WHAT THE INJUNCTION REALLY MEANS

Walter Drew, Commissioner *of* The National Builders' Association, Explains the Legal Side *of* the Action—Thinks Laws are Loosely Drawn *and* Makes Interesting Statement for The Sunday Journal—Law as it is Defined by Man Who Advocates Restraint

NEW YORK CITY, Oct. 18.—Realizing the manner in which the labor side of injunction has been forced to the forefront, your representative called on Walter Drew in the Builders' Exchange building here, to get a concise statement of the legal side of the injunction, which has been only slightly touched upon and is not generally understood. Mr. Drew, as commissioner of the National Erectors' association, has made a life-long study of labor problems and the injunction and may be considered the official mouthpiece of the manufacturing and industrial interests of the United States. The statement which Mr. Drew makes in connection with the injunction issue undoubtedly represents the sentiments of controlling interest in the industry of America.

Most voters believe that the injunction is of special importance this year, as it applies to labor problems only, whereas the entire system of injunction would be affected by any legislation directed against the injunction of laws.

"The term injunction," said Mr. Drew today, "is loosely used to cover three inhibitory writs issued by courts of chancery—the permanent injunction, the interlocutory injunction, and the temporary restraining order. The permanent injunction is issued only after notice and final hearing upon the facts and law. The interlocutory injunction is an injunction granted usually upon motion and after notice to preserve the subject in controversy and to prevent further wrong, and continues until the final hearing. The temporary restraining order is distinguished from an interlocutory injunction in that it is ordinarily granted merely pending the hearing of a motion for an interlocutory injunction and its life ceases with the disposition of that motion. It has been the universal and immemorial practice of courts of equity to grant restraining orders ex parte, that is, upon a sufficient showing by the party seeking relief without notice to the party against whom the writ is sought, where the court is confronted with threatened irreparable harm and where no other adequate remedy exists.

"For a violation of any of these it has been considered the right of any court of equity to summon the offender and punish him for contempt. The power of the court to make an order carries with it the power to punish for a disobedience of that order and the inquiry as to the question of disobedience is the function of the court making the order.

"This was at the time of the outcry of the American Federation of Labor against the injunction power of the federal courts, the state of the law as to injunctions and it remains the law today. The occasion of the attempt to curtail the power of the courts was the resort by employers harassed by striking employes, to the courts of equity for protection from the boycott, violence and intimidation which were the methods commonly employed by striking unionists to compel employers to submit to union demands and union shop control.

"In labor disputes a temporary restraining order was usually issued upon the filing of the bill, because the damage threatened particularly to the good will of the business was of an irreparable nature and any effort to recover damages from the members of the union would in most cases be futile. This restraining order backed up by the power of the court to punish for contempt was sufficient to restrict the trades unionists to their lawful resources, which were in most cases insufficient to overthrow the economic laws of supply and demand, and where the working conditions offered by employers were fair and satisfactory to nonunion men, the places of the strikers were filled and the industry attacked was able to proceed.

"This, then, is the substance of the unions' attack upon the injunction power of the federal courts—an effort to bind by a legislative act the arm of the court which has been interposed between the marked victims of the labor unionists and the weapons of lawlessness and terrorism employed by the trades union in its conflict with employers.

"The bills which have from time to time been presented to congress by the American Federation of Labor, through its representatives, have presented the matter in various guises and sought their end in various ways. The most notable and most persistently advanced demands of the federation are that no injunction or restraining order

WALTER DREW, FROM A PHOTO TAKEN FOR NORTH AMERICAN PRESS SYNDICATE

shall issue without notice and an opportunity to be heard being first given to the party sought to be restrained; that no injunction shall issue in disputes between employer and employe; that no body of men shall be restrained from any action from which an individual could not be restrained; that any individual cited for contempt of court shall be tried by a jury, and that all trials for contempt shall be before another judge than the one who issued the order alleged to have been violated.

"The co-called Pearre bill perhaps better expresses the wishes of the American Federation of Labor than any of its predecessors. In fact, in the American Federationist for June, 1908, Mr. Gompers, writing as president of the American Federation of Labor, said of this proposed bill:

"'In the name of labor, in the interest of all our people, we urge and must insist upon the enactment of the Pearre bill, H. R. 94, regulating the issuing of the injunctive writ to its original and beneficent purpose.'

"The bill reads as follows:

"'A bill to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of 'conspiracy' in certain cases.

"'Be it enacted, etc., That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer, and an employe, or between employers and employes, or between employes, or between persons employed to labor and persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her of its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employe or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered or treated as property or as constituting a property right.

"'Sec. 2. That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms of conditions of employment of labor, or the assumption or creation or termination of any relation between employer and employe, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other criminal offense, or be punished or prosecuted as such unless the act or thing to be done or not to be done would be unlawful if done by a single individual, nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations and definition contained in the first section of this act.

