WASHINGTON NEWS

The Standard Oil company of New Jersey and its nineteen subsidiary corporations were declared, in a decision handed down by the supreme court of the United States, May 15th, to be a conspiracy and combination in restraint of trade. It also was held to be monopolizing interstate commerce in violation of the Sherman anti-trust law. The dissolution of the combination was ordered to take place within six months.

A Washington dispatch, carried by the Associated Press, says:

"Thus ended the tremendous struggle on the part of the government to put down, by authority of law, a combination which it claimed was a menace to the industrial and economic advancement of the entire country. At the same time the court interpreted the Sherman anti-trust law so as to limit its application to acts of 'undue' restraint of trade and not 'every' restraint of trade.

"It was on this point that the only discordant note was heard in the court. Justice Harlan dissented, claiming that cases already decided by the court had determined once for all that the word 'undue' or 'unreasonable,' or similar words were not in the statute. He claimed that the reasoning of the court in arriving at its finding was in effect legislation which belonged in every instance to congress and not to the courts.

"Ever since the decree in this case in the lower court, the United States circuit court for the eastern district of Missouri, was announced, hope has been expressed by the 'business world' that the law would be modified so as not to interfere with what was designated an honest business. Tonight that section of the opinion calling for the use of the rule of reason in applying the law is regarded in many quarters as an answer to the prayers of the 'business world.'

"The opinion of the court was announced by Chief Justice White. In printed form it contained more than twenty thousand words. For nearly an hour the chief justice discussed the case from the bench, going over most of the points in the printed opinion, but not once referring to it in order to refresh his memory. Before him sat a distinguished audience of the most famous men of the country. Senators and representatives left their respective chambers in the capitol to listen to the epoch-making decision of the court. Most eager to hear were Attorney General Wickersham and Frank B. Kellogg, special counsel of the government, who had conducted the great fight against the Standard Oil company. None of the brilliant array of counsel for the corporations or individual defendants were present in the court during the reading of the opinion.

"President Taft and cabinet will consider immediately the entire trust situation and the advisability of pressing for a federal incorporation act.

"A decision in the tobacco trust cases, which was expected simultaneously, was not anonunced and may be handed down May 29."

"Samuel Gompers, John Mitchell and Frank Morrison, president, vice president and secretary of the American Federation of Labor, respectively, stepped without the shadow of the jail," says an Associated Press dispatch, dated May 15, "when the supreme court of the United States set aside their sentences of imprisonment for contempt growing out of the litigation between the Bucks Stove and Range company of St. Louis and the federation. The highest tribunal has left with the lower court, however, the right to re-open the contempt proceedings. This grant of power probably will not be accepted and the case practically is ended.

"The basis of the court's opinion was that the proceedings brought against the labor officers was for civil contempt, and could be punished only by the imposition of a fine. The sentence of the lower court to imprisonment was the penalty for criminal contempt, and in the premises, therefore, it was not a legal punishment. The case, which grew out of the so-called boycott of the stove corporation by the American Federation of labor three years ago, is one of great importance alike to union labor and to the employers of union labor. The supreme court holds that the published or spoken utterances of organized labor is a combination, and as such, relinquishes the right of individuals. It also establishes the fact that legal prosecution can be levelled not only at the union itself, but at its officers as well."

There was a deadlock in the senate May 11th, when an effort was made to choose the president pro tem to succeed Senator Frye who resigned. The Associated Press Report says: "Soon after the senate convened at 2 o'clock Vice President Sherman absented himself from the chamber and Senator Lodge himself assumed the chair. Immediately Senator Cullom, as the chairman of the republican caucus, moved that the senate proceed to the election of a president pro tempore, placing Mr. Gallinger in nomination. The nomination of Senator Bacon of Georgia by Senator Martin, chairman of the democratic caucus, followed. Senator La Follette performed the same service for Senator Clapp.

"Almost instantly the balloting proceeded. Upon the first ballot it was apparent that when the progressives did not cast their votes against Mr. Gallinger they were so paired as to make effective the votes of absentees.

