"farms" which could be sold by the front foot. If these were scheduled as agricultural lands they would carry up the value of sites as compared with improvements very rapidly. And that this has been done would appear from the fact that Cook county, in which Chicago is located, is credited with $68,265,260 for farm lands, or about 4 per cent. of all the farm land value of the state, while the value of farm buildings is only $8,839,960. It is not hard to guess what kind of farm land it is that has brought up the farm land value of Cook county so disproportionately to the farm buildings value. Doubtless the owner could raise corn on this farming land, but he can raise the price more easily and to better advantage. Its value is affected by the proximity to Chicago.

The policy of pardoning workhouse convicts detained for nonpayment of fines or other pecuniary penalties, which was adopted over a year ago in Cleveland by Mayor Johnson and his chief of the charities and correction department, Harris R. Cooley, has had the effect of reforming the police justice system theretofore in vogue in Cleveland, as it is elsewhere, which discriminates between convicts with money and those without. Police Justice Thomas A. Kennedy, of Cleveland, is credited with having recently made the following sensible declaration:

Although the police fund is bankrupt and I might replenish it by fines from the unfortunates who come before me, I will not levy fines as long as I am police judge. I will not use this bench to incite vice and crime, to force men and women to the depths to get money with which to oil the police machinery. If they deserve punishment they go to the workhouse. If they can reform on the outside, suspended sentences will give them the chance.

Should Judge Kennedy impartially apply this policy to all convicts, letting off no one who happens to have the money to buy immunity, except those that "can reform outside," and then not by fining them but by suspending sentence, he will have set an example of much needed reform in criminal administration.

It is to the honor of Clarence S. Darrow, Joseph S. Martin, William A. Bowles and others that they have undertaken to raise a fund to secure an appeal for Lewis S. Thombs, now confined in the Chicago jail under conviction of murder and sentenced to be hanged. Thombs may be guilty, and if he is his crime was brutal in the extreme. But he did not have a fair trial (p. 101). One jury disagreed, two of its members, reputable men, being for acquittal because they did not believe the story of the prosecuting witness. The prosecuting attorney thereupon outrageously denounced these jurors in the newspapers as unfit to be in a jury box, and at once brought the case to trial before another jury. This placed the prisoner at a disadvantage to which no one accused of crime should be subjected. Not a man on that jury would have been for acquittal, though he had a reasonable doubt, unless he had been made of the stuff of which heroes are made, and that is not common. This method of forcing convictions should be denounced by the whole bar. It is something to have it repudiated by one or two members who are serious enough in the matter to raise a defense fund.

When the tariff issue was paramount, one of the protection absurdities in the way of argument was peculiarly confusing. We were told that to the extent that the United States imports goods the United States has the goods and Europe has the money, but to the extent that the United States buys home-made goods, the United States has both goods and money and is therefore better off. It was as puzzling a riddle as that about putting ten men in nine beds with a bed for each. But we have come to see through its intricacies now, and to realize that money isn't worth any more than money's worth. But the same trick of argument has come forward in another and perhaps more confusing form. Suppose, says the riddle-me-ree protectionist, that—

the exports of a country are $20,000,000 and the imports are $10,000,000. The balance of $10,000,000 is favorable, because of the exports probably only about $5,000,000 of actual value was sent away, being the raw material in the goods exported, the $15,000,000 being represented by wages paid and profits to the manufacturer. The $10,000,000 of imports thus represents an actual profit of $5,000,000 to the importing country.

Could absurdity go much further? Suppose the exporter were a farmer's family instead of a national family. Suppose that this farmer's family exported from the farm to the dealer in the market town $20 worth of corn, and imported back to their farm in exchange $10 worth of groceries. Where would the profit to the farmer's family come in? Wouldn't it look to the man up a tree as if that family were out of pocket $10? "Oh, no," exclaims the riddle-me-ree protectionist, "they have made a profit of $10. Although they billed the corn at $20, there was only about $5 of artificial value in it, being the raw material. The additional $15 was represented by the wages and profits of the farmer's family. So the $10 worth of groceries imported would really represent $5 of actual profit to the farmer's family. See?" Of course we see. Since the farmer's family gets $5 worth of groceries for $15 worth of work, they have a clear profit of $5! And this is the kind of profit the national family reaps when it exports more than it imports.

GOVERNMENT BY INJUNCTION.

In the case of the strike agitation among West Virginia coal miners, Judge Jackson, a Federal judge of West Virginia, has put the finishing touches upon the scheme for governing workingmen by injunction. He has resorted to it to restrain freedom of speech, and to hold that aforetime American birthright within the limits of his own notions of its proper exercise.

