Eighty-Nine

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

CARP.

Judah P. Benjamin's Scheme to Give the South to England.

General Clingman's Opinion, Buchanan's Presentiment, and Jeff Davis' Ambition.

Lamar's Position North and South---His Sumner Speech and the Chisholm Massacre.

George H. Pendleton and His Whig Ancestors---The Fate of a Renegade.

Special Correspondence of the Leader.

WASHINGTON, January 29.—I showed the letter of Judah P. Benjamin, which has just been published from the advance sheets of Thurlow Weed's memoirs, dated August 11, 1860, and addressed to the British Consul at New York, proposing that the South should resume allegiance to Great Britain, to General Thomas L. Clingman, of South Carolina, who, it will be remembered, was a leading Southern Senator at this time and later on one of the leading movers of the rebellion. General Clingman said: "I knew nothing of any such movement, and I think it must have originated with Benjamin himself, but at this time it had not extended, nor did it ever extend, throughout the South. It was probably confined to half a dozen of his particular friends, and was by no means general. Benjamin did not think the South would secede. At least, he told me he was greatly surprised on returning to New Orleans after a trip North to find the secession feeling had grown wonderfully. He said it grew faster among the lower classes than among the upper classes of the people, and that, though when he went away the city was quiet, when he returned it was boiling. As far as this British movement was concerned there was nothing of it, I know, after the States had seceded. Jeff Davis, I have thought, wanted to be a king or an emperor if he could see his way clear, but there was no such expression except among several foreigners of the army who said they hoped the war would last long enough to make Jeff Davis the king of the South. Mr. Benjamin probably conceived the idea of secession and union with Great Britain, and mentioned it at various dinner tables, telling the persons at the tables that, "under such a dispensation we would make you counts, lukes, and earls," but the movement could not have spread widely, or I should have known something of it."

"Do you think, General, that Buchanan was loyal in those days?" said I.

"Buchanan acted as though he was crazy. He did not know what to do. He thought, I know, that he was to be the last President of the United States. At a meeting in North Carolina during his administration, at which I was one of the speakers, we fired a cannon thirteen times, once for each President of the United States. At the last fire the cannon burst. This incident was related to Buchanan at the dinner table by Dudley Mann. The President was greatly affected by it and shaking his head slowly he said: "I will be the ... last President of this country. The bursting of that cannon has an ominous meaning. There is, in some place in Germany, a great hall, in whose walls were built niches for a certain number of busts of kings. When the last niche was filled the dynasty was overthrown. So it may be with the United States. I fear there will not be another President."

Senator Lamar, who lately had a quarrel with Edmunds in executive session of the Senate, poses toward the North as one of those who would like to bridge over the bloody chasm. This, I am told by Southern Republicans, is not the position he holds in Mississippi. "In his own State," said a well posted man to me last night, "Lamar is considered a thorough Bourbon in everything that the bulldozing, negro-killing sense of the word implies. When he was elected to the Senate it was urged in his favor that he was the author of the Mississippi plan. Ethel Barksdale was his opponent, and the friends of the two candidates each claimed that their man had originated this system of negro terrorizing. Lamar got the election.

"And then, as another case, look at the Chisholm massacre. Before it occurred, during the campaign of 1876, Lamar made a speech in Chisholm's district. Chisholm was then the candidate for Congress, and was the wealthiest man of the county in which he lived. At this speech in Chisholm's county Lamar referred by name to the leading Republicans in the county, and ended his list with Chisholm, saying that because Chisholm was more wealthy, more generous, and better educated than other of the Republicans he was on that account the more dangerous. 'What shall we do with him?' said one of his hearers. In answer Lamar pointed to the effigy of a carpet-bagger which was hanging in a tree beside the speaker's stand, and said: 'I would do this with him,' and thereupon he drew his long, bony finger slowly across his throat from ear to ear as though he were cutting that of Chisholm. The crowd cheered. In less than two years Chisholm and his two children were massacred in the jail of that county. The report of their massacre came to Washington. H. V. Redfield, of the Cincinnati *Commercial*, went to Lamar and asked him who this man Chisholm was. Lamar replied: 'I never heard of him.' He lied because he knew the affair would create less sympathy in the North if it was the case of an unknown man than if it was one of standing wealth and honor."

"How did Lamar get his reputation among the Northerners for moderation and patriotism?" said I.

"It was for his speech on Sumner," was the reply. "He shed crocodile tears over Sumner, and all bean-eating New England straightway believed he had reformed. That speech was the speech of a hypocrite. Why! the very Legislature which elected Lamar to the Senate changed the name of Sumner county, Miss., to Webster county. They would have changed it to the name of some Southern general, but that would have attracted too much notice. So they remembered Webster's '7th of March' speech and named it after him. In explaining his speech afterwards Lamar is reported to have said: 'We can afford to eulogize the bones of a dead Yankee for the good of the cause.'

"The Republicans of the North are at last arriving at the conclusion," continued this gentleman, "that something must be done to preserve the freedom which the country has given to the negro. It takes the North a long time to wake up, but I believe that in the coming campaign we are going to be waked up on this question as we never were before. It took the North twenty years and more to wake up to the question of negro slavery. It is now about an equal time they have had on the subject of negro outrages, and if the tariff is not brought most prominently before the country by the actions of this Congress this is to be the great issue. We have temporized long enough. At first we excused the South on the ground of the evils of the carpet bag government. Then we tried letting them govern themselves, but they still bulldozed the whites and killed the negroes who would not vote for them. Look at it! In many of the States the Bourbons have more power now in the general administration of the government than they had before the war. Then they could only vote the negroes two-fifths. Now they vote them as one. In other words, each Southerner now has two votes while the men of the North who fought for the Union have but one vote apiece. The negroes in South Carolina outnumber the whites by many thousands—forty thousand, I think—yet they have no voice. It is the same in North Carolina and half a dozen other States. The question is whether the North will permit this. I do not think it will."

Returning to Lamar: He has always been noted as being a fine scholar, and between him and Ingalls it is a question which stands at the head of the Senate. Lamar is a beautiful writer, and he is fond of classical allusion. He rarely makes a long speech on the floor, but often commences, speaks twenty or thirty minutes, and then, growing nervous, asks leave to print the rest of his speech. He is finely organized and it does not take much to excite him, in which respect he is very different from Edmunds, who is as cold as a Siberian iceberg. His family is one of the oldest and most noted of the South. Mirabeau B. Lamar was the first President of Texas when it became a republic. Henry G. Lamar was the candidate for Governor of Georgia in 1857, when J. E. Brown was elected, and there were several Lamars in the late war. The editor of the Macon *Telegraph and Messenger* is a Lamar, and in fact you will find them all along the [illegible] Georgia history. This Senator Lamar was born in Georgia. He has been four terms in Congress, two before and two after the war. He was a rabid Secessionist, and Jeff Davis sent him to Russia as his ambassador. He has five years more to serve in the United States Senate, and he is only fifty-eight years old.

Had George H. Pendleton not been a renegade to his family traditions his past might have been pleasanter, and he certainly would still have a future. The Pendleton family, one of the oldest in our history, has always been of Republican rather than Democratic tendencies. Nathaniel Pendleton Senator Pendleton's grandfather, was an intimate political and personal friend of Hamilton, and he acted as his second in the duel with Burr, in 1804. He was thoroughly a Federalist, and Washington appointed him the first Federal district judge who ever sat in Georgia. Senator Pendleton's father, Nathaniel Greene Pendleton, came to Ohio and was noted as a Whig along in the forties. George H. Pendleton, however, threw aside the faith of his ancestors, and in 1853, being twenty-eight years old, was elected as a Democrat to the Ohio Senate. Three years latter he was elected to Congress, where he stayed eight years. In 1864 he was a candidate for Vice President with McClellan, and in 1868 the State Democratic Convention nominated him as their candidate for the Presidency. Iowa, Indiana, West Virginia, Kentucky, Illinois, and Oregon also announced themselves for him, and he started into the convention of 1868 with a vote larger than that or any other candidate. In 1869 Hayes best him in the contest for the Governorship of Ohio. Ten years latter he took his seat in the United States Senate as Stanley Matthew's successor and now he dies for the espousal of civil service reform. In his old age he returns to the principles of his ancestors, and his party repudiates him for it.

MINNE-PAUL.

The Wonderful Growth of the Minnesota Twin Cities.

ST. PAUL, Minn., Jan. 23.—[Special Correspondence.]—What a marvelous growth! I am simply astonished when I look at this twin metropolis of the Northwest—Minneapolis and St. Paul. The two cities should be united. They are only ten miles apart, and each is overflowing into the other. The present names should be blotted out, and the twain should be called Minne-Paul. In 1849 St. Paul was a trading station. It had a few saloons, where Indians traded furs for rum. The village contained 500 souls. At that time Minneapolis was an Indian reservation. This twin city, Minne-Paul, now has 200,000 inhabitants. It is a remarkable fact that each has a population of 100,000. I am satisfied now that the great cities west of New York are to be Chicago, Kansas City, Denver, Minne-Paul, Winnipeg, Portland, Salt Lake, and San Francisco. Nature has marked these places, and they are impregnable to rivalry.

The first public man to call the world's attention to Minne-Paul was Senator William H. Seward. In his "Irrepressible Conflict" Mr. Seward says, speaking of this locality:

> I find myself for the first time upon the high land in the centre of the Continent of North America, equi-distant from the waters of Hudson Bay and the Gulf of Mexico. Here is the place—the central place where the agricultural products of this region of North America must pour out their tributes to the world. I have cast about for the future and ultimate seat of power of North America. I have looked to Quebec, to New Orleans, to Washington, San Francisco, and St. Louis for the future seat of power. But I have corrected that view. I now believe that the ultimate last seat of government on this great continent will be found somewhere not far from the spot on which I stand, at the head of navigation on the Mississippi River.

