The Corrector of Destinies

Being Tales of Randolph Mason as Related by His Private Secretary, Courtland Parks

THE INTRIGUER

By Melville Davisson Post

"You, even you," she said, "could not defeat him."

I was one of the fortunate audience before which Gafki played the "Bronze Helmet" at the Broadway Street theater in Philadelphia. It was a notable event in America. Gafki came directly from Berlin, and staged the drama in its every detail as he had done it for the emperor at the national theater on Unter den Linden. Philadelphia society possessed the Broad street theater that night. A prohibitive tariff set by Gafki barred out many.

I can recall but few details of the "Bronze Helmet" after the first act. When the curtain came down I went over to the box of the aged Mrs. Van Couver-Benson to talk a little with Margaret Garnett. She and her father, the president of the Consolidated Fuel Railroads of Pennsylvania, were about to sail for a winter's visit with Ambassador at London, and this was my only opportunity to present personal adieus. Mrs. Van Couver-Benson is a mere wisp of a woman, one at the road's end, painfully clinging a moment longer to life. She sat in a corner of the box, a bit of breathing wax covered with costly laces, isolated by deafness. Margaret Garnett was alone, but for this senile aunt.

She welcomed graciously my arrival in the box.

"How do you do, Courtlandt," she said. Then she waived a presentation to the ancient aunt with a screening pleasantry. "Aunt Van is absorbed in the perils of Caesar; sit down by me."

I sat down, and touched at once on the motive of my visit. "I came," I said, "to wish you favorable winds."

She turned to me instantly. "We are not going," she said.

"Not going!" I echoed, "Why not?"

She laughed a little. "There is a man in the way."

I flecked the chair arm lightly with my finger. "How little a thing," I said, "to stay the sailing of Semiramis."

"Not so little a thing," she answered to my flippant sally. "If you will look presently at the first chair of the fifth row on the right of the center aisle, you will see him. Is he, then, so little a thing?"

I looked a moment later with a rising interest. The man who sat in that first chair of the fifth row was never a little factor in any human equation. He was on this day a star deflecting the orbits of political leaders in his state, one playing at the Grachii — the Commoner, sustained by the toiling hive, but he was not of it. He came of a family older yet than Penn; one powerful under the first congress, but afterward contentedly fallow through idle generations, and now, by the medium of this man, returning actively to life.

The career of this man was something of a wonder to us all. Commanding by his birth a station of the highest order, he had of his own volition become a leader of the people and then, when he stood an authority to be reckoned with in the placing of federal patronage, he chose strangely and with a small spirit, we thought, the position of a United States marshal. The men who usually got this office were aspiring sheriffs. Why, then, did this man, reared in kings' houses, thus strangely wish it?

I forgot on the instant Gafki and his "Bronze Helmet." Here was indeed news. The engagement of Margaret Garnett! The big Englishmen would not haunt now our Ambassador's house in Park Lane. The tall girl's destiny had arrived.

I made the usual conventional speeches, a bit highly colored, I fear — rather eulogistic, over-appreciative, laden with tropical platitudes.

She heard me, like a sphinx calmly to the end; then she dropped a guillotine knife on the dainty speeches.

"Very pretty, Courtlandt," she said, "but you are giving tongue on the wrong trail. Mr. Wood is not at present intending to marry me. He is absorbingly engaged in an effort to advance his own fortunes, somewhat at the cost of my father's."

I stammered my way back, and she went on, covering thus unconsciously my confusion.

"I fear that father is not coming off as he would wish in this contest with Mr. Wood. He laughed a little at the opening skirmish, somewhat like Gafki's Caesar, sitting in his tent but within the last month he has advanced his standards, as Caesar always did when he was being cut to pieces. You see how much

I am influenced by this thing of Gafki. Father has abandoned our winter in London. He must be here, happy if by being here he can prevail against Mr. Wood. It is in this manner, Courtlandt, that the man at the end of the fifth row is standing in the way."

I was still deeply puzzled. How could one of but moderate fortunes, a mere United States marshal, interrupt thus seriously the plans of an industrial emperor like John A. Garnett. I waited for further explanation. It did not immediately come.

