

LAST EDITION.

SATURDAY EVENING.

TOPEKA, KANSAS, NOVEMBER 20, 1909.

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FIVE CENTS.

## GREAT TRUST IS OUTLAWED

### Standard Oil Company Is Today Declared Illegal

### And Ordered Dissolved by U. S. Circuit Court.

### OPINION BY SANBORN

### Is Concurred in by Colleagues on the Bench.

### Reasons for the Decision Are Clearly Set Forth.

### "UTMOST IMPOSED"

### "It Is One of the Most Important Decisions

### Ever Rendered" Says Attorney General Wickersham.

St. Paul, Nov. 20.—The government wins its suit against the Standard Oil company. The United States circuit court today ordered the corporation to be dissolved as being illegal.

This case was heard in the United States circuit court at St. Louis in April last by Circuit Judges Sanborn, of St. Paul; Vandewater, of Cheyenne, Wyo.; and Leavenworth, of Adams, of St. Louis.

Judge Sanborn, the presiding judge, wrote the opinion and the decree, in which all the judges concur, and sent them to Judge Adams of St. Louis, who filed them and entered the decree in that city this morning.

The case was argued by Frank B. Kellogg of St. Paul and Charles B. Morrison of Chicago, for the United States, and John G. Milburn of Buffalo, David T. Watson of Pittsburgh, Morris Rosenthal of Chicago and John G. Johnson of Philadelphia, on behalf of the defendants.

It was brought to enjoin John D. Rockefeller, William Rockefeller, Henry M. Flagler, Henry H. Rogers, John D. Archbold, Oliver H. Payne, Charles M. Pratt, the Standard Oil company of New Jersey and about 29 other corporations, from maintaining a combination and conspiracy in restraint of trade, to monopolize interstate and international commerce, and the decree grants the injunction sought by the government.

The case is one of the most notable in the history of the national government on account of the important industrial and legal questions and the vast financial interests it involves. The evidence filed 21 volumes and occupied more than 10,000 printed pages and the arguments of counsel more than 300 printed pages.

**Judge Sanborn's Opinion.**

The nature of the case and the character of the decision appear from the syllabus of Judge Sanborn's opinion, which reads:

"Congress has power under the commercial clause of the constitution to regulate and restrict the use in commerce among the several states and with foreign nations of contracts, or the method of holding title to property and of every other instrument employed in that commerce so far as it may be necessary to do so in order to prevent the restraint thereof denounced by the anti-trust act of July 2, 1890, 26 Stat. 209.

"Test of the legality of a combination under this act is its necessary effect upon competition in commerce among the states or with foreign nations.

"If its necessary effect is only incidentally or indirectly to restrict that competition while its chief result is to foster the trade and increase the business of those who make and operate it, it does not violate that law.

"But if its necessary effect is to stifle or directly or substantially to restrict free competition in commerce among the states or with foreign nations, it is illegal within the meaning of that statute.

"The power to restrict competition in commerce among the several states or with foreign nations, vested in a person or an association of persons by a combination or conspiracy of the character of the combination because it is to the interest of the parties that such a power should be exercised and the presumption is that it will be.

**Illegal.**

"The combination in a single corporation or person, by an exchange of stock, of the power of many stockholders holding the same proportions, respectively, of the majority of the stock of each of several corporations engaged in commerce in the same articles among the states or with foreign nations, to restrict competition there, renders the power thus vested in the former, greater, more easily exercised, more durable and more effective than that previously held by the stockholders and it is illegal.

"In 1899, the stockholders of the Standard Oil company of New Jersey owned a majority of the stock of 19 other corporations in the same proportions that they owned the stock of the Standard company and those 29 corporations controlled, by the ownership of the majority of their stock, or otherwise, many other corporations.

holders and had thereby suppressed competition among these corporations and partnerships.

"In 1879, they and their associates caused all the trustees to convey their interests in the stock, property and business of all these corporations to five trustees to be held, operated and distributed by them for the stockholders of the Standard Oil company of Ohio.