"Senator Borah announced his desire to vote for Gallinger, but stated that owing to the pair with Senator Works, who was unfriendly to Senator Gallinger, who was unfriendly to Senator Gallinger, he could not do so. Later he stated that his pair had not been arranged to injure the New Hampshire senator. Mr. Dixon was paired with Mr. Cummins, and Mr. Kenyon with Mr. Bourne.

"The first ballot totaled seventy-three votes, of which Mr. Bacon, the democratic candidate, received 35; Mr. Gallinger, the republican candidate, 32, and Mr. Clapp 4, while Mr. Bacon stood for Mr. Tillman, and Mr. Clapp for Bristow.

"Messrs. Bristow, LaFollette, Gronna and Poindexter voted for Clapp. Messrs. Cummins, Bourne, Works and Crawford, progressives, were all absent, but paired for Senator Clapp, except Mr. Crawford, who was ill. All the democratic votes were cast for Mr. Bacon. Necessary to a choice, 37.

"The only change in the second ballot was that of Senator Gallinger, who had refrained from voting on the previous roll call, and voted for Mr. Lodge, increasing the total vote to 74 and making 38 necessary to elect.

"The figures for each candidate were unchanged throughout the voting until the last vote Senator Bradley retired from the chamber, thus reducing the vote by his own ballot and that of Senator Taylor of Tennessee, who was paired with him.

"Of many points of order raised the most serious was presented by Mr. Root, related to the right of a senator to refrain from voting on account of a pair. Mr. Root contended that under the rules all senators are required to vote when their names are called.

"Mr. La Follette, in behalf of the progressives, against whom the criticism was directed, bitterly replied to Mr. Root:

"'I do not recognize the right of any senator,' he said, 'to make the point against me or against any one voting as I vote that we are voting against our party. I do not recognize the right of any secret caucus to dispose of the public business. I do not propose to be outlawed because I cannot agree to support any man who may be agreed upon by such a secret meeting.'

"Mr. Borah explained that the circumstances seemed to justify him in this first instance of his consenting to a pair. It was a personal matter between himself and Mr. Works, and he announced that he was perfectly willing to support the caucus nominee.

"Mr. Smoot advocated party regularity.

"Mr. Heyburn contended that the man who would not abide by a party caucus would not in fairness claim to be a member of the party.

"Ultimately the chair ruled that a pair could be recognized only as an excuse for not voting and by a vote the senate held this to be a valid excuse.

"During the balloting Senators Stone, Bailey and other democrats made the contention that a plurality should elect. A decision in their favor would have elected Senator Bacon, but the chair held against them.

"From the fifth ballot Senator Cullom sought adjournment until Monday, but his motion was voted down, 35 to 42, democrats and progressives voting in the negative. But, after two more roll calls, Mr. La Follette's similar motion prevailed without division, it being apparent that all balloting must be ineffectual.

The Washington correspondent to the Associated Press says: "Secretary of War Jacob McGavock Dickinson of Tennessee, the democratic member of President Taft's cabinet, has resigned. Henry L. Stimson of New York, recently defeated republican candidate for governor of that state, has been given the portfolio. This announcement was made from the white house.

"In the letters exchanged between the president and Mr. Dickinson, no reason other than that of pressing private affairs is given for the secretary's retirement. The president will confer with Mr. Stimson, but the new secretary of war will not be sworn in until the return of the president to the capital. Mr. Dickinson will go to his Tennessee home immediately upon the qualification of his successor. He expects to devote his attention to business, and will not return to the practice of law, in which he was engaged when President Taft appointed him secretary of war in March, 1909.

"He is the second member of Mr. Taft's cabinet to retire to private life, Secretary of the Interior Ballinger having severed his connection with the president's official family only a few months ago.

"Coincident with the announcement of Mr. Dickinson's retirement, came that of the appointment of C. S. Millington of Herkimer, N. Y., to be assistant treasurer of the United States in New York.

"Mr. Stimson was the Roosevelt candidate for governor, while Mr. Millington was a former member of