"'Sec. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.'

"The objection to this bill on the part of its opponents, which has been most effective, is that in denying to the victims of labor disputes the protection which is afforded disputants in other classes of cases, the enactment proposed would be unconstitutional. It is true that the bill permits the issuing of a restraining order in labor controversies where irreparable damage is threatened to property rights, but follows up this concession with the astonishing proviso that the right to carry on a business shall not be considered a property right. This is equivalent to saying that the good will of a business is no asset of its owners. We may confidently state without referring to more than the report of Mr. Tirrell's sub-committee of the judiciary, which investigated this precise point very thoroughly, that the right to do business is by all the authorities discoverable considered to be a property right which cannot be constitutionally outlawed. The second section of the bill, though its purpose is not in express terms so stated, is a deliberate attempt to exempt labor organizations from the provisions of the general law in violation of the fifth amendment to the constitution.

"The matter of notice which is raised by most of the other bills proposed, for example by the Beveridge bill, and the Gilbert bill, is taken by the opponents of the proposed legislation to be intended to cause a fatal delay on the part of the courts which will permit a striking body of workmen to terrorize the employer as if no right to a restraining order existed. This is particularly true in labor disputes where it would be practically impossible to serve notice of the application on all offenders. The issuance of a restraining order without hearing does not operate to deprive the party restrained of a day in court—on the contrary, it merely preserves the subject matter of the controversy until a hearing can be had. The practices and rules of the courts are as binding upon the courts of equity as statutory enactments, and it has always been the rule and practice of our federal courts not to issue a restraining order except where it is made to appear to the court that irreparable damage will be done to the subject matter of the controversy if the order is denied.

"It has been made a catch-phrase of this campaign against the courts that a citation for contempt is a criminal trial in which the respondent is denied the privilege of being judged by a jury. So great a din has been raised over the essential Americanism of the right to a trial by jury in all cases that we have nearly lost the insistent declaration of our courts that the right to have equity controversies dealt with by equitable methods is as sacred as the right to a trial by jury. It is essential to the dignity and efficacy of our courts, if not to their very existence, that the power lie in them to secure obedience. From the earliest history of jurisprudence, the summary power to punish for contempt has been regarded as inherent in courts of equity, essential to the exercise of their powers, and the maintenance of their authority, and is a part of the law of the land.

"The labor unions' fight against the injunction is necessary to the labor union program of maintaining for their members a monopoly of the employment of our country. An uneconomic situation such as we have, where one fifth of the workingmen perform all the work while the other four fifths stand idle, cannot be maintained except by force. By picketing, by the boycott and by terrorism the labor unions were for a time enabled to approach to their ideal the closed shop in many trades. When employers resorted to the courts, the unions were by the injunction deprived of their weapons, and we have the spectacle of the American Federation of Labor appealing to congress to reverse a ruling of the federal courts that terrorism and the boycott are not the lawful weapons of industrial competition."

"THE COLONEL'S OPTION"—What a Man Really Can Accomplish if He is Determined to Conquer the World of Business

"TOM, I'm disappointed; dreadfully disappointed," said Colonel Edwards to the only son, and while the face of the speaker remained as blank and expressionless as a bit of sole leather, there was an inflection, and quality of tone which verified the declaration with tremendous emphasis.

"Yes, I realized this as a probability, long ago," answered Tom, with just a shade of pathos as standing at the library window, he watched the industry of a great spider in black and gold, which was weaving its stronghold between two ropes of morning-glory vine, "and from the time I received my degree at Yale, I have been expecting the verdict you have just rendered."

"But I expected so much," resumed the father, "had counted so upon your stepping in here to be my right hand; had pictured—"

"The only result you could comprehend, the only thing in life which, in your estimation, is worth while," interrupted the son. "Busines as a matter of dollars and cents."

"Hold on, Tom. You're wrong. I do not care two straws as to the cost of the thing. You might have expended twice over what you did use, there was nothing you might not have had without a murmur from me. In fact, the matter of expense has never once entered my head, except that I did desire, merely as an item of discipline, that you would keep an accurate account of your expenditures. But what I hoped for and half believed would come, was that your college breeding would send you back to me an educated up-to-date business man, competent to manage and finance any business proposition which might be presented.

"Come here father. Come quickly," exclaimed Tom, as he stooped to the bottom of the window, and when the colonel hurried to his side to discover the spider swinging back and forth by a single and almost invisible thread, he heard his son say: "There isn't another living thing on earth that can do a job like them."

"You're an ass!" was the colonel's impatient rejoinder, as he stood erect and looked pityingly down upon his son, who seemingly had not heard the comment.

