

ers' residences. One of the speakers referred to the injunction as a farce, saying it would not prevent other labor organizers from taking the places of any that might be arrested for contempt. Another called the miners slaves and cowards, criticised Judge Jackson's action, said that the jails would not hold the labor organizers if the injunction were enforced, argued that it was the duty of every man there to urge the men that were at work in the mines to lay down their tools, advised the men to strike, called Judge Jackson a hireling of the coal company, said the coal operators were all robbers and that the reason the court stood in with them was that one robber liked another, and told them to pay no attention to Judge Jackson or the court, but just make the miners lay down their tools and come out. At another public meeting Judge Jackson was criticised and denounced for granting the injunction, and one of the speakers said that he should be impeached. Moreover, a vacant lot was rented by these labor organizers in which to hold an open air meeting.

Whether these things actually occurred or not we are unable to say. It is Judge Jackson's version. The labor organizers might give a different version. We are sure they would insist, for instance, that nothing was said which could fairly be construed into advice to intimidate the working miners, and that if they told their hearers to "make" the miners strike that word was used and understood in the sense of "urge," which in fact is one of its familiar colloquial uses. But be the truth as it may be, what we have stated as the acts which Judge Jackson holds to be in violation of his injunction, are the very acts as he himself describes them in the authorized report of his opinion now before us, and they are all the acts he does describe.

He indulges, indeed, in a great variety of offensive epithets, such as "agitators," and "busybodies" and "vampires," and he draws inferences. But the inferences are unwarranted by his own statement of the facts, and the offensive adjectives, coming not from coarse-spoken workingmen but from the cultured occupant of a Federal bench, disclose a bias far from judicial. It is upon the facts we have outlined above that Judge Jackson has sentenced these representatives of the miners' union to imprisonment.

And those facts show nothing more — apart from the uncomplimentary but not unlawful remarks

about Judge Jackson, which might be balanced off by his equally uncomplimentary but not unlawful epithets—than that Judge Jackson holds his injunction to have been violated by the lawful assembling of public meetings and the making of public speeches.

Even if those meetings and speeches were unlawful, they were not the kind of things which it is within the province of injunctions to restrain.

The remedy would be prosecution for crime, where the charge might be considered by a grand jury, the accused be confronted by his accusers, the facts be finally determined by a petit jury, and the function of the judge be limited to imposing a sentence prescribed by law.

But here, Judge Jackson formulated the offense which he himself forbade; its alleged violation was brought before him for trial, without the preliminary inquiry of a grand jury; he tried it himself, taking oral evidence or affidavits as he chose and allowing the cross examination of witnesses or not in his own discretion; he decided the facts himself without the intervention of a petit jury; and he imposed the punishment absolutely at his own will. He was law-maker, judge, jury and executioner, all in his own person.

And this with the purpose if not the effect of suppressing one of the great fundamental rights of American liberty—the right of free speech. If Judge Jackson was within his powers as an equity judge, then any judge sitting in equity can issue an injunction restraining the publication of newspapers, or restraining the holding of any kind of public meeting, which might be prejudicial to the pecuniary interests of a complaining party. Free speech and a free press would become the football of an arrogant judiciary.

Judge Jackson is to be thanked for having thus exposed "government by injunction" in its enormity. With such a flagrant instance as a warning example, it may be that the workingmen of the country will realize at future elections that there are some things more important than a "full dinner-pail," especially if it isn't full.

It may be that they will realize, too, the impotency of any direct proceedings against such men as Judge Jackson. Their talk of impeaching

him is the veriest folderol, unless they can prove positively that he owns stock in the coal mines his injunction was issued to protect, or in some other way show that he is corrupt. This they probably cannot do. What seems to them indicative of corruption is nothing more than the bent of mind which constant association with the employing class naturally creates. Even if they could prove corruption, it is not likely that they could induce a majority of a Republican House of Representatives to impeach a judge who is kind to coal barons, nor make two-thirds of a Republican Senate vote to convict.

They cannot impeach Judge Jackson. But they can put a stop to "government by injunction." All they need is to oust from power the party that supports government by injunction, openly through its judges and cunningly through its Senators, and make the politicians of the other party understand that the labor vote is a decisive factor in politics which may "bolt" at any time.

So long as workingmen divide their vote between the parties, so long as those who do "bolt" huddle in small and ineffectual groups of permanent side parties where they play at politics, just so long will there be judges to twist the law in the interest of great capitalists and Senators to obstruct remedial legislation.

## NEWS

An outbreak of violence at Shenandoah, Pa., on the 30th marks the progress of the anthracite coal strike (p. 248). The newspaper explanation of its origin refers to an attack by strikers upon two "strike breakers" whom a deputy sheriff was escorting through a line of strike "pickets." Being dressed in street clothes, these two men were not at first suspected; but one of them carried a bundle, which aroused suspicion and it was torn from him by "pickets." Upon being opened it proved to contain a miner's blouse and overalls. The "pickets" then seized and assaulted this man, whereupon the deputy sheriff opened fire with his revolver upon them and the mob that had begun to gather. He wounded two men. Then he and the "strike-breakers" took refuge in a railroad station, which was soon surrounded by a mob of 5,000. They killed a brother of the deputy sheriff

who was making his way into the station, and stoned the station until the police force came to the rescue, firing a volley into the mob which drove it back. It returned to the attack, however, and followed the police who fired repeated volleys at it as it moved away. About 20 strikers, all foreigners, were shot, some of them fatally. State troops have been ordered to Shenandoah. Smaller riots are reported from other places in the anthracite region. The officers of the coal miners' union have posted bulletins disowning any connection with the rioting and calling upon all miners to aid in maintaining the peace. It appears that the rioters are all foreigners.