Mr. Seward wrote this in 1860. His words are almost true today.

To give the reader an idea of the wonderful growth of Minne-Paul I give a few statistics: While New York put up last year $37,217,000 worth of new buildings Minne-Paul put up $20,248,000 worth.

Chicago's last year's buildings cost $12,780,000. Cincinnati's $11,000,000. So the growth of Minne-Paul has been almost as fast as Chicago and Cincinnati together.

The wholesale trade of Minne-Paul last year amounted to $196,000,000.

Manufactures, $71,000,000.

Banking capital, $10,710,000.

Number of new buildings put up, 4,500.

The growth towards Minneapolis during the last year was the greatest, but many of her buildings were put up on speculation, and are not yet sold to occupants.

All railroads like the St. Paul, Northern Pacific, Minneapolis & Manitoba, Chicago & Northwestern, Chicago, Milwaukee & St. Paul, Chicago, St. Paul, Minneapolis & Omaha, and Minneapolis & St. Louis run into both cities.

The following roads are seeking admission into Minne-Paul: Wisconsin Central, Minnesota & Northwestern, St. Paul Eastern Grand Trunk, Winona, Alma & Northern, Chicago, Burlington & Quincy, Chicago & Rock Island, new line to Duluth, Green Bay, Winona and St. Peter.

I believe Minne-Paul will have a population of 800,000 souls within twenty years. I do not see what can hinder such a result. They have here the grandest water power in the world, a splendid farm country reaching 900 miles to the northward and 1,000 miles to the westward is draining into this metropolis.

This is why Minne-Paul is the wonder of the ninteenth century. ELI PERKINS.

THE TRUE SOUTHERN SPIRIT.

SOME PLAIN TALK BY EX-CONFEDERATES.

GLORYING IN THE REBELLION AND NOT WILLING TO FORGET—NO APOLOGIES TO OFFER.

[BY TELEGRAPH TO THE TRIBUNE.]

WASHINGTON, Aug. 26.—The Democratic Congressional Committee announces that it intends soon to extend the list of its campaign documents, which is now limited to "Dan" Voorhees's speech on the McSweeny case and Cockrell's speech on Civil Service. Probably this committee will not prepare for publication in the North any extracts from the speeches which were delivered at the recent reunion of ex-Confederates at Dallas, Texas. These speeches have been received here however, and they show more clearly than anything that has yet happened in the campaign that the Confederacy is still in the saddle. The fact should not be overlooked, moreover, that ex-Governor Hubbard, of Texas, who was the temporary presiding officer of the National Democratic Convention, made a speech, in which, while more moderate than the other speakers, he eulogized "Jeff" Davis and the old Confederacy.

"We stand here to-day with no apology to offer. We fought because we believed our cause was just, and we believe it to-day. Were we placed there again, under similar circumstances, we would do so again. We have nothing to be ashamed of, and we are not ashamed. We fought for principles, and the same principles to-day are right."

Ex-Governor Lubbock, now State Treasurer of Texas, did not conceal his disloyalty, but gloried in it. He said: "When this war began it was my lot and fortune to be at the head of this great State. I had the temerity to say at New-Orleans that if the war must come to the people of Louisana and her sister State, I would put 25,000 muskets in the field. What was the result? Texas put more soldiers in the field than she had voters. She put 90,000 men in the Confederate armies." Lubbock was with Jeff Davis at the time of his capture, and spent some months in confinement after the close of the war. After he had paid a high tribute to the ex-President of the Confederacy, he said: "I don't want to forget the war. I don't want our children to forget it I don't want our grandchildren to forget the war. I am not willing to forget. While the other party are writing their histories their books about the great men, and teaching their children that they fought in a great and glorious cause. I propose to let the thousands of people to come in after years know that we were a little right ourselves. By the Eternal, when they are coming along with their geographies and histories, I believe in meeting them, as the lawyer says, *in pari passu*. That's what they call it, isn't it? I want some of our histories told too. Talk about brotherly love and all that thing. I am willing to treat them respectfully, but they'd better read a little of our great men—a little about Jeff Davis, a little about Stephens, a little about the principles for which they fought. You know I'm Treasurer. Now and then a fellow sends me one of those bills we used to see, and wants to know if it's good. I sit down and write him: 'Yes, it's good. Texas is a great State and rich enough to pay all her obligations. We'd like to do it, and would; but when the best Government the sun ever shone on reconstructed us, we were forbidden. We'd like to redeem it, but we can't. I write that way, and usually add: 'This is private; please don't publish.' So I say to the reporter, 'Don't publish what I say; this is a Presidential year, and we must be very cautious; we might offend somebody up in Massachusetts; so don't publish it.'"

Colonel F. F. Mitchell's oration was devoted entirely to eulogies of Jeff Davis and Confederate heroes. Said he: "We venture to predict that should the life of that noblest Confederate of us all—that is, greatest and best in the list—should be spared another decade, when he falls his requiem will be sung by the sublimest poets of the Nation and his eulogy pronounced by her mightiest orators. If they, the Northern, will meet us we will join with them in placing theirs and ours together upon fame's loftiest pinnacle, reciprocally committing them to imperishable glory."

SOUTHERN DEMOCRACY.

"I am a White Man," the Party Platform.

A Raid on the U. S. Treasury Promised.

Special Dispatch to The Boston Journal.

WASHINGTON, D. C., [illegible]. At a Democratic meeting recently held at Harrisonburgh, Va., McKenney, one of the speakers, made a very fiery speech, from which the following are said to be quotations: "The Republican party of this State is one quarter white to three-quarters negro. Let it prevail, and eternal darkness will reign in your borders. In my county you can tell by the color of the ticket which party the man belongs. It ought to be so everywhere. I am a white man, on platform, and upon that platform [illegible] should be good enough for every white man. We understand this negro party, three-quarters black and one-quarter white, is growing in insolence and impudence each day. After a while you can no more control them than you can control the wind." * * * "There is $425,000,000 in the treasury. When the Democratic party gets control we will take iron bars and axes and cut into the vaults and let loose this surplus money, leaving no power to come behind us." This last expression tickled the old avaricious moonbacks, who responded rapturously. This speech is said to be a fair type of a good many Democratic speeches which have been made in Virginia and other parts of the South.

Founded Baltimore 1880.

No. 2.

ARYAN ORDER OF AMERICA.

I Established for the purpose of collecting the histories, armorial bearings, accounts of ancestry and posterity, and registering the marriages, births and deaths of gentile families [redacted]: also, to publish the pedigrees of historic families [redacted] in a work to be called, Peerage of the Aryan Order: [redacted].

II The aim of the Aryan Order is to preserve the historic purity [redacted], and to assist mutually to the advancement of its members in whatever way may be deemed most expedient for them: as well as to promote the best social existence.

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Cal: C. J. Norton: —

Dear Sir: We should be happy to have your name as member of our order. If you will tell Capt. Wm J. Ritter, 170 Carrollton Ave. Baltimore, Md. that you are invited by me, and send him the pedigree etc of your family he will notify you of your membership. If you ~~at will~~ like to make use of this information in this letter you might say ~~in~~ addition that Capt. Ritter is the Registrar-General and the one to whom applications for membership should be made giving his address (170 Carrollton Avenue. Baltimore).

Yours faithfully
Frederic Gregory Knight.

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Ivy Albemarle Co. Va. Dec. 24. 1883.

Col. Norton: Dear Sir: I send you a better account of the Aryan-Order, its purpose etc. than can be obtained from the circular.

Yours truthfully T. S. Forsyth.

III. Prescriptive Right to the Order is in descent male from any of the Sovereigns who had dominion over the Colonies of France, England, Spain, Netherlands, and Russia — : from members of gentry families who held royal commissions in the Colonies, or having held them, came to America: from Orders of Colonial nobility and knighthood: from the Order of the Cincinnati and from Signers of the Declaration of Independance.

IV. Arms of Prescriptive Right families to be displayed upon the double-headed eagle of the Order as distinctive of American Heraldry: and the jewelled decoration and knighthood of the Order to be bestowed upon individuals who achieve good and true advance in military and historic arts and sciences

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V Each member pays an armorial tax of $1. per annum to the treasury of the Order, and any one having right to the Order has right of application for membership and privileges. The membership by Prescriptive Right, includes many of the royalty and nobility of Europe, as well as the best of American families, thus far.

VI The order was founded in 1880 at Baltimore, Oct. 27. in the rooms of the Maryland Historical Society on St. Paul Street by Frederic Gregory in Forsyth ~~Hon. J. J. Stewart, Dr. Ashbel Woodward of Ct.~~ who communicated his plan to six others among whom were Dr. H. L. Byrd. Capt. William L. Ritter. Gen. A. P. Stewart. Col. C. C. Jones jr. Dr. Ashbel Woodward. and Robert A. Brock. and from such a small beginning did the Order take its origin until now its history is known by publication throughout Europe and America.

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Aryan Order of America.

Organized October 28th, 1880, at Baltimore.

FOR GENTRY: PRESCRIPTIVE & OTHERWISE.

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013

FUTURE ✦ ANNUAL ✦ ASSEMBLAGE:

Last Thursday in October.

ARYAN * ORDER * OF * AMERICA.