"Courtlandt," she said, "tell me about Randolph Mason."

"Randolph Mason," I echoed. "What interest can you have in Randolph mason?"

"You will learn that a little further on," she said. Then the dominant quality in her, in her father, in every Garnett, came imperiously forward: "Begin now, Courtlandt, please I am listening."

I began with what willing spirit I could summon.

Margaret Garnett listened closely, putting now and then, putting now and then a query, and glancing now and then at the man who sat applauding in that first chair of the fifth row, as though to establish somehow, a relation there with this mania of Randolph Mason. It was evident that I was telling her nothing that she had not already heard.

"I am almost wishing, Courtlandt," she said, "that Randolph Mason would refuse to assist my father in the fight with Mr. Wood. It seems to be making the game unfair, like the Rhine helping the Germans there against Caesar. This drama of Gafki, like all Homeric echoes, outrages my sense of fair play. There was not, as I remember, a clean fight in the whole Iliad some god was always lending a hand."

She sat a moment silently watching Caesar's pontoon bridges sucked under by mysterious currents.

"I ought, as a dutiful daughter, to hold a keener interest in my father's side of it, I suppose," she said. "If Mr. Wood is not checkmated, father's railroads will go into receivership; and if my father crushes him, he will go, in every sense, under the ax.

So I ought to be fired with a certain barbaric eagerness for victory, and so, in a way, I am. But somehow, at the bottom of me, I wish to see the fight fair. No handicaps, no Olympic legging, the winning to the best man."

This impassioned speech was interrupted by a thin piping voice, little more than a bird's chirp. "Please, Margaret," it said, "I am tired. May I go home?" The old aunt had awakened. Her face was plaintive, like a child's. Time, having made life's circuit with her, was returning her to dissolution by the cradle.

I summoned the old woman's maids, and they got her, with the footman's assistance, to the carriage. I went out with Margaret Garnett. She harked back to her theme a moment as I took my leave of her. "Good night, Courtlandt," she said. "Please keep Randolph Mason a neutral in this fight. It is too fine a struggle to be spoiled by an outsider. If father wins, I shall have this man's head on a charger, if I wish it. If he loses let the victor sell me into slavery."

I turned to call a hansom, when one of the theater attendants touched me the arm.

"I beg your pardon," he said "can you tell me if this article belongs to Miss Garnett? It was picked up by an usher in her box." He held in his hand a flat gold locket attached to a chain linking alternately a topaz and an opal. I carried the locket to the light and examined it. The case was without a mark. I pulled it open to see if there was any inside, and I found there such a one as left no doubt remaining. The locket contained the picture of her father, and opposite it, of all persons on this earth, the face of Thomas B. Wood.

I returned the locket to the waiting lackey. "It is certainly Miss Garnett's," I said; "you would better send it immediately to her residence."

On Thursday morning the counsel of John A. Garnett called on Randolph Mason. When Pietro brought him in to the office I took him for some celebrated actor.

"I have the honor," he said, "to address Mr. Parks, I believe, the secretary of Randolph Mason. My name is Alger. I am here on a matter for John A. Garnett."

I hid under a conventional greeting the flaming interest which these words lighted. Here was the envoy which Margaret Garnett said her father was about to send. I did not know that this meeting was by appointment, until Randolph Mason appeared on the threshold of the folding-doors between the two rooms. He spoke to me.

"I shall be engaged with Mr. Alger for the next half hour. Direct Pietro to admit no one." Then he went back into the room, followed by the attorney. I presently found Pietro, gave him the directions and returned to my table, where I could witness through the folding-doors this conference which Margaret Garnett wished so greatly to prevent. It was Randolph Mason who began the conversation.

"Can you give me briefly," he said, "the history of this case?"

The attorney was not moved to a hasty recital by Mason's abrupt impatience. He sat down in a chair before the table, lifted his face, serene with that deep internal composure common to those who are accustomed to speak the last irrevocable word, and regarded Randolph Mason as he doubtless would have regarded some strange, unfamiliar tribunal, to be carefully addressed. When he spoke, his voice was as clear as glass, although it seemed to loiter on the sentences deliberately.

