#### DESERET EVENING NEWS TUESDAY JULY 28 1908



(Continued from page one.)

stablished may be maintained it restrained departures from it restrained at undue interference with le-

LWAY TRAFFIC AGREEMENTS. able to note in this rethe Republican platform ex-nd the Democratic platform approve an amendment to te commerce law by which are realized as may make useful agreements if approved by the sion. This has been strongly hended by President Roosevel:

Il make for the benefit of the VSICAL VALUATION OF RAIL-ROADS.

the of the suggestions of the Dem-ic platform relate really to this dinate and ancillary machinery to a 1 have referred. Take for in-e, the so-called physical valuation liways. It is clear that the sum rates or receipts of a railroad, roper expenses, should be limited fair profit upon the reasonable of its property and that if the exceeds this measure it ought to duced. The difficulty in enforc-ne, principle is in ascertaining what f the suggestions of the Dem ple is in ascertaining what isonable value of the com-operty and in fixing what is t. It is clear that the physicrailroad and its plant be given weight in de-full value; but as Presi-it in his Indianapoli it in the supreme court have the value of the railroad oncern, including its good efficiency of service and circumstances may b eater than the value of its property and it is the former the investment on which

fit must be allowed. , the question what is a fair one involving not only the terest usually earned on nor-investments, but also a suf-owance to make up for the ss both of capital and interoriginal outlay These conill have justified the con osing charges high enough fair income on the enter-whole. The securities at ces will have pussed into the subsequent purchases from iginal investor. Such circum should properly affect the de-the tribunal engaged in de-g whether the total of rates reasonable or excessive To hem might so seriously and un-nuair settled values as to de-hope of restoring confidence ever end inducement for inat in new railroad construction in returning prosperous times essetial to our material prog-As Mr. Roosevelt has said in ng of this very subject:

FECT OF SUCH VALUATION. effect of such valuation and securities cannot be retive. Existing securities should sted by laws in existence at the of their issue. This nation would e an important part of the na-wealth than it would consider a sition to repudiate the national

question of rates and the treatof rallways is one that has two The shippers are certainly en-to reasonable rates; but less is to the carriers. Good ress for the railroads is essential eneral prosperity. Injustice to is not alone injustice to stock-rs and capitalists whose further stments may be necessary for the of the whole country but it direct-flects, and reduces the wages of vay employes and indeed, may dethem of their places entirely

m what has been said the prop-nelusion would seem to be that itempting to determine whether ntire schedule of rates of a railis excessive, the physical valua-of the road is a relevant and imnt but not necessarily a controll-

sical valuation properly used ot generally impair securities. I nfident that the fixing of rates the principles suggested above not materially impair the presarket values of railway securi-most cases, for I believe that ermal increase in value of railroperties especially in their ter-s will more than make up for vents. In some cases doubtless possible be found that over-capitaliza-made an excuse for excessive and that they should be reand but the consensus of opinion to be that the railroad rates lly in this country are reasonow, This is why doubtless the sints filed with the interstate ree commission against exces-COMPULSORY SALE OF PRODUCTS The proposal to compel corporations to sell their commodities at the same price the country over, allowing for transportation, is utterly impracticable. If it can be shown that in order to Tates are so few as compared with se against unlawful discrimination ates between shippers and between sets. Of course, in the determina-of the question whether this dis-sination is unlawful or not the scal valuation of the whole road f little weight If it can be shown that in order to drive out competition a corporation owning a large part of the plant pro-ducing an article is selling in one part of the country where it has competitors little weight. at a low and unprofitable price, and in another part of the country where it has none, at an exorbitant price, this is evidence that it is attempting an un-HOULD BE PHYSICAL VALUA. TION. I have discussed this with some de-I have discussed this with some de-gree of detail merely to point out that the valuation by the interstate com-merce commission of the taugible proprty of a railroad is proper and may from time to time be necessary in settling certain of the issues which may come before them that no evil, or injustice can come from valuation in such cases, if the result is to be used for a just purpose and the right to a fair profit under all circumstances of the investment is recognized. The interstate commerce commission has sow the power to ascertain the value of the physical railroad property if necessary in determining the reasonlawful monopoly and justifies convic-tion under the anti-trust law; but the tion under the anti-trust law; but the proposal to supervise the business of corporations in such a way as to fix the price of commodities and compel the sale at such price is as absurd and socialistic a plank as was ever in-serted in a Democratic platform. REPUBLICAN AND DEMOCRATIC POLICIES. w the power to ascertain the value the physical railroad property if cessary in determining the reason-eness of rates. If the machinery doing so is not adequate, and as probable, it should be made so. The Republican platform recom-nds legislation forbidding the issue the future of interstate railway cks and bonds without federal au-city. It may occur in such eases ks and bonds without federal au-ity. It may occur in such cases the full value of the railroad and an element thereof the value of tangible property of the railway id be a relevant and important or in assisting the proper authority