"From 1879 until 1892 they prevented these corporations and others engaged in this business of which they secured control from competing in this commerce by causing the control of their operations and generally, of a majority of their stocks, to be held in trust for the stockholders of the Standard company of Ohio, and from 1892 until 1899, they accomplished the same result by a similar stockholding device and by the joint equitable ownership of the majority of the stock of the corporation.

**The New Jersey Concern.**

"In the year 1899, the seven individual defendants and their associates caused the majority of the stock of the 19 corporations to be transferred to the Standard Oil company of New Jersey in exchange for its stock so that the latter company thereby acquired the legal title to a majority of the stock of each of the 19 companies, the control of these companies and of all the companies which they controlled, and the power to fix the rates of transportation, the purchase and selling price of petroleum and its products which all these corporations should pay and receive in the conduct of their business in commerce among the states and with foreign nations.

"Since that exchange of stock the seven individual defendants have been and are stockholders and officers of the Standard Oil company of New Jersey which has exercised, and is still using that power and by its use it has prevented, and is still preventing, competition in commerce among the states and with foreign nations among the corporations.

**Injunction Granted.**

"Held: The transaction constituted a combination and conspiracy in restraint of, and to monopolize, commerce among the states and with foreign nations in violation of sections 1 and 2 of the anti-trust act of July 2, 1890, and the government is entitled to an injunction against the further continuance and operation thereof.

"The decree enjoins the seven individual defendants, the Standard Oil company and its subsidiary companies from continuing or carrying into effect the illegal combination they have formed and from entering into any like combination or conspiracy the effect of which will be to restrain interstate commerce in petroleum or its products or to prolong the unlawful monopoly of such commerce obtained by the defendants as stated in the decree and they are forbidden from engaging or continuing in interstate commerce until they discontinue their illegal combination.

The decree takes effect 30 days from the date of its filing unless suspended by an appeal to the supreme court.

**The Law in the Case.**

Judge Sanborn in his opinion says: "This is a suit brought by the United States to enjoin the Standard Oil company of New Jersey, a corporation about 70 subsidiary corporations and seven individual defendants from continuing an alleged illegal combination in restraint of commerce among the several states, in the District of Columbia, in the territories and with foreign nations in violation of the Sherman anti-trust act of July 2, 1890, 26 Stat. 209.

"The provisions of that act pertinent to the issues in this case are: Section 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states or with foreign nations, is hereby declared to be illegal."

"(Section 2) Every person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of trade or commerce among the several states or with foreign nations shall be deemed guilty of a misdemeanor.

"(Section 3) The word 'person or persons' wherever used in this act shall be deemed to include corporations and associations.

the date of its filing unless suspended by an appeal to the supreme court.

"Between the organization of that corporation in 1870 and April 8, 1879, Henry H. Rogers, John D. Archbold, Oliver H. Payne and Charles M. Pratt associated themselves with Rockefeller and Flagler and became stockholders in this corporation, and these seven defendants and their associates increased the number of stockholders to 37, its capital stock to \$3,500,000, the value of its property to a much larger sum and acquired for the stockholders of that corporation by the purchase of property conveyed directly to it, by exchange of its stock for stock of other corporations and for interests in partnerships, and by placing the title to the business and property obtained in new corporations organized to hold them and then vesting the title to a majority or all of their stock in various individuals in trust for the stockholders of the Standard Oil company more than forty competitive refineries located respectively in Cleveland, Pittsburgh, Titusville, Parkersburg, Baltimore, Philadelphia, Bayonne, New York harbor, Boston and other places and the ownership of the entire interest of their stock in various individuals in trust for the stockholders of the Standard Oil company more than thirty companies, some of which were corporations, while others were partnerships, engaged in the same general business.

