ABUSE OF THE WRIT

Man Must Be Allowed to Own Himself.

HISTORY OF THE INJUNCTION.

Practice of Courts Based on Questionable Theory and Not on the Fundamental Rights Guaranteed Under the Constitution.

There is no individual, be he student, lawyer, philosopher, or what not, who is better equipped mentally or through wide experience to discuss the question of the abuse of the injunctive power than is Andrew Furuseth. Andrew Furuseth is president of the International Seamen's union and is rated to be an eminent authority on all matters pertaining to maritime law, not only as it effects labor in general, but all other relating questions. He has a general knowledge and a deep interest in the great movement of labor as a whole. In 1906, before the committee on judiciary of the house of representatives, Mr. Furuseth made use of the following language:

"Let is be clear in the minds of this committee and of congress that labor, organized and unorganized, does not ask for the destruction of the injunction as it rightly applies to the protection of property. We do protest against, and resent the perversion of the equity power, glaring examples of which you have here in your records. You seek our reasons for asking legislation to restrain judicial abuses of the equity power in labor disputes. I am commissioned by laboring men to present some of their reasons. We feel strongly on this question. You have had it under consideration for years, and before this committee makes its recommendations to the house I want to make suggestions which I believe will go to the bottom of this subject.

"The one man power to enjoin, to forbid, to legislate, except as used by the fathers, was, we think, first conferred upon the Roman tribunes, elected for one year, to be used to protect the plebeians against the patricians. This power was absolute and irresponsible.

"Under the name of equity this absolute power was adopted into our system, but only in the form and for the purpose then used in England. It was conferred upon our federal judges, who are appointed for life. We suffer under the misuse of this power. We believe it has been unduly extended. We come to you to submit our complaint, and it is not that the judges have not power enough, but that they are exercising powers which we believe they have not. We fear this power; we feel its results. From what we have seen we believe it capable of infinite extension when permitted to go beyond the boundary set at its adoption into our system."

After referring to the terrible conditions which existed in England prior to the time the trade union acts were passed Mr. Furuseth said:

"The political, social and industrial conditions of the United States have throughout been patterned upon those of England. We copied from England the common law, our system of jurisprudence, with the bill of rights and the powers of the judges. Our industrial system is taken from England and has followed the English lines in its development. Here, as in England, men quit work as individuals, but found the quitting ineffectual. Here, as there, they came together in voluntary associations and quit work in unison until their grievances should be redressed and in doing so found themselves violating statutes or judicial decisions designed purely to keep labor cheap.

"Constant agitation, repeated violations and punishment gradually molded a public opinion that compelled a final recognition of men's right to quit work collectively—to strike. Statutes and decisions treating the strike as conspiracy were repealed or became obsolete. Men who had struck endeavored to persuade fellow workmen not to take their places—this in order to compel an adjustment of the trouble—and when adjustment did not follow, appeals were made to the public to cease giving patronage to the unfair firm—that is, they levied a boycott on the firm in question. Thus the two main weapons of organized labor came into use, and as they grew old and more systematic they became so effective that the employer was looking for some remedy, and from out of the lumber room of the past came the injunction as it was when most abused by the court of star chamber—that is, it came as a proclamation by the court forbidding the workers to perform some specified or unspecified acts of which the employer complained, on pain of being punished for contempt of court. This seems to be what the injunction is nowadays, when used in labor disputes.

* * * * * * *

"There was a time when the court of star chamber was used in England as our courts are now being used, to forbid the doing and then punish disobedience without trial by jury in any and every direction. Personal liberty was at the whim and caprice of this court, but the English people would not long tolerate any such use of royal power. The people abolished the court of star chamber and compelled the king to sign the bill of rights. It became the fundamental principles of chancery, or equity, that—

"First.—It was to be exercised for the protection of property rights only.

"Second.—He who would seek its aid must come with clean hands.

"Third.—There must be no adequate remedy at law.

"Fourth.—It must never be used to curtail personal rights.

"Fifth.—It must not be used to punish crime.