o detremine whether the stocks and ounds to be issued were to have prop. er security behind them, and in such

cases therefore, there should be the right and machinery to make a valu-ition of the physical property. CONTROL OF CORPORATIONS

# Another suggestion in respect to sub-ordinate and auxiliary machinery nec-

essary to carry out Republican policies is that of the incorporation under na-tional law or the licensing by national license or enforced registry of corpanies engaged in interstate trade. The fact is that nearly all corporations doing a commercial business are engaged in interstate commerce and if they all Interstate commerce and it they all were required to take out a federal license or a federal charter the burden upon the interstate business of the country would be intolerable. It is necessary, therefore, to devise some means for classifying and insur-ing federal supervision of such corpora-tions as have the power and iemptation

tions as have the power and temptation to effect restraints of interstate trade and monopolies. Such corporations constitute a very small percentage of all engaged in inter-state business.

MR. ROOSEVELT'S CALSSIFICA-TION,

With such classification in view, Mr. Roosevelt recommended an amendment to the anti-trust law known as the Herburn bill which provided for vol-untary classification and created a strong motive therefor by granting immunity from prosecutions for reason-able restraints of interstate trade to all corporations which would register and submit themselves to the publicity regulations of the department of comnerce and labor. DEMOCRATIC CLASSIFICATION.

The Democratic platform suggests a requirement that interstate trade hav-ing control of 25 per cent of the prod-acts in which they deal shall take out a ucts in which they deal shall take out a federal license. This classification would probably include a great many small corporations engaged in the aun-ufacture of special articles or commo-dities whose total value is so incon-siderable that they are not really with-in the purview or real evil of the anti-trust law. It is not now necessary, here is discuss the valuative merits trust law. It is not now necessary, however, to discuss the relative merits of such proposition, but it is enough merely to affirm the necessity for some method by which greater executive supervision can be given to the federal government over these businesses in which there is a temptation to violations of the anti-trust law.

CONSTRUCTION OF ANTI-TRUST LAW.

The possible operation of the anti-trust law under existing rulings of the supreme court has given rise to sug-gestons for its necessary amendment to prevent its application to cases to prevent its application to cases which it is believed were never in the contemplation of the framers of the statute. Take two instances: A merchant or manufacturer en-

gaged in a legitimate business that covers certain states wishes to sell his business and his good will, and so in the terms of the sale obligates himthe terms of the sale obligates him-self to the purchase not to go into the same business in those states. Such a restraint of trade has always been enforced at common law. Again, the employes of an interstate railway combine and enter upon a peaceable and lawful strike to secure better wages. At common law this was not a restraint of trade or commerce or a violation of the rights of the com-pany or of the public. Neither case ought to be made a violation of the anti-trust law. My own impression is that the supreme court would hold

anti-trust law. My own impression is that the supreme court would hold that neither of these instances is with-in its inhibition but if they are to be so regarded legislation amending the

public derives no benefit and we have a monopoly. There must be some use by the company of the comparatvely great size of its capital and plant and extent of its output either to coerce persons to buy of it rather than of some other competitor or to coerce those who would compete with it to give up their business. There must usually, in other words, be shown an element of duress in the conduct of its business toward the customers in the

trade and its competitors before more aggregation of capital or plant be-comes an unlawful monopoly. It is perfectly conceivable that in the interest of economy of production a great number of plants may be legiti-mately assembled under the ownership of one corporation. It is import-ant therefore, that such large aggre-gations of capital and combinations should be controlled so that the public should be controlled so that the public may have the advantage of reasonable prices and that the avenues of enter-prise may be kept open to the indi-vidual and the smaller corporation wishing to engage in business. AGGREGATION OF CAPITAL NOT A VIOLATION. .

