

STANDARD OIL IN LIME LIGHT

Interesting Evidence Found in
Voluminous Schedule of
Oil Tariffs.

MR. KELLOGG PROBING DEEP

Develops Much Regarding Way in
Which Pipe Lines Are Managed
And the Beneficiaries.

New York, Sept. 25.—Some interesting evidence that lay almost hidden in a voluminous schedule of oil tariffs submitted to the Interstate Commerce commission by the Standard Oil company was unfolded today at the hearing of the federal suit against the so-called oil trust, when Calvin M. Payne, vice-president of the National Transit company, took the witness stand to tell about the various pipe lines of the oil combine over which he had supervision. The schedule shows that tariffs for transportation of crude oil by the Standard pipe lines are fixed at Unionville, which is on the state line between New York and New Jersey and Center Bridge, located on the New Jersey, Pennsylvania state line.

Frank G. Kellogg, conducting the federal action, asked Mr. Payne if Unionville did not spring into existence in 1906, when the Hepburn bill, which provided that common carriers must publish tariff schedules became a law. Mr. Payne testified that Unionville, located geographically in the summer of 1906, while he was abroad. The government's counsel further developed that at Unionville the pipes of the National Transit company carry oil from Ohio, N. Y., and other western points, connected with the pipe line of the Standard Oil company of New Jersey and that at Center Bridge the pipe line carrying the oil of the Eureka Pipe Line company, the Buckeye Pipe Line company, the Southern Pennsylvania Pipe Line company from Lima, Ohio, to the seaboard, connect with the pipe line of the Standard Oil company of New Jersey. Mr. Payne said that the lines of those companies ended at Unionville and Center Bridge, the tariff schedules are fixed for those points. Mr. Kellogg sought to show that no independent company could send oil to the seaboard over these lines, because no oil could not be obtained from those points to the seaboard. Mr. Kellogg said the Standard would not publish rates on its line through New Jersey and as a consequence independent shippers were shut out from tidewater.

CONTROL OF CORSIKANA CO.

The control of the Corsicana Refining company of Texas, which the government in its bill of complaint alleges is really owned by the Standard, was inquired into today, and the government's counsel believes that he obtained from Henry C. Folger, Jr., and in M. Payne, two of the witnesses, his testimony on the subject of the government's contention. Both witnesses testified that they held official positions with the Standard and that from 1904 they held the stock of the company for the National Transit company, and in 1906 they purchased the Corsicana stock by a verbal agreement with John D. Archibald to pay for it in 10 years. Mr. Folger testified that the management of the Corsicana company has been continued along the same lines as before the stock of the National Transit company, a subsidiary of the Standard Oil company.

The oil hearings will be adjourned after Friday over the early part of next week to permit John G. McKimley, counsel for the defendants, to attend the unveiling of the McKinley monument at Canton, Ohio.

Wade Hampton, general auditor of the Standard Oil company, was again on the witness stand for a few minutes today when the hearing in the federal action for dissolution of the oil combine was resumed.

H. C. FOLGER, JR.

Henry C. Folger, Jr., who, with C. M. Payne, owns the Corsicana Oil company of Texas, followed Mr. Hampton. He said he was connected with the Standard Oil company of New York, a director of the Union Tank Line company, and general manager of the Long Island refinery of the Standard.

"Do you confer with others in regard to refining oil?" he was asked.

"Yes, I have conferred with the general managers of other companies," said Mr. Folger.

He said that many conferences were held at 26 Broadway, the main offices of the Standard.

Mr. Folger said he kept the records of the results of the refining of oil which were sent to him at various periods from the various subsidiary companies of the Standard, and that he made suggestions to improve the work of these refineries. The Corsicana company's refinery at Corsicana was built, Mr. Folger said, with the money of the National Transit company, of which Mr. Payne is the vice president, the Transit company having in 1899 loaned Folger and Payne \$750,000 for that purpose. Notes were given for the loan.