"The result was that on April 8, 1879, the stockholders of the Standard Oil company were, by their holdings of stock and by their position as controlling interest in more than thirty companies, some of which were corporations, while others were partnerships, engaged in the same general business.

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**Property Worth \$55,000,000.**

"Thereupon on that day the Standard Oil company and all the other trustees conveyed their interests in the stock property and business of these concerns to George F. Vilas A. R. Keith and George F. Chester in trust, to hold and manage them for and to divide and distribute them among the 37 stockholders of the Standard Oil company in proportion to their respective holdings of the stock of that company.

"The court here refers to the trust formed in 1882, 'to the effect that all the stocks they owned in the Standard Oil company of Ohio and in all other corporations and limited partnerships engaged in the oil business were conveyed to nine trustees during their lives and the life of the survivor of them and for 21 years thereafter unless the trust was sooner dissolved by vote of the shareholders.'

The opinion says:

(Continued on Page Six.)

## THE CRIMSON IN THE DUST

### Yale Again Humbles Harvard on the Gridiron.

### Game One of Hardest Ever Seen in Football.

### RECORD CROWD IS OUT

### Thousands Unable to Gain Admission Turned Away.

### Estimated That Over Forty Thousand Saw the Contest.

### Football Scores.

At Syracuse—First half: Illinois 6, Syracuse 5.  
At Cambridge—First half: Yale 5, Harvard 0.  
At Minneapolis—First half: Michigan 6, Minnesota, 6.  
At Chicago—First half: Chicago, 6; Wisconsin, 6.

Cambridge, Mass., Nov. 20.—Interest in college football was at high tide today when 40,000 persons gathered on the stadium to witness the contest for

HAMILTON FISH, JR., HARVARD'S CAPTAIN.



He is a son of the well known New York financier and railway magnate. Like his father, he is a giant in stature, standing six feet three inches in height. He has been the regular right tackle for Harvard for the last two seasons. He is twenty-one years old and weighs 298 pounds.

the eastern university honors between Yale and Harvard.

The crowd was intensely enthusiastic, warmly clothed and gaily decorated. The players remained well away from the scene until a few hours before the game began. The Harvard team reached Cambridge at noon for the last lunch at the training table. The Yale team was somewhat later, and had lunch in its hotel in Auburndale.

The announced lineup was as follows: Harvard. Position. Yale. I. Smith.....L. E.....Kilpatrick McKay.....L. T.....Hobbs L. Withington.....L. G.....Andrus P. Withington.....C.....Cooney Fisher.....R. G.....Goebel Fish.....R. T.....Sibley Browne.....R. E.....Savage O'Flaherty.....Q. B.....Hosco Corbett.....H.....Phillips Leslie.....R. H.....Daisy Minot.....F. B.....Coy

Officials: Referee, W. S. Langford, Trinity; umpire, W. H. Edwards, Princeton; field judge, E. K. Hall, Dartmouth; linesman, J. B. Pendleton, Bowdoin.

Yale scored a touchdown in the first half but missed the goal. The half ended with the score—Yale 5; Harvard 0.

A field goal in the second half gave Yale the final score. Yale 8; Harvard 0.

**MICHIGAN TACKLES MINNESOTA.**

One of Most Interesting Games of Season at Minneapolis.

Minneapolis, Nov. 20.—After a lapse of six years the universities of Minnesota and Michigan resumed football relations this afternoon on Northrop field. Not since the famous six to six hard fight against her old rival

## THE CRIMSON IN THE DUST

### Survivors of the St. Paul Mine Disaster Are Found

### After Having Been Imprisoned for Seven Days.

### WALL BROKEN DOWN

### Which They Had Built to Protect Themselves.

### One When Brought Out Could Only Mutter Incoherently.

### Thought It Was Sunday.

Cherry, Ill., Nov. 20.—Forty men were found alive in the St. Paul mine, according to a report sent to the surface at 2 o'clock. The men were reached after a wall of debris had been broken down.

