

DECISION IN THE TRUST CASES WAS BIG VICTORY

But Layman Finds It Difficult to Determine Which Side Won

Question Now Is as to What the Trusts Will Do About It

By JAMES A. EDGERTON.

THE mills of the gods still grind slowly, but they do grind. It is five years since the case against the Standard Oil was started and about as long since the government began smoking out the tobacco trust, but at last the supreme court has passed on both. Slow continues to be the word even now, for each trust is allowed six months or longer to reorganize its affairs and get within the law. Just how it can do this and remain a trust is left for its high priced lawyers to determine. Can they do it? Well, that is what they are paid for, and they have managed to pull through until the year 1911 without getting their clients in jail. They are very astute gentlemen and surely can find some way to be "reasonable."

Nevertheless it was a great victory. We have indisputable evidence of this since both sides claim it as such. That makes it unanimous. When two contending armies both claim the result of a battle as a great victory it must indeed be so. There is nobody left to deny it. The captives may inquire, "Whose great victory was it?" but they are impertinent and do not deserve to have their curiosity gratified. In the present case Attorney General Wickersham and his assistants say the government has won an important

triumph, and at the same time the trusts assert that this will clear the atmosphere and business will revive. As proof of the statement they point to the fact that most of the trust stocks went up as a result of the court's action. A notable exception was that American Tobacco stocks fell something like a hundred points in one day. Well, let the tobacco trust smoke. Perhaps plug cut and Havana cut that were made in North Carolina or Connecticut may take a tumble also. As for Standard Oil, that went up. It seems the harder the Standard is jolted the more money John D. Rockefeller makes.

Justice Harlan also pointed out that the reading of the word "unreasonable" into the law was not essential to the decision of these cases. It was obiter dicta, dragged in by the heels. He frankly predicted that the people would never permit the supreme court to usurp the functions of congress and intimated that when they awakened to what had been done they would make trouble. It is perfectly easy to understand what Harlan says. It is in plain and vigorous English. Up to date have found no two persons, lawyers or otherwise, that agree as to what the court opinion of itself says. I am no the only one it has given a headache.

It has been somewhat amusing to observe the attitude of the subsidized New York papers toward Justice Harlan's dissenting opinion. Always in the past they have treated him with the greatest respect. He was the oldest member of the court, the venerable intellectual, the altogether lovely. Now they regret, etc. One of those sheets even went so far as to advocate gag law and denial of freedom of speech, using this remarkable language:

And now that we have cleared the business atmosphere by decisions in the case of the two great "trusts" it may be well to consider the expediency of abolishing the practice of publishing the opinions of a dissenting minority of the supreme court.

Justice Harlan, Dissenter.

It is not without interest that Justice Harlan is the only member of the court left over from the old regime. He was appointed in 1877. All the others, with the exception of White, an appointee of McKinley, Roosevelt and Taft. Even White, originally a Cleveland appointee, was made chief justice by Taft.

In the tobacco trust decision Chief Justice White indirectly replied to Harlan's dissenting remarks on the Standard Oil case. In effect he claimed that the court's interpretation of the law was to broaden the scope of

putting there. This is the plain truth of the matter, despite all efforts to gloss over or explain away.

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WHAT TO EAT WHEN IT IS HOT

If You Like Beefsteak, Don't Deny Yourself.

ADVICE OF DR. HARVEY WILEY

Subsist on a Mixed Diet, Shun Ice Cold Drinks, of Course, and Reduce Your Rations, as the Body Needs Less Fuel.

Don't take up any food fads. Eat whatever you want, but don't overdo it.

Subsist on a mixed diet. All this talk about vegetables or fruits alone being a panacea makes me sick.

Don't drink ice cold concoctions. Full many a youth has gone to his sarcophagus.

By pouring ice cold drinks down his hot esophagus.

Hot Weather Advice by Dr. Harvey W. Wiley, Food Expert of Department of Agriculture.

It's silly to lay down rules of diet in these days, when most folks are busy battling for mere existence, says Dr. Harvey W. Wiley, chief of the bureau of chemistry, department of agriculture, who just now is telling people how to keep comfortable in hot weather.

"Most people are obliged to eat whatever they can get," is the encouraging message of the health expert. "Those who have any choice, however, first of all should be moderate in everything at the table. The human system was built for a mixed diet. The ages have proved that moderation in food is best for mankind, so why should we pay any attention to any of the faddists that occasionally arise to claim attention?"

Like Steak in Summer? Eat It!