"The rightful exercise of freedom of speech," says this most excellent

exponent of the doctrine of "government by injunction," as he sentences men to jail for advocating a strike in public speech at public meetings, "is not denied; but the abuse of it, its unrestricted license, has always been open to the animadversion and condemnation of the law."

That statement is true. But because it is true, it is, in the connection in which Judge Jackson uses it, more viciously false than if it were not true. For "a lie that is half the truth is ever the worst of lies."

The abuse of the right of free speech has, indeed, always been open to the animadversion and condemnation of the law. It always ought to be. But never, except under tyrannies, has it been subject to restraint by preliminary judicial process or other arbitrary decrees. And never, under English freedom, has its abuse been subject to condemnation without a jury trial. It is an essential principle of orderly liberty that every man shall have the right to speak and write freely, subject only to being held responsible for the abuse of this right, which means that for any wrong he does he may be held responsible by a jury of his peers. Abuse of the right of free speech cannot be safely or lawfully restrained by injunction, because that deprives alleged offenders of jury trial and puts them at the mercy of judges.

The law of libel is a perfect illustration. For one man to libel another is an abuse of the right of free speech. But no one can be prohibited in advance, by injunction or other arbitrary decree, from publishing libels. The principles of liberty and English law demand that he shall be at liberty to publish, he assuming responsibility for the lawfulness of his publication, and his offense, if he commits one, to be passed upon after it is committed and by a jury.

The only important variation from this rule since the principles of English liberty began to gain recognition by the courts, was in an English case in which workingmen were prohibited by injunction from posting libelous placards. That case is the precedent for the American innovation called "government by injunction."

But hardly had the American courts adopted it as a precedent when the English courts overruled it. So government by injunction, including Judge Jackson's injunction in restraint of public speech, rests upon no better modern authority than an overruled decision of an English judge.

If Judge Jackson had been asked to grant an injunction against a newspaper, prohibiting it from publishing a libelous article calculated to do irreparable injury to the person complaining, he would probably have denied the application. Most certainly he would if his competency as a judge has not departed from him. He would have protested that this was no case for injunction. He would have said that the plain remedy of the person complaining would be to sue the publisher for damages when the libel had appeared, and that the plain remedy of the community for the offense would be to indict the publisher criminally when his crime had been committed. And he would have explained that an injunction in such a case would not only be contrary to all reputable precedents, but would constitute an offense of the first magnitude against the institution of jury trial and the sanctity of the fundamental right of free speech.

Yet in the case of the West Virginia coal miners Judge Jackson is guilty of an injunction contravening those very principles of English and American liberty and law.

The suit in which he makes this revolutionary decision was brought against striking miners by the Guaranty Trust Co., of New York. It was brought in the Federal court because the trust company is a "citizen" of another state. It was brought by this company on the ground that it is a creditor of the Clarksburg Fuel company, which owns mines in West Virginia, and that the interest on its loan would be endangered if the Pennsylvania hard coal strikes were to extend to the Clarksburg mines. In its complaint it alleged that the officers of the United Mine Workers of America had announced their intention of causing a strike in the soft coal mines, especially those of West Virginia of which the Clarksburg was one. Specifically it charged that some of the defendants named had addressed meetings composed in part of coal miners, in which they attempted to inflame and excite the hatred and animosity of the miners towards the proprietors of the coal mines, and in their speeches advised the miners to quit work. There were also charges of assaults, of injuries to mines, etc., calculated to intimidate the miners; but these acts, even if true, have no bearing on the question of granting injunctions against free speech.

Upon these allegations the New York trust company obtained from Judge Jackson an injunction restraining the officers of the miners' union from doing all manner of things. Its language is technical and obscure, but its purpose and object, as Judge Jackson himself subsequently declared from the bench, was—

> to prevent all unlawful combinations and conspiracies and to restrain all the defendants in the promotion of such unlawful combinations and conspiracies, from entering upon the property of the Clarksburg Fuel company described in this order, and from in anywise interfering with the employes of said company in their mining operations either within the mines or in passing from their homes to the mines and upon their return to their homes, and from unlawfully inciting persons who are engaged in working in the mines from ceasing to work in and about the mines or in any way advising such acts as may result in violations and destruction of the rights of the Clarksburg Fuel company.

That the intention was to prevent labor meetings and labor speeches is obvious. The word "unlawful," with which Judge Jackson interlards his explanation, has neither force nor meaning, but is thrown in for good measure. Of this the subsequent proceedings leave no room for doubt.

When the defendants were haled into court for violating the injunction it appeared, according to Judge Jackson, that they had done nothing whatever but attend lawful public meetings and make speeches urging the miners to strike. They assembled a meeting about 1,000 feet from the opening of one of the Clarksburg mines and 250 feet from the mining property, and within view of the min-

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 pubication 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 it 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