The order is composed of gentlemen not only from the thirteen original States, but from every section of our beloved country, and *all* of them esteem its objects in the highest manner, feeling, as they do, that unless true patriotism has taken its flight from the land that the swords of Washington, Greene, Lee, Marion and Sumter won, its principles should be cherished with *profoundest gratitude*. The laws and objects of the order are as follows, viz:

1. "Peerage prescriptive right is in descent in the male line from the chief civil and military officers of crown appointment in the colonies; from orders of colonial nobility and knighthood; from signers of the Declaration of Independence; from the officers and distinguished soldiers of the Revolution, including the Order of the Cincinnati; and from resident European nobility."

2. "Gentry prescriptive right is in descent in the male line from gentry families distinguished in the civil and military professions."

3. "The Supreme Council is chosen by election from the peerage of the order only."

4. "The Supreme Council can alone sanction membership in the order."

5. "Male descendants of the members of the order bear its arms of chivalry; the peerage prescriptive right only using the coronet."

6. "Families are distinguished by their names above and their mottoes below the arms, when the latter are used.

The arms of the order are as follows, viz: "On the breast of the double-headed eagle of Russia is a shield quartering a part of the arms of Great Britain, France, (royal,) Spain, (Castile and Leon,) and Holland (A. D. 1620) and bearing in its center an escutcheon of thirteen red and white stripes for the original States, and above the whole a ducal coronet."

These arms constitute the insignia of the Aryan Order of America, and are placed upon a color corresponding with the national color of the country from which the bearer is descended, when that country is quartered upon its shield; otherwise, upon the yellow banner of the order. The arms are arranged, as it will be perceived, to indicate the powers that have held the territory now occupied by the United States.

"Worthy persons," though they should not be of prescriptive right, are admitted, by suffrage, to membership in the order; and it is stated, for the benefit of all such as may feel an interest in the order, that it has no political nor sectarian bearing whatever.

Probably no organization has ever attracted more attention in so short a period of time, and certainly no one has collected a superior roll of membership either in point of intelligence or respectability.

It will be seen from what is stated above that it is not an exclusive order, but that it was originated to perpetuate a birthright, an inheritance, just as all children inherit the goods and chattels of their ancestors at the present time, and should desire to commemorate their virtues in any other respect. Hence, decency and common gratitude demand that the descendants of those who achieved the liberties of this people and the glory of the American Constitution, through their valor, wisdom and long-enduring sacrifices, should institute such means and emblems as are necessary to perpetuate and hold in sacred memory the deeds of their ancestors forever.

SUPREME * COUNCIL.

PROVOST-GENERAL, - - HON. JOHN B. GORDON, GEORGIA.

VICE-PROVOST-GENERAL, - HON. CHARLES C. JONES, GEORGIA.

CHANCELLOR-GENERAL, - JNO. STOCKTON HOUGH, M.D. PHILADELPHIA.

TREASURER-GENERAL, - PROF. HARVEY L. BYRD, M.D. BALTIMORE.

HERALD-MARSHAL-GENERAL, - PROF. F. G. FORSYTH, A.M. [redacted] VIRGINIA.

REGISTRAR-GENERAL, - CAPT. WILLIAM L. RITTER, BALTIMORE.

BALTIMORE, OCTOBER 27TH, 1883.

CHATTANOOGA COUNTY NY HISTORICAL

S. L. L.

Our Great Foreign Trade in Petroleum.

THE RUSSIAN OIL FIELDS AND THEIR INFLUENCE ON THE AMERICAN OIL MARKET.

ACCORDING to the returns furnished by the Bureau of Statistics of the Treasury Department the comparative exports of crude and refined mineral oils for the years 1884 and 1885 were as follows:

	1884.	1885.
Mineral crude, gallons	67,186,329	81,037,992
Mineral refined, including naphthas, gallons	15,045,411	15,823,853
Mineral refined, including illuminating, gallons	415,615,693	458,243,012
Mineral refined, including lubricating and heavy paraffine, gallons	10,515,535	13,002,482
Mineral residuum, barrels	126,122	156,230

The total value of these exports for 1884 was $48,103,228, against $50,657,947 for the fiscal year ending 1885, an increase of $2,554,719 for the latter period. Considering that these goods are, and probably always will remain, one of our most important export staples, the fact that they have not only sustained their position, but slightly improved it, is a matter on which we may fairly congratulate ourselves. All things considered, the increase of two and a half millions in the value of our exports of petroleum is a highly satisfactory showing, especially considering the dullness that has prevailed in trade circles during the past year.

Considerable alarm has been expressed to the effect that the discovery of the Russian oil fields would be likely in time to deprive us of the whole of our Mediterranean oil trade, and of a large share of our trade in illuminating oils in eastern countries. In Eastern Europe, particularly in Russia and the countries near its southern borders, this may eventually be the case, but our trade there is very small, and would be a very unimportant loss. The Russian oil fields have now been in operation for over four years; for nearly two years large refineries have been at work and pipe lines have been established to carry the oil to convenient points for shipment. But with all these improvements and undertakings, it does not appear as though Russia's production of oil was making any serious inroads on our trade, while the figures above given would appear to indicate the contrary.

The fact is, the Russian oil wells are very disadvantageously located. Baku on the Caspian Sea is sufficiently remote to render the establishment and maintenance of refineries and the transportation and marketing of its refined oil and crude products difficult, while the transportation of the crude oil could not be profitably accomplished. Then again, the yield of light oil, as compared with that of the American crude oil, is comparatively small, and no profitable market can be found for the large quantity of heavy paraffine and lubricating oils, etc., it contains in excessive quantities.

On the other hand, however, we must not regard Russian petroleum and kerosene made from it with indifference as a factor in the future. As long as the wells, etc, remain in Russian hands little will be done with them, but in the possession or mercantile control of a more ambitious or enterprising nation, they would soon gain importance, and already we hear of German capital taking an interest in the works and employing Americans to "prospect" them. In the hands of Germans the Russian oil fields would be dangerous, for if the oil were too bad to be sold as European or on its merits, a temporary market would be found by putting it up in imitation American packages, putting the name of a well known American firm and their trade mark on it, and imposing it in this manner on the unsuspecting buyers. This is a favorite ruse with German houses wishing to get rid of some doubtful line of goods—and it kills two birds with one stone, the American bird being most dead of the two.

Only a few years ago reports were received from several ports on the Mediterranean, Smyrna particularly, concerning bad American petroleum supplied by a large firm in Hamburg as their own importa-

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tion. So it was, but from the Caspian Sea, and not from America, as was afterward abundantly proved.

These cases can readily be dealt with, and wherever a foreign buyer finds any one selling him bogus American goods, he will be doing his fellow-countrymen a good turn and acting justly toward America by exposing the swindle; our consuls regularly expose them. There is, however, a more dangerous enemy than Russian or German competition can be to our oil trade. Twice within two months, once at Brisbane, Queensland (Australia), and once at Malta, cargoes of American petroleum have been rejected by the port authorities as not up to the standard in purity and the flash test. From the latter place the American consul writes a special letter, referring to the poor quality of the American oil received. This is a suicidal policy on the part of our shippers. There is one vast concern in this country that almost entirely controls our foreign shipments of oil. Many hard things have been said against this corporation, but we trust we shall not have to accuse them of wilfully, for the sake of an infinitesimal profit, injuring one of the country's staple branches of trade. If some smaller concern is at fault it should be compelled to bear the blame of such foolish proceedings.

To retain their present predominant position in our list of exports, our petroleum products must be sent out pure and of the best quality, and only the best oil should be received in the execution of orders. Only by such a course can we hope to continue to supply light to the world—our oil trade depends, not on competition from outside, but on the care and honesty with which we ourselves conduct it—in other words its prosperity is in our own hands.

SUITS AGAINST THE STANDARD.

The Remarkable Conspiracy Charged Against Them—How It is Being Fought—Criminal Indictments.

A QUEER CHAPTER.

REPORTED FOR THE BOSTON COMMERCIAL BULLETIN.

The Standard Oil Company has such a complete control of the Boston market that the fighting side of this great monopoly has not been seen here for some time. The amount of outside oil sold here is small and the Standard people do a tremendous business here as the central distributing point of the New England market. They have apparently made a success of their last movement here, namely the establishment of the tank wagon system. They have between 30 and 40 tank wagons supplying the retail trade in this city and sell the jobbing trade at the same time. The local offices of the Standard seem to be well managed and everything is going along very smoothly.

The opposition in Boston is so thoroughly crushed out that not more than two or three concerns attempt to handle outside oil in a jobbing way. All is not so lovely with the Standard in New York, however. There seems to be an increasing warfare against this hydra-headed monopoly in that State. The storm center is in Buffalo where various suits are pending. The story of the contest being waged against the Standard by the Buffalo Lubricating Oil Company would make a good foundation for some ambitious novel writer. We cannot, of course, vouch for the truth of the allegations made by this company against the Standard. That will be decided when the litigation is settled, if it ever is. A brief resumé of the steps in this controversy is interesting, however, not only as showing what are the most serious movements against the Standard to-day, but also as showing the kind of offensive and defensive warfare which this unparalleled corporation is considered to be capable of.

HOW THE TROUBLE BEGAN.

In the spring of 1881 the Buffalo Lubricating Oil Co. started in business. At that time the Standard had very little competition in this line. Lubricating oils often paid as high as $8 to $12 profit per barrel. In order to stifle this concern, as it is alleged, their expert manufacturer, whom they were paying $1200 a year, was enticed away. He came to Boston with H. B. Everest and remained here it is said under an assumed name for some weeks. Afterwards he was taken to California and an endeavor made to demoralize him and prevent his going East again. His wife was with him in California, however, and she had saved enough money to bring him back to New York. He returned to Buffalo in March, 1883, and confessed to his former employers how he had been induced to leave.

