

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 Moffett, 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 Moffett, 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 Moffett 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 delivrance 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 Moffett substantially as follows: (1) The Standard Oil Company had a traffic department, 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 1,500 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 1895 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 Whiting, 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. Where then is the concealment which the Commissioner of Corporations makes so much of? Any rate—from Dolton on the Eastern Illinois or 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 these statements to be false.

The final point made by President Moffett 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 Moffett to produce before the grand jury evidence of the alleged illegal acts of which the Standard Oil official said that other large shippers in the ter-

ritory 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 Moffett 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 Moffett 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 interfered with by the eighteen-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 Moffett'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 Rice 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 a 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.

expect to sell him his allotted 36 cubic feet of Pacific coast ozone.

I have to tell my converts, that though I lost Paradise when I left California, I found it on coming into beautiful Oregon. The country one cannot help but love. The land of hospitality and progress. A part of the glorious Pacific coast, differing in some ways from California, but fully as lovable and fascinating.

A Boost for Apples.

And speaking of Paradise, if you have ever seen and peeled and munched our Oregon apples, apples that retail east for three to five times what your best oranges retail for (and that's a fact), you will then forgive our forefather Adam for bringing sin unto you and me, for if the apple that Eve tendered him that ever (or any other eve) was anything like our Oregon apples, (and history does not deny it) why, of course Adam had to fall. So would you and even, perhaps, I.

I would love to tell you of our greatest pride of all, our Royal Anne cherries. I don't remember who Royal Anne was. I remember Mary Ann in the Colusa house, and Sister Ann who "walked like that," but Royal Anne is a stunner for me. But say, boys, if Anne was anything like the Lane county cherries named after her, she must have been a "peach." It makes your mouth water to think of it. I mean of the cherries. Not of the queen. For admen are so busy working their think-tanks overtime that they don't run after queens.

They are always lying—I mean lying awake, to think up something new. Yet some ancient philosopher discovered that there was "nothing new under the sun." And that is where the Oregon booster has the advantage, for on rainy days when there is no sun, he may at least expect to find something new.

To show you how work pursued with zeal will roll up like a snowball, I may mention that we started in Eugene, Lane county, on December 1, 1907, with one stenographer. Inside of a week we kept two busy from morning to night and now have four machines a-going it, grinding out Lane county's praise to an anxious frost-bitten world.

He Won Her.

"She has promised to marry you, has she? Did she accept your ring, off?"

"Oh, no. I had to propose to her four times."

"Four times! 'Gracious, but you were persevering! What did she say the first time?"

"She said if there wasn't another man in the world but me she wouldn't marry me."

"That was pretty strong. What did she say the second time?"

"She said she liked me pretty well, but she couldn't think of marrying me, for she might see some one she liked better."

"Humph! And the third time?"

"The third time she asked me if I wanted to tease the life out of her."

"Ha, ha, ha! And the fourth time?"

"Oh, the fourth time she said if I insisted upon it she supposed she would have to say yes."

WHY SO WEAK?

Kidney Troubles May Be Sapping Your Life Away—Salem People Have Learned this Fact.

When a healthy man or woman begins to run down without apparent cause, becomes weak, languid, depressed, suffers backache, headache, dizzy spells and urinary disorders, look to the kidneys for the cause of it all. Keep the kidneys well. Doan's Kidney Pills cure sick kidneys and keep them well. Here is Salem testimony to prove it:

E. E. Gilliam, proprietor of livery and feed stable at 62 Ferry street, and living at 332 Water street, Salem, Ore., says: "Years of almost constant driving and a fall I got several years ago which wrenched my back badly had tended to hurt my kidneys. I suffered from backache and lameness so that at times I could hardly straighten up. Sharp pains caught me when I arose after sitting. None of the remedies I tried did me any good until a short time ago I was induced to get Doan's Kidney Pills, at Dr. Stone's drug store. In a short time I obtained more relief from the backache and the disordered condition of the kidneys than I had for years. I know of neighbors who have used your remedy, and they all speak of it as the best medicine there is, and I believe this to be so."

For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States.

Remember the name—Doan's—and take no other.