"There he goes," observed Tom, with the low, repressed enthusiasm. "And there—that little puff of air was a lucky go—there, he's caught his anchorage and his truss is complete. He's safe."

"Say, Tom," said the colonel as he stepped near to the window sill. "There isn't a dollar in that sort of dreaming and the man doesn't live who can idle his time in this fashion and win."

"Win what?" quietly asked the son, as he turned and sat upon the window sill.

"Anything," answered the colonel. "Bread and butter to begin with. Why, I can get a score of men at the drop of my hat, men who will take that spider apart, tell how he is constructed, how he eats and digests his food, how he spins his web, what the web is made of and how it is made, and I can get any one of 'em for a thousand dollars a year and——

"But' not one of 'em can tell," interrupted Tom, "of that factor which I choose to call luck, which sent that tiny wane of air just at the right time to enable the spider to swing 16 inches, and so made it possible for him to bridge the abyss that confronted him."

"Here you go with your luck theory, Tom. You aggravate me beyond endurance!" said the colonel, as he began pacing back and forth across the room. "Luck's a fool and pluck's a hero, is one of the few true saws. Tom, you know my history pretty well, you know how, when I was only 12 years old, I——

"Yes, I know, I know. You worked for your board and went to school, you wore a single suit of clothes three years, worked the first year for $3 a month and all the rest of the hackneyed story of economy, privation and industry. I know it by heart, and it does not interest me in the least."

"But where does the luck you tell of come in?" insisted the colonel.

"I do not know," replied the son. "And you do not know, but it has a place in the story just as surely as you have won your victory. See here, father," and Tom stepped over to and leaned against the library table at a point where he could command a clear view of his father's face as he walked back and forth. "You're a mighty good man—and so am I. In your way you have been very successful. I have my way to make—"

"And you begin," said the colonel, with something of a sneer, as he stopped in his walk, "by courting a girl when you haven't a cent in the world, when you have no settled purpose when you are afloat on the ocean of aimlessness with merely a college education to widen the drift which is carrying you along."

"Yes, and my fiancee comes to me with no dowry of a material sort, with nothing but good average intelligence and accomplishments, a fine physique and splendid health."

"All of which will be needed and sorely tested," observed the father as he seated himself at the table and with his eyes fixed upon a large globe of bronze-green pottery, set in a niche high above the mantel, began twirling his eyeglasses. "However, we won't quarrel, Tom. You're my son and so long as I live——"

"Which I believe and hope will be many years, and for which I am thankful," said Tom.

"Yes, I'm a husky old chap," continued the colonel, "and while you may be obliged to wait a long while for your inheritance, still anything you want at any time just call on me, my boy. Only, whatever you undertake, do try to become more practical."

"All right, pop," said Tom. "And now I'll tell you something you do not know. I'm a deserted lover. Helen—Miss Stevens—has thrown me over, temporarily." And, leaning over the table, he held out his hand toward his father, while a quizzical smile played about his lips.

Impulsfvely taking Tom's hand, the colonel asked: "Is it true? Have you quarreled? Is everything off?"

"Not quite," answered Tom, "but you know Miss Stevens is well bred, though poor, and so is aristocratically independent—"

"And silly," put in his father.

"Possibly, but wholly admirable," continued Tom. "You see, she sees a trousseau in the distance and it is an elaborate one. Moreover, it is her own, bought with her own earnings."

"How so?" was the colonel's query.

"Well, you know, she's an exceptionally clever musician—sings beautifully, is more than an average good amateur pianist and has a fine repertoire as solo violinist. By virtue of this equipment she has secured an engagement for the coming winter and will travel all over the country at the head of a concert company."

"How much is her salary?" asked the colonel with a show of deep interest. "What is she to get?"

"That was the very question I asked her when I found I could not prevail upon her to abandon the proposition," said Tom, "and her reply will answer your question. She said: 'I will get an opportunity to visit the chief cities west and south, to sing and play for all sorts of clubs and societies, to make a study of press notices and catch a fresh cold every third day. Incidentally I will receive a fairly good salary.'"

"If she gets it," put in the colonel.

"Oh, she's got that. She didn't leave until after she had a sufficient and abundantly secured guaranty on that score."

"Say, Tom, that's business. That girl is all right," said the father. "Did you say she had already started on her tour?"

"Yes, she's been gone a week."

"You must bring her back!"

"Impossible!"

"But I'll pay her a salary twice the size of the one she gets."

"But she's bound by contract."

"I'll pay any damage. I'll buy her time and services from her manager," urged the colonel.

"And so pay a shrewd, farseeing chance-taking speculator for his faith in luck?"

"That's so," said the colonel contemplatively, and after a pause which amused Tom, the practical man of business continued. "And besides it wouldn't be business to attempt in any such way to discourage a girl who has so much spirit."

