CURRENT TOPICS

THE MISSOURI state supreme court has overruled the motion of the Standard Oil company for a rehearing in the ouster suit recently decided against that company. An Associated Press dispatch says: "The effect of these decisions is to expel the Indiana and Ohio companies from Missouri and to restore the Waters-Pierce company, sixty per cent of whose stock is held by the Standard Oil company of New Jersey, the right to do business within the state."

REFERRING TO this decision the Associated Press says: "The decision is considered a great victory for the Waters-Pierce company and incidentally for the minority interests of that concern who claim to have been making unavailing efforts to free the company from control by the New Jersey corporation. With this object in view they declined to approve the proposition made by the Standard Oil company of Indiana that that company be allowed to continue business in the state under a trusteeship composed of representatives of the court and the company. This proposition excited the liveliest interest, in that it would have given to the state a measure of direct control of a corporation's affairs had it been adopted by the court. But it was ignored in the announcement by the chief justice, which simply stated that the motion for a modification of the ouster decree had been overruled. With the judgment of ouster made absolute against the Standard oil company of Indiana and the Republic Oil company, these concerns must now pay their fines of $50,000 each and cease business in the state. The $50,000 fine assessed against the Waters-Pierce company has been paid. In conjunction with the certified check which the Missouri company filed with the clerk of the court, there was presented a document 'accepting' the court's original decree, which carried a conditional permit to do business. These provisions include one that the company must be reorganized so as to be free from Standard Oil control. There is nothing in the document to show that this had been done, and on this basis the attorney general moved that the ouster decree be made effective at once. When informed of the court's action today Attorney General Major said: 'The supreme court's decision simply means that the Waters-Pierce company will not be ousted from the state at this time. However, the original judgment of the court will stand against it, so that if it violates the court's decree the state can renew its application for ouster. The state asked that the court make the ouster decree immediately, as we contended the Waters-Pierce company had not complied with the conditions laid down by the supreme court in the first instance.'"

THE FOLLOWING order was made by the court in relation to the Waters-Pierce company: "The Waters-Pierce Oil company having tendered into court the amount of the fine imposed upon it by the judgment of this court, and having given satisfactory evidence of its purpose to henceforth so conduct its business as not to violate the law of this state in regard to the pools, trusts, and conspiracies, it is ordered by the court that the clerk of this court receive the money so tendered and pay the same in the state treasury, and it is further ordered that the judgment of this court of date, December 23, 1908, ousting the Waters-Pierce Oil company of its charter and adjudging all its rights and privileges thereunder forfeited and annulled, be and the same is hereby suspended until otherwise ordered by the court, but the court will retain jurisdiction of the cause for the purpose of setting aside and annulling this order or modifying the same if the court should hereafter, on motion of the attorney general or its own motion, become satisfied that the Waters-Pierce oil company is that at time or has been conducting its business in manner forbidden by the laws of this state in relation to pools, trusts and conspiracies." According to Attorney General Major, it is likely he will apply to the supreme court for the appointment of a commissioner to take and hear evidence as to whether or not the Waters-Pierce Oil company and the Standard Oil company have severed their relations in truth and fact and report the evidence back to the court. After this is done, he said, it is for the court to say whether or not the Waters-Pierce Oil company has filed with the court sufficient evidence to satisfy the court that it has severed relations with the Standard Oil company.

FOLLOWING THE intimation given early in the proceedings, Federal Judge Anderson, sitting at Chicago, announced that he did not believe that there had been enough proof to support the allegations in the indictment against the Standard Oil trust. "As I view the matter the proof to support these counts absolutely fails," said the court. "I deem these fatal errors," he concluded, after summing up his reasons for his decision. "It doesn't seem then that it would be any use for the government to continue along those lines," said Mr. Wilkerson for the government. Attorney John S. Miller, for the Standard Oil companw, interrupted: "If the government is abandoning the case I would like to have a verdict entered," he said. "Is the court's ruling that there is a staple variance between the allegations and the proof?" asked Mr. Wilkerson. "Yes," answered Judge Anderson. Then, turning to the bailiffs, he said: "You may bring in the jury." When the jury reached its box Judge Anderson announced that he had decided to end the case and instructed for the verdict of not guilty. The decision marks the end of the famous Chicago and Alton case in which Judge Landis imposed a $29,000,000 fine.

