

THE OCTOPUS' EXPLANATION

President Moffatt Gives Associated Press His Opinion On Landis Decision.

JUDGE RULED EVIDENCE OUT

Magnate Says Company Could Ship Over Other Road at Same Rate.

New York, Aug. 7.—President James A. Moffatt of the Standard Oil Company, of Indiana, made the following statement today in reference to the judgment by Judge Landis, pronounced in Chicago:

"The court having pronounced its judgment in the case of the United States vs. the Standard Oil Company of Indiana, there can now be no impropriety in stating our position to the American people.

"The facts in this case are simple and easily understood. The Standard Oil Company of Indiana was convicted of receiving what the government claimed was a concession from the Chicago & Alton in the shipment of oil from its refinery at Whiting, Ind., to East St. Louis, Ill. The contention of the government was that the lawful rate was 18 cents per 100 pounds between these points. The defendant claims: First, that the lawful rate was six cents and, secondly, if six cents was not the lawful rate it was the rate issued to the Standard by the Alton as the lawful rate, and the Standard was justified in believing from its own information and from the information received from the railroad company that six cents was the legal rate.

"The 18 cent rate was a 'Class' and not a 'Commodity' rate, and the chairman of the Chicago & Alton Traffic Association, the association issuing the 18 cent rate, under oath testified that they never applied and was never intended to apply to oil.

"Thousands of tons of freight have been shipped from these points during the past 15 years under the same circumstances as the Standard shipments, and if the Standard is guilty in this case, so is practically every other shipper in this great manufacturing territory. Is there a purpose in selecting the Standard as a victim?"

"The Standard Oil Company shipped about one-third of all the oil that went from Whiting to East St. Louis, the other two-thirds going over the Burlington and the Alton. On the trial of the case the defendant offered to show by witnesses who were on the stand that not only during the period covered by the indictment, but continuously from 1895 the Eastern Illinois had a lawful published and filed rate between Whiting and East St. Louis on oil of six cents per 100 pounds and that the Standard Oil Company shipped at such rate over the Eastern Illinois more than 1000 cars of oil each year during said period. To this offer the government through its attorneys strenuously objected and the court sustained such objection. The defendant contended and still does contend that this proof would have conclusively shown that the Standard Oil Company had no possible motive in shipping over the Alton and thereby violating the law when it might just as readily and conveniently have shipped all of its oil over the Eastern Illinois and not have violated any law.

"The defendant also offered to prove that packing house products, during the same period of time, were carried between these same points under a 'Commodity' rate for ten cents; malt seven cents; brick five cents; corn meal seven cents; rosin six and one-half cents; starch eight cents; peas, beans and popcorn eight cents; linseed oil in tank cars eight cents; glycerine six cents. The court again sustained the objections of Government counsel and the judge again prohibited us from showing the jury how absurd was the government's claim that the rate, for example, on linseed oil was eight cents, while on petroleum oil it was 18 cents.

"Under such circumstances, and in view of the fact the petroleum had been openly carried over the three roads from Whiting to East St. Louis for from 10 to 14 years for six cents what a draft it is on human credulity for the prosecution to assert that 18 cents was the only possible lawful rate.

"The uncontradicted evidence showed the Standard Oil Company was advised by the rate clerk of the Chicago & Alton that six cents rate was filed with the Interstate Commerce Commission.

"The court, however, instructed the jury that the shipper must know not only what the rate was but also that such rate was actually filed with the Interstate Commerce Commission, that is to say, that the view of the court was that a shipper must know absolutely what was the legal rate at the risk of suffering enormous penalties in the event either that he was misinformed by the railroad company or that in the event that he did not exercise as much diligence in the judgment of the courts he should have exercised in ascertaining what the rate really was.

"If this is the law, every shipper of freight is in danger of the penalty of forfeiture or confiscation of his property by way of excessive fines every time he undertakes to make a shipment from one state to another.

"Knowing that the rate on the Eastern Illinois was but six cents, having no reason for shipping over the Alton in preference to the Eastern Illinois, and able to ship all of its oil over the latter road, we insist that the facts, many of which the court did not permit us to show, not alone demonstrate innocence, inherently forbid the idea of guilt.

"We further insist that whatever may be one's technical view relating to the above questions, every equitable consideration is with the defendant, and if the only desire was to give this defendant a 'Square Deal,' this prosecution would never have been instituted.