In a country like this where in good times there is an enormous floating capital awaiting investment the per-iod before which effective competition by construction of new plants can be intrdouced into any business is com-paratively short, rarely exceeding a year, and is usually less even than that. that.

Many enterprises have originated on Many enterprises have originated on the theory that mere aggregation of all existing plants in a line of manu-facture without regard to eccoromy of production destroys competition. They have most of them gone into bankruptcy. Competition in a profitable business will not be affected by the mere aggregation of many existing plants under one company unless the plants under one company unless the company thereby effects great i ome, the bench of which it shares with the public or takes some illegal method to avoid competition and to perpetuate a hold on the business.

PROPER TREATMENT OF TRUSTS In the law trusts should be restrain.

ed with all the efficiency of injunctive process and persons engaged in main-taining them should be punished with taining them should be punlshed with all the severity of criminal prosecu-tion, so that the method of operation of their busness shall be brought with-in the law.' To destroy them and to eliminate the wealth they represent from the producing capital of the country would entail enormous loss and would throw out of employment myraids of working men and women. Such a result is wholly unnecessary to the accomplishment of the needed re-form and will inflict upon the innocent far greater punishment than upon the

TARIFF AND THE TRUSTS.

The Democratic platform does not to destroy the plants of the trusts physically, but it proposes to do the same thing in a different way. The bothness of this country is alreely deorganess of this country is alreely de-pensent on a protective system of tar-iffs. Whe business done by many of the so-called trusts is protected with the other businesses of the country. The Democratic platform proposes to take off the tariff on all articles coming into competition with those produced by the so-called "trusts" and put them on the free list. If such a course would be free list. If such a course would be utterly destructive of their business, as is intended, it would not only destroy the trusts, but all all other smaller competitors.

The ruthless and impracticable char acter of the proposition grows plaine as its effects upon the whole community are realized. 'To take the course suggested by the

Democratic platform in these matters is to involve the entire community, inthe guilty, while our policy is to stamp out the specific evil. This difference between the policies of the two great parties is of especial importance in view of the present condition of busi-

ness. THE PANIC.

After 10 years of the most remark-After to years of the most remark-able material development and pros-perity there come financial stringency, a panic and an industrial depression. This was brought about not only by This was brought about not only by the enormous expansion of business plants and business investments which could not be readily converted, but also by the waste of capital then, extrava-gance of living, in wars and other cat-astrophes. The free convertible capital was exhausted. In addition to this the confidence of the public in Europe and in this country had been affected by the revelations of irregularities, breech of trust, over-issues of stock, violations of law an lack of rigid state or nation-al supervision in the management of

with the preliminary investigations al-ready begun by the appropriate com-mittee of the house and senate will make the disturbance of business incident to such a change little as pos sible

DEMOCRATIC TARIFF PLAN.

The Democratic party in its plat-form has not had the courage of its previous convictions on the subject of the tariff denounced by it in 1904 as a system of robbery of the many for the beenfit of the few, but it does de-clare its intention of changing the tariff with a view to reaching a reve-nue basis and thus to depart from the protective system. protective system. The introduction into power of a par-

ty with this avowed purpose cannot but halt the gradual recovery of the more recent financial depression and produce business disaster compared with which our recent panic and de-pression will seem small indeed.

