

# Commissioner Smith vs. The Standard Oil Co.

From the Railway World, January 3, 1908.

Mr. Herbert Knox Smith, whose zeal in the cause of economic reform has been in no wise abated by the panic which he and his kind did so much to bring on, is out with an answer to President Moffet, of the Standard Oil Company of Indiana. The publication of this answer, it is officially given out, was delayed several weeks, "for business reasons," because it was not deemed advisable to further excite the public mind, which was profoundly disturbed by the crisis. Now that the storm clouds have rolled by, however, the Commissioner rushes again into the fray.

Our readers remember that the chief points in the defence of the Standard Oil Company, as presented by President Moffet, were, (1) that the rate of six cents on oil from Whiting to East St. Louis had been issued to the Standard Oil Company as the lawful rate by employees of the Alton, (2) that the 18-cent rate on file with the Interstate Commerce Commission was a class and not a commodity rate, never being intended to apply to oil, (3) that oil was shipped in large quantities between Whiting and East St. Louis over the Chicago and Eastern Illinois at six and one-fourth cents per hundred pounds, which has been filed with the Interstate Commerce Commission as the lawful rate, and (4) that the 18-cent rate on oil was entirely out of proportion to lawful rates on other commodities between these points of a similar character, and of greater value, such, for example, as linseed oil, the lawful rate on which was eight cents. President Moffet also stated that thousands of tons of freight had been sent by other shippers between these points under substantially the same conditions as governed the shipments of the Standard Oil Company.

This defence of the Standard Oil Company was widely quoted and has undoubtedly exerted a powerful influence upon the public mind. Naturally the administration, which has staked the success of its campaign against the "trusts" upon the result of its attack upon this company, endeavors to offset this influence, and hence the new deliverance of Commissioner Smith.

We need hardly to point out that his rebuttal argument is extremely weak, although as strong, no doubt, as the circumstances would warrant. He answers the points made by President Moffet substantially as follows: (1) The Standard Oil Company had a traffic depart-

ment, and should have known that the six-cent rate had not been filed, (2) no answer, (3) the Chicago and Eastern Illinois rate was a secret rate because it read, not from Whiting, but from Dolton, which is described as "a village of about 1500 population just outside of Chicago. Its only claim to note is that it has been for many years the point of origin for this and similar secret rates." The Commissioner admits in describing this rate that there was a note attached stating that the rate could also be used from Whiting.

The press has quite generally hailed this statement of the Commissioner of Corporations as a conclusive refutation of what is evidently recognized as the strongest rebuttal argument advanced by the Standard.

In fact, it is as weak and inconclusive as the remainder of his argument. The lines of the Chicago and Eastern Illinois do not run into Chicago. They terminate at Dolton, from which point entrance is made over the Belt Line. Whiting, where the oil freight originates, is not on the lines of the Chicago and Eastern Illinois, which receives its Whiting freight from the Belt Line at Dolton. The former practice, now discontinued, in filing tariffs was to make them read from a point on the line of the filing road, and it was also general to state on the same sheet, that the tariff would apply to other points, e. g. Whiting. The Chicago and Eastern Illinois followed this practice in filing its rate from Dolton, and making a note on the sheet that it applied to Whiting. This was in 1896 when this method of filing tariffs was in common use.

Now let us see in what way the intending shipper of oil could be misled and deceived by the fact that the Chicago and Eastern Illinois had not filed a rate reading from Whiting. Commissioner Smith contends that "concealment is the only motive for such a circuitous arrangement," i. e., that this method of filing the rate was intended to mislead intending competitors of the Standard Oil Company. Suppose such a prospective oil refiner had applied to the Interstate Commerce Commission for the rate from Chicago to East St. Louis over the Chicago and Eastern Illinois, he would have been informed that the only rate filed with the commission by this company was 6 1/4 cents from Dolton and he would have been further informed, if indeed he did not know this already, that this rate applied throughout Chicago territory. So that whether he wished to locate his plant at Whit-

ing, or anywhere else about Chicago, under an arrangement of long standing, and which applies to all the industrial towns in the neighborhood of Chicago, he could have his freight delivered over the Belt Line to the Chicago and Eastern Illinois at Dolton and transported to East St. Louis at a rate of 6 1/4 cents. Were then in the concealment which the Commissioner of Corporations makes so much of? Any rate—from Dolton on the Eastern Illinois of Chappell on the Alton, or Harvey on the Illinois Central, or Blue Island on the Rock Island, applies throughout Chicago territory to shipments from Whiting, as to shipments from any other point in the district. So far from the Eastern Illinois filing its rate from Dolton in order to deceive the shipper, it is the Commissioner of Corporations who either betrays his gross ignorance of transportation customs in Chicago territory or relies on the public ignorance of these customs to deceive the public too apt to accept unquestioningly every statement made by a Government official as necessarily true, although, as in the present instance, a careful examination shows the statements to be false.