Prior to this turn in the strike attention was concentrated upon the action of two United States judges in West Virginia in connection with the use of labor injunctions. Judge John Jackson has issued an injunction early in July against the West Virginia strikers (p. 119). The law suit, though brought in behalf of the Clarksburg Fuel Co., was not brought by that company, for it is a West Virginia corporation and at its suit the Federal Court would have had no jurisdiction against residents of West Virginia. But its bonded creditor, the Guaranty Trust Co., of New York, a New York corporation, instituted the proceedings on the ground that its loan was jeopardized by the strike. The injunction which Judge Jackson granted prohibited the strikers from intimidating or doing things tending to intimidate miners in the employment of the Clarksburg Fuel Co., and on the 24th he imposed sentences for its violation upon several labor union organizers who had held public meetings and made pro-strike speeches within 250 feet of the company's property and 1,000 feet of the mine opening, and upon a vacant lot which they had rented for the purpose. The judge sentenced Thomas Haggerty to 90 days' imprisonment and five of the others to 60 days each. He convicted Mrs. Mary Jones, known to the labor world as "Mother Jones," but, explaining that "as she was posing as a martyr, he would not send her to jail or allow her to force her way into jail," he discharged her with a warning that it would "go exceedingly hard" with her should she be guilty of another violation of the injunction.

Officers of the National Associa-

tion of Mine Workers declare their intention of pressing impeachment proceedings against Judge Jackson. As the basis of such proceedings the secretary-treasurer enumerates the following grounds:

(1) The court was without jurisdiction because the Clarksburg Fuel company is chartered by the state of West Virginia, and its interests are wholly within that state. (2) Judge Jackson used his position as judge to protect his interests as a stockholder in a coal company. (3) Judge Jackson, before the trial began, bullied the defendants in open court and told them they were guilty before a witness had been sworn. (4) After the evidence was in, and before the case had been argued by the attorneys, he admonished the defendants that he would make their punishment accord with their subsequent acts. (5) That before a witness was sworn he told them if they would leave the state and promise never to come back he would not send them to jail. (6) That he violated all rules of equity to protect his interest in a coal company. (7) That Judge Jackson used private 'inquiry' in lieu of sworn testimony to influence his decision, and he so stated in open court during the trial.

The other injunction proceedings were before Judge B. F. Keller, another Federal judge of West Virginia. On the 28th he granted an injunction which, while not in terms forbidding the distribution of food and other supplies among the strikers, is generally regarded as designed to do so. The suit is brought by the Gauley Mountain Coal company against national officers of the miners' union. They are charged with sending supplies from national headquarters to support strikers who gather in camps in large crowds in the vicinity of the colliery and assert their purpose of staying there until the employes in the mines join them in their strike.

A serious strike of telegraph messenger boys began in Chicago on the 25th. It had its inception in the offices of the Western Union and spread at once to the Postal. The young strikers demanded \$6 a week, an eight-hour day, and recognition of their organization; and for several hours business was injuriously affected by non-delivery of telegrams. The Postal company soon settled with their messengers, but the Western Union held out, employing men at \$40 a month instead of the boys whom they had been paying \$15 a month. But the striking boys intim-

idated the men, and at last the company agreed to meet a committee. As the result of an interview, a peace was patched up, the boys going back to work under an agreement for 75 cents a day, with ten cents an hour for over time, the regular hours to be ten as before.

An enormous strike of farm laborers is reported from Galicia, part of old Poland and now the northeastern province of Austro-Hungary. It is raging in the east of the province, near the Russian border, and 100,000 agricultural laborers, most of them Russians, are reported as being engaged in it. Russian students, also, are said to be participating in the strike, which is supposed to derive from that fact some political significance. Near Lemberg, about 60 miles by rail from the Russian frontier, extensive stores were fired on the 25th, and similar acts of violence were reported from neighboring localities. The landlords have applied to the government for troops, but the local authorities recommend instead that they try conciliation by increasing agricultural laborers' wages.

In another part of old Poland the German emperor is pressing forward his drastic policy of Germanization. To that end a bill appropriating \$62,500,000 for the purchase of land from Polish proprietors in Prussian Poland and the settlement of Germans there has passed to its third reading in the Prussian diet. In the debates upon this bill the imperial chancellor, Count von Buelow, characterized the Poles most offensively, and afterwards by a domineering speech at Marienburg the emperor himself excited universal Polish hostility. The popular feeling in Posen is so bitter that Polish noblemen have begged the emperor to postpone his proposed September visit, lest he be assassinated. His response is an expression of his intention to show that he is master by entering Posen at the head of his troops, 90,000 of whom are to attend the Fall maneuvers there.

What gives most importance to all this, perhaps, is its possible effect upon the "dreibund" treaty (p. 200) between Germany, Italy and Austria. The Austrian Poles are so angered by the offensive speeches of the German emperor and his chancellor that their representatives in the Austrian reichsrath have decided