

THE INJUNCTION

Issuance in Labor Disputes Not Based Upon Law.

DENIES TRIAL BY JURY.

Writ Intended For Protection of Property Rights Alone, Not to Curtail Human Rights—A Species of Judicial Usurpation.

In every respect in which the injunction is issued against the working people, it is based upon the assumption that there is some form of property right which the employer or business man has in the labor or the patronage of workmen, so as to make the conduct of the business profitable. Upon no other premise is it possible that the injunctions about which labor complains are obtained. If there be any allegation of violation of law, either criminal or civil, there is an ample, adequate remedy provided, and which labor insists should be invoked.

The writ of injunction was intended to be exercised for the protection of property rights only. He who would seek its aid in equity must do equity and must come into court with clean hands. It must never be used to curtail personal rights. It must not be used ever in an effort to punish crime. There must be no other adequate remedy at law. It must not be used as a means to set aside trial by jury. Injunctions as issued against workmen are never used or issued against any other citizen of our country. It is an attempt to deprive citizens of our country, when these citizens are workmen, of the right of trial by jury. It is an effort to fasten an offense on them when they are innocent of any unlawful or illegal act. It is an indirect assertion of a property right in men when they are innocent of any unlawful or illegal act. It is an indirect assertion of a property right in men when they are innocent of any unlawful or illegal act. It is an indirect assertion of a property right in men when they are innocent of any unlawful or illegal act.

Injunctions as issued in labor disputes are to make outlaws of men when they are not even charged with doing things in violation of any law of state or nation. The injunctions which the courts issue against labor are supposed by them to be good enough law today, when there exists a dispute between workmen and their employers; but it is not good law—in fact, is not law at all—tomorrow or next day when no such labor dispute exists. The issuance of injunctions in labor disputes is not based upon law, but is a species of judicial legislation, judicial usurpation, in the interests of the money power against workmen innocent of any unlawful or criminal act. The doing of the lawful acts enjoined by the courts renders the workmen guilty of contempt of court, and punishable by fine or imprisonment, or both. In all things in which workmen are enjoined by the process of an injunction during labor disputes if those acts are criminal or unlawful, there is now ample law and remedy covering them. From the logic of this there is no escape.

No act is legally a crime unless there is a law designating it and specifying it to be a crime. No act is unlawful unless there is a law on the statute books designating and specifying it to be unlawful. Hence, it follows that no act is criminal or unlawful unless there is a law prohibiting its commission. We assert that labor asks no immunity for any of its men who may be guilty of any criminal or unlawful act. It insists upon the workers being regarded and treated as equals before the law with every other citizen; that if any act be committed by any one of our number, rendering him amenable to the law, he shall be prosecuted by the ordinary forms of law and by the due process of law, and that an injunction does not lawfully and properly apply and ought not to be issued in such cases. The injunction process, as applied to men engaged in a dispute with employers, includes the allegation of criminal or unlawful acts, as a mere pretext, so that the lawful and innocent acts in themselves may also be incorporated and covered by the blanket injunction. And the performance of the lawful and innocent acts in themselves, despite the injunction, renders them at once guilty of contempt of the court's order.

Labor protests against the issuance of injunctions in disputes between workmen and employers where no such injunctions would be issued in the absence of such disputes. Such injunctions have no warrant in law and are the result of judicial usurpation and judicial legislation rather than of congressional legislation. Labor protests against the discrimination of the courts against the laboring men of our country which deprives them of their constitutional guaranty of equality before the law. The injunctions against which we protest are flagrantly and without warrant of law issued almost daily in some section of our country and are violative of the fundamental rights of man. When better understood they will shock the conscience of our people, the spirit and genius of our republic. We shall exercise our every right, and in the meantime concentrate our efforts to secure the relief and the redress to which we are so justly entitled. Not only in our own interest, but in the interest of all the people of our country, for the preservation of real liberty, for the elimination of bitterness and class hatred, for the perpetuation of all that is best and truest, we can never rest until the last vestige of this injustice has been removed from our public life.—Samuel Gompers in American Federationist.