Upon strength of this confession and some other allegations, the Buffalo Lubricating Co. begun their first suit against the Standard in April 1883, alleging conspiracy and setting damages at $100,000. The complaint was at once fought through to the Court of Appeals, and was tried in March 1885. The judge held the plaintiffs very strictly to their declaration and ruled out additional allegations. Nevertheless, a verdict was returned for $20,000 damages. A motion was made to set the verdict aside as being excessive. The judge reserved his decision on this motion eleven months, and then granted a new trial. The plaintiff appealed from this decision to the General Term where the case is now pending. Whatever decision is reached here will be carried to the Court of Appeals. So much for the first case against the Standard.

THE SECOND SUIT.

In April 1885 the same company instituted another conspiracy suit against the Standard, setting damages at $250,000. This suit not only included the allegations of the first one, but in addition sought to establish the fact that the Standard hired a person to construct the works of the plaintiff in a faulty and dangerous manner and also to blow up the works of the plaintiff. An attempt was actually made to blow up the works by building an excessive fire under the still and weighting down the safety valve. After leaving the works in excellent "blow-up" order the miscreant went away and awaited the explosion. The safety valve was not properly (?) fastened down, however, and broke loose in time to prevent serious disaster. This is said to be fully established by the confession of the wretch himself. When it was found that he had confessed it was sought to have him thrown into prison on charge of stealing a watch, years ago, but without success.

Further grounds for bringing the second suit are alleged to exist in the vexatious suits which the Standard brought against the plaintiff. Five suits were brought on technical patent points and all decided against the Standard but the last, which is still pending. In these suits the Standard were forced to come to trial. Other suits of a similar nature which they brought against other refiners have not been pressed.

Still further allegations in this second suit are that the Standard endeavored to break up the

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plaintiff's trade and injure their credit, and also that witnesses were hired to commit perjury in the so-called "vexatious suits."

This second suit is brought against the Standard Oil Co. of New York; Acme Co. of New York; Vacuum Co. of Rochester; Henry H. Rogers, John D. Archibold, and Chas. M. Everest, all of New York. The various motions of the defendants have all been fought through even to the Court of Appeals, in all save those of the Standard and Acme, whose appeal on the demurrer is now before the Court of Appeals and will be argued in June. It is believed by the plaintiff that the issue will then most certainly be joined on all the defendants, and that this second suit can then proceed in the regular course. Of course all this delay, besides being very expensive, gives opportunity for witnesses to die and various complications to arise.

WORSE AND MORE OF IT.

The Standard seem to have encountered a worthy foe, however. The plaintiffs after three years of controversey are still full of fight. In October 1885, they set on foot a criminal suit against John D. Archibold, H. H. Rogers, Ambrose McGregor, all of New York City; C. M. Everest of Rochester and H. B. Everest of California. The grand jury indicted these parties for criminal offenses in connection with the acts that have already been narrated as the alleged ground for the two civil suits. In addition, it is alleged in the criminal suit that the Standard paid an employé of the plaintiffs to report the secrets of the business to the Standard, and that this was going on up to Feb. 1st 1886.

The defendents all demurred to this indictment and the Court sustained the dumurrer, which was then taken by the district attorney to the Court of Sessions, and by that tribunal sent back to the Grand Jury. The Grand Jury found new indicments against the defendents Feb. 1st, and motions for demurrer are now pending, with the expectation that they will be heard in April at Buffalo.

So much for these three suits. It will be observed that only the first one has actually been tried and the truth of the most serious allegations are yet to be passed upon. All this controversy has been preliminary to the trial in the last two actions.

Our Oil Exports.

Although Russia is such a powerful rival in the petroleum industry, the exports from the United States are still an important factor in our commerce, the daily average of petroleum exported amounting to 43,540 bbls. leaving but 22,466 bbls. of the daily product for home consumption.

The export of petroleum has increased from 5,829,129 gallons in 1862, valued at $1,539,027, to 667,472,878 gallons, valued at $49,457,116 in 1885, to which should be added the value of paraffine and wax exported, $1,867,865, and we have an aggregate of $51,324,981 for petroleum and its products. If we deduct the value of crude exported, $6,040,685, we have left $45,284,306 as the cash value of the manufactured petroleum products, which is exceeded only by one article of American manufacture and export, viz., flour, of which was exported last year, cash value, $46,678,259.

The statistics produced by Hon. Alden Speare at the first meeting of the Boston Oil Trade Association show that in 1859, the year of discovery of petroleum, 82,000 bbls. were produced, the production rising rapidly till 1862, when the production was 3,056,000 bbls.; but, prices falling, the production fell to 2,116,000 bbls. in 1864, from that year again increasing each year, with the exception of 1867, to 10,950,073 bbls. in 1874, but dropping suddenly in 1875 to 8,787,506 bbls. From that year till 1882, the production increased, the product for the latter year being 31,050,165 bbls. Since then petroleum has been on the wane, the production for 1885 being only 21,500,000 bbls.

The exports of other oils in the last fiscal year were: Sperm oil, 7000 bbls., valued at $185,025; whale and fish oils, 26,211 bbls., valued at $242,883; lard oil, 21,211 bbls., valued at $504,454; cotton seed oil, 156,547 bbls., valued at $2,608,212; animal oils other than lard oil, 4028 bbls., valued at $83,835; the oil of oleomargarine, 34,213,232 lbs., valued at $3,999,280; an aggregate of $45,948,670, cash value of exports of oils.

The four largest items of exports are as follows:

Cotton, raw and manufactured	$197,446,776
Breadstuffs	132,643,751
Provisions, meats, and dairy products,	95,880,106
Oils	58,948,670

The aggregate domestic exports of this country for 1885 were $673,595,120, of which oil furnished about 8¾ per cent.

The United States has produced successfully all kinds of oil except olive oil, which we still import, though not to any very great extent, the imports for the last year only amounting to 13,678 bbls., a small total likely to be decreased if Southern California keeps its promise. Cottonseed oil, which in a measure supplies the place of olive oil, is a product of the last quarter century. We now produce about 500,000 bbls. annually, of which we export about twenty-five per cent.

S. O. C.

A SHAMEFUL CONSPIRACY AGAINST AN ENTERPRISING CORPORATION.

IT is an altogether un-American idea, that any one individual or concern should be allowed, especially by questionable practices, and even by defiance of the laws, to obtain the control of any line of trade or staple product. Business competion is perfectly reasonable, but when it assumes the form of a forcible or fraudulent usurpation on the part of a gigantic corporation of rights and interests that are no more theirs than any one else's property, it is full time for the law to step in. Legislation against corners and other objectionable practices in trade in food products has been found beneficial in several States; why should not the law step in to regulate to some extent our trade in petroleum and its products, endangered by the Standard Oil Company?

Accustomed to hearing this concern abused as a monopoly, the public really know little of the nature and extent of its peculiar operations. A short time since a young man, full of enterprise and vim, and well known to us, started an oil route in Chicago, selling oil to customers from house to house. His operations were not too small to attract the attention of the Standard Oil Company's agents, and for months they watched him until he had built up a good trade, rented a store and started in wholesale, supplying retailers, as well as retailing himself. Ultimately his trade assumed very large proportions, and the Standard people then proposed to buy him out. He had made a contract with them to supply him with oil, and not being disposed to yield to others the results of his labors, he declined the offer and continued to sell as usual. This incensed the company, who finally ignored their contract, and refused to supply him oil. He obtained it from another source, and after running an opposition the Standard people started to the ground, was attacked by them through his employes and customers, the former being bribed and the latter tampered with. The result was finally a lawsuit; the well filled coffers of the company outweighed even the law books produced in their favor, and the case was decided against the man they had determined to put to ruin.

They have been playing the same game in Buffalo, where they have been sued by the Buffalo Lubricating Company for conspiracy, and damages are claimed from their agents, H. B. Everest, C. M. Everest, John D. Archibald, Henry H. Rogers, the Acme Oil Co. and the Vacuum Oil Company, amounting to $250,000. The course they are alleged to have pursued is very similar to that to which we have already referred. They circulated false reports derogatory to their competitors' production, bribed their employes to destroy their property (and succeeded in inducing one man to destroy 140 barrels of crude oil), and to so manage and construct their works as to cause fires and explosions, and enticed their most valuable employes from their service by promise of larger pay. All these are offences against moral and commercial law, and punishable in civil and criminal courts. There is no reason why the Standard Oil Company should be free from such prosecution. Its course in Baltimore, in Philadelphia, in Cleveland, in Brooklyn, N. Y., and elsewhere has been similar to its methods in Buffalo, and in the erection of its works where they are a positive injury and offence to whole sections of our great cities, it rides roughshod over our communities.

It is about time it were definitely determined by what right this autocratic power is exercised. If money can do it, then we are at the mercy of every rich man and corporation, our laws are useless and our commerce becomes an engine of oppression in the hands of the few. We trust the Buffalo Lubricating Company will have a good case, and will so place it before the court as to leave no loophole by which this gigantic monopoly can escape. Once brought to terms and subjected to the will of the people, its power for evil is destroyed, and the oil trade at large will be rid of an incubus that has been a curse to it and a drag on its progress for years, as well as a vampire living at the expense of every class of people, from the highest to the lowest.

AGAIN VICTORIOUS.

The Buffalo Lubricating Oil Company Downs the Standard Once More.

