AUGUST, 16, 1907

The Commoner.

in Anglo-Saxon jurisprudence. The general shipping public; where the though, has bullied many weak peocourt, in the absence of anything to convicted defendant's transportation the contrary, paying no attention to affairs were in the charge of an exthe gossip of the street or the pert traffic official of at least ordicharges of the mob, and guided by the fundamental law of the land, railroad traffic experience, and who must certainly presume the complete innocence of this defendant of any prior violations of the interstate commerce law, and fix its penalty, if any, solely upon the record in this its face to be a special billing order, case.

"And again: 'If the occasion, however, shall ever arise in an oppropriate proceeding, where this defendant can, without any waiver of its legal rights or legal status, subject itself to an investigation of its having heretofore violated the interstate commerce law, it will avail itself of that opportunity, and it will certainly appear that since the passing of that law there has been no violation of its provisions by either the Standard Oil Company of Jersey or by this defendant; but on the contrary it has been the fixed policy of these companies since their organization and the passage of the interstate commerce law to strictly observe not only the letter but the spirit of all interstate commerce laws, and that such laws have since their passage met with the entire approval of the administrative officers of these companies.'

Calls It "Insolence."

"Waiving the question of the studied insolence of this language, insofar as it may be aimed at the present occupant of the bench, the court can of course only leave to the discretion of the Standard Oil company the wisdom and propriety of a hundred million dollar corporation gratuitously inaugurating agitation about the 'mob.' The point of this incident is that when in compliance with defendant's previously expressed reservation the court offered to hear evidence going to the question of the Standard Oil company's prior good behavior, an offer which was announced by the court in the months thereafter, the Standard Oil presence of the president, vice presidents and secretary of the Standard property to be shipped at unlawful, Oil Company of New Jersey, their secret rate. And for this offense counsel, after conference, declined to the Elkins law authorizes punishpresent any witness to testify on this ment only by fine, an obvious desubject, choosing rather to stand up- fect. However, it is the business on the law's presumption of inno- of a judge to administer the law as cence. Of course, on the trial of a he finds it rather than to expatiate defendant for a specific offense this upon the inadequacy of punishment presumption is indulged in favor of authorized for its infraction. that defendant as to that offense, but where, as in this case, the crime of the court that the -defendant charged was the acceptance of a Standard Oil company pay a fine of preferential railroad rate, in viola- \$29,240,000. tion of a law that had been on the books for nearly twenty years; where during a period of eighteen months nineteen hundred carloads of property were shipped at an unlawful rate, which amounted to but onethird of the rate available to the

nary intelligence and many years' was a frequent visitor at the general freight office of the railway company; where the unlawful rate was shown only by a paper appearing on and which directed that settlement for service rendered at the rate which it authorized should be made through the railway company's auditor's office instead of at the railway station or freight office, as is done by the general public and where the defendant when brought to trial persistently maintains that the constitution of the United States guarantees to it the right to make a private contract for a railroad rate, the court is obliged to confess that he is unable to indulge the presumption that in this case the defendant was convicted of its virgin offense.

"The law prohibiting preferential railroad rates was passed twenty years ago. Its adoption was preceded by vigorous opposition interposed by those who had been the beneficiaries of the vicious practices its enactment was designed to abolish. Immediately thereafter these persons set about to devise means for its evasion. The records of the courts and of the interstate commerce commission show the employment of a large variety of schemes to accomplish this result. During the period since 1887 congress has repeatedly endeavored to effectively amend the law with a view to the accomplishment of its great object. Finally in 1903 the Elkins law was passed.

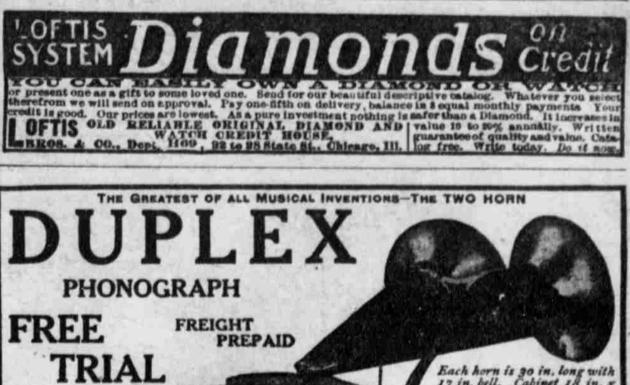
Fine Not Enough

"The court recalls that at that time the earnest hope was very generally entertained that at last a means had been devised that would put an end to preferential railroad rates, and yet, beginning a few company procured 1,900 carloads of "It is the judgment and sentence "One thing remains: It must not be assumed that in this jurisdiction these laws may be ignored. If they are not obeyed they will be enforced. The plain demands of justice require that the facts disclosed in this proceeding be submitted to a grand jury with a view to the consideration of the conduct of the other party to these transactions. Let an order bc entered for a panel of sixty men returnable at 10 o'clock on the morning of August 14. The United States district attorney is directed to proceed accordingly."

ples into submission, and the United States did something much like bullying in appropriating the Philippine islands. However, Spain neatly bul-Hed us out of \$20,000,000 in that Free report as to Patentability, Illustrated Guids Book, and List of inventions Wanted, sent free. connection .-- Cincinnati Enquirer.

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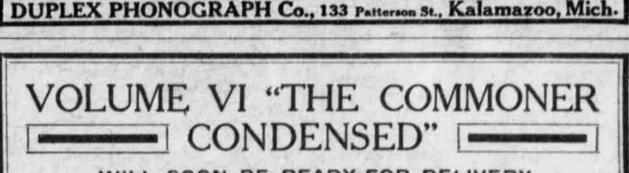
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A DIFFERENT THING

"I suppose all you boys in the country here," said the city boarder, "are fond of bathing in the creeks and ponds."

"Waal," replied the country boy, 'not when you call it that."

"Call it what?"

"'Bathin';' the only thing we care swimmin'." --- Philadelphia for is Press.

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