"No, pop," said the son, "if I could not dissuade her from her purpose I'm sure you would fall in the effort. And besides, she's all right, and can more than take care of herself. Moreover, I can take care of myself and propose to do so from now on."

"What do you mean?"

"That while I appreciate your affection for me and your kindness, I have gone the limit in accepting aid from you."

The discussion which followed was kindly, yet emphatic in its showing of firmness on the part of both father and son, each one defending his conviction as to the place, influence and merit of luck. The result was that within a week thereafter Colonel Edwards was addressing letters to his son in care of the Euclid Manufacturing company in a city near one of the great lakes, while Tom, in turn, was addressing letters, almost daily, to Miss Helen Stevens at various cities along the Queen & Crescent route.

And so the weeks were pushed back into a history which impressed Colonel Edwards with the conviction that Tom would soon be an assistant analyst in the chemical laboratory, whereas, in fact, he was a mere clerk in the general office, who, because of the meager salary paid him, was regularly making small calls on the $500 his father had insisted on bestowing upon him to serve as a last resort in case of an emergency. And Tom, who had insisted upon receiving the money only as a loan, was wondering how he might pay the debt, when instead of saving a little each week he was drawing on the borrowed fund. Meanwhile the Helen Stevens Concert company had traveled a dozen states with great artistic success, but very common place business results.

Upon one midwinter day, while Tom Edwards was at work, making out a lot of monthly statements, he received a telegram as follows:

"Orange, Texas, Jan. 16,

"Meet me at Houston on the 26th. I have five hundred. Bring all the money you can raise.

"HELEN STEVENS."

Although Tom had never ventured in the show business, he knew at once that disaster had overtaken the concert company. His loyalty was doubled too, as he realized the chagrin and humiliation which his fiancee had overcome in sending to him for help, and so, cost what it might, he would respond to save the enterprise. And besides, he was thoroughly sick of the Euclid Manufacturing company, where all positions of authority and high salaries were held by sons of their fathers. Accordingly Tom resigned his position peremptorily, and found that he had a cash capital amounting to about $600. It was a paltry sum, but with the $500 that Helen had accumulated, there would be sufficient to carry the company a week or two, and by that time, if conditions did not improve, some other resource might be utilized. And so, writing a letter to his father telling him of his departure, Tom started for Texas.

Arriving at Houston a day ahead of time, Tom found a city alive yet skeptical over reports as to the discovery of oil at Beaumont. There were veritable lakes of the stuff finding their way out toward the pass, and real estate values had gone from $50 an acre to $1,000 and more. The chance of a lifetime was apparent, and with the passing of each hour, this chance was being whittled down, because an omnipresent press association had sent the news to all quarters of the globe. True, the conventional possibilities were much in evidence. It was possible that the wondrous flow of oil was but a freak of nature to end within a fortnight, and then, too, with the great gusher and the immediately adjacent territory in the hands of those who had made the initial revelation, it was possible that no other paying flow of oil could be found in the whole of Texas. And yet, Spindle Top heights, a little nub of territory totally unknown outside of Jefferson county a week ago, was being discussed in all the money centers of the land, and the chief demand at Beaumont was for surveyors and map-makers. All of these things interested Tom, but he was powerless to act while the morrow, when Miss Stevens and her "troupe" would arrive. That to say he could do nothing but dream and formulate. And this he did multitudinously. The plan which seemed most rational and feasible, was to abandon the concert enterprise, if Helen would consent to such a step; next to marry his betrothed at once; if she would consent to a sudden wedding and among strangers, and then open an office in Beaumont as civil engineer, analytical chemist and expert map-maker. Truly, he thought, I can make good wages there for a time at least, and if the oil find proves the permanent wonder that it is now, temporarily, Beaumont will be a good town in which I can grow up with the place.

Because Tom had wired that he would be in Houston by the evening of the nineteenth, the Stevens Concert company took a train immediately after their performance that evening and by midnight had reached Houston. The meeting between the engaged pair, unaffectedly friendly and earnest was marked at the beginning with the whispered warning from Helen: "Not a word about business until we are alone." And so, with the manager especially cordial and effusive, with the pretty, sad-eyed impersonator and reader, homesick, tired and timid, and the accompanist and the baritone maneuvering for the honor of escorting the shapely, self-possessed contralto, the little group found its way to the street and bus, and so to the hotel.

Arriving at the hotel the party was quickly dispersed to their respective rooms, and then it was that Tom asked: "What's the difficulty?"

"How much money did you bring?" asked Helen.

Tom explained that he had about $350, at which he noticed a distinct shade of disappointment on his sweetheart's face. He was quickly relieved, however, when she observed: "Well, we've got nearly $900 between us, and we can go fairly well with that, only I had hoped for more."