The final point made by President Moffet that other commodities of a character similar to oil were carried at much lower rates than 18 cents, the Commissioner of Corporations discusses only with the remark that "the 'reasonableness' of this rate is not in question. The question is whether this rate constituted a discrimination as against other shippers of oil," and he also makes much of the failure of President Moffet to produce before the grand jury evidence of the alleged illegal acts of which the Standard Oil official said that other shippers in the territory had been guilty. Considering the fact that these shippers included the packers and elevator men of Chicago the action of the grand jury in calling upon President Moffet to furnish evidence of their wrong-doing may be interpreted as a demand for an elaboration of the obvious; but the fact that a rate-book containing these freight rates for other shippers was offered in evidence during the trial and ruled out by Judge Landis was kept out of sight. President Moffet would not, of course, accept the invitation of the grand jury although he might have been pardoned if he had referred them to various official investigations by the Interstate Commerce Commission and other departments of the Government.

We come back, therefore, to the conclusion of the whole matter, which is

that the Standard Oil Company of Indiana was fined an amount equal to seven or eight times the value of its entire property, because its traffic department did not verify the statement of the Alton rate clerk, that the six-cent commodity rate on oil had been properly filed with the Interstate Commerce Commission. There is no evidence, and none was introduced at the trial, that any shipper of oil from Chicago territory had been interred with by the 18-cent rate nor that the failure of the Alton to file its six-cent rate had resulted in any discrimination against any independent shipper.—we must take this on the word of the Commissioner of Corporations and of Judge Landis. Neither is it denied even by Mr. Smith that the "independent" shipper of oil, whom he pictures as being driven out of business by this discrimination of the Alton, could have shipped all the oil he desired to ship from Whiting via Dolton over the lines of the Chicago and Eastern Illinois to East St. Louis. In short, President Moffet's defence is still good, and we predict will be so declared by the higher court.

The Standard Oil Company has been charged with all manner of crimes and misdemeanors. Beginning with the famous Rise of Marietta, passing down to that apostle of popular liberties, Henry Demarest Lloyd, with his Wealth Against the Commonwealth, descending by easy stages to Miss Tarbell's offensive personalities, we finally reach the nether depths of unfair and baseless misrepresentation in the report of the Commissioner of Corporations. The Standard has been charged with every form of commercial piracy and with most of the crimes on the corporation calendar. After long years of strenuous attack, under the leadership of the President of the United States, the corporation is at last dragged to the bar of justice to answer for its misdoings. The whole strength of the Government is directed against it, and at last, we are told, the Standard Oil Company is to pay the penalty of its crimes, and it is finally convicted of having failed to verify the statement of a rate clerk and is forthwith fined a prodigious sum, measured by the car. Under the old criminal law, the theft of property worth more than shilling was punishable by death. Under the interpretation of the Interstate Commerce law by Theodore Roosevelt and Judge Kenesaw Landis, a technical error of a traffic official is made the excuse for the confiscation of a vast amount of property.

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### A JAPANESE TOILET.

The Demure Brown Maiden in Her Holiday Attire.  
The Japanese college girl entertained the fudge party with oriental reminiscences.

"On every holiday," she said, "the Japanese maiden must rise and have her toilet finished before the sun looks over Fujiyama, our sacred mountain. And what a toilet! The long, coarse black tresses are washed, combed and greased till the head shines like a knob of polished black marble. The cheeks are rouged a fine pink. The throat, neck and bosom are powdered, but at the nape of the neck there are left three lines of the original brown skin, in accordance with the rules of Japanese cosmetic art.

"With charcoal she rounds and lengthens her eyebrows. She reddens her lips with cherry paste, adding a gilt diamond to the center of the pouting lower lip. She puts on eight fresh garments, and she ties her obi, or great sash, in a symbolical knot. Her socks—she doesn't wear stockings—are very white and pure, and her clogs are lacquered till they shine like a silk hat. Now she is ready to set out. She fills her silk tobacco pouch, thrusts her pipe in her girdle, puts six paper handkerchiefs up her wide sleeves, and sallies forth, turning her toes in and waving her fan with a demure grace."—Los Angeles Times.