The Vacuum Oil Company, the Rochester branch of the Standard Oil Company, brought suit in the Supreme Court against the Buffalo Lubricating Oil Company for an alleged infringement of its trade mark. The complaint alleged that the Buffalo company had no right to print on its harness oil labels the words, "manufactured by the vacuum process." This suit was brought over four years ago, and about the same time the Vacuum company brought suits on three vacuum patents in the United States Courts against the Buffalo company. When the vacuum patents came to be examined by United States Judges Coxe and Wallace they were practically pronounced worthless and set aside, with costs attending the suits to be paid by the Standard company. The trade-mark case was finally referred to Judge Peck of Batavia for trial. Much testimony has been taken and the Buffalo company pushed the case to a conclusion. Last week Judge Peck decided the case in favor of the defendant, with costs to be paid by the Standard company. Mr. E. W. Hatch was attorney for the local company and T. G. Outerbridge for the Vacuum company of Rochester.

The Buffalo company claims that this trade-mark suit, with other suits brought against it four years ago, was brought in pursuance of a conspiracy to destroy its business, and that for several years past the Standard agents have threatened to bring suits against buyers of the vacuum process oils made by the Buffalo company.

Judge Peck, as a conclusion of law, finds "that the plaintiff is not entitled to the relief in its said complaint demanded, or to any portion thereof, and that said complaint be dismissed upon the merits, with costs to the defendant to be adjusted." He orders and directs that judgment be entered accordingly.

A COMMERCIAL CRIME.

A Short History of a Great Monopoly.

"Standard Oil" and its Combinations.

How It Fastened Upon the Trunk Lines.

The existence and acts of the Standard Oil Company are frequently referred to in discussing the "railway problem," or questions growing out of the railway establishment of the country, and it is more than likely that many persons frequently read or hear of this giant monopoly without in the least understanding its composition or influences. Indeed, it is probable that were the matter fully understood and appreciated by the great body of citizens of the country, political features and political leaders would "undergo a change" within a short time in every part of the land. Following is an exposition of the subject condensed from the recently published volume, "The Railways and the Republic," a work which throws much light upon abstruse matters relating to the railways of the country and their management, and which is filled with information for those who need it:

"The Standard Oil Company embodies the commercial crimes of the past decade. Its vast wealth has been accumulated in less than 15 years, by speculative manipulations, by bribing legislators, and by distorting law to deny to one man the privileges given to another. The methods by which this company acquired its power, and those by which it exercises that power, show the baneful results of permitting the exclusive control of a great commercial interest to be vested in a monopoly which can oppress the consumer and the producer alike. Throughout the course of intimidation, corruption, defiance of commercial and statute law, and contempt of public justice that marks the rise of the Standard monopoly, one fact is prominent. This monopoly was called into existence and sustained in its most odious tyranny by the persistent and deliberate discriminations of the railways in its favor. Not only the $100,000,000 which that corporation has gathered out of the oil trade in the last 15 years, but its dictatorial power, its unscrupulous crushing of opposition, its control of the speculative features of the business, and the favoritism and sycophany which are essential accompaniments of its absolutism, are the direct results of the advantages which the leading railways of the country gave it by carrying its freights on terms which rendered competition practically impossible. So that while greed, dishonesty, speculative combinations, and disregard of private and public rights are all represented in that aggregation of wrong and injustice, it is simply the embodiment of the gigantic wrongs which the railways have inflicted and have inflicted through the power of discrimination.

"In its inception [illegible] in the refining of petroleum, the Standard Oil Company, formed at Cleveland some 15 years ago under a charter from the state of Ohio, was not essentially different from its two score competitors in the same business. Its capital was $300,000. It was controlled by men who perceived how one refining company might be made master of the trade by combining the railways, and by binding them to its interests by indissoluble ties. It is generally believed that the mind of John D. Rockefeller first comprehended the value of a scheme to unite the favors of all the railways upon his company. His conception first took form in the famous 'South Improvement Company,' an organization for the avowed purpose of controlling the freight business of the oil regions. It induced the three principal trunk lines then engaged in carrying oil to give it, under a secret contract, rebates ranging from 40 cents to $3.07 per barrel, and was guaranteed 'against loss or injury by competition.' In return for this favor it was to insure the railroads a fair division of the freight traffic of the oil trade. The contract provided also that it should receive a rebate on all oil carried for other parties. The contract was signed by the South Improvement Company, on the one hand, and the Pennsylvania, Erie and New York Central trunk lines on the other. The premature publication of the scheme proved its ruin. A storm, such as has never been known before or since, in connection with commercial questions, arose throughout the oil regions. The attempt to create a monopoly fell before the popular clamor.

"But the idea remained. It would be interesting as a psychological study to know whether the conception from which the Standard project sprung included at first the crushing out of all rivalry, and the control of the markets which it finally attained; and no less interesting would be a full knowledge of the methods by which the railways were first bound to the Standard scheme. But no evidence exists on this point, and the matter must be left to conjecture. The fact that the support given by the New York Central and Erie lines to the Standard's monopoly has been unwavering, while the Pennsylvania has at times made vigorous efforts to throw off the yoke, may be taken as evidence that the ties which connected the two former roads to the scheme were closer and more firmly knit than those of the latter.

The Outcome.

"In October, 1874, the railways established the rate of $1.90 per barrel to New York for all refineries, whether located in Pittsburg, Cleveland or the oil regions. This rate affords a marked illustration of the ingenuity with which railway rates can be made to oppress legitimate and independent industry; it utterly discarded the element of distance in the cost of service. The Pittsburg refineries, which required a haul of 60 to 75 miles for the crude oil from the wells, and of 350 miles for their refined product to the nearest point of export, were deprived of their legitimate advantage over the Standard refineries at Cleveland, which required a haul of about 250 miles farther. This was asserted to be for the avoidance of discrimination, but it was nothing but a defiance of the principle that like charges should be made for like service. The fact soon became apparent that the Standard refineries obtained further advantages which enabled them to undersell their competitors in the export markets.

"To prevent the independent refiners of Pittsburg from maintaining their trade against [illegible] the combined Standard and the [illegible] trunk lines, the affiliation of the Baltimore & Ohio railroad became necessary. The termination of a railway freight war which had been waged for some time between the trunk lines, in a general treaty, afforded an opportunity to attach the Baltimore & Ohio to the combination. Heretofore this road had been, in the oil trade, a competitor and a supporter of independent competition. Thereafter it assumed the character of a weathercock, at one time throwing its power on the side of the Standard, and at another breaking away, because its share of the spoils was not large enough. In this case it was reported that a concession to it of a percentage in the live stock traffic from Chicago, and of a differential rate on grain to Baltimore, less by 4 cents than to New York, formed the consideration for which it agreed to desert the Pittsburg refiners and join the other trunk lines. The ties of the other companies to the Standard were by this time so strong that they were ready to make large concessions on other questions to secure the dominion of their darling monopoly. The compact was made, and the rate on petroleum from the pipe lines to the seaboard, over whatever distance the shipments were carried, was fixed at $1.15. Apart from the persistent injustice of ignoring the element of distance in the charges, this rate was not excessive, and the independent refiners could have kept up their competition if the rate had been charged equally to all refiners. It was alleged at this time that this rate was charged on the Standard shipments; but nobody believed this, and nobody was expected to; for, within a few weeks of the promulgation of this rate, the Standard was selling oil in the eastern markets at less than the first cost at the refineries, with the open freight rate added. It has since been discovered that in August, 1875, the New York Central and Erie railroads contracted to give the Standard a rate as low as the lowest net rate to other parties, and to pay the Standard and its affiliated companies a rebate of 10 per cent. on all shipments of oil; and the correspondence of the Standard and the Pennsylvania railroad in 1877 showed that the 10 per cent. rebate on all shipments of oil included not only a special lowering of the Standard's rate, but tax on all the oil which their rivals might ship.

Opposition Crushed.

"In the early part of 1877 the Pennsylvania railroad began to show some discontent under the restrictions which it had imposed upon itself in behalf of the Standard. But the Standard had grown from the position of a bantling, dependent for its prosperity upon railroad favor, to that of a tyrant, which dictated terms to the trunk lines, and administered punishment to disobedient railways by throwing all its traffic on the lines which remained faithful to its interests. Having the Pittsburg refinery interest under its feet, it asserted its power over the railways, and its monopoly of the refining interests in the eastern cities, by ordering the Pennsylvania railroad to refuse the carrying business of the Potts combination. This was an association of eastern refineries, second in magnitude only to the Standard, and rumored to be second also in the discriminations which it obtained from the railways. Beside its refineries in the East, this combination, through the empire transportation company, a subsidiary corporation of the Pennsylvania railroad, controlled a pipe line and considerable producing territory in the oil district. With these facilities, and with a low rate on the transportation of crude petroleum from their pipe lines to their works, the Potts refiners enjoyed a prosperous and expanding business until the Standard determined that the time [illegible]

strike a blow at this rival. The arrogant demand that the Pennsylvania railroad should turn away the freight from the Potts refineries from its depots and close out its interests in the favored corporation was met by a refusal by the Pennsylvania managers, and a freight war, the bitterest that had yet been known, was precipitated upon that corporation. The railway declared that it would make rates for all independent refineries, equal to those given to the Standard. The Standard responded by turning all its shipments on other lines, leaving the Pennsylvania to depend upon the crippled Pittsburg refineries, who had nearly lost their trade, and on the Potts combination for its oil traffic. The Pennsylvania railroad was taught to feel the power of the corporation for whose increase and wealth it was more responsible than any other one agency.

