

# TAFT'S POSITION ON THE INJUNCTION QUESTION

change in the status quo would inflict irreparable injury if time were taken to give notice and a preliminary hearing. The unlawful injuries usual in industrial disputes, such as I have described, do not become permanent except after sufficient time to give the defendants notice and hearing. I do not mean to say that there may not be cases, even in industrial disputes, where a restraining order might properly be issued without notice, but generally I think it is otherwise. In some state courts, and in fewer Federal courts, the practice of issuing temporary restraining orders without notice, merely to preserve the status quo on the theory that it would hurt the plaintiff if it were not done. Many of us recall that the practice has been pursued in other than industrial disputes, as for instance in corporate and stock controversies, like those over the Erie Railroad, in which a stay order without notice was regarded as a step of great advantage to the one who secured it, and a corresponding disadvantage to the one against whom it was secured.

**Ex-parte Orders Dangerous.**  
Indeed the chances of doing injustice on an ex-parte application are much increased over those when a preliminary hearing and there may be ways in which it will affect the defendant to his detriment. In the case of a lawful order, the sending of a formal document, restraining a number of defendants from doing a thing, is a very different thing than the plaintiff say they are threatening to do, often discouraging men, always reluctant to refer into court, and continuing to do what is their lawful right. This has made the laboring man feel that injustice is being done to him, and he will write without notice.

I conceive that in the treatment of this question it is the duty of the citizen, and of the Legislature, to view the subject from the standpoint of the plaintiff who believes himself to be unjustly treated, as well as from that of the community at large. It is not the duty of the Legislature to turn in such cases to the original practice under the old statute of the United States and the Supreme Court, which did not permit the issuing of an injunction without notice.

**Problems of a Republican Convention.**  
In this respect the Republican convention has adopted another remedy, that without going so far, promises to be efficacious in securing proper consideration in such cases by courts, by formulating into legislation the best possible practice. Under this recommendation the Legislature may wish shall define with emphasis the exceptional character of the cases in which restraining orders may issue without notice, and which shall also provide that when there are instances of such cases, the order operative before a short period, during which time notice shall be served and a hearing had, unless the defendant desires a postponement of the hearing.

**Federal Courts Are Defended.**  
The number of instances in which restraining orders without notice in industrial disputes have been issued in Federal courts is small, and it is urged that they should be held to be a very exceptional remedy by statutory amendment. The small number of cases complained of shows the careful manner in which the Federal judges have exercised the jurisdiction, but the belief that such cases are numerous has become so widespread, and has caused such a feeling of injustice, that more definite specifications in procedure to prevent recurrence of them is justified. It can be effected without injury to the administration of the courts.

**Weakness of Democratic Plan.**  
With respect to notice, the Democratic platform contains no recommendation. Its only intelligible declaration in regard to injunction suits is a reiteration of the plank in the platform of 1896 and 1904, providing that no process should be issued in such suits, where violations of the order constituting the complaint charge are indirect, that is, outside of the power of the court, there shall be a jury trial.

This platform of 1896 was regarded then as a most dangerous attack upon the power of the courts to enforce the law, and the chief reasons for the defeat of the Democratic platform in 1904 were the fact that it had been held to be an unconstitutional such a provision to weaken the power of the courts in enforcing the law.

Under such a provision a recalcitrant witness could give evidence in the most untruthful manner and the court would be unable to determine whether he had received the subpoena or not. The court would be unable to refuse to obey the writ when brought into court, would have to be tried by another jury, and the delay would be enormous. Such a provision would apply not alone to injunctions, but to every order that is outside of the power of the court to enforce. It is a provision that would be a great hindrance to the administration of the courts.

**Trust at Oklahoma Organic Law.**  
It now seems to be understood in a manner never known in the history of the jurisprudence of England or America, except in the case of the Oklahoma Organic Law, that the courts are to have no voice in the enforcement of such a law. Those who advocate this interpretation of the Oklahoma Organic Law seem to suppose that this change in some way will insure only to the benefit of the poor working man, and that the rich person who will secure the chief advantage from it is the wealthy and unscrupulous defendant who will be able to avoid paying counsel anxious to avoid justice.

I have been asked to state as a fact that a judge in punishing for contempt of his own order may be awarded a fine, and that he is to approve a law which would enable the defendant, upon his own application, to have another judge sit to hear the charges of contempt, but this with so many judges as there are available in the Federal Courts, would not constitute a delay in the enforcement of the process. The character and efficiency of the trial would be the same. It is the nature and the delay of a jury trial in such cases that those who would wish to defy the order of the court would rely upon as a reason for doing so.