"The American public not only believes in fair play in the abstract, but with all the facts before it, it has the capacity to determine whether a defendant, rich or poor, has received a 'Square deal.'

"For all these reasons the Standard Oil Company asserts that it is not even technically guilty and that it ought never to have been prosecuted because of the claimed failure of a railroad company—which has neither been indicted nor prosecuted—to file its tariff, and that the prosecution of this defendant under the circumstances of this case is a high violation of the spirit and the high purpose of the Interstate Commerce act."

DAILY TRANSFERS.

Caroline E. Bedillion et al to Laura Taylor, S $\frac{1}{4}$ of lot 62, Bandon cemetery; \$5.

Ida M. Douglass et al to Wm. Hargquist et al, E $\frac{1}{4}$ of lots 7, 8 and 9, blk. B, Western Add to Marshfield; \$100.

Simpson Lumber Co. to Lucille M. Lynch, lots 31 and 32, block 58, Western Add. to North Bend; \$5.

Thos. Vigers et ux to O. P. Egers, lots 25 and 26, block 3, Bangor plat A; \$10.

J. H. Barbour et ux to Mary E. McKnight, lots 16, 17, 18, 19 and 20, block 30, R. R. Add. to Marshfield; \$10.

J. N. Foster et ux to Jennie A. Cavatt, a parcel of land in sec. 8, Tp. 28 S., R. 13 W.; \$1.

F. G. Kelley et ux to C. A. Peterson, Jr., lots 1, 2, 3, and 4, block 4, Riverton; \$400.

A. M. Jones et ux to P. L. Nichols, 1 acre of land adjoining Elliott's Ad. to Coquille; \$1000.

K. I. Perky, trustee, to S. E. Todd, lots 22 and 23, block 14, Boise Add to Marshfield; \$104.80.

Lizzie Lobree to N. J. Corawall, a parcel of tide land in Sec. 25, Tp. 25 S., R. 13 W.; \$7500.

W. B. Curtis et ux to Lida J. Curtis, lots 5 and 6, block 41, East Marshfield; \$10.

McClelland Invest. & Dev. Co., to Lida J. Curtis, lot 4, blk. 10, Millington; \$10.

McClelland Invest. & Dev. Co., to W. B. Curtis, Jr., lot 5 in block 10, Millington; \$10.

McClelland Invest. & Dev. Co., to Rosetta Curtis, lot 6, block 10, Millington; \$10.

J. C. Johnson et ux et al to George C. Hopp, lots 27-28, block 52, North Bend; \$650.

Jacob Mattson et ux to Calvin W. Wright et al, parcel of land in NW $\frac{1}{4}$ of Sec. 29-23-12 W.; \$20.

Anna M. Schafer et al to H. C. Borhus, lots 39 and 40, block 27, R. R. Add. to Marshfield; \$1800.

Minerva E. Lillie to Rosa Lillie et al, W $\frac{1}{2}$ of SE $\frac{1}{4}$ the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 2, Tp. 29 S., R. 13 W.; \$1.

G. A. Hansen et ux to John N. Vay and wife, parcel of land adjoining North Add. to Coquille; \$650.

Harvey E. James et ux to G. A. Hansen, parcel of land adjoining North Add. to Coquille; \$375.

COOS COUNTY HAS COPIOUS RAINFALL

Coos Bay was treated to rather an unusual incident yesterday in a rain which commenced about the noon hour and continued practically all the afternoon. There was a good, copious fall, and the gardens and grass will be greatly benefited by the downpour. The rain was general throughout the county.

ROSECURG FAIR IN PREPARATION

Good List of Exhibits and Race Horses Promised for the Event.

DATE IS SEPTEMBER 10-14

North Bend Horse Entered in Running Races—Great Interest Manifest.

Roseburg, Oregon, Aug. 7.—The coming District Fair which will be held at the District Fair grounds near this city September 10 to 14 inclusive, promises to eclipse any former event ever given by the association. At the present time there are many of the stalls near the race track occupied by harness and saddle horses which are being trained for the races which will be held at different fairs, throughout the state the coming season. For the first time in a number of years the track is being put in condition early in the game and by so doing the management of the association has proved themselves to be wise, many horsemen being attracted to this city who would have otherwise gone to other points of vantage.