The End Gained.

The great Pennsylvania railroad found that its creature, the Frankenstein, which owed existence and growth to it, was now its master and conqueror. The humiliating fact was acknowledged by a surrender, and the rebellious corporation passed again under the yoke of the Standard in the closing months of 1877.

"The Baltimore & Ohio had again given the Pittsburg refiners a chance to ship their products over its road. This would have preserved the life of the independent refining interest, and could not be suffered by the monopoly. The trunk line influence induced that road to notify the Columbia Conduit Company that no more oil transported by its line would be received on the Baltimore & Ohio. At the same time a proposition was made to that company for a purchase of its pipe line. As the choice was between sale and extinction, the proposition was accepted, the pipe line passed into the hands of the Standard and was torn up, leaving as the only pipe line running to Pittsburg the one connected with the Standard refineries.

"This made the monopoly absolute master of the refining trade. It controlled every avenue of transportation, managed all the largest refineries in the land, and was able to shut off every competitor from either receiving supplies or shipping its product. If any refineries in any part of the land were permitted to run, they owed their immunity to their insignificance. The Pittsburg refiners who had struggled for four years were left without any way of escape, and the rigor of their fate can be perceived from the fact that at the beginning of 1878 nearly every firm of the original refining interests of Pittsburg had either made the best terms practicable with the Standard, or accepted the alternative of the bankruptcy courts. From its original commonplace proportions the Standard had at this time, swelled to a corporation whose wealth was estimated to exceed $30,000,000. The sources from which most of this wealth was drawn may be understood from the disclosures afterward made of the discriminations in its favor. Mr. A. J. Cassatt of the Pennsylvania railroad testified before the New York legislative investigating committee that in 18 months the railways had paid to the Standard the sum of $10,000,000 in rebate. The inference is plain that the rebates paid the Standard during the period of its growth from an ordinary corporation to a complete monopoly were equal to its entire increase in wealth for that time. In other words, its entire profits were comprised within the discriminations made in its favor by the railways."

Upwards of two years ago the wealth of the Standard Oil Company was estimated to have reached more than $100,000,000; and these figures were borne out by the outside world of its properties. Vanderbilt was not the only

[illegible] in this country [illegible] last decade where wealth increased in the hands of one holder at the average rate of $10,000,000 per year. The account given above covers only the railroad side of the great monopoly referred to, and this with little of the detail of circumstantial rendering which would give to the matter its greatest interest. But the public has now the facts in good type, in more than one form and issue, by which it can at leisure make complete estimate of the merits of the subject. It matters little whether the view be taken from economical, commercial or political standpoints, the magnitude of the shame, the corruption, the crime thus wrought will become apparent. The people of this country, it may well be believed, will some day rise in fearful rebellion against this form of wrong. The writer above quoted fairly observes: "As surely as justice and commercial as well as political freedom must finally prevail, the struggle for freedom in this trade will some day be triumphant; but the assertions of the railways to establish and maintain the monopoly make the odds fearful for the time, against freedom and independence."

FOR CONSPIRACY.

$250,000 Damages Claimed.

The Suit of the Buffalo Lubricating Oil Company Against the Standard—Some Strong Allegations.

The suit is one for damages amounting to $250,000. The plaintiff is the only independent company in Buffalo and has been successful in a number of suits against the Standard people, the last being one tried here lately in which $20,000 was awarded them. The complaint in that case was so drawn that the charges of conspiracy could not be tried, and this suit is the result. The complaint is as follows, as amended by Judge Childs, at the Special Term of Supreme Court, held in Buffalo this week. As this is one of the most important suits ever brought in this country, it will be watched with the deepest interest by all parties interested in open competition and free trade as against monopolies and their unlawful methods. The defendants made a motion to strike out a large number of allegations in the complaint. The motion was denied, with the exception of two items, and this is the complaint, amended as follows:

SUPREME COURT, ERIE COUNTY.—The Buffalo Lubricating Oil company, limited, against Hiram B. Everest, Charles M. Everest, John D. Archbold, Henry H. Rogers, the Acme Oil company, the Vacuum Oil company, and the Standard Oil company, of New York.

The plaintiff, by Charles E. Forsyth, its attorney, for complaint against the defendants upon information and belief, makes each and every of the following allegations, to wit:

(1.) That it is a domestic corporation, duly organized in the year 1881, and having its place of business in the city of Buffalo and county of Erie; that its business was, and is that of manufacturing and selling oil, especially that of refining crude petroleum, and manufacturing therefrom lubricating and burning oils, and other products; that it was, and is the owner of valuable lands and expensive buildings and machinery in said city, adapted to the carrying on of said business; that said business can only be carried on by means of complicated machinery and scientific processes; that it was, and is obliged to employ in and about said business skilled superintendents, workmen and other laborers, for the reason that ordinary superintendents, workmen and laborers are unable to understand said processes, and apply them in the use of said machinery in said business. That prior to July 1, 1881, and since January 1, 1863, it had, and now has the means and facilities for manufacturing oils and other products of a superior quality in large amounts; that from July 1, 1881, to July 1, 1882, and for some time thereafter, said business was a highly profitable [illegible] productive one, and there was [illegible] barrels of manufactured [illegible] oil of from $1 to $5 per barrel; [illegible] was a ready demand for all such lubricating and burning oils as could be made, and put upon the market, and plaintiff had, or expected to have upon the completion of its works, capacity to manufacture and put upon the market about 20,000 barrels of lubricating oil per annum at that time, upon which it could and would receive a profit of about $140,000 over and above all costs of manufacturing, cost of materials, expenses for labor, insurance, and interest upon the capital invested. That prior to July 1, 1881, it had facilities for, and intended to increase its capacity to manufacture crude petroleum into said products, both as to amount and variety, and this was well understood by each and every of the defendants herein, and the conspirators herein referred to, and it was well understood by each and every of them that plaintiff was about becoming, and was likely to become a powerful rival in said business; that plaintiff was prevented from doing such business and realizing said profits, except in a small way, by reason of the facts hereinafter stated.

(2.) Plaintiff further alleges upon information and belief that the Standard Oil company of Ohio, is a foreign corporation organized under the laws of the state of Ohio and doing business in the city of Cleveland; that it was and for many years had been such a corporation in the year 1881; that its business was and is that of producing crude petroleum and manufacturing it into the various products that may be made therefrom; that the business of said corporation then extended and now extends over all of America and the continent of Europe, and in the early part of 1881 it controlled the business of producing, manufacturing or selling crude petroleum and its products in the state of New York and elsewhere. That the Acme Oil company is a domestic corporation, which was organized prior to 1872, and still exists; that it was organized by the officers and other stockholders of the Standard Oil company of Ohio in the interest of the Standard Oil company of Ohio and for the purpose of furthering the interests of the Standard Oil company of Ohio; that its ostensible business was and is the same as that of the Standard Oil company of Ohio; it was by the means of the organization and control of the Acme Oil company and other agents, dealers and refiners that the said Standard Oil company of Ohio, was enabled to control the business of producing and selling crude petroleum and its products in the state of New York and elsewhere as aforesaid, the Standard Oil company of Ohio also employing other means for the same purpose; that the president, principal stockholder, and moving spirit of the Acme Oil company was and is John D. Archbold, who was and is largely interested in the Standard Oil company of Ohio, and was and is one of its executive officers; that one of the means by which the Standard Oil company controlled said business of producing and selling oil was by having the Acme Oil company hire the principal officers or servants of any rival or competitor in business for a given number of years, and prohibiting said officers or servants or rivals and competitors from engaging in the same business in which the Standard Oil company and Acme Oil company were engaged; that another means by which it accomplished the same purposes was by buying a majority of the stock of rivals and competitors, and thereby controlling them and their operations, and either running them in the interest of the Standard Oil company of Ohio, and the Acme Oil company, or entirely stopping all operations on their part as rivals and competitors of said corporations. That the Acme Oil company was and is a corporate

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tio corporation, located at and doing business in the city of Rochester, N. Y.; that it was organized about the year 1866 and has been doing business since that time, its business being the same as that of the plaintiff, the said Standard Oil company and the Acme Oil company; that its principal organizers and promoters were Hiram B. Everest and Charles M. Everest, his son; that its capital stock consisted of 100 shares, a majority of which were owned by the said Hiram B. Everest and Charles M. Everest prior to the year 1879; that the amount of money originally paid in by the stockholders of the said Vacuum Oil company for the purpose of furnishing it with buildings and machinery and doing business was about the sum of $13,500; that prior to 1879 the said Vacuum Oil company was a competitor and rival in business of the Standard Oil company of Ohio and the said Acme Oil company; that for the purpose of stifling all competition in said business and absolutely controlling the market, the Standard Oil company of Ohio and its shareholders, about the month of July, 1879, did purchase seventy-five of the 100 shares of stock of the Vacuum Oil company for the sum of two hundred thousand dollars, ($200,000), which shares of stock were transferred to the Standard Oil company of Ohio, or the persons acting in its interest, by said Everests and other shareholders of said Vacuum Oil company; that the person who transacted the business in behalf of the Standard Oil company of Ohio was John D. Archbold, and the persons who transacted it on the part of the Vacuum Oil company were the said Everests; that at the same time the Acme Oil company, acting in the interest of said Standard Oil company hired the said Everests for five years, with the privilege of ten years, at a salary of ten thousand dollars a year, to manage the Vacuum Oil company in the interests of said Standard Oil company and the said Acme Oil company, it being understood that said ten thousand dollars a year should be divided between said Everests as they saw fit, and said Everests being bound by contract with the said Acme Oil company to discontinue an independent oil business, which they were then conducting, and to refrain from becoming a competitor of said Standard Oil company and Acme Oil company for ten years from that time; that since July, 1879, the said Vacuum Oil company has ceased to be a competitor of the Standard Oil company and the Acme Oil company, and has been managed in their joint interest by the said John D. Archbold, the said Everests remaining in nominal control of the said Vacuum Oil company; that the said Everests have since owned and now own a majority of the twenty-five shares of stock not owned or controlled by the said Standard Oil company and the said Acme Oil company. That the Standard Oil company of New York is a domestic corporation, organized by the officers and shareholders of the Standard Oil company of Ohio and the Acme Oil company for the purpose of furthering their interests about the year 1882; that its business is the same; that its capital is $5,000,000, and was to be and has been mainly used for the purchase of any competing interests in said business that might start or be organized; that it has or claims to have had some interest in the Vacuum Oil company of Rochester from and since that time; that since 1882 it has had some voice in the management of the said Vacuum Oil company of Rochester. That the defendants Rogers and John D. Archbold and one McGregor are the nominal owners of the seventy-five shares of stock of the Vacuum Oil company, purchased by said Standard Oil company of Ohio, and said stock of the Vacuum Oil company was nominally transferred to them; that prior to 1882 they held said stock in trust for the Standard Oil company of Ohio; that since 1882 they held said stock in trust for the said Standard Oil company of New York. The said Hiram B. Everest has been the vice president thereof.

