. William Hesselfinger of Revloc, was taken to the Memorial hospital, Johnstown on Friday after she suffered severe burns of the face when a pan of hot grease spilled on her at the parental home. Her condition is regarded as fair.

OPERATORS ARE ALSO PREPARING FOR CONFERENCE

Committee of 16 Selected to Meet With Miners, and More May Be Chosen.

Washington.—A committee of 16 selected by bituminous coal operators to prepare a formula for negotiations with the United Mine Workers of America, reported to a meeting of the operators in New York on Wednesday of this week.

The committee, which has been at work for several weeks, usually represents the operators in the negotiations. Operator representatives said, however, that the Wednesday meeting would discuss the possibility of changing this practice and engaging other negotiators. Negotiations are scheduled to start on March 14th.

The committee members elected by operating districts are:

Southern high volatile field—L. E. Woods, Columbus, Ohio; W. J. Cunningham, Crummes, Ky.; Holmes Morton, Charleston, W. Va.; L. C. Gunter, Knoxville, Tenn.

Southern low volatile field—P. C. Thomas, Pittsburgh; O. L. Alexander, New York; J. W. Carter, New York; L. T. Putnam, West Virginia.

Central Pennsylvania—Charles O'Neill, New York; A. J. Musser, Indiana, Pa.

Western Pennsylvania—J. D. A. Morrow, and W. L. Affelder, Pittsburgh.

Ohio—Walter Robinson, R. L. Ireland, Jr., Cleveland.

Northern West Virginia—Charles A. Dorrance and Alexander Grant, Fairmount, W. Va.

LENTEN REGULATIONS READ IN THE CATHOLIC CHURCHES ON SUNDAY

Pastors in the various Catholic churches over the Altoona diocese last Sunday read the Lenten rules and regulations, as ordered by Rt. Rev. Bishop Richard T. Guilfoyle. The Lenten season began on Wednesday of this week. The regulations are as follows:

1. The Lenten fast and abstinence begin on Ash Wednesday, Feb. 22nd, and cease at noon on Holy Saturday, April 8th.

2. All the days of Lent, except Sundays, are fast days on which only one meal is allowed, either at noon or in the evening.

3. All the faithful between the ages of 21 and 59 are obliged to fast, except the sick, women in delicate health and condition, and those whose occupations are of a laborious and exhausting nature. Those who doubt whether they are exempted or not should consult their confessor.

4. Every Wednesday and Friday during Lent are days of abstinence, except the Wednesday of Holy Week. Working people and their families, however, by a special privilege of the Holy See, are obliged to abstain from meat only on Ash Wednesday, until noon on Holy Saturday, and on Fridays. On all other days of abstinence members of the family who are obliged to fast, may eat meat at their principal meal; those not obliged may eat meat at any of their meals.

5. Those who are excused from fasting and abstinence should endeavor to enter into the spirit of Lent by performing other acts of self denial and by frequenting the Lenten devotions provided in all our churches. Attendance at dances, theatres and worldly entertainments is contrary to the penitential spirit of this holy season.

6. Easter Communion should be received between the First Sunday of Lent and Trinity Sunday.

COLUMBIAN KNIGHTS OF BARNESBORO ARE GUESTS AT BANQUET

Barnesboro Council 2277, Knights of Columbus, entertained at a dinner and card party last Thursday evening in the Brandon Hotel, Spangler, at which more than 200 guests were present. Joseph V. Kortz of Barnesboro, grand knight of the lodge, delivered the address of welcome, and Dr. H. B. Denny of Spangler, lecturer, introduced Rev. Father Michael Brett, chaplain, as toastmaster. The principal speaker was Most Rev. Richard T. Guilfoyle, bishop of the Altoona Diocese. He discussed the work of the organization.

Rev. Father James Madden of Altoona sang several solos a capella and there were vocal selections by Dan McGlynn, accompanied by Miss Christine Dietrick, both of Hastings, and Angelo Domenic, accompanied by Miss Dorothy Christoff, both of Spangler. Eugene Stevens of Johnstown, district deputy, was a guest and members of the clergy, Knights of Columbus and friends from Altoona, Johnstown, Ebensburg, Portage and various north county towns were present. Bridge and cinch followed the dinner.