UNIONISTS AT HEART.

All Wagoners Are In Sympathy With Organized Labor.

The Washington reporter who recently interviewed a leading official of one of the few international trade unions which are not affiliated with the American Federation of Labor, brought into print some remarks by that official that have their significance. After saying that the principles of his organization were practically the same as those of other labor organizations, but that it cannot agree with all that the federation calls for, he told the reporter that he supposed that 60 per cent of the workmen of this country are not members of labor organizations, but that did not mean they were opposed to unions. "A large proportion of the men are in sympathy with organized labor," he assured his interviewer. Of the latter statement there is no doubt in the minds of really unprejudiced observers.

It may be said that all but a very small per cent of workmen rejoice at every success of the trade unionists, and they expect to be in the unions themselves sometime. But many of them live in small communities, apart from the movement toward trade organization, and also in a relationship with employers that resembles that existing when industry on a large scale was not yet developed. The sympathy of a goodly proportion of those who might be in the unions, but who remain outside, is not strong enough to stir them out of an apathetic state until the time comes when tyrannical employers and wage cutting methods convert them suddenly into strikers.

As to nonunionists in principle, the number must be infinitesimally small. To mention "principle" in connection with the professional strike breakers would be a grotesque abuse of the word.

To argue that the employees of certain large concerns are nonunionists inasmuch as they are unorganized is to run the risk of seeing the argument overturned at a day sooner or later, as it has been repeatedly in other cases. All workmen yearn for fellowship with their wage earning coworkers. The injustices at the basis of society force them to look for relief in common action, and the first natural step in any occupation is to act together and face the employers with demands to which the latter can accede.

The theory that all wagoners are at heart trade unionists becomes to union organizers in the course of their experience a matter of actual knowledge. To them all nonunionists are intending recruits, awaiting a propitious hour to enlist, and every nonunion establishment is but temporarily outside territory awaiting to be annexed to the domains of organized labor.—American Federationist.

RAILWAY MEN ADVANCED.

Increase in Wages on Roads in Southeastern Territory.

F. P. Curtiss, vice president of the Order of Railway Conductors, has announced the basis of the increase of pay to be given to conductors, flagmen, brakemen and traveling baggage masters of railroads in southeastern territory involved in the wage controversy just settled by the commission under the Erdman act. The increases will be allowed in two instalments. The first is dated back to take effect from July 1 and the other is to go into effect April 1 next.

The following is the increased new scale on the basis of 100 miles:

Conductors of passenger trains from \$2.20 to \$2.50, and on April 1, 1911, \$2.75.
Traveling baggage masters from \$1.10 to \$1.35, and later \$1.55.
Passenger flagmen and brakemen from \$1 to \$1.32, and later \$1.50.
Conductors of through freights from \$3.18 to \$3.55, and later \$3.75.
Brakemen and flagmen on through freights from \$1.75 to \$2.35, later \$2.50.
Conductors on local freights from \$3.80 to \$4.15, later \$4.25.
Brakemen and flagmen on local freights from \$2.30 to \$2.43, later \$2.75.

The Label in Demand.

George W. Perkins, international president of the Cigar Makers' union, with counsel, visited York, Pa., recently to institute legal prosecutions against numerous cigar manufacturers in that vicinity who have been counterfeiting or imitating the Cigar Makers' union label. The fact that some unscrupulous nonunion employers resort to counterfeiting the union label proves, first, the unworthy character of such employers and, second, that the union label, in spite of the rabid utterances of such men as Kirby and Post, is in demand. More power to it.

British Labor Party.

A report of the British Labor party, to be presented to the international congress at Copenhagen, shows that the total strength of the party last year was 1,481,308. The total consisted of 1,445,708 members of 161 trade unions, 30,982 members of Socialist societies, 4,000 members of the Women's Labor league and 678 co-operators. In 1908 the strength was 1,152,786. During 1909 the Miners' federation, with a membership of 550,000, was affiliated. The strength in 1909 was only 375,931.

Home For Marble Workers.