The actual ownership of the Corsicana refinery was with the National Transit company until 1904, when it was sold to Folger and Payne for about \$562,000, who undertook to pay for it in 10 years, according to Mr. Folger, who said they took the sale over with John D. Archibald. No cash was paid. Mr. Archibald said the price represented the investment of the National Transit company. The company always

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stood in the name of Folger & Payne. There is no agreement to pay any definite amount yearly upon the purchase price.

GOES ON JUST THE SAME.

"Then the operation of the Corsicana is going on just the same as before the sale to you?" asked Mr. Kellogg.

"Practically so," he answered.

"How much have you ever paid on account of the sale?"

"I think \$100,000 at the end of 1906," replied Mr. Folger.

"Then this whole transaction, involving \$1,000,000, was a verbal agreement, made with Mr. Archibald?"

"Yes, sir," the witness answered.

Mr. Kellogg developed from the witness that the money paid him by the Corsicana company was all turned over to the National Transit company, which the witness said went toward the payment of the company.

"Did you turn over all the money?"

"Yes, sir, all of it."

"Then all the change in the management of the Corsicana company since you and Mr. Payne purchased it was your verbal talk with Mr. Archibald?"

"Yes, I should say so," said Mr. Folger.

Mr. Folger said that the negotiations for taking over the Corsicana Refining company were started by the late Daniel O'Day, vice president of the National Transit company.

"Mr. O'Day had a talk with Mr. Payne and myself in 1908," said Mr. Folger, "about the production of oil in Texas and Mr. O'Day suggested that a refinery be built in Corsicana. He said he would have the company placed in our name; he did not say why."

CONTRACT IN EVIDENCE.

Mr. Kellogg placed in evidence the contract entered into by J. S. Cullinan of Washington, Pa., who bought the Corsicana refinery, and H. C. Folger, Jr., and C. M. Payne, for a joint ownership. Cullinan received an income of \$5,000 a year as his profit and the net profits were turned over to Mr. Folger and Mr. Payne, who, in turn deposited the money with the National Transit company. Mr. Cullinan withdrew in 1901, and the balance of the stock of the company for two years at a salary of \$5,000 a year. Mr. Cullinan, the witness said, was at present president of the Texas Oil company, and reverting to the purchase of the Corsicana Oil company, Mr. Folger was asked why he and Mr. Payne had purchased the Corsicana company.

"Well, Mr. O'Day all that spring spoke to me about the Corsicana company and felt concerned in having an oil plant in Texas. He wanted to get away from Texas and urged us to do it. I understood that there was some legislative trouble in Texas, which Mr. O'Day wanted to avoid."

Mr. Folger testified that the Corsicana Oil company sold all its large amounts to the Waters-Pierce Oil company. Mr. Folger said he knew nothing concerning the Security Oil company of Texas. He said that Mr. Weller, who was formerly manager of the Security company, was now connected with the Bergen Point refinery, a subsidiary of the Standard.

FOLGER CROSS-EXAMINED.

On cross-examination, Mr. Folger testified that if the sale of the Corsicana Oil company was not made because of the tremendous anxiety of the National Transit company because of the legislative situation in Texas, and that it was willing to sell the Corsicana on any terms to you."

"Yes, and to any one else," replied Mr. Folger.

Mr. Folger testified that the witness if it was not a fact that after the last analysis was made all the Corsicana sold for was \$415,000.

Mr. Folger replied that it was.

Mr. Kellogg, resuming the examination, asked the witness if he did not think it strange that the National Transit company should sell a plant for \$415,000 which had originally cost about \$750,000 and which could pay 6 per cent interest a year and then pay for itself in 10 years.

Mr. Folger said they could find no other purchaser, who has charge of the freight and pipe line tariffs of the interstate commerce commission, identified a schedule of oil tariffs made up by the commission from statements of oil companies and railroads. Tariff lists submitted to the commission by the various oil companies were also offered in evidence.

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CONSPIRACY IS
DISCOVERED IN CUBA.

Havana, Sept. 25.—A conspiracy to start a revolutionary spirit in Cuba has been discovered. Under instructions issued by Gov. Magoun a number of suspicious persons, believed to be connected with the conspiracy, have been shadowed for several days past. It is believed that the movement is backed by New York capitalists.