### THE FARMER.

As the Republican platform say the welfare of the farmer is vital to that of the whole country. One of the strongest hopes of returning pros-

the strongest hopes of returning pros-perity is based on the business which his crops are to afford. He is vitally interested in the restraining of exces-sive and unduly discriminating rall-road rates, in the enforcement of the pure food laws, in the promotion of scientific agriculture and increasing the comforts of country life by the ex-pansion of the food mult deliver. The pansion of the free rural delivery, policies of the present administr which have most usually promoted a these objections cannot fail to com-mend themselves to his approval; an it is difficult to see how with his in telligent appreciation of the thru business prosperity involved in I cratic success at the polls he co therwise than to give his full and hearty support to the continuation of the present administration under Re publican auspices:

#### QUESTION OF LABOR.

We come now to the question of h bor One important phase of qualities of the present administra-has been anxiety to secure for wageearner an equity of opportunity and a positive statutory protection as will place him on a level in dealing level in dealin The Republica with his employer. The Republican party has passed an employers' liabi-ity law for interstate railroads and has established an eight-hour law for government employes and on govern ment construction. The essence the reform affected by the former the abolition of the fellow servant rule and the introduction of the com-parative negligence theory by which an employe injured in the service of his employer does not lose all his right to recover because of slight neg-ligence on his part. Then there is the

ligence on his part. Then there is the act providing for compensation for injury to government employes, to gether with the various statutes requiring safety appliances upon inter-state commerce railroads for the pro-tection of their employes and limiting the hours of their employment. Thes are all the instances of the efforts of the Republican party to do justice to the wage earner. Doubtless a more conservative measure for compensa-tion of government employes will be adopted in the future; the principle In such cases has been recognized and in the necessarily somewhat slow course of legislation will be more fully INTEREST OF EMPLOYER AND EMPLOYE,

The interest of the employer and the employe never differ except when it comes to a division of the joint profits of labor and capital into dividends and wages. This must be a constant source of periodical discussion between the employer and employe, as indeed are the terms of the employment.

#### ADVANTAGE OF UNION.

To give to employes their proper position in such a controversy to en able them to maintain themselves able them to maintain themselves against employers having great capital they may well unite, because in union there is strength and without it each individual laborer and employe would be helpless. The promotion of in-dustrial peace through the instrumen-tality of the trade agreement. Is of-ten one of the results of such union when intelligentity conducted

when intelligently conducted. There is a large body of loborers, however, skilled and unskilled, who are not organized into unions. Their rights before the law are exactly the

employer and they have a right if they choose, to accumulate funds to support those engaged in a strike, to delegate to officers the power to direct the ac-tion of the union, and to withdraw themselves and their associates from dealings with or giving custom to those with whom they are in contro-versy. versy.

#### WHAT LABOR CANNOT LAW-FULLY DO.

What they have not the right to do is to injure their employer's property, to injure their employer's business by use of threats or methods of physi-cal duress against those who would work for him or deal with him or by carrying on what is sometimes known as a secondary boycott against his suctomers or those with whom he deals in business. All those who sym-pathize with them may unite to ald them in their struggle but they may not through the instrumentality of a threatened or actual boycott compel third persons against their will and having no interest in their conroversy to come to their assistance. These principles have for a great many years been settler by the courts of this coun-try. What they have not the right to de try

#### MAY BE ENJOINED.

Threatened unlawful injuries to bus less like those described above can only adequately be remedied by an injunc-tion to prevent them. The jurisdiction of a court of equity to enjoin in such cases arises from the character of the injury and the method of inflicting it and the fact that suit for damages ofers no adequate remedy.

The injury is not done by one single act which might be adequately compen-sated for in damages by a suit at law but it is the result of a constantly recurring series of acts, each of which curring series of acts, each of which in itself might not constitute a sub-stantial injury or make a suit at lay worth while, and all of which woul-require a multiplicity of suits at law Injuries of this class have since th the foundation foundation of courts of equity beet preventetd by injunction.

#### FUNCTIONS OF INJUNCTIONS.

It is claimed that injunctions do no to protect anything but property rights and that business is reports and that business is not a reoperty right, but such a proposition s wholy inconsistent with all the de-isions of the courts. The supreme ourt of the United States says that court of the United States says that the injunction is a remedy to protect property or rights of a pecuniary na-ture and we may well submit to the considerate judgment of all laymen whether the right of a man in his busi-ness is not as distinctly a right or a pecuniary nature as the right to his horse or to his house or stock of goods on his shelf instances in which in-junctions to protect business have been upheld by all courts are so many that it is futle further to discuss the profutile further to discuss the pro positio

#### DEMOCRATIC ATTITUDE.

It is difficult to tell the meaning of the Democratic platform upon the sub-ject. It says: "Questions of judicial practise have

Questions of juncial practise nave arisen especially in connection with li-dustrial disputes. We deem that the parties to all judicial proceedings should be treated with rigid impartial-ity, and that injunctions should not be issued in any cases in which injunc-tions would not issue if no industrial dispute were involved." ispute were involved.'