A home is to be established in California for the aged and infirm members of the International Marble Workers' union. President Frederick McGlade of the San Francisco local has been selected to report upon an eligible site. It is considered probable that the home will be located in the vicinity of Monterey.

THE MONTENEGRIN.

He is Hospitable, but Dearly Loves the Vendetta.

To listen to a Bulgar stung is to make one's flesh creep or want to weep. The centuries of cruel oppression are only too manifest in Bulgarian music and words, but a Montenegrin grows restless over his songs and curses the powers that forbid him to emulate his forefathers' deeds en masse across the frontier. He does so whenever he can, but only in twos and threes.

When the Montenegrin goes raiding across the border it is really a more sporting affair than the well equipped and organized outings of the Bulgar "Comitachis." With him it is usually a private act of revenge or vendetta to which he invites one or two friends. Then they steal across the border at night, find their man, do their best to kill him and then make tracks homeward with the whole district at their heels. Perhaps the method of killing is not up to the standard of western sport, for they shoot their victim "sitting," so to speak, and do not give him a chance, but as it is the recognized system on both sides little can be said.

This custom makes men very wary, and the stranger can appreciate the reason when he sees a plowman, for instance, attending to his duties with a rifle slung over his back. But in spite of this they are the essence of honor and hospitality. As their guest no one can come to any harm, and they will do all in their power to make his stay among them pleasant and safe.—Wide World Magazine.

THE HORSE.

His Appeal to His Master For Humane Treatment.

To thee, my master, I offer my prayer. Feed me and take care of me. Be kind to me. Do not jerk the reins. Do not whip me when going uphill.

Never strike, beat or kick me when I fall to understand what you want of me, but give me a chance to understand you. Watch me, and if I refuse to do your bidding see if there is not something wrong with my harness.

Do not give me too heavy loads. Never hitch me where water will drip on me. Keep me well shod. Examine my teeth when I fall to eat. I may have an ulcerated tooth. That, you know, is very painful. I am unable to tell you in words when I am sick, so watch me, and I will try to tell you by signs.

Pet me sometimes. I enjoy it, and I will learn to love you. Protect me in summer from the hot sun. Keep a blanket on me in winter weather, and never put a frosty bit in my mouth, but hold it in your hands a moment first.

I carry you, pull you, wait patiently for you long hours, day or night. I cannot tell you when I am thirsty; give me clean, cool water often in hot weather.

Finally, when my strength is gone, instead of turning me over to a human brute to be tortured and starved, take my life in the easiest, quickest way, and your God will reward you in this life and in heaven. Amen.—From the Swedish in "Our Dumb Animals."

Birds' Eggs.

Ostriches lay the largest eggs of all birds now extant, according to a writer in the Scientific American, but the ostrich's egg would have appeared small beside that extinct Madagascar bird, the epyornis, which measured more than thirty inches in its smallest circumference. The smallest birds' eggs are those of the minute species of humming birds, which are smaller than the eggs of certain kinds of tropical beetles. But the cuckoo lays the relatively smallest egg—that is to say, while the jackdaw and the cuckoo are about equal in size, the former's egg is five or six times larger than the latter's. The fact that the cuckoo is wont to deposit its eggs in the nests of birds which are usually much smaller than itself doubtless accounts for this. The relatively largest egg is laid by the kiwi, a strange, wingless New Zealand bird. The egg is no less than five inches long, although the extreme length of the bird itself is only twenty-seven inches.

Tommy and the Worm.

There were only two pieces of cake and three hungry boys upstairs throwing their clothes on in the race to get down first. Tommy won out and rushed into the dining room breathlessly.

"That's a good boy, Tommy. The early bird gets the worm. Take a piece of cake," said his mother.

Tommy looked at the cake quizzically, inspecting it from all sides.

"What's the matter, Tommy?" asked his mother. "What are you trying to do?"

"Say, ma, which piece has the worm in it?" he inquired soberly.—National Monthly.

The Judge in Danger.

"Prisoner at the bar," said the portly, pompous and florid magistrate, "you are charged with stealing a pig, a very serious offense in this district. There has been a great deal of pig stealing, and I shall make an example of you or none of us will be safe."—London News.