"I'll wire father and get any amount you want!" quickly responded Tom. "But tell me, what's the trouble?"

"No, not tonight. We've got the whole of tomorrow before us, and we can do a great deal in eight or ten hours," said Helen, "and besides, you wouldn't sleep a wink tonight if I were to tell you all my troubles."

"I am afraid I won't sleep unless you do tell me. Come, what is it?" pleaded Tom.

"No, you must wait until tomorrow, so good night," said Helen, as she held her face to receive the good night kiss, at the same time gently urging Tom toward the door. Noticing her lover's anxiety and disappointment, she continued, "Now Tom, be good. Remember I've been a woman of business for many weeks, have been earning my own living and have learned the value of silence. I began handling the present situation alone, and it is coming out all right.

"Now be good and let me take it through to a finish all alone. There's nothing so dreadfully critical about it anyway, and I want to show you what I can do."

"With my help and ignorance," said Tom, as he took her in his arms and covered her face with kisses.

Just how much Tom slept during the six or seven hours he had at his disposal is not known, but when he rapped at Helen's door the next morning he received no response, and at the office of the hotel he learned that Miss Stevens had taken an early breakfast and gone up town, leaving word for him she would return within an hour. And so it was while, extremely anxious and almost disconsolate, Tom was trying to take his breakfast that Miss Stevens entered the dining-room hastily and with a quick "good morning, Tom," laid a bit of paper by the side of his plate with: "There's an option on five acres of the Spindle Top district" and placing a second paper by the side of the other one, "there's an option on half an acre. The money we have will give us the ownership of the half acre. To acquire the full five acres we must have $4,000 and we must have it today."

"That's easy!" triumphantly responded Tom, as he took the papers and arose all excitement. "Come on. I'll wire father and have the money here before noon."

"No, Tom," said Helen, as she tried in a half-hearted way to restrain his enthusiastic stride. "I'd rather not. The half acre we can sell today for $5,000 and—for heaven's sake, Tom, don't walk so fast. People will believe we have the oil fever."

"And so I have," said Tom, "but I can control it, if you will pardon my excitement."

Thus it happened, that, as they were riding together over the 80 or 90 miles toward Beaumont, they agreed mutually that it would be wise to ask Colonel Edwards for assistance; that the half-acre loaf was better than no loaf at all and that in case the oil excitement should prove to be a bubble, the colonel could not charge that they had inveighed him into a mere chance. "And you know," said Tom, it is a pet theory with father that 'Luck is a fool and pluck is a hero.'"

"Does Colonel Edwards say that?" asked Helen almost breathlessly, and when Tom reassured her, she vowed that she would telegraph to him for $5,000 immediately upon reaching Beaumont. "I'll ask him for the loan in the name of Pluck."

"Better use your own name," said Tom, as he took out his watch. "But it's too late now. Father stays in his office from 8 to 11 o'clock each morning, and after that his office is in his hat, and it is the next thing to the impossible to locate him."

An hour later Tom and Helen were the owners of half an acre of the Spindle Top district, and had received an offer of $10,000 for their option on the five acres. They were about to accept the offer when a man, coatless and hatless, dashed into the little room—an old shoe shop full of lasts, dilapidated shoes and mended ones, which had been pressed into service by a rustler broker from Galveston—and cried out: "I'm authorized to offer $20,000 for that option."

"I'll take it!" quietly observed Miss Stevens, and as Tom took a blank to write the transfer, he asked:

"To whom shall I make out this transfer?"

Just then Colonel Edwards entered the room and learning that his bid had been accepted made no effort to force his way through the crowd which had gathered around Miss Stevens and her companion.

"To whom shall this transfer be made?" repeated the broker, who had conducted the sale, and the man who had brought in the bid answered:

"Make it out to me; hanged if I haven't forgotten my client's full name.

"Make it out to Colonel Melanethon Edwards," came from the outer edge of the crowd, and Tom and Helen looked one at the other blankly as their hands met, and in the seclusion of the closely packed crowd squeezed tight and more tightly until Helen cried out: "Don't Tom, you're crushing my fingers." And yet, when the bewildered man attempted to release his hand another pressure kept it prisoner.

The transfer was perfected and recorded, the father, son and fiancee were reunited, the Stevens Concert company canceled its Houston date and disbanded and the colonel was called upon to rearrange his views as to luck.

"But it wasn't entirely luck," he insisted. True it was mere luck that Helen happened to be at Beaumont when the big gusher came in; it was mere luck that she found the two available options, but it wasn't luck that she had the money and the pluck to buy them.

"Oh, I don't know," said Helen, "all of these happenings would have been worthless had it not been that I had the luck of thinking of Tom in my extremity and that he had the luck to have a few hundred dollars."

"And the luck," interpolated Tom, "to have a father. By the way, father, how did you happen to come to Texas?"