The declaration is disingenuous. It seems to have been loosely drawn with the purpose of rendering it suscepti-ble to one interpretration by one set of men and to a diametrically opposite interpretation by another. It does not aver that infunctions should not issue in industrial disputes but only that aver that injunctions should not issue in industrial disputes, but only that they should not issue because they are industrial disputes and yet those re-sponsible for the declaration must have known that no one ever maintained that the fact that a dispute was in-dustrial gave any basis for issuing an injunction in reference thereto. The declaration seems to be drawn in its present vague and ambiguous shape to persuade some people that it is a de-claration against the issue of injunc-tions in any industrial dispute; while at the same time it may be possible to explain to the average, plain citizen who objects to class distinction that no such intention exists. Our position is who objects to class distinction that no such intention exists. Our position is clear and unequivocal. We are anxious to prevent even an appearance of in-justice to labor in issuing injunctions, not in the spirit of favoritism to any set of our fellow citizens, but in the interest of justice to all. The reason of exercising or refusing to exercise the power of injunction must be found in

done in the issuing of a writ without notice. I conceive that in the treat-ment of this question it is the duty of the clizen and the legislature to view the subject from the standpoint of the man who believes himself to be un-justly treated as well as from that of the community at large.

### TAFT'S REMEDY.

turning in urning in such cases to the original practise under the old statute of the United States and the rules in equity adopted by the supreme court which did not permit the issuing of an in-junction without notice. In this respect the Republican con-

cention 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 a legislative act

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served and a hearing had, unless the defendant desires a postponement of the hearing. By this provision the injustice which has some times oc-curred by which a preliminary order of widest application has been issued without notice and the hearing of the motion for the injunction has been fixed wasks and months after is data fixed weeks and months after its date, could not recur.

The number of instances in which restraining orders without notice in industrial disputes have issued by federal courts is small and it is urged that they do not therefore constitute an evil to be remedied by statutory amendment. The small number of cases complained of above shows the careful manner in which most fed-eral judges have exercised the juris

careful indiges have exercised the juris-diction, but the belief that such cases are numerous has been so widespread and has aroused such feeling of in-justice that more definite specification in procedure to prevent recurrence of them is justified if it can be effected without injury to the administration of the law.

the order constituting the contemp charge is direct, that is, outside of the presence of the court, there shall be a ury trial.

Jury trial. This provision in the platform of 1886, was regarded as a most danger-ous attack upon the power of the courts to enforce their orders and de-crees and it was one of the chief rea-sons for the defeat of the Democrats in that contest, as it ought to have

EFFECTS OF JURY TRIAL Under such a provision a recal-itrant witness who refuses to obey a subpoena may insist on a jury trial before the court can determine that he received the subpoena. A citzen sum-moned as a juror and refusing to obey the writ when brought into coure must be tried by another jury to determine whether he got the summons. Such a publication applies not alone to ina publication applies not alone to junctions but every order which court issues against persons. A may be tried in the court of first stance and carried to the court of ap-peals and thence to the supreme cour and a judgment and decree entered and another issued and then if the de-cree involves the defendant's doing anything or not doing anything and he disobeys it, the plaintiff who has pur-sued his rights in lawful course for years, must, to secure his rights, un-dergo the uncertainties and the delays of a jury trial before he can enjoin that which is his right by the de-cision of the highest court of the land. I say without hesitatnon that such a change will greatly impair the indi-pensable power and authority of the courts. Securing to the public the ben-fits of the new statutes enacted in the present administration the ultimate in strumentality to be resorted to is the courts of the United States. If now, their authority is to be weakened in a





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"KEEP IN YOUR MIND" TELEPHONE 49. Now is the I have suggested the remedy of re-

the best present practise. Under this recommendation a statute may be framed which shall define with may be framed which shall define with considerable particularity and em-phasize the exceptional character of the cases in which the restraining orders may issue without notice and which shall also provide that when they are issued, they shall cease to be operative beyond a short period during which time notice shall be served and a hearing had, unless the defondant desires a nostionement of