"I cannot give you this matter briefly," he said "a certain elaboration is unavoidable. A recital of mere overt acts will not convey a sense of that large plan to which they are preliminary. I must be pardoned if I add some collateral features and some comment."

Randolph Mason's face took on an expression of unwilling assent, such an expression as one observes frequently on the face of an examiner in the courtroom, who, failing to bring his witness clearly to the issue, abandons him to his own manner of recital. He sat down in his chair, placed his hands idly before him on the table and then dropped his body leisurely back, like one hopelessly fated to a long story. These suggestive actions were not lost on the attorney; he knew exactly by what mental conceptions they were inspired. A faint shade of color came for an instant into his face and vanished, but his voice deliberately continued:

"The Consolidated Fuel Railroads Company, of which John A. Garnett is president and chief owner, is made up of the principal lines running into the Pennsylvania coal fields. They reach some five thousand workings, employing several hundred thousand men. They are the avenues by which this product is conveyed to the seaboard. This railroad company depends for its tonnage, and therefore for its existence, exclusively upon the production of these mines. If these mines are idle the railroad is idle, but with the distinction that a mine can shut down and lie so without expense, while a railroad must continue as an active concern, no matter at what a loss. Now, as you are doubtless aware, an effort is being made to form an alliance of these mine workers. The result is that an epic life struggle is about to open between the railroad and its mines on one side and the representatives of the workers on the other, the sort of industrial conflict that means bankruptcy for the one and starvation for the other. The men have not money enough to keep their families for a month, and the railroad company, having no tonnage, will necessarily make default in the payment of the interest on its bonds, and go into the hands of a receiver."

The attorney paused. His serene face lifted into a beautiful profile. Then he continued:

"The only real authority of this Republic is the federal courts. They alone, under every emergency, rigidly sustain the law. But a court must have officers. The hand signing the writ must be supported by the hand serving a writ. An order, no matter how fearlessly entered, must fail of its purpose if it be enforced with excuses. I come now to the very heart of this matter. People do not break out into rebellion unless they have an ally sitting somewhere in authority. This strike threatened in Pennsylvania has such an ally. It would fail, it would collapse like a punctured balloon, if his aid were removed. I do not mean any of the judges; they are incorruptible. I mean Thomas B. Wood, the United States marshall.

"A word must be spoken about this remarkable man to make that charge clear: He is thirty-eight years old; he intends to be a United States senator, and, what is more important for the future, he intends to remain one.

"Bear in mind that Wood's intention was to become a senator. He began, then, with the people. He attached himself to all movements in behalf of labor. He observed the clamor of the man with the pick, the man with the apron, the man with the hammer. He appeared to listen, to consider, presently to be convinced, and, finally, to advocate what they said. Then, under that law which I do not understand but by virtue of which Mirabeau, a noble, became the idol of the French Revolution, this man, an aristocrat, became a leader of the people. So when his party came presently to national power, the great heads of it found him there to be dealt with. What did he want? They said it with a certain deference. He might have demanded his seat in the upper congress then, but he could not hope to remain there, he had no pedestal of gold under him; he was standing on the sands. He chose the position of United States marshall. The leaders gave it with a certain wondering contempt, and dismissed him from their catalogue of fears. He was, then, a person of no ambition—one struggling titanically for pottage!

"Immeasurably not so! The political Warwick of Pennsylvania is John A. Garnett. The power under him is the Consolidated Fuel Railroads. Wood wished to direct that Warwick, to control that power, therefore he chose wisely the only position in which he could destroy him, that of United States marshal. Garnett, usually clear-headed, usually far-sighted, usually running swiftly before events, saw the thing forty-eight hours too late and, consequently, he is ruined."

"With Wood standing now between the worker and judges, the greatest industrial contest in our history is beginning. The mines of Pennsylvania will become smoking holes in the earth; the railroad, two bands of rust, and Garnett, a pauper. All this certainly, swiftly, inevitably, is arriving, unless this man can be removed from office.