"If you have been in the habit of eating a steak now and then or a chop or a piece of roast meat in cold weather there is no reason for eliminating it from your menu simply because the weather has turned warm. Merely cut down the quantity. When the weather is hot there is no necessity for supplying so much heat to the system. We do not need so much coal to keep the human engine going.

"It is really dangerous to drink ice water. Water too cold and drunk in large quantities chills and congests the coating of the stomach. Many people distill or filter their water to free it from pathogenic germs and afterward add ice to it, not knowing that the ice is just as liable to be filled with germs as is the water. The habit is found to result from the ignorant belief of some people that so called microbes cannot live in ice—that by bringing the water to a freezing point these germs are killed. But freezing produces only suspended animation in the pathogenic germs causing our common diseases. They merely hibernate in the ice. The longer it takes water to filter through a porcelain filter the more thoroughly it is freed from germs.

Why Less Food is Needed.

"Less food is needed in the summer because the body's radiation of heat is greatly reduced. With a normal body temperature of 98 degrees, we go out into the winter's cold, often when the air is zero or below. During such weather the heat of the body is constantly being radiated off into the cold air, which is another way of defining the process by which we get chilled in the winter. But in the summer the air about us is so hot—often hotter—than our bodies—that we radiate little or none of our heat into it.

"There is about as much nourishment in a pound of wheat as in a pound of beef. Wheat is the better food for the workingman because it is a balance ration, containing all three of the principal nutrient constituents of food, which are protein, carbohydrates and fats, required to produce heat and energy in the adult and furthermore to build up tissue in the young while they are growing. When a pound of meat is eaten it supplies only protein, which is the element which builds tissue. Adults need a certain amount of protein to build up the waste tissues, but they do not need nearly so much as the growing child.

"In the summer we should eat more of the succulent foods of the vegetable class and less of the concentrated foods of the animal category. While we should eat less in hot weather, we must never keep the stomach empty. The stomach and intestines need to be distended. Should the nutrient constituents be extracted from hay and fed to a horse in concentrated form the animal would die. The human stomach as well as that of the horse needs a large amount of indigestible material to keep the alimentary canal open.

"Potatoes and fat meat are the best foods for the laboring man; also sugar sirup. A lump of sugar will restore elasticity to the muscles of a tired man as promptly as will alcohol, and the advantage of the sugar is the absence of a harmful reaction. Men on forced marches, athletes and those who make heroic physical efforts of any kind should carry lumps of sugar to eat from time to time."

Fenceposts That Last.

Fenceposts in Argentina are made of quebracho wood, which is exceedingly hard. They last forty years.

Jurors for June Term of Court

Wednesday afternoon Sheriff M. Lee Bramer and Jury Commissioners W. H. Bullock and O. E. Miller drew the following panels of jurors for June term of Wayne county court:

Grand Jury, Week of June 12.

1. Leon H. Ross, clerk, Honesdale.
2. William Hiller, farmer, Oregon.
3. F. P. Woodward, farmer, Cherry Ridge.
4. Geo. Carey, farmer, Buckingham.
5. Ezra Edwards, laborer, Lake.
6. William T. Wilcox, farmer, Mt. Pleasant.
7. Chas. Kretzner, glasscutter, Texas.
8. L. T. Perham, farmer, Waymart.
9. Henry Baehrer, shoemaker, Damascus.
10. T. W. Treverton, blacksmith, Berlin.
11. D. R. Denney, farmer, Manchester.
12. Florence Chapman, farmer, Salem.
13. W. D. Rowe, farmer, Paupack.
14. F. B. Benedict, farmer, Preston.
15. Fred Sands, clerk, Hawley.
16. Freeman Reynolds, farmer, Scott.
17. Timothy Duffy, glasscutter, Texas.
18. Chas. Miller, farmer, Canaan.
19. Chas. Worthing, knitter, Hawley.
20. J. M. Bolckom, farmer, Lebanon.
21. F. O. Gilbert, proprietor, Honesdale.
22. W. E. Rude, farmer, Clinton.
23. Leon Bodie, farmer, Dyberry.
24. J. N. Sharpstein, clerk, Texas.

Traverse Jury, Week of June 19.