COMPENSATION LAWS SHOULD BE BOTH EXTENDED AND IMPROVED COUNSEL FOR LABOR ASSERTS

At an interstate conference, held in Washington, of Unemployment Compensation Agencies, Lee Pressman, general counsel for the Congress of Industrial Organizations, discussed necessary changes to better the present unemployment compensation laws. He presented the Committee for Industrial Organization program for the improvement and extension of the present system.

On the basis of four major criticisms of the present law, Mr. Pressman in his speech outlined the remedies which organized labor would seek through legislation during the coming year. The four major defects of the present laws set forth by Pressman are:

1. The inadequacy of present benefits, both in amount and coverage of workers.

2. The complexity of the present laws which make it hard to understand and administer them, and which has caused serious delays on the payment of benefits.

3. A number of interpretations of certain provisions of the law, such as the labor disputes clause, which have worked to the disadvantage of organized labor.

4. So-called "merit" rating provisions under which employers with the least amount of unemployment pay lower social security taxes, thus placing the heaviest burden on those employers least able to bear it.

Mr. Pressman urged that the present

laws be extended to include agricultural and domestic labor and employees of charitable organizations; the simplification of the present laws; increase of the minimum and total amount of benefits payable; and a system of receipts to workers so that they may know what their earnings are under the social security laws.

Mr. Pressman said: "I think we can make one basic assumption in these discussions, namely, that the principle of unemployment compensation has been firmly established. In other words, the hazards of unemployment are beyond the control of the individual worker and the individual employer and the consequences of this unemployment are a responsibility of the government, to be relieved so far as possible through a system of insurance against unemployment. Our problem today is to make this system as effective as possible."

Attacking the merit plans Mr. Pressman said: "A merit rating system, instead of promoting stability of unemployment by offering an advantage to the employer who can maintain unit form employment throughout the year, in fact increases unemployment. This is so because in order to obtain the benefit of lower tax rates, the employer pares his working force down to a bare minimum and throws out of work a large number of persons who might otherwise be employed for varying periods throughout the year."

100,000 PENNSYLVANIA WORKERS INVOLVED IN 375 LABOR CASES

More than 100,000 Pennsylvania workers were involved in 375 cases before the Pennsylvania labor relations board, the board announced. P. T. Fagan, president of District 5, United Mine Workers of America, is a member of the board.

Of this number, 226 or 61 per cent were charges of unfair labor practices and 149, or 39 per cent, were petitions from labor organizations asking to be certified by the board as collective bargaining representatives for employees. In addition to proceedings filed during 1938, 106 cases not disposed of during 1937 remained for the consideration of the board last year.

Labor's recourse to the legal channels provided by the board for the impartial handling and determination of problems arising between employer and employee witnessed formal proceedings in practically all of these cases and necessitated 935 days of hearings for the taking of testimony. This is in line with the board's policy of providing full and complete hearings for all parties affected by proceedings before it. Computed on the basis of a five-day week, an average schedule of three and one-half hearings each day was adhered to throughout the year, but during the mid-summer months the daily average number of hearings went to eight. In July alone, initial hearings were held in ninety-eight cases and 189 hearing days were consumed.

Complaints of unfair labor practices charged 324 violations of the Pennsylvania labor relations act. An analysis of the causes of these complaints shows that 127, or 85 per cent, involved alleged discrimination against workers because of their union affiliation or activities. Other principal violations charged were interference with and coercion of employees and the employer's failure in good faith to bargain collectively with representatives chosen by his employees.

During the year, the board rendered 190 decisions and orders, seventy-seven in unfair labor practice cases and 113 in collective bargaining controversies. These included dismissals, cease and desist orders with reinstatement of workers with or without back pay and certification, in petition cases, of exclusive bargaining agents designated by a majority of employees to represent them in negotiations with the management.

Cases before the board originated from practically all industrial counties of any size in the state and cover widely diversified industries and businesses in the manufacturing, transportation and retail fields.

COMPENSATION RATE IS DEFENDED BY MINERS HEADS AND THE CIO

Philadelphia.—The cost of compensation to Pennsylvania industries under the new Compensation Act of 1937 and the Occupational Diseases Act is not excessive for employers who accept the law, the United Mine Workers of America and other CIO affiliated unions contended in a brief filed in the Supreme Court.