PRESIDENT BACK
IN WASHINGTON.

Washington, Sept. 25.—President Roosevelt arrived here from his summer home at Oyster Bay at 5:37 p. m. today while Washington was at dinner, yet a large crowd was at the Pennsylvania railroad station to greet him. Most of the way from Oyster Bay the special train leaving the president, Mrs. Roosevelt, Miss Ethel and Quentin and the executive staff ran ahead of time and therefore a slow trip was made from Baltimore to Washington. In spite of this, the train pulled in three minutes ahead of time.

Postmaster-General Meyer, Secy. Straus, Asst. Secy. Murray of the department of commerce and labor, and a number of other federal officials met the president at his car and accompanied him to his carriage on Sixth street, where he was surrounded by people who cheered lustily. After ordering the top of his carriage lowered, the president saw his family seated and he then conversed for a few minutes with the two members of his cabinet.

Very little attention was attracted to the president's carriage en route from the station to the White House through Pennsylvania avenue, but a large crowd cheered the party as it was driven into the grounds. Secy. Loeb and his assistant were engaged during the evening answering correspondence and writing letters. In the morning the president went out to the newspaper men that he had no appointments for the evening, but would spend the time with his family. Announcement was made, however, through Secy. Loeb, that no cabinet meeting would be held Friday, but that the president would have individual conferences with those of his cabinet officers who are here.

SENSATION IN BORAH CASE

Government Witness Admits
Committing Perjury in Taking
Out Timber Claim.

PROMISED FULL IMMUNITY.

But Nugent Couldn't Remember Name
of the Government Official
Who Made It.

Boise, Ida., Sept. 25.—The first sensation in the trial of United States Senator William E. Borah came late today when Albert Knapton Nugent, a second witness produced by the government, admitted on cross-examination that he committed perjury in taking out a timber-land claim, admitted that he had been promised absolute immunity by an officer of the federal government for testifying, admitted that at the request of the federal officer he had sworn to a complaint against a man whom he did not know, and lastly proclaimed that he believed it to be a part of his bargain for immunity that he should swear to any complaint against any person regardless of his knowledge that he might have as to the person's guilt. When the name of the federal officer who induced him to sign the complaint was asked by Senator Borah's counsel the witness was positively that he could not remember it.

The day was given over to the introduction of a mass of paper on file in the land office here at Boise and to the evidence of two men who said they received money from John I. Wells with which to prove their timber-land claims. Wells is one of the men indicted with Senator Borah. Counsel for the latter did not object to this testimony on the understanding that the transaction in question would ultimately be connected up in some way with the case.

The defense scored its first point of the trial early in the examination of the first witness, a man named Anderson. He was asked by Special Prosecutor Rush what his intent was when he took out a timber claim. Judge Whitton, who is presiding, sustained an objection based on the ground that a man confessing perjury as a manager of the case could not properly testify as to any secret intent he may have looked up in his breast.

Anderson and Nugent both testified that they received from John I. Wells \$12 with which to prove their claims, and each received \$250 additional for transferring the claims to the Barber Lumber company's interests. Two bills given to the men by Wells, and \$12 with which to prove their claims, were in evidence. Anderson, an elderly Swede, was not cross-examined, but Nugent admitted that he had made an agreement to transfer the claim at the time he filed upon them. He said that there never was anything but a verbal agreement and he couldn't remember where or in whose presence such a contract was made.

Nugent said he witnessed the papers filed by Anderson, and was then confronted by a complaint signed by him charging Louis M. Pritchard with having conspired with Anderson to get title to the land. Nugent said he didn't know any such person, or anything about his connection with the alleged land frauds. He declared that he knew what he had read in some newspaper, a story to the effect that Pritchard was involved. Prosecutor Rush demanded to know of the witness if any officer of the government had ever asked him to swear falsely. Nugent replied that he had always been told to tell nothing but the truth. Mr. Rush said he had never heard of Nugent's name, and that the Pritchard complaint and desired time to look into the matter before completing his examination.

At this juncture the proceedings were adjourned until tomorrow.

