

# Courts Assume Legislative Power Under Trust Laws

## N. Y. Attorney Sees in AP Case Example of Judicial Action in Fields Congress Has Avoided

By GILBERT H. MONTAGUE, Member of the New York Bar

Mr. Montague is a lawyer in New York City and a member of the Bar of the Supreme Court of the United States. He is in active practice in the State and Federal Courts in New York City and in various United States District Courts throughout the country, and before various boards, commissions, boards and government departments in Washington. For many years he has been engaged in anti-trust law and Federal Trade Commission law, and in matters coming before the Department of Justice and the Federal Trade Commission and more recently before various war-time government agencies.

The case of the American Press Co. v. The Associated Press is a landmark case in the history of the United States. It is the first time that the Supreme Court has been called upon to decide whether the Federal Trade Commission has the power to issue orders against a corporation which is not a natural person. The case involves the American Press Co., a corporation organized in New York, and the Associated Press, a national news-gathering organization. The American Press Co. has been ordered to cease its operations and to liquidate its assets. The Supreme Court is now considering whether this order is valid. The case is significant because it involves the issue of whether the Federal Trade Commission has the power to issue orders against a corporation which is not a natural person. The case is also significant because it involves the issue of whether the Federal Trade Commission has the power to issue orders against a corporation which is not a natural person.

Who would have dreamed that the Sherman Act, enacted in 1890, would have been applied to a news-gathering organization? It is not likely that the framers of the act intended that it should be so applied. Yet it has been so applied. The Sherman Act is a law which prohibits contracts, combinations, or conspiracies in restraint of trade, or the monopolization of any part of interstate commerce. The act is now being applied to the American Press Co., a corporation which is not a natural person. The Supreme Court is now considering whether this application is valid. The case is significant because it involves the issue of whether the Sherman Act applies to a corporation which is not a natural person.

pany that financed any purchases of Chrysler or Ford cars. In 1940 the anti-trust division issued Paramount, Loew's RKO, Warner, Brothers, Vitaphone and 20th Century-Fox, to consent to a decree of the Federal Trade Commission and the state legislatures, and to discontinue their operations and to cease their dealing with news-gathering agencies and to accept an order of the court for the liquidation of their assets. In 1940 the anti-trust division issued Paramount, Loew's RKO, Warner, Brothers, Vitaphone and 20th Century-Fox, to consent to a decree of the Federal Trade Commission and the state legislatures, and to discontinue their operations and to cease their dealing with news-gathering agencies and to accept an order of the court for the liquidation of their assets.

What is a foolock? A foolock is a person who is foolish. The word is derived from the Old English word 'fool', which means a person who is foolish. The word 'foolock' is a combination of the words 'fool' and 'lock'. A foolock is a person who is foolish and who is locked up. The word is used to describe a person who is foolish and who is locked up. The word is used to describe a person who is foolish and who is locked up.

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found something else that many cars operating on North Carolina highways are ten years old or more. In the main, his findings correspond with the national figures, both as to age of vehicles and condition of tires. The light cars, far more numerous and by reason of number as well as cheaper mechanical construction responsible for most of the highway accidents, average a good deal older than medium and heavy weights. The public roads administration classified every car under 3,000 pounds as light and finds their average age to be 7.3 years; medium weights from 3,001 to 3,500 average 4.8 years, while the heaviest above 3,501 pounds average 1.6 years old. Seriousness of the situation is further emphasized by findings of the national automobile manufacturers' association, quoted by the highway bureau, that 2,217,000 cars in the United States having a total population of 11,102,000 persons, are entirely dependent upon private automobiles for passenger transportation. That does not mean, of course, that these communities have no means of interurban bus service (thousands of these do not) but it means that they have no system of street cars or buses for intra-city travel. Taking all these factors into account, T. Boddie Ward, commissioner of motor vehicles, finds the outlook very gloomy. He warns municipalities against dissipating the feeble assets embraced in automobile now functioning. Slow speed and careful attention to mechanical upkeep are urged as the only means of conserving the present "rolling stock" of private cars, he said. During the first six months of 1943, age 18 predominated in the frequency of arrests.

### Age Of Autos Is Creating New Problem

Daily Dispatch Bureau. In the Sir Walter Hotel, BY LYNN NISBET Raleigh, Nov. 17—The Public Road Administration of the Federal government has just completed a survey of rather than compiled results of sample surveys made throughout the country on the use of automobiles now in use. It is found that all cars, on average 6.4 years old, during which at least two dozen phone calls were made, the part was located and put on. In normal times it would have been a 15-minute stop at any first grade repair garage. Serious as the situation seems to be with respect to mechanical equipment, the rubber problem is more acute. Not only has synthetic rubber production fallen below expectations for this date, experiments have proven that synthetic will not stand up under the high speeds to which American motorists are accustomed. National data on this point may not be conclusive, but the State of North Carolina has, through its own experience with public cars that synthetic tires cannot be depended upon for sustained speed at levels above 30 or 35 miles. Some state cars need to be able to travel faster than that supposedly legal limit. James S. Burch, statistical engineer for the highway commission,

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the company's future patents and methods. The same pattern is followed in the Associated Press case in the Worcester decision of the lower court, which more candidly than these other courts, frankly admits that it is acting legislatively and that what it is legislating is a public utility status upon the Associated Press, by requiring "that members in the same field as the applicant shall not be taken into consideration in passing upon his application. This leaves free from all public utility obligations all of the Associated Press' competitors, the United Press, the International News Service, the New York Times News Syndicate, and all other news-gathering services. This fortifying of the Sherman Act as to empower the courts to bypass Congress and the state legislatures, and by court decrees to legislate into public utility status an industry—or only a single unit, an industry, as in the Associated Press case—shown in these cases from the title had down years ago by the Supreme Court that "one of the fundamental purposes of the statute is to protect not to destroy, rights of property. . . . positions of the right to live under the law of the land, but as compelling obedience to that law." Discussing the Chrysler and Ford consent decrees, a contemporary member of the antitrust division, speaking before the detached viewpoint of a professor at Harvard Law School, questioned whether these were any "legislative authority" for them, and declared them as "in essence" legislative action, raising "grave questions of legal propriety and legal power" regarding which "no decent respect for the lesson of recent history should induce the utmost care to be maintained," and concluded that "deliberation on a legal and fundamental question of the rights of citizens against the administration of the antitrust laws."

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