

WHAT JOHN D. ROCKEFELLER DON'T KNOW

Referring to the proceedings before Judge Landis of Chicago the Chicago correspondent for the Cincinnati Enquirer said: "If Rockefeller does not come willingly he will be brought. An order to a United States marshal to 'attach the body of him, the said John D. Rockefeller, and bring it, the said body, before the said district court,' will be the further proceedings if the oil king does not appear upon the date named. With an attachment United States marshals will be empowered to batter in the doors of the trust magnate's home and take him prisoner. They will have authority to bring him to Chicago manacled, and it will be in Judge Landis' power to at once commit him to jail for contempt. These are the questions John D. will be asked: 'Who owned the stock of the Standard Oil company of Indiana while it was rebating with various railways?' 'What were its earnings and dividends during the period?' 'Which is the holding company, and what is its stock?' 'Who held the stock of the Union Tank Line, controlled by the Standard Oil company?' The issuance of the subpoenas was the direct result of the refusal of the attorneys of the Standard Oil company yesterday to supply Judge Landis with information he requested regarding the financial condition of the company. The attorneys declared the information should have been sought at the time of the trial, and that the request of Judge Landis was extrajudicial and unwarranted. The judge replied that he was entitled to the information and intended to have it, and directed District Attorney Sims to prepare subpoenas for officials who might have the information desired by the court. The Standard Oil company was indicted on the charge of using illegal freight rates tendered to it by the Chicago and Alton road, and after a long trial was found guilty on 1,462 counts of the indictment. A maximum fine of \$20,000 is allowed on each count, making a total possible fine of \$29,240,000. Before passing sentence Judge Landis announced it was his custom to proportion the fine according to the financial condition of the person or corporation convicted, and asked for specific information regarding the financial condition of the Standard Oil company. This information he has been unable to obtain up to date and the subpoenas issued today were the consequence."

An Associated Press dispatch from Cleveland, Ohio, July 1, says: "United States Marshal Chandler was an early visitor today at Forest Hill, the suburban home of John D. Rockefeller. Chandler, however, did not get farther than the lodge at the entrance of the estate. Patrick Lynch, the lodgekeeper, declared positively that Mr. Rockefeller was not at Forest Hill. A carriage entered the gates about this time and the marshal stopped it long enough to inspect the occupants. Mr. Rockefeller was not in it, and it proceeded up to the Rockefeller residence. Marshal Chandler, upon being questioned if he had a subpoena for Mr. Rockefeller, declined to discuss the subject. From an authoritative source it was learned today that Mr. Rockefeller expects to spend the Fourth of July with his family at Forest Hill. He possibly will arrive tomorrow. A member of the household said today that when Mr. Rockefeller arrived it would not be necessary for a process server, federal or otherwise, to search for him, as Mr. Rockefeller undoubtedly would make his presence known to officials desiring to serve him with subpoenas."

After United States marshals throughout the country searched for John D. Rockefeller he was finally located at the home of his son-in-law at Pittsfield, Mass. The following dispatch from Greenbush, Wis., may be interesting: "Judge Kenesaw M. Landis of the United States district court of Chicago, who is spending a few days here with his friend, Dr. Cary, said today that he had received numerous requests for information relative to the report that John D. Rockefeller had requested permission to make a deposition in Massachusetts, instead of coming to Chicago to give personal evidence in the Standard Oil inquiry now under way before Judge Landis. The judge said he had received no such request from Mr. Rockefeller. On the contrary, he had sent the following message to the United States marshals in the districts of New Jersey, New York and Ohio: 'I have received word that a subpoena was served on John D. Rockefeller at Pittsfield, Mass., on the afternoon of July 3. I have also received the following message from Pittsfield, dated July 3:

'I understand that a subpoena has been issued for my appearance at Chicago on Saturday. No subpoena is necessary. I will be there. John D. Rockefeller.' You will therefore make no further effort to serve processes. Kenesaw M. Landis.' Judge Landis further said that he gave out a copy of his instructions to the United States marshals to put an end to what appeared to him to be an epidemic of hysteria about a very small matter."

John D. Rockefeller was a witness before Federal Judge Landis July 6. Following are extracts from the Chicago Record-Herald's report: "Secrets for years huggled to the breast of the Standard Oil company were laid bare to Judge Kenesaw M. Landis yesterday in the presence of John D. Rockefeller. The court room scene bordered on the dramatic.

"Mr. Rockefeller himself was evasive in the extreme. He was merely the nominal or 'honorary' president of the Standard Oil company, he said, and his connection with the great corporation was such that he knew little of its actual affairs. He was not even sure as to dividends.

"It was from Mr. Rockefeller's associates that Judge Landis wrung the information which he desired to enable him to fix the fines to be assessed against the Standard Oil company of Indiana, a subsidiary organization to the parent trust. This company stands convicted on 1,462 counts of accepting rebates from the Chicago and Alton railroad.

"An unwilling witness, Mr. Rockefeller was finally placed on the stand after an eleventh hour legal battle, in which John S. Miller, Moritz Rosenthal and Alfred D. Eddy, attorneys for the Standard Oil company, made a final plea to save the oil magnate from the ordeal which followed when the court overruled their motion.

"Judge Landis brought out from Mr. Rockefeller, and the testimony of the four other witnesses, Frederick A. Wann, Harry E. Felton, E. M. Stanton and Charles M. Pratt, revelations concerning the Standard Oil company that far outstripped facts heretofore known concerning the oil corporation.