SENATOR FOSTER SUMMONED.

Tacoma, Wash., Sept. 25.—Ex-United States Senator A. G. Foster, vice president of the St. Paul & Tacoma Lumber company was summoned to appear at Boise last Friday and left Tacoma Monday. The order from the court which caused his appearance at the scene of the Borah trial also cited the ex-senator to bring with him all papers, letters, telegrams and even carbon copies of all correspondence he possessed bearing upon the allegations of the Borah trial.

Whether Senator Foster has papers of this character in his possession or not, and how much, if at all, he is involved in the land manipulations for which Senator Borah is being tried, will not develop until the trial has advanced. It is reported that considerable interest is attracted by the prosecution to the appearance of Senator Foster.

HARAHAN'S CHARGES.

Those Against Stuyvesant Fish Are to
Be Investigated.

Chicago, Sept. 25.—State Atty. Healey today said, regarding the charges against Stuyvesant Fish, contained in the statement issued yesterday by President Harahan of the Illinois Central railroad:

"If I obtain information that shows that Mr. Harahan's charges are true, and that the alleged misappropriation of funds occurred in this city, this office will certainly take action."

MEXICAN CENTRAL EARNINGS.

Boston, Sept. 25.—At the annual meeting today of the Mexican Central Railroad company, H. Clay Fiebert, Richard W. H. Dudley and W. L. Wagner were re-elected directors.

President Richards reported that the gross earnings for the year showed an increase over the previous year of \$1,508,361, and a net increase of \$316,595. He also reported that wages on the system had been increased one-third, to offset which the Mexican government had approved a moderate increase in rates.

The extension of the Guadalajara branch to the Pacific coast will not be completed before January next.

TRIAL OF TIREY L. FORD.

San Francisco, Sept. 25.—Twice today during the Tirey L. Ford trial, wherein the chief counsel for the United Railroads is charged with bribery of public officials, it was affirmed that

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confessed bribe-takers, members of the board of supervisors, would have voted to grant the United railroads a franchise for an overhead trolley without the use of the money which is alleged to have been so lavishly distributed. James L. Gallagher, former chairman of the board of supervisors, explicitly declared his belief that the franchise could have been secured without any attempt to influence the opinions of the members. Supervisor Samuel Davis, the only other witness of the day, reiterated this assurance on his own account.

Gallagher occupied the stand during the four hours of today's session and every scrap of testimony he gave was thrust out by the attorneys for either side.

To Davis scarcely an hour was devoted.

It developed that Gallagher had arranged immunity for himself and the other members of the board in the course of two or three interviews with Mr. Sprinkle, held near 100 yards to the Presidio, while Gallagher was selected as one of the most secluded spots in the city.

SAFETY APPLIANCE LAW.

Actions to be Brought Against Roads That Have Violated It.

Washington, Sept. 25.—United States district attorneys in various parts of the country today were instructed by Atty.-Gen. Bonaparte to institute suits against a large number of railroad companies to recover penalties incurred by them for alleged violations of the safety appliance laws. The department of justice and the interstate commerce commission have decided upon a rigid enforcement of the law. The number of alleged violations aggregate 297.

Among the lines made defendants are the Santa Fe, 41; Rock Island, 6; Great Northern, 22.

SURVEYORS SHOT.

Guggenheim Railroad Men Fire on
Alaska Home Ry. Party.

Seattle, Wash., Sept. 25.—A special to the Post-Intelligencer, from Valdez, says: "Forces of the Guggenheim railroad, the Copper River & Northwestern, shot and wounded six surveyors and workmen employed by the Alaska Home railway in Keystone canyon, 15 miles from Valdez this morning. The party was making a preliminary survey for the Home railway, which is planned from Valdez to the summit. They had advanced about 10 miles up the canyon when they were surprised by an ambush of the Guggenheim men headed by Ed Hassey, an ex-United States marshal. Hassey halted the surveyors and ordered them to stop, saying his men would shoot if any further advances were made. The surveyors believed Hassey was bluffing and continued work. They were met by a fusillade of bullets."

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