CASE BY FEDERAL COURTS. The number of instances in which

NO PROVISION IN DEMOCRATIC PLATFORM

With respect to notice, the Demo-cratic platform contains no recom-mendation. Its only intelligible de-claration in regard to the injunction suit is a reiteration of the plank in the platform of 1896 and 1904, providing that in prosecutions for contrast in that in prosecutions for contempt federal courts where the violation

In that contest, as it ought to have been. The extended operation of such a proposition to weaken the power of the court in the enforcement of its awful orders can hardly be over

stated

embodied in definite statutes.

DIARRHOEA There is no need of anyone suffering long with this discuss, neces-effect a quick cure it is only necessary to take a few doses of

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In fact, in most cases one dose is sufficient. It never fails and can be relied upon in the most severe and dangerous cases. It is equally val-uable for children and is the means of saving the lives of many children each year In the world's history no medicine

has ever met with greater success. PRICE 250. LARGE SIZE 500. law is necessary.

DEMOCRATIC PLANK FAULTY. The suggestion of the Democratic

platform that trusts be ended by for-bidding corporations to hold more than 50 per cent of the plant in any line of manufacture is made without regard al supervision in the management of our largest corporations. Investors withheld what loanable capital remain-ed available. It became impossible for the soundest rilroads and other enter-prises to borrow money enough for new construction or reconstruction. of manufacture is made without regard to the possibility of enforcement or the real evil in this connection. A corporation controlling 45 or 50 per cent of the products may by well known methods frequently effect monopoly and stamp out competition in any part of the country as com-pletely as if controlled 60 or 70 per cent thereof. onstruction or reconstruction.

Gradually business is acquiring a healthier tone. Gradually wealth, which was hoarded, is coming out to be used. Confidence in security of these investments as a plant of slow growth and is absolutely necessary so that our factories may all open again, in order that our unemployed may because our factories may all open again. In order that our unemployed may become em-ployed and in order that we may again have the prosperity which blessed us for 10 years. The identity of the inter-cets of the capitalist and the farmer, the business man and the wage earner in the security and profit of invest-ments cannot be too largely empha-sized. I submit to those most interest-ed, to wage earners, to farmers and to business men, whether the introduction into power of the Democratic party with Mr. Bryan at its head and with the business destruction that it openly the business destruction that it openly advocates as a remedy for present evils, will bring about the needed confidence for the restoration of prosperi-

REPUBLICAN DOCTRINE OF PRO-TECTION.

The Republican doctrine of protec-tion as definitely announced by the Republican convention of this year and by previous conventions is that a tariff The chief difference between the Re-publican and the Democratic platforms is the difference which has heretofore been seen between the policies of Mr. by previous conventions is that a tariff shall be imposed on all imported prod-ucts whether of the factory, farm, or mine, sufficiently great to equal the dif-ference between the cost of production abroad and at home, and that this dif-ference should, of course, include the difference between the higher wages paid in this country and the wages paid ubroad and embraces a reasonable profit to the American production. A been seen between the policies of Mr. Roosvelt and those which have been advocated by the Democratic candi-date. Mr. Bryan. Mr. Roosevelt's poli-cies have been progressive and regula-tive: Mr. Bryan's destructive. Mr. Roosevelt has favored regulation of the business in which evils have grown up so as to stamp out the evils and permit the business to continue. The tenden-or of Mr. Bryan's proposals has genpaid abroad and emotices a reasonable profit to the American production. A system of protection thus adopted and put in force has led to the establish-ment of a rate of wages here that has greatly enhanced the standard of liv-ing of the laboring man. It is the poll-cy of the Republican party permanent. by to continue that standard of living. In 1897 the Dingley tariff bill wag cy of Mr. Bryan's proposals has gen-erally been destructive of the business with respect to which he is demanding eform. Mr. Roosevelt would compel the reform. Mr. Roosevelt would compet the trusts to conduct their business in a lawful manner, and secure the benefits of their operation and the maintenance of the prosperity of the country of which they are an important part is impracticable; while Mr. Bryan would extirpate and destroy the entire busi-ness in order to stamp out the evils which they have practised. In 1897 the Dingley tariff bill was passed under which we have had as already stated, a period of enormous prosperity