1. Howard Swingle, farmer, Lake.
2. Andrew Thompson, retired, Honesdale.
3. Fred Rose, Sr., laborer, Palmyra.
4. Clarence Gardner, farmer, Scott.
5. G. O. Gillette, undertaker, Salem.
6. Howard Bea, glasscutter, Texas.
7. W. H. Rose, farmer, Damascus.
8. Norris Brown, farmer, Preston.
9. Everett E. Tainter, jewelry, Mt. Pleasant.
10. R. C. Arthur, farmer, Lebanon.
11. Wm. Guinn, merchant, Hawley.
12. Frank Bender, farmer, Lehigh.
13. Thomas Keegan, farmer, Buckingham.
14. Wm. Balles, clerk, Texas.
15. C. F. Smalley, minister, Palmyra.
16. G. W. Swartz, poultryman, Ariel.
17. L. H. Clune, farmer, Buckingham.
18. Cyrus Isham, farmer, Dyberry.
19. Chas. Buckland, farmer, Clinton.
20. Christian Blockberger, farmer, Lebanon.
21. Chas. Jacobs, farmer, Starrucca.
22. Depew Teeple, farmer, Manchester.
23. James Noble, farmer, Salem.
24. Geo. Ehrhardt, butcher, Dreher.
25. Arthur Akers, farmer, Sterling.
26. Kevin O'Brien, musician, Honesdale.
27. J. W. Sandercock, gentleman, Lake.
28. J. E. Lockwood, farmer, Canaan.
29. Christian Apple, farmer, Lebanon.
30. Max Bregstein, merchant, Texas.
31. Elbert W. Howe, laborer, Sterling.
32. Leo Stark, driver, Texas.
33. John Rickert, merchant, Honesdale.
34. John Reining, farmer, Berlin.
35. O. F. Bowers, farmer, Scott.
36. Chester Holgate, farmer, Damascus.
37. F. G. White, superintendent, Hawley.
38. Albert S. Whittaker, minister, Honesdale.
39. Frank Cole, farmer, Manchester.
40. Elmer Lee, farmer, Preston.
41. Emile Huegenin, farmer, Dreher.
42. Geo. Hittinger, farmer, Palmyra.
43. David Giles, farmer, Mt. Pleasant.
44. Henry Smith, clerk, Texas.
45. Buel Dodge, retired, Honesdale.
46. Sidney J. Tyler, photographer, Damascus.
47. Chas. Budd, farmer, Berlin.
48. Clarence Purdy, laborer, Texas.

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WAYNE COMMON PLEAS: TRIAL LIST, JUNE 19, 1911.

- Smith vs. Brown.
- Tellep vs. Chanak.
- Klausner vs. De Breun.
- Town vs. Cortright.
- Heurich vs. Sanders.
- Stuck vs. Bigart.

M. J. HANLAN, Prot'y. Honesdale, Pa., May 29, 1911. 43e03

APPRAISEMENTS.—Notice is given that appraisement of \$300 to the widows of the following named decedents have been filed in the Orphans' Court of Wayne county, and will be presented for approval on Monday, June 19, 1911:

- Charles E. Baker, Waymart.
- Amos Grimston, Dyberry.
- William W. Tarbox, Scott township.

Appraisements under Act of 1909. James Simpson, Damascus. M. J. HANLAN, Clerk.

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PROFESSIONAL CARDS.

Attorneys-at-Law.

H. WILSON, ATTORNEY & COUNSELOR-AT-LAW. Office adjacent to Post Office in Dimmick office, Honesdale, Pa.

W. M. H. LEE, ATTORNEY & COUNSELOR-AT-LAW. Office over post office. All legal business promptly attended to. Honesdale, Pa.

E. C. MUMFORD, ATTORNEY & COUNSELOR-AT-LAW. Office—Liberty Hall building, opposite the Post Office, Honesdale, Pa.

HOMER GREENE, ATTORNEY & COUNSELOR-AT-LAW. Office over Reif's store, Honesdale, Pa.

CHARLES A. McCARTY, ATTORNEY & COUNSELOR-AT-LAW. Office—Second floor old Savings Bank building, Honesdale, Pa.

F. P. KIMBLE, ATTORNEY & COUNSELOR-AT-LAW. Office over the post office Honesdale, Pa.

M. E. SIMONS, ATTORNEY & COUNSELOR-AT-LAW. Office in the Court House, Honesdale, Pa.

PETER H. ILOFF, ATTORNEY & COUNSELOR-AT-LAW. Office—Second floor old Savings Bank building, Honesdale, Pa.

SEARLE & SALMON, ATTORNEYS & COUNSELORS-AT-LAW. Offices lately occupied by Judge Searle.