Symptoms of Worms
This condition exists much more generally than most parents are willing to admit. And yet it is perhaps the most insidiously dangerous disorder of childhood.
Watch for flushed cheeks, lassitude, lack of appetite, picking of the nose by growing children, and have
DR. D. JAYNE'S TONIC VERMIFUGE
always ready in the house. It is not merely a worm-expelling agent—it is the most efficient general tonic ever prescribed, and has been since thirty years before the Civil War. Sold by all first-class druggists in 50c. and 35c. bottles.
Jayne's Expecto-rant is the oldest and most reliable remedy known for Coughs, Croup, Whooping Cough, Cold in the Chest, Bronchitis, Pleurisy and similar ailments.

Among the Bruisers.

(United Press Leased Wire.)
San Francisco, Jan. 24.—Frankie Neil is having so little trouble in keeping up his weight that he has taken up road work—the feature of his training that was at first tabooed by Father Jim.

Neil weighed officially yesterday and tipped the scales at 123 1/2 pounds. This is more than he weighed at any time during his course of training for the Moran fight.

Battling Nelson, who fights Boer Unholz in Los Angeles early in February, has written to Eddie Kelly to join him as sparring partner. Kelly has a desire to meet the winner of the Attell-Nell fight, and on that account will refuse the offer to work with Nelson.

Put in Jail.

very accurately describes anyone's feelings who is confined to the house with an attack of rheumatism, lumbago, stiff joints or muscles. Ballard's Snow Liniment will cure the trouble, relieve the pain, and make you as supple as a two-year-old. For sale by all druggists.

Miss Matilda Buerer, who has been visiting Salem friends, returned last evening to her home in Marion.

EVERY MOTHER.

is or should be worried when the little ones have a cough or cold. It may lead to croup or pleurisy or pneumonia—then to something more serious. Ballard's Horehound Syrup will cure the trouble at once and prevent any complication. For sale by all druggists.



USE A BAKING POWDER YOU KNOW NOTHING OF FOR BAKING PURPOSES.

WHEN YOU INSIST ON YOUR GROCER SUPPLYING YOU WITH EPPLEY'S PERFECTION BAKING POWDER, YOU CAN RELY ON SECURING THE KIND THAT WILL PROVE SATISFACTORY TO YOU IN EVERY RESPECT. ALL USERS OF EPPLEY'S PERFECTION BAKING POWDER HAVE NOTHING BUT WORDS OF PRAISE TO SAY REGARDING ITS BAKING QUALITIES.

ELITE HOTEL

Restaurant and hotel, on European plan. Meals at all hours on short order. Regular dinner 25 cents. Thirty newly finished furnished rooms.

E. ECKERLEN, Prop.
148 Commercial St.

THREE THOUSAND MILES THREE HUNDRED DOLLARS

Sheriff J. W. Culver left this morning for New York, where he will take charge of Hans Z. Hansen, who is wanted here to answer to the charge of larceny by baillee.

Hansen was formerly a renter living on the farm of D. W. Claggett, north of this city. Last June Hansen made up his mind that he would change climates and seeing the need of a way to travel hitched up the fine \$600 team belonging to Mr. Claggett and drove over into Yamhill county where he sold it for \$300. All trace was then lost of Hansen and it was reported that he had vamoosed to his fatherland in

Norway, which theory was finally accepted by the local officers. Yesterday Sheriff Culver received notice to the effect that Hansen had been arrested in New York and would be held pending further orders.

It seems that W. D. Claggett leased Hansen his farm which is located four miles north of this city in 1906 for the term of one year. There were four good horses and the farming implements leased with the place.

On June 6 last Hansen took the best span of horses and drove to Yamhill county where he sold the

animals to W. W. Smith for \$500, representing that he was from Tillamook and had a sick wife. He then took the train for Portland. By mistake Mr. Smith dated his check, which he gave in payment for the steeds, "June 9." Hansen returned the check to Smith who rectified the mistake. Hansen then bought a ticket to Norway.

As soon as Mr. Claggett learned that Hansen had disappeared with his team he immediately notified Sheriff Culver, who commenced a diligent search for the missing man. In about two weeks the sheriff at Lafayette telephoned to Mr. Culver that the horses had been sold to Smith and were in his possession. After every effort was made to locate Hansen the officers came to the conclusion that he had used his ticket and gone to Norway but the recent arrest in New York would disprove this theory.