"If injunctions which nowadays are issued in disputes between employers and employees can stand the test of these principles our complaint should be against the law. If they cannot then we have a just complaint against the judges who, either from ignorance or mistaken zeal for public order and cheap labor, misused that power—act as a sovereign in issuing his proclamations.

"Laborers get together in voluntary association. They bring their grievances before the management. They are refused, and to enforce their petition they use their right to quit work. They publish the facts of the disagreement. They induce or endeavor to induce other workers to make common cause with them. They are successful to such an extent that production is partially stopped. The company endeavors to get other men, and the men on strike appeal to the public to refrain from purchasing commodities manufactured by the firm. Sales of stock decrease. The company then goes to some judge and appeals to him to use the equity process to protect what he calls its property. It sets forth that it has the land, the appliances, raw material, contracts to deliver goods, but owing to conspiracy on the part of labor it has been unable to get workmen and its property—that is, its business—is being destroyed. The judge takes the statement and issues an order forbidding the workmen to interfere with the business of the firm. Has any judge the right to use the equity power in this way? Workmen have used their constitutional rights as citizens, freedom of locomotion or assembly of speech and the press. They have not destroyed any tangible property. They have neither interfered nor threatened to interfere with any property. But the attorney for the plaintiff sets up the idea that the earning power of property is property—that is, business is property. The earning power of the plant depends upon labor, and sales depend upon patronage. The firm can have no property right in labor, because that is inherent in the laborer and would mean property right in the laborer. The firm has no vested right in the patronage of the public. The patronage is the free act of the patron. Under our system it is a new doctrine that the ownership of a store carries with it a vested right in the patronage or that the ownership of a factory carries with it the vested right to so much labor and at such prices as will make it profitable. Such doctrine followed to its logical conclusion would destroy all personal liberty, transform existing society and re-establish the feudal system."

MINE WORKERS' WAGES.

Anthracite Men Still Getting Benefits of Big Strike.

Computations have been made to show what the anthracite mine workers have received as a result of the sliding scale established by the strike commission which President Roosevelt appointed in 1902. The sum is $28,293,442. This is in addition to the general 10 per cent wage increase which the comission granted. It is due to the automatic advance in the pay of labor from every rise above $4.50 a ton in the tidewater price of coal.

The commission, after granting the flat 10 per cent increase, decreed that for every 5 cent rise in the price of coal above $4.50 the wages of the mine workers should be increased by 1 per cent. For example, if the average price is $4.80 in September the men get a 6 per cent increase for that month. The advance applies to all classes of employees.

The marketable output of anthracite since the sliding scale was established has amounted to 544,104,670 tons. The average increase from the operation of the scale has been 5.2 cents a ton, making a total of $28,293,442.

A Prosperous Union.

"The Boston cigarmakers have the best organization in the country and receive a higher weekly wage per member than do the members of any other cigarmakers' union in the country," said David Goldstein, an executive officer in the Boston Cigarmakers' union. "The wage for the cigarmakers was $2,900,000 last year, and the average was about $1,000 per member. The average in the United States is not over $200 a year. The Boston Cigarmakers' union, besides advertising the cigarmakers' label in the press and elsewhere, has a representative in the Boston chamber of commerce, whose business it is to boost the label. In connection with our membership in the Boston chamber of commerce we have each year an exhibition of the various kinds of cigars made in Boston, with a member of the union present to tell visitors the difference between the various shapes."

Death Toll of Railroads.

The new order passed by the interstate commerce commission requiring reports of all accidents on railroads which result in the death of one or more persons, which went into effect on July 1, is bringing to public notice the frightful extent of the toll the railroads levy on human life in this country. Up to July 15 the reports sent to the commission showed a daily death list of thirty men due to railroad accidents. It is not believed that any other country shows such a terrible state of disaster on its transportation lines, and it is high time for our government to take steps to lessen this awful sacrifice of life.

WHAT THE PUBLIC WANTS

Popular Taste Is Not Always for the Best in Books, Plays or Anecdotes.