FEDERAL JUDGE Smith McPherson, of Red Oak, Iowa, presiding in the federal court of Kansas City, Mo., has rendered a decision which declares that Missouri's two-cent railroad fare and maximum freight rate laws are confiscatory and non-enforceable. An Associated Press dispatch from Kans s City says: "As a result it is believed there will be a quick return in Missouri to three-cent fares, and Frank Hagerman, for the eighteen companies involved, asserts today's decision sounds the death knell of the two-cent rate in every state in the union. Judge McPherson held that both the commodity and the passenger laws were confiscatory and unconstitutional, and Mr. Hagerman declared that it is not conceivable that if the two-cent rate is confiscatory in Missouri it can be compensatory in other states. The state, on the other hand, declared emphatically that Missouri's fight for lower rates would continue. Elliott W. Major, the newly elected attorney general who succeeded Herbert S. Hadley to that office and was in court today when the decision was read, said an appeal would be taken and that the present legislature would be asked to pass new rate laws that would stand the test of the courts. Governor Hadley made a similar statement at Jefferson City." Judge Smith McPherson, who rendered this decision, is presiding judge of the United States circuit court for the southern district of Iowa. This is not the first decision distinctly favorable to corporations that Judge McPherson has rendered. Governor Hadley of Missouri says "the decision is not a correct one." He declares that the case will be appealed to the United States supreme court.

THE COURT of appeals for the District of Columbia has modified the opinion rendered by Justice Gould in the lower court. It will be remembered that in a recent decision by Judge Gould, of the supreme court of the district, the American Federation of Labor and the officers, Messrs. Gompers, Mitchell, Morrison and others, were enjoined from conspiring to boycott the Buck Stove and Range company and from printing or publishing or distributing through the mails or otherwise any copy of the "Federationist' or other publication referring to the complainant, its business or product in the 'We don't patronize ' or unfair list. The Associated Press says: "The decision, which was by Justice Robb, modifies and affirms the decree of Justice Gould. The court holds that the decree should be modified to the extent that it shall only restrain the defendants from conspiring or combining to boycott the business of the Buck Stove and Range company or threatening or declaring any boycott or assisting therein and from printing the name of the complainant, its business or product in the 'We don't patronize' or unfair list of defendants in the furtherance of any boycott against the complainant's business or product, or interfering either in print or otherwise with complainant's business as in 'We don't patronize' or unfair list in furtherance of a boycott. The court holds that the defendants can not be restrained from all publications referring to the Buck Stove and Range company, but only such as are made in furtherance of an illegal boycott. In a partially dissenting opinion, in which he says he is unable to concur in the modified decree of Justice Robb, Chief Justice Sheppard expressed the opinion that the decree should be modified 'so as to restrain the acts only by which other persons have been or may be coerced into ceasing from business relations with the Buck Stove and Range company, but so as not to restrain the publication of the name of that company in the 'We don't patronize' column of the American Federationist, no matter what the object of such publication may be suspected of or believed to be.' Justice Van Orsdel concurred fully in the conclusion reached by Justice Robb, but by a different process of reasoning."

THE OPINION delivered by Justice Robb in the District of Columbia holds that the decree of Judge Gould should be modified to the extent that there should be eliminated from the decree the restriction of the labor organization and the other defendants from "mentioning, writing or referring" to the business of the Buck Stove and Range company or its customers. Otherwise the decree is affirmed. The court said that the "combination" and boycott in furtherance thereof and the publication in the "We don't patronize" list in aid of the boycott is illegal. The court held that the defendants could not be restrained from all publications referring to the Buck Stove and Range company, but only to such as are made in furtherance of an illegal boycott. In a partially dissenting opinion Chief Justice Sheppard took a strong hand in upholding the freedom of the press. He says that even assuming that the publication of the complainant's name in the "We don't patronize" column of the Federationist was a step in the formation of a conspiracy to coerce independent dealers into refusing to have further business relations with that company, "I can not agree that the publication can be restrained for that reason. Regardless of its character or purpose the publication is protected from restraint in my opinion by the first amendment of the constitution which forbids any law abridging the freedom of the press." The chief justice held that "the only remedy for libelous or otherwise malicious, wrongful and injurious publications is by civil action for damages and criminal prosecution. There is no power to restrain the publication." The decision does not settle the appeal in the contempt proceedings in which Messrs. Gompers, Morrison and Mitchell were given jail sentences. This case will be heard later by the appellate court. The labor leaders claim that if the reasoning adopted by Chief Justice Sheppard and Justice Van Orsdel is followed in the decision of the contempt proceedings they will be able to upset the findings of Justice Wright and prevent serving terms of imprisonment.

The Independent (New York) says: "• • • In these days when our city dailies are so generally syndicated and neutralized the weeklies are coming to be of more importance as the organs of personal leadership. Mr. Bryan's Commoner has become a power in the land and now Senator LaFollette has started a weekly of similar character, published at Madison.