

The full text of the Court's opinion not having been published in Chicago as *The Public* goes to press, we are as yet unable to define its scope with certainty. From ragged reports, however, it appears to have been decided upon a technicality. "The basis of the Court's opinion," as one of the reports reads, "was that the proceeding brought against the Labor officers was for *civil contempt*, which 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 attorney for the prosecution, Daniel Davenport, is reported as saying that while the Court has set aside all the jail sentences, it settles "every question on account of which the suit named was originally brought," namely:

First it held that the boycott is illegal, and that a party threatened with injury by one has a right to go to a court of equity for protection against it. Second, a court of equity has a right to enjoin all acts done in carrying out such a boycott, which extends to printed, written and oral statements. It holds that the Constitutional right of free speech and free press affords no protection to the boycotter; that it is the duty of all enjoined by a court of equity to obey the injunction, and that for a violation of it they are liable to a fine by way of indemnity to the party injured, commensurate with the pecuniary damage inflicted, and that, further, the party violating the injunction is liable to punishment by way of imprisonment for his contempt of court.

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Decision Against the Beef Trust.

A sweeping decision on demurrers to indictments of the beef trust for criminal violation of the anti-trust law was made at Chicago on the 11th by George A. Carpenter, United States District Judge.

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In his opinion, Judge Carpenter, after brushing aside certain technical points as unfounded and stating that the Constitutionality of the anti-trust law had been settled by the Supreme Court, considered the question of whether the indictments charge facts sufficient to support a conviction. This is an extraordinarily concise and clear statement of the alleged criminal conduct of the beef trust, requiring no special skill to understand, and we quote it almost entire for the information it contains:

The indictment in case No. 4509 charges in substance that there has been carried on from Chicago (and other named cities in different States) an extensive industry involving (1) the purchase of live stock; (2) the slaughter of such stock, and (3) the furnishing of fresh meats to the people in certain named States; that 85 per cent of all fresh meats consumed in the named States has been slaughtered in those cities in designated proportions; that 70 per cent of this 85 per cent "has been

carried on, directed and controlled" by the defendants; that the Armour group had branch houses in 317 different towns and cities in different States; the Swift group 280; and the Morris group 82; that the defendants, divided into three groups representing certain corporations or interests, managed, controlled and directed by them, entered into an agreement, first, that they would not compete in the purchase of live stock and would make uniform bids for animals of like grade; second, that the three groups, by agreement, adopted a uniform system of determining the sale price of dressed beef by adding to the cost of the animal on hoof certain fixed and excessive charges to cover operating expenses, and by deducting certain inadequate allowances for by-products; third, that each group would direct its sales agents to sell at the prices figured, according to the agreement, or, if not at that price, at a certain other price also agreed upon. That by agreeing on the amounts to be paid for the live stock, and upon the amounts to be added for operating charges, and the amounts to be deducted for by-products and in reaching a uniform sale price, they have eliminated all competition in the fresh meat industry between the three groups of defendants. That they were large operators in interstate commerce, and by a combination among themselves they have agreed upon a system which restricted the business of each individual group. The medium through which 111 groups collected information and operated was the National Packing Company, organized, owned and directed by the groups collectively. Its office furnished a common meeting ground and there the total business done by all the defendants, by agreement, would be equalized from time to time, each being permitted to share according to its financial interest. And prices were kept up by increasing or decreasing shipments to particular territories according to market conditions. The whole plan, from its inception, appears plainly to be one to eliminate competition as a factor in fixing prices among the three groups of defendants. Indictments Nos. 4510 and 4511 charge substantially the same facts, (1) resulting from a conspiracy and (2) creating a monopoly. . . . I am of the opinion that the facts stated in the indictments show clearly a plan or scheme organized and put in operation by the defendants, the ultimate purpose of which was to control the production, sale and distribution of fresh meat throughout a large section of this country, and, as incidental to that control, to lower prices to the producer of the raw material, and raise prices to the consumer of the finished product.

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Following are the persons under indictment:

Louis F. Swift, president of Swift & Co.; Edward F. Swift, vice president of Swift & Co.; Charles H. Swift, director of Swift & Co.; Francis A. Fowler, director of Swift & Co.

J. Ogden Armour, president of Armour & Co.; Arthur Meeker, general manager for Armour & Co.; Thomas J. Connors, superintendent of Armour & Co.

Edward Morris, president of Morris & Co.; Louis H. Heyman, manager for Morris & Co.