### Special Announcement Regarding the National Pure Food and Drug Law

We are pleased to announce that Foley's Honey and Tar for coughs, colds and lung troubles is not affected by the National Pure Food and Drug law as it contains no opiates or other harmful drugs, and we recommend it as a safe remedy for children and adults. T. F. Laurin, Owl Drug Store.

The enforcement of the land laws last year restored a million and a quarter acres to the public range. The men whose illegal fences were removed object to the present land policy.

Lane's Family Medicine cannot save all doctor bills, but can save a good share of them. One two-shilling package has kept a whole family in good health for a year.

Morning Astorian, 60 cents per month delivered by carrier.

### A ROYAL DENTIST.

The Story of a Tooth Pulling by Peter the Great.

Peter the Great particularly delighted in drawing teeth, and he strictly enjoined his servants to send for him when anything of that sort was to be done. One day his favorite valet de chambre seemed very melancholy. The czar asked him what was the matter. "Oh, your majesty," said the man, "my wife is suffering the greatest agony from toothache, and she obstinately refuses to have the tooth taken out." "If that is all," said Peter, "we will soon cure it. Take me to her at once." When they arrived the woman declared that she was not suffering at all; there was nothing the matter with her.

"That is the way she talks, your majesty," said the valet. "She is suffering tortures." "Hold her head and hands," said the czar. "I will have it out in a minute." And he instantly pulled out the indicated tooth with great dexterity, amid profuse thanks from the husband.

What was Peter's indignation to discover a little later that his valet had used him as an executioner to punish his wife, who had never had an unsound tooth in her head.—Argonaut.

### How to Avoid Appendicitis.

Most victims of appendicitis are those who are habitually constipated. Orino Laxative Fruit Syrup cures chronic constipation by stimulating the liver and bowels and restores the natural action of the bowels. Orino Laxative Fruit Syrup does not nauseate or gripe and is mild and pleasant to take. Refuse substitutes. T. R. Laurin, Owl Drug Store.

There isn't much doubt that the visit of Admiral Evans in South America will produce an impression fully as deep as that made by Secretary Root.

### Disturbed the Congregation.

The person who disturbed the congregation last Sunday by continually coughing is requested to buy a bottle of Foley's Honey and Tar. T. F. Laurin, Owl Drug Store.

In land-fraud cases, as in other matters, something more than man's mere assertion of innocence is necessary to secure an acquittal.

### Bridge Whist.

At least 60 per cent of the game of bridge lies in the make. A poor player loses tricks and often the game and rubber by his play, but so many hands occur in which there is really no play that such losses are comparatively unimportant compared with the havoc wrought by an injudicious maker, for constantly his decision is invoked when the safety of the game or its success lies in his judgment of the value of his hand. To choose between hearts or diamonds and no trumps, to select clubs rather than spades, to know when a five card suit is safe and when one of four cards should be chosen, above all to keep an unrelaxing attention upon the state of the score, with its shifting demands—all these are the sterling qualities of a good maker. Once sensible that you are lacking in any such respect you will find your game appreciably strengthened by attention and study.—"Good Bridge."

### The Victorian English.

The England which spoke the language which was already dying in the eighteen-sixties was before all things a world of the country. The sights and sounds of nature played a far greater part in the lives of the mass of the people than they do today. This is reflected, for instance, in the way in which birds and animals were spoken of and the names given them. I have myself once or twice heard old people in the country speak of the hen as "Dame Partlet." One is familiar with the phrase from books, of course—it is Chaucer's "Pertelette"—but once or twice as a child I actually heard it. I suppose it would be impossible to hear it anywhere now.—London Outlook.

### Fluency of Speech.

The common fluency of speech in many men and most women is owing to a scarcity of matter and a scarcity of words, for whoever is a master of language and hath a mind full of ideas will be apt in speaking to hesitate upon the choice of both, whereas common speakers have only one set of ideas and one set of words to clothe them in, and these are always ready at the mouth, so people come faster out of church when it is almost empty than when a crowd is at the door.—Dean Swift.

If all of the defects exist in our navy, that critics allege, it is remarkable that Admiral Evans reached Brazil with his ships. But he did.

Read the Morning Astorian.

### It Does The Business

Mr. E. E. Chamberlain, of Clinton, Maine, says of Bucklen's Arnica Salve. "It does the business; I have used it for piles and it cured them. Used it for chapped hands and it cured them. Applied it to an old sore and it healed it without leaving a scar behind." 25c at Chas. Rogers' drug store.

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