### NECESSITY FOR REVISION OF TARIFF.

The consequent material develop-ment has greatly changed the condi-tions under which any articles de-scribed by the schedules of the tariff are now produced. The tariff in a ADVANTAGES OF COMBINATIONS OF CAPITAL. OF CAPITAL. The combination of capital in large plants to manufacture goods with the greatest econory is just as necossary as the assembling of the parts of the machine to the economical and more rapid manufacture of what in old times was made by hand. The gov-ernment should not interfere with one more than with the other and when such aggregations of capital are legiti-mate and properly controlled, they are scribed by the schedules of the tariff are now produced. The tariff in a number of schedules exceeds the difference in prices of such ar-ticles abroad and at home, including a reasonable profit to the American producer. The excess over that difference serves no useful pur-pose, but offers a temptation to these who would monopolize the production pose, but offers a temptation to these who would monopolize the production and the sale of such articles in this country to profit by the excess rate. On the other hand, there are other schedules in which the tariff is not sufficiently high to give the measure of protection which they should re-ceive upon Resultions principles and and aggregations of capital are legiti-mate and properly controlled, they are the natural results of modern enter-prise and are beneficial to the public. In the proper operation of compe-tition the public will soon share with the manufacturer the advantages in economical operation and lower prices economical operation and lower prices. WHAT IS AN UNLAWFUL TRUST? When, however, such combinations are not based on any economic prin-ciples but are made merely for the maintain and to raise prices, restrict and and to raise prices, restrict conomical operation and lower prices

same as those of the union men and are to be protected with the same care and watchfulness.

#### RIGHT TO STRIKE.

In order to induce the employer in to a compliance with their request for changed terms of imployment workmen have the right to strike in a body. They have a right to use such persuasion as they may, provided i does not reach the point of duress, to lead their reluctant co-laborers to join them in their union against their



Had Sixty Boils when but Six Months Old-Was Annually Attacked by a Humor-It Looked Red Like a Scald and Spread Over Half Her Head-Both Troubles are Cured.

### NO PRAISE TOO HIGH FOR THE CUTICURA REMEDIES



"When my little Vivian was about six months old, her papa had a boil on his forehead. At that time the child

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six months old, her pape had a boll on the forebead. At that time the child was covered with prickly heat and I suppose in scratch-ing it, her own head became infected for it broke out in bolls, one after another. She had about sixty in all and I used Cuticura Scap and Cuticura Scap and Cuticura Continent which cured her of the mentirely. Then, sometime later, her little foot got sore between the toes. Being afraid it was sait rheum, I spoke to our doctor. He gave me a powder which dried it up, but soon after it broke out behind her oars. They cracked half way around and the humor spread up on to her head until, on several occasions, it was nearly half covered. The burnor looked like a scald, very red with a sticky, clear fluid coming from it. This occurred every year, I think it was toward the spring. I always bathed it with warm water and Cuticura Scap and applied Cuticura Ointment which never failed to heal it up. The last time it broke out was when she was six years old. It became so bad that I was discouraged. Then I procured a bottle of Cuticura Boap and Ointment with the Resolvent until she was perfectly well. She is now about eight years old and has never been troubled in the last two years. We also find Cuticura Resolvent Pills as a tonic. We do not thin is any one ca-praise Cuticura Resolvent Pills as a tonic. We do not thin is any one ca-praise Cuticura Resolvent Pills as a tonic. We do not thin is any one ca-praise Cuticura Resolvent Pills as a tonic. We do not thin is any one ca-praise Cuticura Resolvent Pills as a tonic. We do not thin is any one ca-praise Cuticura Resolvent Pills as a tonic. We do not thin is any one ca-praise Cuticura Resolvent Pills as a tonic. We do not thin is any one ca-praise Cuticura Resolvent Pills as a tonic. We do not thin is any of the set the children Cuticura Resolvent Pills as a tonic. We do not thin is any of the set the children Cuticura Resolvent Pills as a tonic. We do not thin is any of the set the children Cuticura Resolvent Pills as a tonic. We do not