**Currency in Need of Reform.**  
The late panic disclosed a lack of elasticity in our financial system. This has been provisionally met by an act of the Congress authorizing the issue of additional emergency bank notes and insuring their withdrawal when the emergency has passed by the act of the President. The act is drawn in conformity with the present system of bank notes, but varies from it in certain particulars, such as the use of commercial paper and bonds of good credit, as well as United States bonds as security for its redemption. It is a temporary measure and contains a provision for the appointment of a Currency Commission to study the subject and report thereon.

The inauguration of a new and reformed system of currency is an enormous expansion of business, is generally recognized. The Republican platform well states that we must have a more elastic and adaptable system to meet the requirements of our industrial and manufacturing life. Merchants and business men generally must be automatic in operation, recognizing the fluctuation in general prices, in which every dollar shall be as good as gold, and which shall prevent rather than aid financial stringency in bringing on a panic.

**Postal Savings Banks Approved.**  
In addition to this the Republican platform recommends the adoption of a postal savings bank system in which, of course, the Government would become responsible to the depositors for the payment of principal.

## TAFT'S POSITION ON THE INJUNCTION QUESTION.

Our position is clear and unequivocal. We are anxious to prevent even an appearance of injustice to labor in issuing injunctions, not in a way of favoritism to any set of our fellow citizens, but in the interests of justice to all. The reason for exercising or refusing to exercise the power of injunction must not be found in the character of the person who is to be enjoined. The man who has a business which is unlawfully injured is entitled to the remedies which the law has given, no matter who inflicted the injury. Justice otherwise we shall have legislative injustice in principle, and likely to sap the foundations of a free government.

It is a fundamental rule that no man shall be affected by a judicial proceeding without notice and hearing. This rule, however, has sometimes had an expression in the issuing of temporary restraining orders commanding a defendant, in effect, to maintain the status quo until a hearing. Such a restraining order is only in rare cases, where the threatened change in the status quo would inflict irreparable injury if time were taken to give notice and a preliminary hearing. It is not the duty of the courts to issue such orders in industrial disputes, where a restraining order might properly be issued without notice, but generally I think it is otherwise.

In the case of a lawful strike, the sending of a formidable document, restraining a number of defendants from doing a great many different things which the plaintiffs say they are threatening to do, is a very different thing than the plaintiff say they are threatening to do, often discouraging men, always reluctant to refer into court, and continuing to do what is their lawful right. This has made the laboring man feel that injustice is being done to him, and he will write without notice.

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**Rights of the Colored Man.**  
The Republican platform refers to those amendments to the Constitution that were passed by the Republican party for the protection of the colored man. It says that since he was freed from slavery he has made remarkable progress. It is believed that the colored man is better off in the communities in which he lives. The platform says that the colored man is being improved in every way.

**Need for Army and Navy.**  
Mr. McKinley, Mr. Roosevelt and the Republican party have constantly advocated a policy with respect to the Navy that will keep this republic ready at all times to defend her territory and her commerce, and to assure the world in promoting permanent tranquility among the nations.

**Trade With Islands Free.**  
Many unfortunate circumstances beyond the control of the United States have business prosperity to the islands. Much may be done in this regard by increasing freedom of trade with the islands.

**Limit on Asiatic Immigration.**  
In the matter of the limitation upon Asiatic immigration, referred to in the Democratic platform, it is sufficient to say that the present Republican administration has shown itself able, by diplomatic methods and without the aid of a restrictive tariff, to minimize the evils suggested and a subsequent Republican administration will be content on to continue the same policy.

**Approves Conservation Plank.**  
The conservation of natural resources to the public has been a matter of public concern. The necessity for a comprehensive and systematic program of our waterways, the preservation of our forests, the securing from private appropriation of the navigable waterways, the retention of the undeveloped lands of the government from alienation, all still properly the concern of our administration.

**Campaign Contribution Publicity.**  
Another plank of the Democratic platform refers to the failure of the Republican convention to express an opinion in favor of publicity for contributions received during the campaign.

Our own acts. Great improvement has taken place under Republican auspices in respect to the collection and expenditure of money for this purpose. The old and pernicious system of levying a tax upon the salaries of government employees in order to pay the expenses of the party in connection with the administration of the Government, which was established by a law passed by the Republican Congress of 1897, contributions by corporations, or by individuals, or by the expenses connected with the election of Presidential electors, or of members of Congress, or of State Legislatures, or of local officers, has been abolished.