"It is ruin then, or the man's terms, which are a voting control of the Consolidated Fuel Railroads, the position of first vice-president, a political dictatorship above and behind Garnett. Then he will resign. With Wood stepping down from the position of United States marshal, the opposition will crash through like a rotten bridge. Garnett's commercial plans will go smoothly onto the piling up of millions; but Garnett will

have a master, and Pennsylvania a senator with a life tenure in office."

The attorney leaned forward in his chair, his eyes rested steadily on Mason, the index finger of his right hand arose in a direct and a significant gesture.

The problem, then." he said, "is to remove Wood without the payment of his price — a thing no man can do."

"A thing any man can do," replied Randolph Mason.

"How?" said the attorney, his finger still lifted, his voice still impressively deliberate.

"Leave that to me," said Mason.

"Very well," he said. "What am I to do?"

"What have you intended to do?" replied Mason.

"I see nothing to do," continued the attorney, "other than to accept the conditions of Thomas B. Wood — to surrender, to give him what he demands."

"Do it then," said Mason.

The voice of the attorney arose again lingeringly on his words.

"You give it up then, you bid me ruin Garnett?"

"I bid you save him," said Mason.

"But," continued the attorney, "when this agreement is once effected, what will be there to save him?"

"I shall be there," replied Randolph Mason.

When the attorney left after his conference with Randolph Mason, I wrote a note to Margaret Garnett. "Have a care," I said, "Randolph Mason is no longer neutral."

The next morning brought an answer in the large, firm writing of an Englishwoman: Miss Garnett would be at the Dresden at one o'clock. Would I come there? I was there at the hour, and we lunched together.

In spite of the fact that directness was the first quality in the nature of Margaret Garnett, I thought she approached the subject in question with trepidation. She did not ask me for the story of the conference. She drew out, rather, here and there a feature of it by some subtle query, put inconsequently in the course of our talk.

Presently, when she knew in general what had happened, her face took on virile firmness.

"Courtlandt," she said, "you are evidently not a poet, or else you would see how deplorable a thing it would be to spoil this struggle between my father and Mr. Wood.

"It would be crude, barbaric, ugly to throw to one or the other a balance of power. It would ruin the high dramatic tone of the game; it would be vandalism, like spoiling a canvas of Raphael, or a manuscript of Horace."

"Miss Garnett," I said, "this is all very beautiful, to quote your own appropriate words but, pardon me, are you not 'giving tongue on the wrong trail?' These lines should be spoken to Randolph Mason, and not to his flattered, but powerless, secretary."

She colored perceptibly; then her face took on resolution. "Very well," she returned, "I will say them to Randolph Mason."

I wished then that I had said nothing. It was worse than idle to go on such an errand to Randolph Mason.

There was no escape, so I went with Margaret Garnett in her carriage to Randolph Mason.

I began then, somewhat late in the hour, to prepare her for this meeting. I advised her of Mason's curious habits, of his unusual abstraction. I warned her against his abrupt, indifferent manner, his rigid, searching, brutal inquiries. If she had any sensibilities to be hurt, or any fragile ideas of courtesy to be outraged, we would do better to go back on the instant.

I was glad of this elaborate warning when the girl stood finally before Randolph Mason.

Mason deliberately laid down the pen in his fingers and lifted his head, with the expression of one who submits out of necessity to the interruption.

"Mr. Mason," the girl began, "I am Margaret Garnett. I wish to inquire why you care so greatly for my father to prevail over Mr. Wood."

"I do not care," he said.

The young woman was evidently surprised, "What interest have you in my father, then?" she inquired.

"I have no interest in him," replied Randolph Mason.

"No interest?" she repeated. "Why did my father's attorney come here?"

"Why do you come here?" returned Mason.

She began to speak then, her voice vibrating like the tense string of a viol. She repeated, but in finer sequence, all she had said to me on that night of Gafki's drama, and all that she had later said over our luncheon.