Hansen's wife is said to have been married four times before she pledged her love to the Norwegian.

EUGENE BLOWING HERSELF

(Continued from page three).

In short spicy paragraphs. I do not believe in long-winded descriptions. I do not believe in booklets that are as dry as a California summer. Let your pictures tell the tale. One of the sweetest songs is the "Lieder ohne Worte," the song without words. One of the sweetest stories is the picture of a bride and groom entitled "Alone at Last." We are just issuing a picture of three panels posed by a young man who recently arrived from Illinois. In the first he is seen in furs and boots shoveling snow. This reads: "My last Christmas in Illinois, December, 1907, b-r-r-r." The second one shows him all dressed up, stepping onto a sleeper; it is marked: "Me off for Oregon." (I apologize for the grammar), and the third one, taken January, 1908, showing him in Eugene in front of a fan-leaf palm-tree, roses in his lapel and several branches with ripe raspberries in his hand, nothing on his mind but a smile; this one entitled, "My first New Year's in Oregon, January, 1908; roses and raspberries." Now when my friend, I. M. Snow-

bound in Canada, or Mr. Chll Blaine in Minnesota, gets that, he goes in his hayloft and kicks himself. Now which is better, to make him kick himself as others ought to kick him, or write him a follow up letter which he takes for a gold brick if he reads it, or for a nuisance if he doesn't?

Jolly Up to the Job.

Finally, there is the way to regaling your patient correspondents. What's the matter? Does a booster have to be as solemn as a preacher? Is it right to assume that a man coming to God's country, where he can become independent, where he can make more on 20 acres than at home on 640, where he can have spring-weather in winter time and can be outdoors the greater, instead of the smaller part of the year, is it right to assume that such a man must be led to believe that he is going to his financial funeral? Why wear a mourning tie and black crepe on your hats; why tell your story in sad tones and bone-dry statistics? What's the matter with being cheerful and get his attention by putting your facts to him in a jolly way? Maybe you say that some men can't be jolly. Well, then they are misfit boosters. A booster should be an enthusiast, not a bragger, should be full of sunshine even in sloppy weather; should see the bright side of the medal even if he has to look at the edge; should make himself, as well as the stuff he sends out, liked.

If he does, he makes friends. Just like a traveling salesman does. Imagine a book-agent going into a store, dressed up like an undertaker and folding his hands, saying in a heart-broken sob: "Won't you give me an order for Sis Hopkins' Joke Book?"

But the fellow who picks his man, shoves a good cigar into his victim's mouth so he can't talk back, and then starts telling him a few yarns till the victim splits from laughing, and then offers him the joke-book, telling him how he can make his mother-in-law laugh herself to death; he is the fellow that carves the turkey.

Ditto with the promotion work. You have space to sell. Space on God's green earth, and on the very best part of it and you ought to get on good terms with your man if you

HUIE WING SANG CO.
BIG STOCK OF GOODS NOW ON SALE AT COST PRICE
We Make Up All Kinds of Wrappers, Kimonas, White Underwear, Waists and Skirts

\$1.25 night gown sale \$.75	75c drawers, sale 50
\$1.75 night gowns, sale . . . 1.25	\$14. ladies' silk suits, sale . . \$9.50
\$1.70 white skirts, sale 1.00	35c a yard silk, sale 25
\$2.50 white skirts, sale 1.75	75c a yard silk, sale 50
\$2.25 long kimonas, sale . . . 1.50	50c a yard dress goods, sale . . 35
\$3.75 long kimonas, sale . . . 2.25	85c a yard dress goods, sale . . 50
\$1.50 heavy flannel wrappers 1.00	\$2.75 dress skirts, sale 2.00
\$2.35 heavy flannel wrappers 1.65	\$4.75 silk waists, sale 3.25
15c a yard embroidery, sale . . 13	50c fancy silk neckwear, sale . 25
75c very wide embroidery, sale 45	65c silk handkerchiefs, sale . . 40
10c a yard lace, sale 6	\$1.50 a pair pants, sale 85
	\$2.25 Comforters, sale 1.50

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346 Court Street Salem, Oregon