"Why I read the press reports as to the oil find down here and knowing you were both somewhere in this neighborhood, I thought I would come down and take a couple of benighted idiots back to—"

"The hum-drum of conventionalities and personalities and perpetual exemptions from ambition, effort and luck," said Tom.

"Not if I know it," said Helen, with unmistakable emphasis, and she won, for within a month there was a wedding at Houston, and the colonel had meanwhile made two round trips to the north to purchase a lot of things and incidentally to arrange his affairs so that he might spend the summer in the handsome new home, with Tom and Helen.

Old Printer's Son Tells *of* One of America's First Newspapers

By Wellesley Bradshaw.

CHARLES W. ALEXANDER, who was secretary of the Bi-Centennial association when the city celebrated its two hundredth anniversary 25 years ago, sends to the North American, a clipping from this paper, which is of peculiar interest at this time. When the centennial of the adoption of the constitution was observed in 1887, Mr. Alexander contributed to the North American of that date the story of an old printer whose father had set up the type for the North American of 1787, from which the paper printed the first public draught of the new constitution.

This is the story as it appeared in this newspaper September 13, 1887:

Yesterday afternoon I chanced to be walking along Chestnut street near Independence hall. The old centennial city was in a wonderful state of life and excitement. Hundreds of thousands of visitors from all parts, not merely of our own country, but of foreign lands, thronged its streets and filled its hotels and hospitable homes, and vast throngs were surging about the sacred edifice as the main center of attraction.

There General Sheridan and Governor Fitzhugh Lee met each other graciously enough, and the men in blue and the men in gray, who a quarter of a century ago fought so bravely under their command, grasped hands in the most cordial manner. South Carolina and Massachusetts walked fraternally side by side, as brothers should whose forefathers had so solemnly pledged "their lives, their fortunes and their sacred honor," that the union of states should be for all time.

I crossed to the Ledger pavement and was accosted by an old gentleman who had just alighted from a passing car.

"Can you tell me where the office of the North American is? I have not been back here in Philadelphia for nearly 40 years."

"Yes sir; walk right along with me. I am going there now."

My companion, though of such advanced age, walked with comparative vigor, and as we threaded our way through the crowds he made so many inquiries about old buildings and old newspapers and old magazine publishers that he evidently had been a long resident of the city in bygone days.

In the midst of our conversation we arrived at the North American building, and, entering the office, found Clayton McMichael, whom I myself wished to see upon business. I gave way, however, to my venerable friend, whose name I now learned was Robert Pierce, and he, after the casual remarks, thus stated the object of his call.

"Well, sir, three days ago I was 87. I was born in Trenton, but am now living in New York. I am an old typesetter, having served my apprenticeship in Philadelphia in the old Black Horse alley printing office. My father was a typesetter before me. You call them 'compositors' now—and he worked for Dunlap & Claypoole on the Daily Advertiser in 1787, when the constitution was adopted.

"You know they afterward sold the paper to Zachariah Poulson, and it was called Poulson's Daily Advertiser, until Joseph R. Chandler bought it and merged it with the United States Gazette.

"I was working for Mr. Chandler when your father, Morton McMichael, purchased the old paper and joined it to the North American, which he owned, making the North American and United States Gazette the oldest daily newspaper in America.

"You ought to be proud of such property, sir, you and your brother, Walter McMichael, who, I understand, are its sole owners now. And I dare say one of you was the curly haired boy I have seen at the office in those long-ago days."

The speaker paused, and opening a curious leather case, which had already attracted my attention, took from it an old-time composing stick and set-rule, and showing them to us, resumed:

"One hundred years ago my father set up the last 'take' of copy of the original constitution for the Daily Advertiser. Ah, me, how proud of that he was to the day of his death. He never used this stick afterward, but had this leather case made specially to keep it in, and left it to me as a sacred relic. It will go to my granddaughter's boy, to be kept in the same way as I have done.

"For some time I have been reading about your approaching celebration, and a few days ago I was seized with an overwhelming desire to come on and set up a little take of copy for your North American. It will be the last bit of typesetting I shall ever do, and I will regard it as an honored privilege."

"Why, most certainly, my dear sir," was the prompt reply, "if you feel able, you are not only welcome, but it will be a gratifying and pleasant incident. By-the-by, here is a prophetic paragraph taken from the Advertiser of a century ago, and which, perhaps, your father also set up. You can set that."

Ten minutes later we were up in the composing room, with the old man standing at the case, and "picking up" type with a speed and ease most surprising in one of his years.

Steadily did he work, sentence after sentence being set, read and "justified," for he said he did not wish to make any corrections, but wanted a "clean proof," till finally the last line was "up."