"So important were these admissions, all of which were made under pressure, that the Standard Oil company of New Jersey now is open to indictment, and may be prosecuted by the federal authorities of that state, should they see fit to follow up the lead.

"The examination conducted by Judge Landis brought out the following points: That the Standard Oil company of New Jersey is liable to indictment; that the New Jersey corporation holds \$495,000 of the \$1,000,000 of the capital stock of the Standard Oil company of Indiana; that in addition to the rebate of six cents upon which the indictments are based the Standard Oil company received a rebate of three-fourths cent a mile from the Union Tank line on each car between Whiting, Ind., and East St. Louis; that the outstanding capital of the Standard Oil company of New Jersey for the years 1903, 1904 and 1905 approximates \$179,800,000; that dividends paid on the capital stock of the holding company approximates nearly forty per cent of the stock; that the Union Tank Line company with a capital stock of \$3,500,000 is \$5,000,000 in debt and has paid no dividends since 1901; that this company is controlled by the Standard of New Jersey.

"The court did not touch on any question which might be made the basis for an immunity plea.

"John D. Rockefeller,' said the court, after a slight pause.

"Intense silence prevailed and eyes were riveted on the little man, wearing a gray wig, who stooped, picked up his silver-mounted cane and arose. But before Mr. Rockefeller had advanced three paces Attorneys Miller, Eddy and Rosenthal were on their feet and without looking to see whether Mr. Rockefeller had heard the summons they grouped themselves before the bar. Anticipating a final plea for clemency, District Attorney Sims and Assistant District Attorney Wilkerson joined the Standard Oil lawyers, and then there followed a dramatic fight.

"We would like to bring a matter to the attention of the court at this time," said Mr. Miller. A conference in low tones, participated in by the five lawyers, followed, and then slowly the counsel filed to their respective seats.

"And again there was a general craning of necks and there were many in the court room who believed that perhaps after all Judge Landis

had decided to relieve Mr. Rockefeller of the ordeal. The oil king, nervously fingering the heavy gold watch chain that hung on his white vest, leaned forward to catch the court's decision. It was a crucial moment for him.

"John D. Rockefeller will take the stand," said the court, and Mr. Rockefeller arose. Tucking his cane under his arm, he picked his way through the lawyers and Standard Oil officers. He slowly mounted the platform upon which was the witness chair and remained standing until a bailiff, touching him on the shoulder, asked him to be seated.

"No sooner had Mr. Rockefeller been sworn than Judge Landis shot out a pertinent question. The verbatim questions, answers and interruptions while Mr. Rockefeller was on the stand were as follows:

The Court—Mr. Rockefeller, have you any official connection with the Standard Oil company of New Jersey?

A. I am the president, but the position is purely honorary, and has been for the last eight or ten years, as I have not been rendering any service whatever.

Q. Do you know what the outstanding capital stock of the Standard Oil company of New Jersey is?

Mr. Miller—Before the witness answers that question I beg to interpose an objection to this purpose, and specifically for the purpose of the Standard Oil company of New Jersey, that the court has no right or power to inquire into that question, and the method of getting it in this case amounts to an unreasonable search within the provisions of the fourth amendment to the constitution.

The court—You make this objection on the part of the Standard Oil company of New Jersey, or—

Mr. Miller—Standard Oil company of New Jersey—especially for that purpose.

The Court—The objection is overruled.

Mr. Miller—Note an exception.

A. I think that it is about \$100,000,000, the outstanding. I could not state definitely, your honor.

Q. Approximately \$100,000,000?

A. That is my idea, yes, sir; approximately \$100,000,000 of the outstanding.

Q. Generally speaking, what is the business of the Standard Oil company of New Jersey, production, distribution and sale of oil?

Mr. Rosenthal—We object to that upon the further ground that this is not within the lines of the inquiry indicated by the court that you would go into.

The Court—The objection is overruled.

Mr. Rosenthal—We think that your honor is now widening the scope of this investigation without any preliminary notice to counsel for the defense at all.

The Court—The objection is overruled.

Mr. Rosenthal—Note an exception.

The Witness—Well, your honor, as I have been so long out of business and out of this business I could not well answer that question. It is a dozen years since I have been at all actively related with the affairs. It is eight or ten years, your honor, since I have even been in the office at all.

Q. What is your general impression as to what the business of the Standard Oil company of New Jersey is?

A. They have a refinery and refine oil. That was the—yes. It would be impossible for me to give—to make an answer to that question intelligently without a study of the case.

Q. Have you an impression as to whether or not the Standard Oil company of New Jersey operates indirectly more than one oil refinery?

Mr. Miller—May we interpose a particular objection to that, if your honor please, in addition to the others, to the one that this goes beyond the reach of any statement of either the information asked by your honor, or the purpose of the information, which, if I understand it, had to do with the imposition or the fixing of a fine. I beg to suggest that the government has pending against the Standard Oil company of New Jersey and others in the United States circuit court for the eastern district of Missouri a bill in equity under the Sherman act—the act of July 2, 1890—in which the organization of the Standard Oil company of New Jersey and this defendant company, and the question of whether they have been or are engaged in a combination, conspiracy or contract in restraint of trade in violation of that act is the main question at issue. And upon which the government is about to seek and is now seeking