The spirit of the woman came forth on the flood' she was deeply, vitally, passionately in earnest, speaking against a sacrilege, speaking against a wrong, demanding, urging, pleading with Randolph Mason to remain immovably neutral. Let the struggle between her father and this man be fair. Let its thrilling, dramatic balance remain undisturbed. She was the one whose interest for her father should be deepest, and she, above all things in this world, wished to see the game played out by the two now seated at the table. It was weak, cowardly in her father to come here for aid. If he could not win alone, fairly, like a man, then she, his daughter, Margaret Garnett, wished him to lose.

The woman thus fired with transcendent courage was superb. My blood sang under her words. The nerves in my fingers tingled, but Randolph Mason sat watching her with weary unconcern. When she had finished, he lifted his face, hard as metal.

"May I inquire," he said, "why you are thus endeavoring to deceive me?"

The girl caught her breath as though she had been dashed with water. "I am not endeavoring to deceive you," she said.

"Why, then," said Mason, "have you made me these lurid speeches?"

"I have made them," replied the girl, "to acquaint you with my motive for wishing you to remain neutral."

"Pardon me," said Mason, "you have made them to conceal that motive."

The girl recoiled before this brutal thrust, like one before a blow.

"I do not understand you," she said.

"But I understand you perfectly," replied Randolph Mason.

Then he arose and walked past her out into the hall.

I returned over the flag-stone walk with Miss Garnett to her carriage. I could find no words of adequate apology. "Court-landt," she said, "tell your cold, unemotional master that since he has so ruthlessly taken from my fingers the weapons of a man, I shall meet him with the weapons of a woman."

I closed the carriage door, and she drove away proudly like an empress.

The only occasion on which I have ever known Randolph Mason to go out of New York in any man's behalf was when he went to the residence of John A. Garnett at Bryn Mawr, a suburb of Philadelphia. The railroad magnate and the aspiring marshal had arrived at terms, as I understood it, or, rather, the one had accepted in capitulation the terms of the other. The conference was to conclude this treaty. I accompanied Randolph Mason, as I usually did.

The Garnett residence at Bryn Mawr is one of the most distinctive in America. It is a reproduction in white marble of

the Petit Trianon at Versailles, set exquisitely in a forest, with white glistening roads winding among the trees and a brook and a bit of manufactured meadow.

This conference between the richest man in America and the most ambitious was held in the library of this transplanted Parisian lodge.

I could not easily bear in mind in the atmosphere of such a place the hard, practical nature of this meeting. It was the hall of some stately council of Florence, sitting above the Arno, or, rather — and the fancy became almost real — it was the council chamber of some doge, where on this night he was to meet the captain of Barbarian armies lying with bared teeth along the Adriatic, and treat with him for the city. The men in this conference might appropriately have taken the characters of such a scene. Garnett, tall, white, impressively patrician, attended, like that doge, by two counselors, characteristic, I fancied, of an empire in the evening of decadence — his attorney and Randolph Mason; and the other, this giant, this captain of Barbarian armies, courageously alone.

This romantic medieval fancy persisted. It became for an instant even more real when through an opening of the door I saw Margaret Garnett.

She was not listening. She carried rather the air of one depending upon some desperate hazard, the arrival of some event, the sharp stroke of some impending fortune. She went slowly down the steps, her hands slipping along the marble rail of the balusters.

The attorney seated at the table began to read the protocol of treaty which he had drawn, and I came swiftly back to the commonplace business character of the meeting. The paper was merely an assignment under the legal form of a majority of the common stock of the Consolidated Fuel Railroads to certain persons named by Thomas B. Wood. The attorney explained that, in his opinion, no further writing was necessary. This assignment should be placed in escrow. (A fully executed writing, but put into the custody of some third person to hold until the fulfillment of some condition), and delivered to Mr. Wood upon the resignation of his office. It would put a voting

control of the railroad into the hands of his agents, who would carry out his plan.

The strong, masterful face of the United States marshal set in a cynical smile. "This assignment is, I think, sufficient," he said; "but I will hardly take the chance of a legal battle over an escrow, after my resignation shall have been accepted."

The negotiation seemed on the instant to be conclusively blocked. Garnett insisted upon the protection of an escrow, and Wood upon the possession of the paper before he irrevocably resigned his office.