At this very instant the sinking sunlight slanted from a window on the opposite side of the street, fell directly on the old typesetter with a shaft of intense brilliancy, making upon the wall a deep silhouette shadow of him, that followed his every motion and suggested the touching ides of the presence of his father.

We were spellbound; he bent over—so did the shadow; he skilfully "lifted his matter" from the stick and placed it on the "galley"—so did the shadow; he stood erect and "pushed the type up tight"—so did the shadow; he turned half 'round, bringing his face exactly in profile, and his lips moved—so did the lips of the shadow. But the latter began to grow dimmer, for the sunlight was rapidly fading out.

"There, it is done! and my life work is gloriously finished."

The sunlight was gone—so was the shadow—and the old typesetter's voice speaking these words with a strange solemnity awoke us from the spell, and doubtless every reader of the North American will agree with the remark I made to the editor.

"Well, sir, that is the most touching and eloquent incident of this whole magnificent celebration."

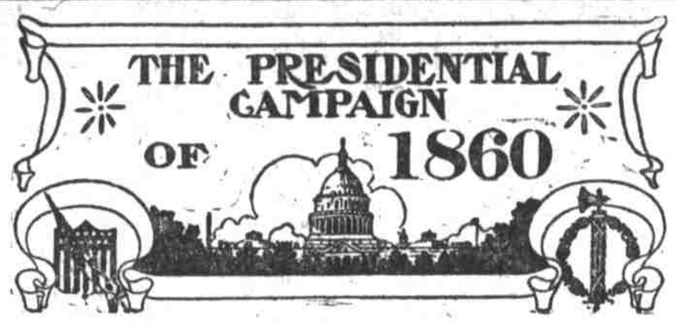
This is the paragraph the old man "set":

"The Petition and Declaration of the Inhabitants of Philadelphia and of the Districts of Southwark and the Northern Liberties

"Respectfully sheweth.

"That your petitioners have seen with great pleasure the proposed Constitution of the United States, and as they conceive it to be wisely calculated to form a perfect union of the States, as well as to secure to themselves and posterity the blessings of peace, liberty and safety, they have taken this method of expressing their earnest desire that the said Constitution may be adopted as speedily as possible by the State of Pennsylvania, in the manner recommended by the resolution of the late honorable Convention."

And the state of Pennsylvania did it.



JAMES BUCHANAN, who succeeded to the presidency in 1856, was the last chief executive to be elected by Democrats for nearly 30 years. It is indeed practically certain that even he would have been defeated in 1856 had it not been for the influence of a few able and conservative men in the north, who believed that Buchanan's large experience in public affairs, his acknowledged capacity and his conservatism afforded a better guarantee of domestic peace than did the character of the fiery Fremont. Buchanan declared shortly after his election that the great object of his administration should be to arrest, if possible, the agitation of the slavery question and to destroy sectional parties. But he might as well have sought to turn back the waves of the ocean with a broom. The coming conflict was inevitable and the diplomacy and procrastination of Buchanan but served to put forward the evil day.

Agreeable to his announced determination, Buchanan divided his cabinet appointees evenly between the north and south, making the veteran Lewis Cass of Michigan his secretary of state. But no sooner had the Buchanan administration started than the feeling over slavery continued its confounding work. Buchanan could not conceal his desire to acquire Cuba and the north accordingly took fresh umbrage toward his administration. Then came the famous Dred Scott decision rendered by the supreme court, in which a majority was of southern extraction and southern affiliation. The Dred Scott decision denied the possible status of a free negro. Thus the supreme court and the chief executive of the nation added fuel to the flame.

By the time the autumn election of 1858 had been reached Abraham Lincoln had appeared upon the scene. The term of Stephen A. Douglas as senator from Illinois was expiring. He was a candidate for Democratic reelections. Formerly friendly to the slave trade he was now slightly regaining his northern popularity through an impression of a changed front. Republicans, however, had not forgotten his past record and they accordingly put forward as their candidate against Douglas Abraham Lincoln, a Springfield lawyer of hardly more than local reputation. Then occurred the wondrous Lincoln-Douglas debate, in which Lincoln startled the entire country with his remarkable apostrophies on the slavery issue. It was soon apparent that the Republicans had at last found a man who was the kind of a leader they desired and needed and by the mere token it was equally apparent that the time for temporizing was nearly past and the necessity for settling the one great internal difficulty between the states had now to be bravely faced and truly mastered.

The result of the Lincoln-Douglas campaign was the defeat of Lincoln by a few votes. Elsewhere in the north, however, the 1858 elections showed constantly increasing Republican gains and a corresponding increase in abolition sentiment.

Soon came the raid of John Brown into Virginia for the purpose of freeing the slaves. Then Brown was convicted of treason and was hanged. More fuel added to the flames. When congress met in the winter of 1859 the opening sessions were marked with extremist sectional bitterness and it was with the utmost difficulty that business was transacted at all. Such was the situation in brief when the presidential campaign of 1860 opened the most portentous, the most important, the most serious and the most foreboding election in which the people of the Union were ever called to participate.