Cause Enough.

"What made him angry when he was telephoning to the lawyers about his father's will?"

"He was cut off."—Buffalo Express.

The Kind It Was.

"Water, this chuck steak I ordered, is like wood."

"Yes, sah. Dat am woodchuck steak."—Cleveland Plain Dealer.

The Cotton Buyer

How He Traded in the South During the Civil War and Why He Quit.

By ALBERT CHITTENDEN
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In 1862, when President Lincoln feared that the want of cotton by the English and other foreign manufacturers might lead to intervention, he issued an order to his generals to give every facility in their power to persons desiring to purchase the article and permit them to ship it on the army wagons going north empty for supplies for the troops. At the time cotton could be bought for a song in the south, and before the war closed it had risen to a dollar a pound in the northern states.

I was then young and eager to make money. Having some capital, I went down into Virginia and rode among the plantations in the neighborhood of the Union armies, buying cotton wherever I found an opportunity to get it within our lines and send it north. One day I had been out a few miles beyond the Union vedettes to a plantation where I had been told was stored a large stock of cotton. There was no enemy in that direction, and if there were I considered my vocation a shield against interference, for I was a citizen engaged in assisting the southern planters to turn their cotton into money. I bought fifty bales on condition that I could get transportation for them and rode back to the Union lines.

Something about the arrangement of the camps looked different from what I had left. Indeed, I found a great deal of difference. While I had been away the corps I had left had moved and another had taken its place. The officer of the picket post would not allow me to go where I liked, but took me to the provost marshal, Major Campbell.

I noticed that the moment the provost marshal looked at me he gave a faintly perceptible start. I told him who I was and the business I was engaged in. He listened to my story, then said he would report my case to the general commanding. He left me to do so and was going so long that, tired of waiting, I was about to mount my horse and ride away when a sentry stopped me. I asked him why he detained me, and he said that he had been ordered not to let me leave till the provost marshal returned.

Major Campbell rode up as I was talking with the sentry. He asked me to come into his tent and, getting out the army demijohn, invited me to have something. He chatted in a familiar way, seeming much interested in my cotton purchases and asking me a number of questions pertaining to the business. He told me that the general would like to see me, but was too busy to receive me till the next day.

I had left my belongings at a house a short distance in rear of the army, and when the conversation lagged I arose and said I would ride there, return in the morning and call on the general. Major Campbell said that there was no necessity for me to go away, since he would be happy to give me a cot in a tent with a subaltern officer and my meals at his mess. But I said I wished some clean linen and would prefer to go. At that he told me as politely as possible that the general had directed him to bring me to his headquarters the next day and he would not dare risk losing me.

This was equivalent to telling me that I was a temporary quasi prisoner. Nevertheless I did not think much of the matter, for if permitted to go I might find it inconvenient to return. In that event the major would be liable to censure for disobedience of orders. So I made a virtue of necessity, saying that I would be happy to accept his hospitality.

During the evening I played the army game with the major and several other officers in his tent, the army game being draw poker, with greenbacks in lieu of chips. Somehow it seemed to me that I was an object of interest. Every now and again an officer would come to the tent to look over the game. But, glancing up at these gentlemen, I invariably noticed their eyes fixed on me rather than on the cards. I was puzzled. What was there about a civilian engaged in cotton buying to interest officers of the army? However, the game interested me, and speculation of this kind did not take root in my mind. We played till midnight, when the party broke up, and I was conducted by my tent mate to my place of rest. I noticed that he kept an eye on me while I took off my outer clothing and did not take it away till I stood in my undergarments.

While going to sleep the circumstances of my detention, the interest I had excited, this watchfulness of my tent mate, altogether found a firmer lodgment in my brain. Yet as I pondered over the matter I could not think of one act sufficiently noticeable to signify anything in particular. As for my visit to the general the next day, it might be an advantage. I had expected to arrange for cotton transportation with the quartermaster. Possibly I might derive some advantages by interesting the general in what I was doing.