Word comes from Eugene that a number of runners will arrive here in a few days which will at once begin training. A number of Marshfield horses will also arrive in the near future, as will also some fast flesh from the northern part of the state. Mr. G. A. Lawton, of Medford arrived last week with Tintorette (2:25), a bay stallion sired by Outben (son of Stamboul), dam, Lady Victor, and Longfellow, a green four-year-old trotter, sired by Tintoretta, dam, Lady P. The first named is a wonder and it is said can produce faster speed than his record.

W. R. Sain, of Independence, arrived Sunday with Dexter S., a five-year-old chestnut stallion, sired by Silver Light, dam, by Rockwood, and Seal Rock, a bay two-year-old chestnut stallion by Diablo, dam, by Rockwood. These are all green trotters but will undoubtedly make an excellent showing with training.

Mr. Hemenway of North Bend has a five-year-old runner that looks like a sure winner.

Albert O'Neal is here with the handsome black stallion, Nocturno (2:26), owned by C. H. Brown, of Oakland, and sorrel trotter owned by Louis Smick.

Wm. McMullen, a well known horseman, is in charge of Diavola, a chestnut pacer, by Diablo, dam, Lily Langtry; Diadem, a three-year-old trotter, also by Diablo; Lady Leemo, a brown pacer by Memo, dam, Katie Dee, and a green trotter by Daly, W. W. Cardwell is working the chestnut stallion Diawood (2:11) and the sorrel runner, King Kohr.

It is quite probable that a number of local horsemen will also enter driving horses at the event. Several have already signified their intentions of doing so, these being Dr. Seely, I. J. Denning, Baney Mathews, and others.

The Fruit Exhibit.

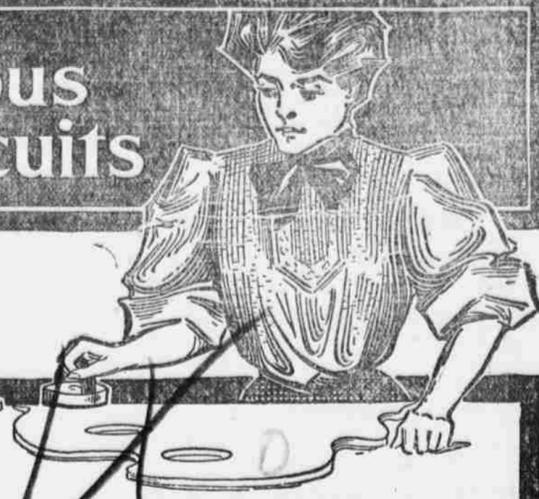
This year's fruit exhibit will undoubtedly be much larger and better than any former display ever presented in this county. The fruit crop has been unusually large and of a good quality this season, and the farmers are eagerly looking forward to the time when they can display their product to the public. The management of the association has paid special attention to this branch of the coming fair, offering larger prizes than have heretofore been given. A large number of the farmers have already signified their intentions of bringing in a large amount of their choice fruit and no doubt when the fair opens this department will be one of the features.

The Stock Exhibits.

The management of the fair are using every possible means of making this branch of this year's event a winner and from present indications their wishes will be realized. Oregon, especially Douglas county possesses much fine stock and the farmers are being urged to display large exhibits in this department.

ATTORNEY COKE ON BUSINESS TRIP

John S. Coke left Tuesday on the Plant for San Francisco, where he has business matters to look after. From there he will go to Portland, where other business calls him, and will return to Marshfield about the 20th of August.



Delicious Hot-Biscuits

On every home table there may be served every day a plate of pure, healthful, delicious hot-biscuits by following the "CLEVELAND" Cook. There is no economy in saving a few cents by using Alum Baking Powders. The cheap alum baking powders work sure injury to the health. Enjoy the purest of home cooking by using

CLEVELAND'S SUPERIOR BAKING POWDER

Made from a Superior grade of Pure Cream of Tartar.

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Capital Stock fully paid up \$50,000

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Dealer in Pure Cream Milk and Butter Milk. Free delivery to all parts of the city.

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BONITA and NORTH BEND FASTEST BOATS ON THE BAY

Half Hour Schedule

Run Between Marshfield and North Bend Made in 15 Minutes

Private Landings.

Fare: One way, 15c.; round trip, 25c.

J. A. O'KELLY, Proprietor.

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SERVICE

Our service is the best of any restaurant in Marshfield. We have a restaurant that would do credit to a place of many times the size of Marshfield. In our dining room you can secure privacy and quiet and the best of cuisine. Experienced waiters will attend to your wants in the shortest possible time. And our lunch counter is not to be excelled. Everything is first class, up-to-date, and the cooking vies with that

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