Randolph Mason came forward then, sat down at the table, dipped a pen into the inkpot and turned toward the United States marshall.

"In consideration of the assignment of this stock to your trustees," he said, "you agree, I believe, to resign your office."

"You have it correctly," replied the man.

Randolph Mason drew a writing pad over to his hand and wrote rapidly a memorandum of the same date as the assignment, requesting the consideration for the transfer of the stock. He spoke to the attorney. "Give me the assignment," he said. Then he added a line at the bottom, showing it to depend upon an agreement of the same date. When he had finished he again addressed the United States marshal. "Prepare your resignation," he said.

Mr. Wood sat down opposite Mason at the table. He wrote out his resignation of the office of United States marshal; then he placed his hand on the paper and spoke to Randolph Mason. "I do not see that we are any further along," he said. "I will not consent to an escrow under any agreement no matter how explicit."

Randolph Mason did not at once reply. He presented the paper he had written to Mr. Garnett for his signature. While the railroad president was signing the assignment, the attorney answered for Randolph Mason, explaining that the agreement should be filed with the trust company holding the assignment, in order that the terms of the escrow could not be mistaken.

The powerful hand of Thomas B. Wood, resting on his written resignation, clenched. "I will not consent to an escrow," he repeated.

Randolph Mason thrust across the table the paper which he had made out. "Sign that," he said.

The man took the memorandum, affixed his signature and laid it on the letter of resignation under his clenched hand. His face darkened. "I trust," he said, "that my words are intelligible. I have twice said that I would not consent to an escrow."

"There shall be no escrow, said Randolph Mason.

The attorney for John A. Garnett leaned forward in his chair. "How then," he said, "is Mr. Wood to obtain this assignment?"

"I shall give it to him," replied Randolph Mason. Then he picked up the assignment and handed it to the United States marshal. "Take this," he said, "and leave on the table the papers under your hand."

The shadows in the resolute face of Thomas B. Wood vanished. He got up, put the assignment into his pocket, buttoned his great coat, took up his driving gloves from the table, bade us good-evening and went out of the room, down the stairway to his horses.

I came back wonderingly to Randolph Mason. His boast that he would be here to prevent the ruin of Garnett was idle. He rather had speeded that ruin. The attorney regarded him with cold serenity.

"Have you in fact," he asked, "any interest in the success of John A. Garnett?"

"I have not," he said. Then he continued, like one explaining briefly to an annoying query. "I am interested only in removing this man from his office, in correcting thereby the wrong of his appointment."

"Ah," said the attorney. "I understand, then, why you so readily cut from under us the only possible foothold against

this man — that of an escrow. With Wood once out of office, the delivery of this paper might have been enjoined."

"Sir," replied Mason, "your purposed flimsy trick was patent even to Wood."

"Perhaps," said the attorney, "but in a shipwreck no plank can be allowed to pass. You had no right to come into this affair, if you had no regard for Mr. Garnett's peril."

"Since I came into the affair," replied Randolph Mason, "Mr. Garnett has never been in peril."

This conversation with its last enigmatic answer of Randolph Mason was interrupted by the abrupt entrance of Margaret Garnett. The whole aspect of the woman was transformed as under some enchantment; she seemed in some mysterious way to be flooded with color — silver struck into life, porcelain running beneath its white glaze with blood. Her pose was imperious, dominant, exulting.

She spoke to Randolph Mason, ignoring the rest of us as though we were interminably distant.

"You, even you," she said, "could not defeat him. He got what he wanted in spite of you."

Mason regarded her with a leisurely, ironic interest.

"Thomas B. Wood," he replied, "has got nothing."

"Nothing!" she repeated. "Do you call a control of my father's railroads nothing? a control of millions nothing? a seat in the United States senate nothing? And what have you taken from him for it? indeed, what have you taken! A paltry federal office!"

"I have taken," replied Randolph Mason, "the little that he had, and I have given nothing." Then he added as though likewise in explanation to the rest of us, "In the removal of this man from his office it was not my intention that he should obtain any benefit from John A. Garnett."