The Democratic national convention met at Charleston April 23. The mere choice of a southern city for holding the gathering was taken as an omen of disaster. Delegates from the north and west strongly favored the nomination of Senator Douglas, but southern Democrats insisted that even Douglas was not sufficiently friendly to the cause of the southern states. For two days the convention wrangled over resolutions. Jefferson Davis promulgated the theory that a citizen of the south had the right to emigrate to a territory with his slaves. The south demanded this resolution in the Democratic platform. After a long debate, in which each side refused to accept the other's desires as regarded a slavery plank, the convention divided and the delegations from Alabama, Mississippi, Louisiana, South Carolina, Florida, Texas and Arkansas withdrew. It was a solemn scene, creating a profound impression and marking the beginning of the end. The remaining delegates on the following day proceeded with the work of naming a candidate. Douglas had led all others, but on account of the two thirds rule was never able to secure enough to receive his nomination. Finally, on the tenth day of the session, the convention adjourned to meet at Baltimore on June 18. Meantime, those who had withdrawn had assembled and agreed to meet on the same date in the city of Richmond. The disruption of the Democratic party, which had enjoyed a vigorous and successful life for 30 years, had at last occurred.

When the Baltimore branch of the Democratic party reassembled, five more days of wrangling followed. At the end of it still another group of southern states withdrew, and the remaining delegates nominated Douglas for president and H. V. Johnson of Georgia for vice-president. In the meantime the seceders from the Charleston convention, joined by those from the Baltimore convention, nominated John C. Breckenridge of Kentucky for president and Joseph Lane of Oregon for vice-president and a platform demanding protection for slavery in the territories was adopted.

Quite different from the disrupted and disorganized Democracy, the Republican convention assembled in Chicago full of hope and enthusiasm. The general impression was that Seward would receive the nomination because of his prominence in the party, and his acknowledged ability. But there was serious objections to his nomination on the grounds of availability, because his radical utterances had made him unpopular in many of the border states. On the first ballot Seward led by a considerable plurality. To his surprise his nearest opponent was Abraham Lincoln. Lincoln's friends had been assiduously at work and every suggestion of his name in the convention city or the convention hall was answered with a thundering shout of enthusiastic approval. On the second ballot Seward gained 11 votes, while Lincoln gained 79. On the third ballot Lincoln was nominated amid tremendous cheers and booming of cannon. For vice-president, Hannibal Hamlin was named and the convention adjourned with a declaration of platform principles which repudiated the Dred Scott decision, denied the right of congress or of a territorial legislature to give legal existence to slavery in any territory, and announced the Democratic doctrine of popular sovereignty as a fraud and a deception. The war of the rebellion had begun. A fourth ticket came into the field, representative of a so-called Constitutional Union party, made up of old line Whigs and chiefly marked by its conservatism. John Bell of Tennessee was named for president and Edward Everett of Massachusetts for second place.

The campaign proceeded with great enthusiasm and yet amid foreboding threats. It early became evident that Lincoln was to win. Southern leaders openly declared that in the event of a Republican victory the south would secede. The north treated these threats as mere bluster, but the announcement of the November vote brought the whirlwind. Lincoln carried every free state except New Jersey, receiving four of the seven votes of that state. Douglas received only the electoral votes of Missouri and three from New Jersey. Bell received those of Virginia, Kentucky and Tennessee, while Breckenridge received the balance. Lincoln's electoral vote was 180, while that of the other three candidates combined was but 103.

At last the party opposed to slavery, which in 1840 cast but 7,000 votes, had gained control of the government. Before another campaign could roll around the result of the election of 1860 was to be written in the blood of battlefield.

Why Not?

"I have just come from taking my Aunt Vrow Jeemson to a rest cure," said a descendant of Holland. "She started out all right, but the sidewalks of New York soon got on her nerves, and she kept up: 'Why don't they scrub the dirty sidewalks?' 'Why do they only clean the streets where the horses go and leave the sidewalks full of garbage and filth?' In vain we tried to explain to her that girls with scrubbing brushes and pails of suds were out of place in New York; she could not see why Holland customs could not prevail. Saturday we took her for a sail down to the lower bay, and all she would say was: 'Water, water, water—and not a drop to use to scrub those awful sidewalks.' New York is no place for Holland dames with scrubbing propensities."

Tipping Barred.

A well known metropolitan hostelry has inaugurated an anti-gratuity policy for at least the current season. The management makes official statement thus: "The servants of the house receive full and satisfactory compensation for their services from the owners and are neither permitted to accept nor do they expect to receive fees of any kind from guests."