Constitutionality of the acts was attacked by coal companies and the case was argued in January. The unions were not represented at the argument but the court allowed them to submit briefs. The brief filed was prepared by Oliver K. Eaton, Pittsburgh; Roger J. Denver, Wilkes Barre, and Isadore Katz, Philadelphia. The coal companies contend that the new acts broaden the old Compensation Act and that the cost under them will be exorbitant, tending to ruin the anthracite industry. The union brief stated that the plight of the anthracite industry is of great concern to the United Mine Workers. "It does not believe however," it added, "that they, and with them all the working people of Pennsylvania, should be deprived of just, reasonable and adequate compensation because of other conditions affecting the anthracite industry. "We respectfully submit that the financial plight of the industry is a matter that is not decisive of the bills in equity before the court."

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S. W. O. C. AT JOHNSTOWN ASKS PERKINS DIRECT MINIMUM WAGE RULE

Conemaugh Valley Lodge, 1074, Steel Workers Organizing Committee, has forwarded a communication to Frances Perkins, secretary of labor, relative to minimum wage rates on government work in steel plants.

Under the signature of Arthur W. Tishue, president of Lodge 1074, and Anthony Matolyak, secretary, the following letter was addressed to Madan Perkins:

"Conemaugh Valley Lodge 1074, S. W. O. C., representing 10,000 employees of the Bethlehem Steel Company in the Cambria Plant located in Johnstown, Pa., passed a resolution at its regular meeting held on Wednesday, February 15, 1939, requesting that no further extension be granted under the order establishing minimum wage rates for steel companies who want to enter bids on government contracts.

"It is the sentiment of the lodge expressed by the unanimous approval of this resolution that the Bethlehem Steel Company has had ample time with this order and that further extension will be an injustice to the workers who have been anticipating the establishment of the rate."

STEEL COUNTER CONTRACT GIVEN BY COUNTY HEADS

A contract to furnish Cambria county with a steel counter containing 66 roller shelves was awarded Monday by the county commissioners to the Johnstown Office Supply Company. The contract price for delivery and installation was \$375. It will be utilized for the keeping of tax records.

NEW STATE WPA HEAD SAYS THAT NEEDY IS FIRST

Acting Head Declares That All Hint of Politics Will Be Eliminated in Pennsylvania.

Harrisburg.—Everett C. Smith, Jr., acting administrator of the Works Progress Administration in Pennsylvania, declared Monday he intended to "eliminate politics, and see that those who most need it get work relief."

Smith, former chief regional engineer for the five state district including Pennsylvania, assumed the administrator's duties Monday after the resignation Saturday of J. Banks Hudson from the \$8,500 a year job.

In his first press conference, the new administrator said there would be "no changes in policies as enunciated by Col. F. C. Harrington, federal administrator of WPA, last week in Chicago."

Smith said Harrington instructed all state administrators to carry out the "mandate of congress" under the recent \$25-million dollar appropriation act, calling for purging the relief rolls of politics, and requiring a reclassification of the financial status of every WPA worker in Pennsylvania before March 26th.

"The third thing we are stressing is efficiency in operation," Smith asserted.

He said 700 provisional workers were being hired to carry out the "needs reclassification."

"They will question every WPA project worker and secure a signed statement of his resources, financial obligations and dependents," Smith said.

Smith said the state's quota for the month of February and March was pegged at 243,000 employees, but that the rolls at present had only 239,000.

"We intend to raise that as quickly as possible to 243,000 and maintain it through February and March," he declared. "What further reductions may be necessary depend entirely whether Congress provides a new appropriation and the method the federal administrator sets up for distributing funds to be used until the end of the present federal fiscal year, June 30."

SEE ABANDONMENT OF 3 COAL MINES, BEAVERDALE AREA

Beaverdale.—Abandonment of the three coal mines operated here by the now defunct Logan Coal Company was foreseen last week as the result of action taken last Friday by more than 600 former employees of the company in voting to turn down an offer made by officials of the Johnstown Coal & Coke Company for reopening of the closed mines.

The employees voted to refuse to return to work in any of the three mines until their wage claims had been satisfied. Officials of the Johnstown Coal and Coke Company held a meeting with creditors of the Logan Coal Company last week, at which time a plan was approved whereby creditors agreed to waive claims in the event the mines would be reopened by the Johnstown concern.

The Johnstown Coal & Coke Company officials announced last week the company would be willing to reopen the mines and operate them, but that the concern could not be responsible for the back wages of more than 600 employees. This responsibility, it was pointed out by the officials of the Johnstown firm, is one for the miners and the Logan Coal Company to settle.