"Then," she cried, "you have failed."

"I have not failed," replied Randolph Mason, speaking with cold precision. "This assignment of stock was delivered to Thomas B. Wood in consideration of the resignation of his office. Such contracts are void as against public policy. The Consolidated Fuel Railroads will refuse to recognize the validity of this agreement, and it cannot be enforced in the courts. It cannot avail this man that the paper is in legal form and recites another and valid consideration, when the moving consideration was in fact the resignation of a federal office."

The atmosphere of a victory rising about John A. Garnett was less impressive than that atmosphere of disaster fallen thus swiftly on his daughter. The wondrous vitality of her figure vanished, the light fled from the silver, the blood from the porcelain. Then, as by some masterful effort, going to the very springs of life, it all splendidly returned. She looked steadily at Randolph Mason, her eyes two lines of light.

"I repeat it," she said slowly, "you, have failed. This man shall receive everything that he expected to receive — my father's influence, the controlling interest in this railroad and a seat in the United States senate."

The lips of Randolph Mason parted in a cynical smile. "I should be interested to learn," he said, "by what avenue of propitious fortune he is to obtain these benefits."

"I shall marry him," replied Margaret Garnett.

For the legal principle involved in this story, see the following leading cases: Forbes v. McDonald, 54 Cal. 98; Basket v. Moss, 115 N. C. 448, 20 S. E. 733, 44 Am. St. Rep. 463, 48 L. R. A. 842; Eddy v. Capron, 4 R. I. 394, 67 Am. Dec. 541; Meachem v. Dow, 32 Vt. 721. The officer's real motive for resigning is immaterial. Eddy v. Capron, 4 R. I. 394, 67 Am. Dec 541.

Afterword

We may suppose that, unlike the readers of "The Intriguer" in *The Virginia Enterprise* in 1912, readers over a century later, especially those residing in foreign countries, might benefit from an explanation of how a federal Marshall could play an important role in resolving a protracted strike by coal miners that threatens the existence of the railroads that haul the coal to market. Much simplified here it is: in the last decades of the 19th century and early 20th, a company whose workers were on strike or a company subjected to secondary boycotts by the strikers obtained an injunction from a federal court halting the strike. Sometimes the company applied to the federal court for temporary injunctive relief without first advising the union — the result became known as an *ex parte* order. It surprised and infuriated the unions, who questioned the fairness of the secret procedure and the impartiality of the judges who issued them. The federal courts' readiness to issue *ex parte* labor injunctions became issues in state and federal politics.[*]

It was the job of the U. S. Marshall to serve the court's order on the union officials, and to enforce it when it was disobeyed. Usually strikers complied with the injunction. When they did not, the Marshall might disperse them from scene or even arrest them. Violence necessitating the call of the militia, as in the Pullman Strike in 1894, was rare.

Now the critical position of U. S. Marshall Thomas B. Wood, an aristocrat who had political support in the labor movement, comes into focus. John A. Garnett, the President of Consolidated Fuel Railroads, apparently believed that he could get an injunction from an "incorruptible" federal judge to end the ruinous strike but feared that the U. S. Marshall would not enforce it as rigorously as he should. Wood's resignation and replacement by a more pliable official was the solution to this impasse, but that could happen only if he was made an officer

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[*] **See, for example, President Theodore Roosevelt's "State of the Union Message" on December 8, 1908 (MLHP, 2014); for speeches by advocates of an activist judiciary, see David J. Brewer, "Protection to Private Property From Public Attack" (MLHP, 2014 (delivered 1891) and "The Movement of Coercion" (MLHP, 2014) (delivered 1893), and William Howard Taft, "The Right of Private Property" (MLHP, 2014) (delivered 1894).**

Later these injunctions were barred by the Norris-LaGuardia Anti-Injunction Act of 1932.

with voting control of Consolidated, which powers he planned to use to vault into the U. S. Senate. At this point, Randolph Mason is enlisted to secure Wood's resignation while retaining Garnett's control of the railroad. He succeeds . . . . at least until Margaret Garnett's marriage.

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