(3.) That prior to the year 1879, and in the year 1879, the said Standard Oil company of Ohio, the Acme Oil company, John D. Archbold, Henry H. Rogers, and one McGregor, and other persons and corporations to plaintiff unknown, confederated and conspired together for the purpose of preventing any and all persons and corporations from producing crude petroleum, or transporting the same, or manufacturing or selling the same, or from exercising any lawful trade or calling in connection therewith, and for the purpose of driving from the business any persons or corporations then engaged therein; that they obtained control of the Vacuum Oil company, and have since controlled the Vacuum Oil company for that purpose; that the Vacuum Oil company became a party to said conspiracy, and ratified the same; that they organized the Standard Oil company of New York for that purpose, and the Standard Oil company of New York became a party to said conspiracy and ratified it; that pursuant thereto, said parties to said conspiracy have acquired control of various corporations since organized, for the purpose of controlling said business, among them being the Phœnix Oil company of Buffalo and the Atlas Oil company of Buffalo; that said conspiracy still exists.

(4.) That pursuant to said conspiracy, and as a part thereof, the said Standard Oil company of Ohio, the said Vacuum Oil Company, and Acme Oil company, and said Hiram B. Everest, Charles M. Everest, John D. Archbold, Harry H. Rogers, and said McGregor (they having ascertained in the month of March, 1881, that the organizers and promoters of the plaintiff proposed to organize the plaintiff for the purpose of carrying on its said business), they, the said Standard Oil company of Ohio, the said Acme Oil company, the said Vacuum Oil company, the said Hiram B. Everest, the said Charles M. Everest, the said John D. Archibald, the said Henry Rogers, and the said McGregor, with other persons and corporations to plaintiff unknown, did confederate and conspire together being induced thereto by malice, jealousy, and avarice, to deter and prevent the organizers and promoters of the plaintiff from organizing and promoting the same; and they, being organized about June 3, 1881, each and every said persons and corporations about June 8, 1881, did confederate and conspire together at Rochester, N. Y., and elsewhere, being induced thereto by the motives aforesaid, to prevent the plaintiff from carrying on its said business in the city of Buffalo; and to cripple and bankrupt said plaintiff; and to prevent the sale of its oils; and to destroy its reputation; and to induce the belief and create the impression that it had no right to manufacture its oils, or carry on its business; and to destroy it as a competitor of the Standard Oil company, the Vacuum Oil company, and the Acme Oil company; and the other confederates and persons engaged in said business; and to circulate the report and create the belief that the plaintiff's oils were of inferior quality; and to prevent the plaintiff from obtaining crude petroleum for manufacturing purposes at reasonable prices; and to seduce or cause to leave the employ of the plaintiff its officers, skilled workmen, and employees; and to hire away its officers, skilled workmen, and employees, and to hire them to so negligently conduct its business, by misplacing pipes and machinery and making unnecessarily hot fires, as to cause an explosion and fire, and to destroy its works; and to obtain from the superintendent, employees, and workmen of the plaintiff a knowledge of the business and secrets of plaintiff, for the purpose of enabling them the more completely to ruin and bankrupt the plaintiff, and to get control of pipe lines and other means of transportation, and extort from plaintiff more than the reasonable and lawful price for carrying oil; and to get plaintiff's superintendents, workmen and other employees to disclose the business secrets of plaintiff, for their own benefit, which had no foundation and merit; and to hire and pay witnesses to testify in said actions to certain things as being facts which said conspirators well knew were not facts, and said conspirators well knew said persons and witnesses would be swearing falsely and committing perjury; and to represent to plaintiff's attorneys, superintendents, workmen and employes and witnesses that plaintiff was irresponsible and about to burst up, and other like statements, and that they would lose their pay unless they caused plaintiff to secure, or pay it to them, for the purpose of injuring the credit of plaintiff, and of preventing it from obtaining its rights and of compelling it to pay out large sums of money when it was inconvenient for it to do so; and to bring actions in the state and United States courts, which had no foundation in fact or merit, for the purpose of compelling plaintiff to incur needless expense in their defense, and for the purpose of more completely creating the impression that plaintiff had no right to conduct its business; also with the unlawful and wrongful design and purpose of making the said conspiracy effectual in ruining the plaintiff and destroying its business by compelling it to employ lawyers and incur heavy and continuous expense in defending vexatious actions brought in carrying out and accomplishing said conspiracy, and to cause the officers and employes of plaintiff to so construct its works and place the parts thereof necessarily constructed of wood in close proximity with fires, that explosions would be likely to take place which would result in fire and its destruction; that the Standard Oil company of New York has since become a party to and has ratified said conspiracy.

(5.) The plaintiff further alleges, upon information and belief, that in the carrying out of said conspiracy and in pursuance thereof, the said conspirators, about the time the plaintiff commenced business, enticed one Alfred A. Miller, who was an officer and skilled workman of plaintiff, acquainted with and accustomed to the manufacture of oils, and who had worked for the plaintiff, to leave plaintiff's employ, and induced him, the said Miller, to work for them, and in their interest, and in the interest of those who defendants represented; that they induced the said Miller to so construct the works of the plaintiff that its tailhouse, constructed of wood, was in dangerous proximity to its furnaces and fires, and so construct the safety-valves of its apparatus that they would not answer the purposes for which they were designed, and an explosion might take place by reason thereof; and to build unnecessarily hot fires under its stills for the purpose of destroying the crude petroleum therein and changing it into gas, and causing an explosion and fire; and that about the 15th of June, 1881, and prior thereto, at the works of the plaintiff in the city of Buffalo, the said Albert A. Miller did undertake to carry out his instructions, in whole or in part, and did construct the works the works of the plaintiff in the manner aforesaid, and did render said safety-valves useless, and did cause to be built under the stills of the plaintiff an unnecessarily hot fire, and did undertake some, or all, of the other things, which said conspirators so induced him to do; that said Albert A. Miller was then the superintendent of plaintiff, and had control of its men and works; that after said Miller caused said unnecessarily hot fires to be made for the purpose of destroying plaintiff's works, apprehending the danger that was imminent, did leave said works, and a charge of 500 barrels of crude oil in one of plaintiff's stills was destroyed and converted into gas, and coke, and tar, and other valueless products, and plaintiff did narrowly escape the explosion and destruction thus planned and intended. That thereafter and about the 1st of July, 1881, said Miller, at the instance and request of the defendants, did leave the plaintiff's employ and enter the employ of the said conspirators, partly to escape the discovery of the fact that he was in a conspiracy with said conspirators to destroy the plaintiff, and partly for the purpose of leaving plaintiff without a person competent to finish the construction of its works, which were then incomplete, and which he had engaged to construct, he being then under contract of employment with plaintiff, having nearly five years to run before it should expire, as said conspirators well knew; and also for the purpose of preventing the plaintiff from using its property and machinery for the purpose of manufacturing said oils, and selling of the same, as said conspirators and said Miller knew plaintiff would be unable to do without the aid and assistance of said Miller; that said conspirators well knew they controlled and had in their employ all men of sufficient skill and experience to finish the construction of the plaintiff's works and superintend the manufacture of oil therein, and they induced said Miller to leave the plaintiff in part for the purpose of rendering plaintiff's property useless, and preventing plaintiff from engaging in said business. That said conspirators also well knew that plaintiff had then made and was making large and profitable contracts with customers to furnish them with lubricating oils, which it intended and expected to manufacture, and seduced Miller from plaintiff's employ for the purpose of preventing plaintiff from filling or realizing the profits on said contracts; that the defendants had no need of the services of Miller, and seduced him from plaintiff's employ for the sole and only purpose of destroying plaintiff and its business and the other purposes aforesaid; that the defendants put said Miller at no profitable business, but concealed his whereabouts from plaintiff and from his own family and friends, and paid his expenses on pleasure excursions and supported him in idleness, and paid his expenses to and from California, and paid him a salary of $125 a month, besides his expenses, from July 1, 1881, to August, 1889, and over and above said salary and expenses made Miller a present of $1,000; that in further pursuance of said conspiracy the said conspirators in the month of June induced said Miller to fraudulently transfer his property to others, that the plaintiff might be unable to recover damages of him for the breach of contract of employment with it, and for destroying its works, business and oil; that in further pursuance of said conspiracy in the month of September the defendants did send said Miller, with their attorney, to the city of Buffalo, and did cause said Miller to offer his services to the plaintiff, that they might claim, if the plaintiff refused them, that no damage had been done plaintiff, and did cause said Miller to attempt to sell the stock, which he then had in plaintiff, and to be released from all liability as a stockholder in plaintiff, that when the destruction of plaintiff was complete no loss should result to said Miller as a stockholder, or by virtue of the breach of his contract of service, or that said Miller might make such claim as a defense, if he should be sued for damages by plaintiff; that two of the stockholders of plaintiff, not knowing of said conspiracy, did buy the stock of said Miller, and one of them did execute a release to him,