The next morning I waited till 11 o'clock for Major Campbell to take me to the general, when, becoming im-

patient, I asked him the cause of the delay. He told me that the general was busy. I inwardly cursed these military nabobs who made every one await their pleasure and were treated by their subordinates as princes of the blood, if not sovereigns. It was not till 3 in the afternoon that the major told me to mount my horse and go with him.

We found the general about to ride out on a tour of inspection, and I was invited to join him. I did so, and for awhile he kept me beside him, asking me what seemed to me a lot of stupid questions. I tried to tell him about my cotton buying, but he wouldn't listen to it. He seemed more interested in learning where I had been during the day I had come into his lines and the day before that and as far back as I could remember. Then suddenly he ceased to take any further interest in me or my whereabouts and, calling his chief of staff, waved me back with the others.

Major Campbell rode with us—why I didn't know, for he was not of the general's personal staff. Judging from his interest in me, I fancied that he might have been brought along for the purpose of entertaining me. He kept calling my attention to this feature of the position and telling me things about the number and disposition of the troops. They would not have interested me in the slightest had not his statement of the different divisions and brigades he declared were on the ground appeared much overdrawn. But why should he bother me at all with these matters, and why should he desire to make it appear to me that the army was stronger than it really was? I was a citizen with no military knowledge whatever and was content that these fiery soldiers should slaughter one another ad lib. provided I could make a fortune.

The general called Major Campbell to him and said something in an undertone. Then the major dropped back beside me. As he left the general the latter said loud enough to be heard:

"That plan would never do in the world. He who has eyes to see can see for himself. I'll issue the order as soon as I get back to headquarters."

I had no idea what this meant, nor did I take any interest in it. I was getting disgusted at being kept idle all this while by these autocratic military men. I wanted to get at the quartermaster, since the general took no interest in my business affairs, and secure transportation for the last lot of cotton I had bought.

But a terrible surprise was in store for me. We had no sooner got back to camp than I was placed under arrest, with two soldiers standing over me, ready to shoot me at the slightest provocation. I was not only indignant—I was frightened. No officer came near me, so that I was unable to ask any one what it all meant, except my guards, who told me that all they knew about it was that they had orders to shoot me if I made the slightest move to escape.

The first information as to my real position I received was when an officer approached me and began to read from a paper he held in his hands. I was too agitated at first to listen to or understand it, but presently I gathered from it that I was charged with being a spy and was to be tried for that offense by drumhead court martial that very evening.

Everything now gradually became plain to me. On the supposition that I had come into their lines for the purpose of gaining information the provost marshal had reported the fact to the general, leaving word that I should not be permitted to go away. The matter of my identity being supposititious, I was not to know that I was suspected until they were sure of their case. This accounted for the interest I had excited and for my tent mate watching me while I took off my clothes. He wished to know if I was armed. Then while on the tour of inspection they had thought of permitting me to go back to where I came from to report a greater force than they mustered. But the general had quashed this plan, saying, "He who has eyes to see can see for himself." The order he said he would issue was for my trial, which also meant execution.

In the evening I was taken into a large tent where a number of officers sat around a pine table lighted with candles. One of them stated that I had been lurking about their camps and had been arrested. But before being placed in proper confinement I had taken to my heels, tearing up a paper as I ran. I had escaped, but the bits of paper collected had contained drawings of their position and memoranda of the number of their troops.

An officer acted as my counsel, but as he knew no more about me than the others his defense was worthless. Unfortunately I had recently sent a lot of business papers north that would have proved my identity. As it was I was mistaken for some one they had their grip on before and who they supposed was still plying his vocation as spy under the guise of a cotton buyer.

I was condemned to be shot in an hour. Ten minutes before the time appointed for my execution an officer rode up and called out:

"We've retaken that fellow who got away last week. He's been concealed by a southerner."

The moment he looked at me he started back in astonishment.

"I'd have sworn," he said, "that I left you only a few minutes ago. You must be his twin brother."

I was not "his twin brother," but when I saw him the next morning just before he was shot I saw that his resemblance to me was remarkable.

I had had enough of cotton buying. I concluded to go north and recover from the shock I had received.

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