"It is a regrettable fact," said a speaker at a Republican banquet in Fort Wayne, "that the most popular men are not necessarily the best men, the most popular books are not the best books, and the most popular plays are not the best plays.

"Even in anecdotes," continued the speaker, "the public taste is bad. I'll tell you the kind of anecdote the public wants.

"A Bostonian was showing his two little girls through the poets' corner in Westminster abbey. Bessie, the older of the two little girls, carried a rose in her hand. When they came to the marble effigy of Longfellow, Bessie rose on tiptoe and reverently placed her rose in a fold of the poet's marble drapery.

"As the Bostonian departed he missed his golden-haired younger daughter. Turning back, he saw her still lingering before Longfellow's bust. Then as he regarded her, she drew herself up on her tiny toes and placed something that glittered beside her sister's red rose. And, smiling happily, she ran to her father.

"'What were you doing, dear one?' the Bostonian asked.

"'Bessie had a rose and I hadn't nuffing,' said the little golden-haired darling, 'so I bit off one of my curls and gave Mr. Longfellow that.'"

Queer Guy.

Willis—Bumpus is one of the oddest men I ever saw.

Gillis—How so?

Willis—Why, when a fellow borrows a quarter and doesn't pay it back Bumpus finally admits that it is the quarter he cares about, and not the principle of the thing.—Puck.

NOTICE OF INCORPORATION.

Notice is hereby given that the undersigned have associated themselves together for the purpose of forming a c rporation under the laws of the state of Nebraska.

The name of the corporation shall be tne Maupin-Schoop Publishing Company.

Its principal place of business is Lincoln, Lancaster County, Nebraska. The business of said corporation is to do a general publishing and printing business and any and all things necessary and consistent therewith, including the right to buy and sell real estate.

The authorized capital stock is five thousand dollars, divided into shares of fifty dollars each.

Said corporation shall commence business on August 7th, 1911, and continue for twenty years, unless sooner dissolved by a majority vote of its stock, or by process of law.

The highest amount of indebtedness to which it shall at any time subject itself shall not exceed two-thirds of its authorized capital stock.

The affairs of the corporation shall be governed by a board of four directors, who shall have power to elect from among their own number a president, vice-president, secretary and treasurer.

Dated this 5th day of August, 1911.

WILL M. MAUPIN,
FRANK L. SHOOP.

25-5

LEGAL NOTICE.

Seth W. Lowell, will hereby take notice that William Foote has filed his petition and commenced an action in the District Court of Lancaster County, State of Nebraska, entitled "William Foote, Plaintiff, vs. Seth W. Lowell, Defendant," and plaintiff has filed affidavit therein that the defendant is a non-resident of the State of Nebraska.

The object and prayer of said action is to recover the sum of $176.45, with interest at the rate of six per cent per annum from the seventh day of March, 1890, upon a promissory note that plaintiff has caused to be attached in said action, the undivided one-third interest in Lot Four (4), Block Two (2), Trester's Addition to the City of Lincoln, Lancaster County, Nebraska, and the undivided one-third interest in Lot Eight (8), Block Forty-three (43) in University Place, Nebraska; that the defendant is required to answer the petition of the plaintiff on the ninth day of October, 1911.

24-4

SETH W. LOWELL,
By TIBBETS & ANDERSON,
Attorneys.

NOTICE TO NON-RESIDENT DEFENDANT.

September 15, 1911.

To Harry B. Gilson,

You are hereby notified that the plaintiff, Grace M. Gilson filed her petition in the District Court of Lancaster County, Nebraska, on the 16th day of May, 1911, praying for a divorce from you on the grounds of wilful abandonment and non-support and she also prays for the custody of your minor child Marguerite Gilson. Now unless you answer said petition on or before the 6th day of November, 1911, said petition will be taken as confessed and the prayer of the petition will be granted.

GRACE M. GILSON,
By Tyrrell and Morrissey,
Her Attorneys.

26-4t

Too Practical an Argument.

"Who was it," shouted the suffragist leader, "who was it that did most to elevate woman?"

"Why, the man who invented those high French heels," said a voice in her audience.

Then the meeting adjourned.