**Strong Federal Law Needed.**  
If I am elected President I shall urge upon Congress with every hope of success, in the Federal office of a statement of all contributions received by committees and individuals in election campaigns, and in such other elections as are constitutionally within the control of Congress, that the Republican party, in the selection of a New York treasurer, has subjected all its receipts to the same publicity as the receipts of the Democratic party.

**No Obstacle to Income Tax.**  
The Democratic platform demands two Constitutional amendments, one providing for a direct income tax, and the other providing for a direct income tax, and the other providing for a direct income tax, and the other providing for a direct income tax.

**Favors Direct Election Plan.**  
With respect to the election of Senators by the people personally I am inclined to favor it, but it is hardly a party question. A resolution in this regard was introduced in the Republican House of Representatives several times and has been rejected in several instances by the Senate.

**No Army of Office-Holders.**  
Our opponents denounce the Republican party for increasing the offices by 2,000 at a cost of \$16,000,000 during the last year. The Democratic platform, it falls to specify in any way that the increase was caused by the representatives of Democracy in the House of Representatives.

**Treasury Deficit Enlarged.**  
Again that platform charges that a deficit of \$60,000,000 in the receipts and \$100,000,000 in the disbursements ending June 30, 1908, occurred. As explained by the Secretary of the Treasury, the deficit of this kind is only an apparent one. The falling off in receipts was, of course, occasioned by the fact that the Treasury had ample free money in the Treasury to meet the difference and the difference itself is being made up by the sale of bonds.

**Praises Present Administration.**  
The truth is that it is known of all fair-minded men that there never has been an administration so efficiently conducted, more free from scandal and in which the standard of official conduct has been so high, and in which the Republic has been so well governed, and in which the Republic has been so well governed, and in which the Republic has been so well governed.

**For Peaceful Foreign Policy.**  
The foreign policy of this country under the present administration has greatly improved the relations of the United States to the world. The important part the administration took in bringing about an end of the Russian-Japanese war, and the prevention of wars in Central America and Cuba, are striking instances of the wisdom and foresight of the present administration.

**Mail Subsidies His Solution.**  
The only respect in which nothing has been done is in the department of our foreign marine. As long as we uphold the health, scattered throughout our home industries, we must recognize that it is inapplicable to the foreign shipping, because there is no feasible means of excluding foreign competition and that the only other method of building such a business is by direct aid in the form of a mail subsidy.

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**Independent Democrats Appealed To.**  
The Democratic party, under its present leadership, in previous campaigns has manifested a willingness to embrace any doctrine which would win votes and present itself as the sense of responsibility for its practical operation. In its striving for success, it has moved business progress of the present, has departed from sound economic and governmental principles and has reversed its former views on constitutional construction. Patriotic members of the party have refused to be controlled by party lines and have either refrained from voting or have supported the Republican candidates.

**Difference in Two Policies.**  
I have pointed out that the attitude of the Republican party with reference to evils which have crept into the Government, and the difference between the two parties, is in the attitude of the Democratic party under the leadership of Mr. Roosevelt, who has returned to the point of irresponsible destruction, and that there is no hope for the restoration of the Government to its former position.

**TEXT OF WARNER'S SPEECH.**  
**Missouri Senator Formally Notifies Taft of Nomination.**  
Following is the full text of Senator Warner's speech, in relation to the committee, notifying Mr. Taft of his nomination:

Mr. Taft: You are, of course, not unaware that Mr. Roosevelt is now a President of the United States will expire on March 4, 1909, and in the meantime our country are performing their organizations preparatory to presenting to the people at the general election to be held on November next, their respective candidates for that high office; that the Republican party in national convention, on the 15th of June last, inclusive, has completed its deliberations, and has nominated Mr. Taft to the office of President of the United States, and I hand you an engrossed copy of the platform of the Republican party, which I am sure you will find of interest to you.