With the three mines here being closed for several days, the danger of the pits becoming filled with water will confront any company which may have a desire to reopen the operations. If this condition is permitted to exist, cost of dewatering operations would be prohibitive, it was pointed out, and the mines probably would be finally abandoned.

Played in the streets and roadways, owe a majority of the miners approximately three weeks back pay.

CONVULSIONS FATAL TO PATTON INFANT

Patton.—Francis H. Lallemand, five-month-old son of Henry and Catherine (Stresser) Lallemand of Patton, died in convulsions at 3:45 o'clock last Friday morning at the parental home. The child had been ill several weeks, suffering of whooping cough. In addition to the parents, a brother, Theodore, survives.

Private funeral services were held on Sunday afternoon at the parental home. Interment in Fairview Cemetery, Patton, directed by Mortician J. Edward Stevens, Carrolltown.

Ebensburg.—County Controller and Mrs. Hendy L. Cannon of Ebensburg have gone to Miami, Fla., to spend several weeks. They left Ebensburg early last week.

MINERS PREPARE FOR CONFERENCE ON WAGE SCALE

Both Anthracite and Bituminous Parleys to Be Held in New York City Next Month.

New York City will be the scene of much activity on the part of the United Mine Workers of America, beginning on March 9. On that date the international policy committee of the union will meet at the Commodore Hotel, New York, to formulate and adopt a policy for the union in its negotiations with the operators of the Appalachian area for a new contract to take the place of the Appalachian Agreement, which expires on March 31. All of the Bituminous Districts will be represented in this meeting, of which President Lewis will be chairman.

There will also be a meeting of the International Executive Board at the same time.

The Joint Conference of the United Mine Workers of America and the operators of the Appalachian area will open at the Hotel Biltmore on March 14 for the purpose of negotiating a new contract. The present Appalachian Agreement contains a provision for the Conference to begin on that date in New York. No one can tell at the present time how long this Conference may last. Representation in the Conference will be limited to those districts covered by the present agreement. When a new agreement is reached for the Appalachian area each outlying district will hold a separate District Conference with its operators to negotiate a new contract for that particular district, based upon the terms and provisions of the Appalachian Agreement.

In the scale resolution adopted by the 1938 International Convention for the bituminous industry there are these two provisions:

"The wage scale committee is empowered, through the medium of a national, Appalachian, or other proper joint council, to negotiate the best contract obtainable."

"Every effort shall be put forth to establish a uniform six hour day and thirty-hour, five day week."

In addition to all of these bituminous meetings and conferences the Anthracite Tri-District Convention will open in New York on March 21 to formulate wage demands to be submitted to the Anthracite Joint Conference which, in all probability, will open early in April. The present contract between the United Mine Workers of America and the anthracite operators will expire on April 30. It is anticipated that approximately 300 delegates, representing the more than 100,000 members of the three Anthracite Districts will attend the Convention. The date for the Tri-District Convention was fixed at a recent conference between the International Officers and the officers of the three districts at International Headquarters in Washington. It will be the first Anthracite Convention ever held in New York.

Members of the International Policy Committee either have been or are being chosen in the various districts in accordance with the usual procedure.

Several hundred officers and members of the United Mine Workers of America will be in New York during the progress of these meetings. They will come from every coal mining field in the country to represent the men who work in and around the mines, both bituminous and anthracite. It will be their purpose to protect the best interests of the men in the mines and their families and to make further progress in their behalf.

ANDREWS LAYS DOWN NEW RULE

Washington.—Wage-Hour administrator Elmer F. Andrews last week promulgated more stringent regulations governing the keeping of industrial homework records which he said "will at least test the practicability of this kind of control of industrial homework."

Faced with an increasing amount of homework, especially since the Wage-Hour Act became effective last October 24, Andrews said the new regulations which become effective March 15 and will be in effect for a six-month trial period may "perhaps answer the question whether we can enforce the provisions of the Fair Labor Standards Act as it now stands with respect to work of this nature."

In his first annual report to Congress last month, Andrews cited the homework problem, particularly in Porto Rico, and told the legislators that it may be necessary to prohibit homework if regulation fails.

Postmaster Appointed.

The United States Senate last week confirmed the appointment of Michael J. Musilek as postmaster of Dunlo, this county. Musilek has just completed serving his first term of four years as postmaster in Dunlo.