Complete External and Internal Treatment for Every Humer of Inlants, Children, and Adults con-sists of Cuttours Scap Cole, to Creatise the Skin, Cuttours of Inlants, Children, and Adults con-sists of Cuttours Scap Cole, to Creatise the Skin, Cuttours, Gaitment, for 1 to Head the Skin, and Cuttours Consta flin, Sho, per valis of 6th to Furity the Bload, Sold throughout the world. Poster Drug & Chena. Corp., Sole Props., Cuttours Parth on Skin Diseases.

power of injunction must be found in the character of the unlawful injury and not in the character or class of persons who inflict the injury.

The man who has a business which is unlawfully injured is entitled to the remedies which the law has always given him no matter who has inflict. ed the injuries. Otherwise we shall have class legislation unjust in prin-ciple and likely to sap the foundations of a free government.

### NOTICE BEFORE ISSUE OF IN-JUNCTIONS.

I come now to the question of notice before issuing an injunction. It is a fundamental rule of general jurispru-dence that no man shall be affected by a judicial proceeding without notice and bearing. This rule, however, has sometimes had an exception in the isand hearing. This rule, however, has sometimes had an exception in the is-suing of temporary restraining orders commanding a defendant in effect to maintain the status quo until a hear-ing. Such a process should issue only in rare cases where the threatened change of the status quo would inflict irreparable injury if time were taken to give notice and a summary hearing. The unlawful injuries usual in indus-trial disputes such as I have described, do not become formidable 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 restrain-ing order might properly be issued without notice, but generally I think it is otherwise. In some state courts and in fower federal courts the practise of issuing a temporary restraining order in fower federal courts the practise of issuing a temporary restraining order without notice merely to preserve the status quo on the theory that it won't hurt anybody has been too common. Many of us recall that the practise 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 se-cured it and a corresponding disadvan-tage to the one against whom it was cured it and a corresponding disadvan-tage to the one against whom it was secured. Indeed the chances of doing injustice on an exparte application afe much increased over those when a hearing is granted, and there may be eircumstances under which it may affect the defendant to his detriment. In the case of a lawful strike the send-ing of a formidable document restrain-ing a number of defendants from do-ing a great many different things which the plaintiff avers they are threatening to do, often so discourages men always reluctant to go into a strike, from continuing what is their hwful rights. This has made the la-boring man feel that an injustice is

their authority is to be weakened in a manner never known in the history of the jurisprudence of England or Am-erica except in the constitution of Oklahoma, how can we expect that such statutees will have efficient en-forcement. Those who advocate this intervention of a jury in such cases seem to suppose that this change in some way will inure only to the bene-fit of the poor working man. As a matter of fact, the person who will secure chief advantage from it is the wealthy and unscrupulous defendant ably to employ astute and cunning counsel anxious to avoid justice. I have been willing, in order to avoid a popular but unfounded impression that a judge in punishing for contempt of bits orders may be effected by popular that a judge in punishing for contempt of his order may be affected by per-sonal feeling to approve a law which would enable the contemper upon his application to have another judge sit to hear the charge of contempt, but this with so many judges as there are available in the federal court would not available in the rederal court would not constitute a delay in the enforcement of the process. The character and ef-ficiency 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 present for court would rely upon as a reason for

FULL POWER OF COURTS NECES-SARY.

The administration of justice lies at the foundation of government. The maintenance of the authority of the maintenance of the authority of the courts is essential unless we are pre-pared to embrace anarchy. Never in the history of the country has there been such an insidious attack upon the judicial system as the proposal to in-terject a jury trial between all orders of the court made after full hearing and the enforcement of such orders. THE CURRENCY SYSTEM.

so doing.

The late panie disclosed a lack of elasticity in our financial system. This has been provisionally met by an act of the present Congress permitting the is-sue of additional emergency bank notes, and insuring their withdrawal when the emergency has passed by a high rate of faxation. It is drawn in conformity with the present system of bank note currency but varies from it in certain respects by authorizing the use of commercial paper and bonds of good (Cntinued on page ten.)





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