CHESTER A. GARRATT, ATTORNEY & COUNSELOR-AT-LAW. Office adjacent to Post Office, Honesdale, Pa.

Dentists.

D. E. T. BROWN, DENTIST. Office—First floor, old Savings Bank building, Honesdale, Pa.

D. R. C. BRADY, DENTIST, HONESDALE, PA. OFFICE HOURS—8 a. m. to 6 p. m. Any evening by appointment. Citizens' phone, 33. Residence, No. 89-X

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Livery.

LIVERY.—Fred. G. Rickard has removed his livery establishment from corner Church street to Whitney's Stone Barn

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You can find no more reliable store than ours. It would be impossible for more care to be taken in the selection of drugs, etc., or in the compounding. Prescriptions brought here, either night or day, will be promptly and accurately compounded by a competent registered pharmacist and the prices will be most reasonable.

O. T. CHAMBERS, PHARMACIST, Opp. D. & H. Station, HONESDALE, PA.

HOTEL ST. DENIS

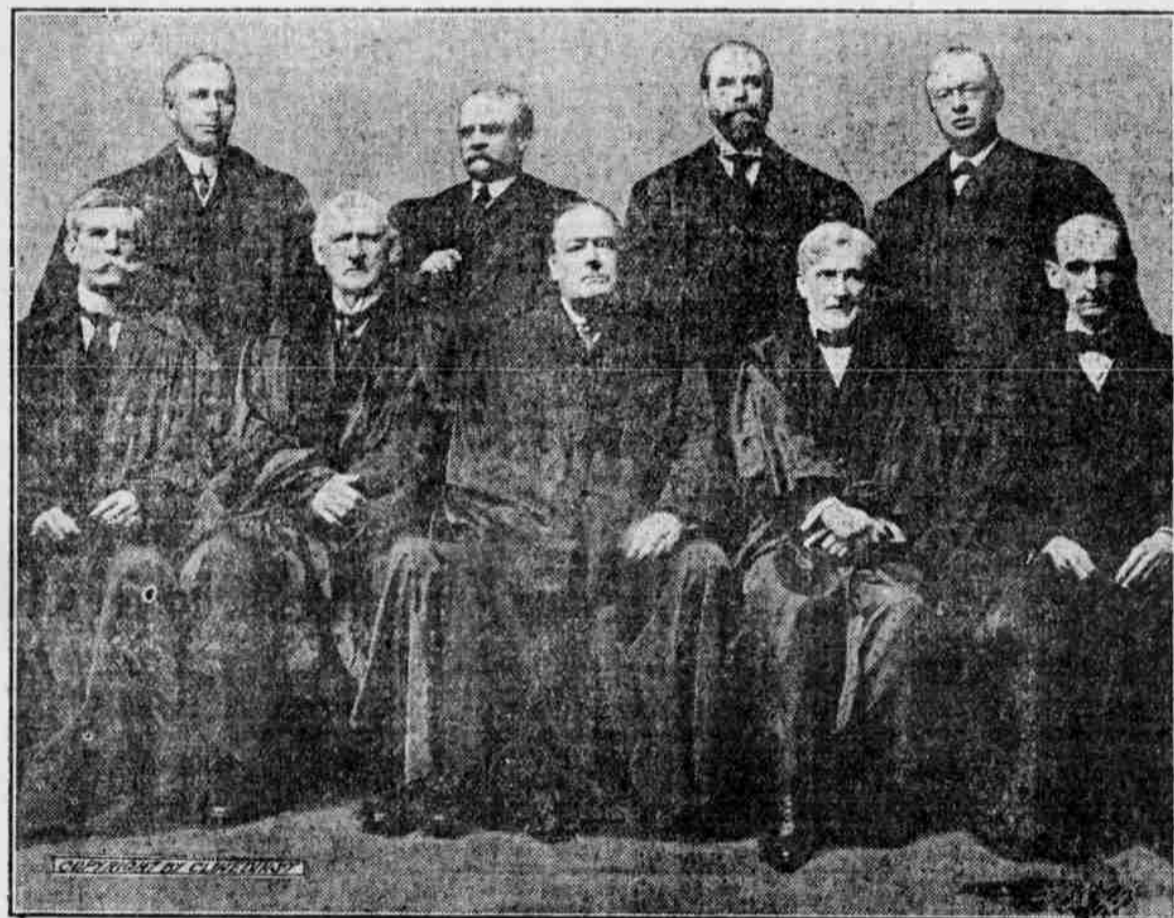
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THE SUPREME COURT OF THE UNITED STATES.