The survivors were immediately rushed to the hoisting shaft and stimulants administered. One of the men after seven days' entombment was only able to mutter incoherently. His face was black from the smoke and slightly scorched. It appears that the men after discovering their predicament wall-closed themselves in.

The fight against death was led by Joseph Crescini. Crescini was one of the two men brought up in the cage. He reported he saw 30 and 40 men alive in the south wing in the darkness where they waited for seven days in an agony of hunger and suspense they kept track of time and thought today was Sunday.

Nourishment was administered in the form of milk diluted with water. The next trip of the cage brought seven other survivors. They were all in healthy save for weakness due to lack of food. News of the rescue of these men traveled with lightninglike rapidity and the change from despair to a hope which swept over the crowd was a most dramatic and impressive scene.

Women who have stood for days and nights with only the hope of recovering the mutilated forms of husbands and sons fought with the guardsmen to reach the mouth of the pit. The latter restrained them, explaining that to overrun the pit would only delay the rescue.

As one by one the survivors became visible to the multitude outside the rope barriers, the women crowded around them. When one would recognize a kinsman, the joyful meeting would be many to tears. But saddest of all was the change again to black despair of those who saw but recognized no one whom they sought.

When Spogatta, one of the men rescued was led to the dining car he ran into the arms of his wife and two children. There was a hysterical torrent of endearing words, and then the mother turned and kissed the feet of the man who had brought him out. Then she pulled her children down and they performed the same ceremony of gratitude.

When the last man was up, women who had found none they recognized, walked about dazed, again and again returning to attack the military guard who guarded the pit.

The survivors were first discovered by Superintendent Powell of Francisco, Ill. When the men were reached some were talking and joking, and apparently were mentally affected by their long imprisonment.

Among others rescued were John and Joseph Pignetti, George and John Semrich and William Waite, a mine boss, and William McClellan, a miner. McClellan was rescued by his brother, who carried him to the surface without recognizing him.

One of the rescued men called out from the cage he believed 150 men were alive in the east shaft.

At 2:30 rescuers came to the surface and reported that fire had temporarily cut off the rescue work. A call for fresh volunteers was issued and immediately a score of men entered the shaft. It was believed the fire would be extinguished shortly.

**Were All Seated.**

Under the leadership of Crescini such food as remained in dinner pails was assembled and the men put on short rations. In this and subsequent measures taken to safeguard the prisoners, an Englishman who had had previous experiences of the kind, shared leadership with the Italian.

When the explorers, led by Duncan McDonald, president of the Illinois Federation of Miners, broke into the tomb like prison, the men were all seated, but with the ray of light which shot into their prison from the lights of the searching party, they jumped to their feet and feebly cheered.

The excitement among the rescuers far exceeded that among those snatched from death.

**Wild Rejoicing.**

News of the rescue spread and soon great crowds pressed in the mine grounds. Cheers went up from all sides and when one of the men thrust his face in the cage the crowd became almost uncontrollable. Among the rescued was George Eddy, mine examiner for the company. Great credit is given him for his work in saving the mine.

One shaft blocked off from noxious gases, one of the entombed men became insane last Monday and in attacking the barricade inflicted on himself injuries from which he died. The scene around the shaft and the company's offices was one of the wildest jubilation.

"Monahan is out! Monahan is out!" "Bill Heinz is alive!" These and other names of other men rescued were shouted from man to man, from group to group, down the railroad tracks and into the village. Not a storekeeper in the city remained at his post. They joined the throng of women and children in the rush to the scene of what to the experts is regarded as a miraculous outcome of the disaster.

Since Monday there has been no expert either of the schools or practical mining who believed a man remained alive. The condition of the bodies brought up showing suffocation and the fact that there was still food in the dinner pails seemed to indicate that every life had been snuffed out in one blast of gases.

Only last night one of the most experienced of the government experts explained how the St. Paul mine differed from others, where some had escaped death. The construction of the mine and the character of its geological deposits all were against hoping of rescue.