I cannot, sir, complete the discharge of my duty without assuring you of the high respect in which you are held not only by those of your own political faith, but by your fellow citizens without regard to party—of their admiration of your ability, manifested throughout your public service; of their knowledge of the preparation which you will bring to the discharge of the high and difficult duties of President; of their belief in your deep conviction of the equality of all men before the law; and of their confidence in your application of that principle by any administration of which you may be the head, the rule which every official act of Mr. Roosevelt as President has been squared, which has won for him the confidence and respect of his countrymen throughout the land, and which has brought to him at all times their unqualified and earnest support. It was his universal application of this rule which caused his party in National convention to acclaim him the following just and splendid tribute of approval:

His administration is an epoch in American history. In no other period since the National sovereignty was won under Washington or preserved under Lincoln has there been such mighty progress in those fields of government which make for justice, equality and fair dealing among men. The highest aspirations of the American people have found voice. Their most exalted regard represents the best aims and warlike purposes of all his countrymen. American standards of right and wrong, of private life have been the cardinal principles of political life. Capital and labor have been brought into closer relations of confidence and interdependence, and the abuse of wealth and the tyranny of power, and all evils and privileged favoritism have been put to scorn by the simple and many virtues of justice and fair play.

It is gratifying to your countrymen to know that you have been a conspicuous part, as you were of the administration of Mr. McKinley.

**BARGAIN TODAY.**  
Don't fail to see great values in women's suits and millinery, at Le Palais Royal, 35 Washington street.

**Will of Mary Alexander Filled.**  
The will of Mary Alexander was admitted to probate in the County Court yesterday afternoon at 2 o'clock, leaving property worth about \$235. Harriet A. Alexander was appointed yesterday executrix to act under \$1000 bond, and J. J. Robertson, E. R. Wright and Charles Sedamke were appointed appraisers. The heirs are: Mrs. Nellie Wilmotage, Canfield, N. D.; Mrs. Phoebe Jones, Fekin, Ill.; Mrs. Ura S. Davis, Tremont, Ill.; Mrs. Carrie E. Hansen, Miss Stella Alexander, Mrs. Harriet A. Alexander and Sabin Alexander, of Greenham.

**BARGAINS TODAY.**  
In sheets, pillow-cases, table linens, napkins, dresser scarves, squares and center pieces, portieres, couch covers, Madras, table curtains and heavy all-wool camping blankets; closing-out prices. Come today. McAllen & McDonnell. The store noted for good goods.

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whose accomplishments mark a National progress unsurpassed in all our previous National life. It therefore gives me genuine pleasure, Mr. Taft, to present to you this formal nomination from the Republican party of our country are performing their organizations preparatory to presenting to the people at the general election to be held on November next, their respective candidates for that high office; that the Republican party in national convention, on the 15th of June last, inclusive, has completed its deliberations, and has nominated Mr. Taft to the office of President of the United States, and I hand you an engrossed copy of the platform of the Republican party, which I am sure you will find of interest to you.

**ADVANCE PARTY TO LEAVE**

**MAZAMAS START TODAY FOR SPIRIT LAKE.**

Provisions Have Been Sent Ahead and Remaining Members Will Go Next Friday.

An advance party of the Mazamas, consisting of Rev. W. J. Douglas, Dr. Clarence Fred Wilson, Rev. D. A. Winters, Miss Constance McCorkie, the Misses Plummer and C. E. Forsythe, will leave this afternoon for the camp on Spirit Lake at the base of Mount St. Helena. The members of this party will stay over night at Castle Rock, leaving tomorrow morning for the camp on Spirit Lake at the base of Mount St. Helena. The members of this party will stay over night at Castle Rock, leaving tomorrow morning for the camp on Spirit Lake at the base of Mount St. Helena. The members of this party will stay over night at Castle Rock, leaving tomorrow morning for the camp on Spirit Lake at the base of Mount St. Helena.

**STILL WANT ANNEXATION**

Districts East of City Prepare Another Petition.

A committee from the Mount Scott Annexation Club will come before the City Council soon and ask for another vote on annexation in precincts No. 95 embracing Woodstock, Anabel, Stewart, Arleta, Nashville and Woodmere, east to the county road. The territory will join in the entire district to be annexed in June. The petition asking for a vote already contains nearly 100 names. The committee is confident that it will be able to secure the required number of signatures, although a special effort has been made to secure the required number of signatures. Shortage of water all through this district has made it easy to get signatures to the petition. Defeat of annexation will injure the district in explained on the ground that the bond issue for the second Bull Run pipe line had not been declared legal, and it was feared that it would not be so declared. If annexation is carried it is proposed to ask for a water main to be laid at once or before next summer to that district from the Mount Labor reservoir, the entire district to be assessed to pay for the pipe. No relief for present water shortage is expected this season and none next year from the present water company. The company is supplying all the water it can pump and the people realize that the only relief obtainable is to secure Bull Run water through annexation.

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