[Standing, from left to right, Justices Van Devanter, Lurton, Hughes and Lamar; sitting, from left to right, Justices Holmes, Harlan, Chief Justice White, Justices McKenna and Day.]

triumph, and at the same time the trusts assert that this will clear the atmosphere and business will revive. As proof of the statement they point to the fact that most of the trust stocks went up as a result of the court's action. A notable exception was that American Tobacco stocks fell something like a hundred points in one day. Well, let the tobacco trust smoke. Perhaps plug cut and Havana cut that were made in North Carolina or Connecticut may take a tumble also. As for Standard Oil, that went up. It seems the harder the Standard is jolted the more money John D. Rockefeller makes.

Prices Not Affected.

One thing looks a trifle strange about it all. The subsidized New York newspapers are simply gleeful over the way the trusts have been swatted in these decisions, but Mr. Small Dealer is not half so hilarious, and Mr. Common People isn't saying a word. Up to date the price of smokes has not come down, and we have to pay as much as ever for a gallon of oil. I hear there is one exception on petroleum. Thomas L. Hisgen, the independent oil man who ran for president on the Hearst ticket in 1908, says the price has been cut in New England to run him out of business. He further avers that the Standard is going to use that six months' grace to kill off every independent dealer in the country. All these conflicting views get Mr. Public Opinion so befuddled that he wants to climb a tall tree and let the breezes fan his fevered brow.

Personally I have read these two supreme court opinions carefully, prayerfully and as wakefully as I could contrive by repeatedly pinching myself. Now I feel as if I had perused one of Henry James' novels. The most definite impression left is that I am the original bonehead and that if I ever did know anything I forgot it ages ago. My mental state is a cross between senile dementia and criminal insanity. I have a hazy notion that

judicial legislation. He says the court read words into the law that congress never placed there and that congress specifically refused to place there. To put it in other words, he seems to think the province of a court is interpretation, not interpolation. He intimates that the supreme court is usurping the authority of congress. The words to which he objects are "unreasonable" and "undue." The Sherman anti-trust law as it stands in the statute books penalizes restraint of trade. The supreme court construes this to mean "unreasonable" or "undue" restraint of trade. Whether a given case is "unreasonable" or "undue" is a question not of law, but of fact. It will be necessary for the courts to determine what is unreasonable or undue restraint, thus giving them legislative power.

The Word "Unreasonable."

For several years there has been an attempt to have congress insert the word "unreasonable" in the law, but congress declined. Not only so, but President Taft advised against the insertion. In his special message of Jan 7, 1910, he said:

"It has been proposed that the word 'reasonable' should be made a part of the statute and then that it should be left to the court to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly. I venture to think that this is to put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to just judgment. It is to thrust upon the courts a burden that they have no precedents to enable them to carry and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

Moreover, the supreme court itself in previous decisions has refused to enjoin the word, although Justice White, now chief justice and author of the present opinion, has ever favored it. Thus the court has reversed itself and has put into the law language that congress had refused to put there and that the president had advised against

the statute and to give it new vitality. He insisted that it was a compliance with the spirit of the act, if not with the letter.

What of the Outcome?

What will be the outcome of it all? Will these trusts and others like them dissolve according to the court's mandate? Will the trust officials who have been guilty of these illegal actions be punished under the criminal clause of the Sherman anti-trust law? Attorney General Wickersham has already been questioned on this line by committee of congress, but has not given full replies, claiming that to do so might defeat the ends of justice in some action already brought.

Will the fact that the tobacco trust is permitted to present additional evidence to the lower court pave the way for further delay? Presumably this same course will be open to the Standard Oil. Suppose the corporations are not satisfied with the decrees of the lower court. What is to prevent their again appealing to the supreme court with another five years' wait?

There is one peculiar feature of public opinion regarding the matter. The man on the street does not believe that the decisions will have any practical effect. In his opinion the trusts will go right on doing business at the old stand and in the old way. They may go through some legal lingo main to agree with the letter of the judicial decree. But as to the Standard Oil giving up its monopoly of petroleum, he frankly is skeptical. This popular attitude is not fanciful. I have made it a point in the past few days to interview Tom, Dick and Harry on the question and have been struck by the unanimity of the replies. One would shrug his shoulders. Another would express oral doubts. None was hopeful. The independent tobacco stores do not conceal the fact that they are discouraged.

What is the cause of this popular cynicism? Has the public been stung so often that it has lost faith?