covering his liability as a stockholder, in the name of the plaintiff; that said stockholders or plaintiff did not then know of said conspiracy, and of the acts that Miller and the defendants had perpetrated pursuant thereto; that said plaintiff did not release said Miller from his liability as a stockholder in it, or for damages resulting from his breach of contract as an officer and employe or for all damages resulting to it by virtue of said conspiracy and his acts as one of said conspirators, because its board of directors, as a board, never knew or approved thereof. That the defendants pursuant to said conspiracy, and in furtherance thereof, in order to induce said Miller to leave plaintiff's employ, did promise him that they would stand between him and all harm, and they would save him from any financial or other difficulty, and that they would fully indemnify him from any and all damages and claim of damages the plaintiff might make against him by reason of the acts he was about to do and did do as aforesaid. That by virtue of the enticement of Miller from plaintiff's employ, and from want of a skillful superintendent to finish the completion of its work in less than about a year, and was compelled to make costly and tedious experiments for the purpose of completing them, and was compelled to keep numerous men at work without a skillful superintendent for that purpose, and by reason thereof it was compelled to pay out upwards of $10,000 for the construction of its work unnecessarily, and which it would not have been compelled to pay out had said Miller remained in its employ. That by reason of said Miller leaving the employ of plaintiff it was unable to fill a contract with the Michigan Central Railroad company for 600 barrels of lubricating oil made in the year 1881, from which there would have resulted a profit of about $1,000, and it was unable to fill another contract with Crew & Levick of Philadelphia, made in the year 1881, for 1,000 barrels of lubricating oil upon which there would have been a profit of about or upwards of $7,000; and plaintiff was unable to satisfactorily fill other contracts by reason of being unable to make a satisfactory grade of oil without the aid of said Miller. That if said Miller had remained in plaintiff's service it would have been enabled to make about 20,000 barrels of lubricating oil, which it would have been enabled to sell, and upon which it would have realized a profit of about $140,000; that instead thereof it was only enabled to make about 5,000 barrels of lubricating oil, and its business for the year 1881 and 1882, ending July 1, 1882, resulted in a loss of about $8,000. The plaintiff was also prevented from building up a reputation for manufacturing a superior quality of oil, and from building up a market for its products, and from obtaining the real value of its products; that it lost customers in the trade, and was prevented and deterred from expanding and increasing its business as it otherwise could and would have done. That the value of the oil burnt up by said Miller was about the sum of $186. That as soon as plaintiff's employes were enabled by experiments to obtain sufficient knowledge to make a superior quality of oil and to compete with said defendants, the said conspirators reduced the price of oil in every part of the country reached by plaintiff's products to a point at which there was little or no profit, while maintaining prices in parts of the world not reached by plaintiff's products, which gave it a profit of from 300 to 500 per cent. That pursuant to said conspiracy, said conspirators did employ detective agencies, and did seek through them to obtain knowledge of plaintiff's business and ways, and did obtain through them knowledge of plaintiff's business and ways, for the unlawful purpose of furthering its schemes for the destruction of plaintiff; that they did cause said detectives and other agents to single out the workmen of plaintiff who were particularly skilled in its affairs, and to bribe them, and to obtain knowledge and information from them concerning plaintiff's business and ways; that said detectives and other agents of said conspirators, pursuant to said conspiracy, did attempt to hire from plaintiff's employ its skilled workmen, and did offer them large sums of money to leave the employ of plaintiff and enter the employ of Standard Oil company. That pursuant to said conspiracy, the said conspirators did in the year 1881 cause an action to be brought against one J. Scott Wilson, which action had no foundation in fact, merit, or law, as said conspirators well knew, and was brought against said J. Scott Wilson upon the pretense that he had damaged the Vacuum Oil company by leaving its employ, and that he had no right to leave its employ; that said action was brought against said J. Scott Wilson pursuant to said conspiracy, for the reason that it was well known by said conspirators that he was the salesman who was making large sales of oil for plaintiff, upon which plaintiff was realizing, or was about to realize, large profits upon the oil sold and contracts made by him; and said conspirators hoped and intended by said action to compel said J. Scott Wilson to leave the employ of plaintiff, and thereby to prevent plaintiff from selling its oil, or make profitable contracts therefor, or realizing profits thereon; that said action did withdraw said J. Scott Wilson from the employ of plaintiff and the present plaintiff from making valuable contracts and large sales of oil, and from realizing profits thereon, and did cause the wife of said J. Scott Wilson to withdraw financial aid and support from plaintiff, as said conspirators also intended such action should do; that after said action had been so brought, and said J. Scott Wilson by reason thereof had ceased to work in the interest of plaintiff, and had ceased to be in its employ, and the wife of said J. Scott Wilson had withdrawn her financial aid and support from plaintiff, the said conspirators did withdraw said action, and did pay the costs thereof, and did pay the attorney of said J. Scott Wilson his fees and expenses therein, said J. Scott Wilson having incurred some expense in said action by his withdrawal from plaintiff. That pursuant to said conspiracy, said conspirators did cause various other groundless actions to be brought against plaintiff on various pretenses which are hereinafter more specifically set forth; that in and about said actions, said conspirators did employ various persons, attorneys and witnesses; that in the prosecution of said actions, said conspirators did cause said agents, attorneys and witnesses to represent and pretend that they were real and meritorious actions, when they well knew they were not; that in and about said actions, said conspirators did pay large sums of money to various persons for testifying to various things with reference to plaintiff and its method of doing business, and the business it did, and said conspirators well knowing that many of the statements made by said persons and witnesses under oath in its behalf were false, and that said witnesses knew them to be false; that by reason of said false statements of the agents, attorneys and witnesses of said conspirators, the plaintiff was put to great expense for attorneys and witnesses to defend said groundless actions, and to show and establish in the court they were groundless, and that the pretended facts testified to by such witnesses were not facts in reality; that said conspirators, pursuant to said conspiracy, the more to injure plaintiff, did cause their attorneys, agents, servants and employes to represent to the officers, attorneys, workmen and witnesses of plaintiff that they would [illegible] their pay in said actions [illegible] [illegible] because [illegible] [illegible] [illegible] ity, or [illegible] substance, [illegible] attorneys, agents, [illegible] and employes of said conspirators [illegible] such [illegible] in substance [illegible] officers, attorneys, agents, servants and [illegible] of plaintiff, in said litigations, to the great damage of the credit and good name of the plaintiff; that said conspirators, pursuant to said conspiracy, did obtain control of pipe lines and other means of transportation used in transporting crude petroleum to Buffalo, and by means thereof did extort from plaintiff the unlawful sum of twenty-five cents per gallon for transporting such crude petroleum, and still continued so to do, although before said conspirators obtained control of such means of transportation, the legitimate expense of transporting crude oil to Buffalo was [illegible] it has been since, or is now, and [illegible] was able then, while such means of transportation was not controlled by said conspirators, to obtain transportation of crude oil to Buffalo at ten cents per gallon, which furnished a reasonable profit to the persons and [illegible] who transported the same.

(6.) The plaintiff further alleges upon information and belief, that pursuant to said conspiracy, and for the purpose of carrying it out, the said conspirators, by letters and other means, requested various customers not to purchase oils from plaintiff, and represented that plaintiff's oils were of interior quality, and plaintiff had no right to make said oils; that plaintiff was an unreliable concern, and that they would "close" plaintiff up, or destroy plaintiff as a business competitor within three months, and threatened said customers with lawsuits and expenses if they continued to patronize the plaintiff and purchase its commodities, and employed one Stern to make said statements, and he did make said statements at Boston and other places in Massachusetts and various parts of New England, to residents and other customers of the plaintiff, and by reason thereof plaintiff lost many of said customers, and much of their trade and business, and suffered great injury in its business. That said conspirators, by their agents and servants, did falsely represent to customers of plaintiff that said conspirators, or some of them, had patents that covered the entire product of plaintiff's manufacture, and that plaintiff had no right to make the oils it was then making, and that all who bought oils of plaintiff were infringing the patents of some, or all, of said conspirators, and that one or more of said conspirators would bring actions for such infringement of the patents of some, or all, of said conspirators; that by reason thereof the said conspirators did prevent many of the customers of plaintiff from purchasing oils of it or from dealing with it, and did take from plaintiff many of its customers, to the great damage of plaintiff.

(7.) The plaintiff also further alleges upon information and belief that in pursuance to said conspiracy, and in the furtherance thereof, the said conspirators caused another action to be brought in the United States circuit court in the name of said Vacuum Oil company against the plaintiff upon the claim and pretense that the plaintiff had infringed upon certain patents relating to the manufacture of oil, and had no right to manufacture lubricating oils of the character and description which it was manufacturing; that said action was thereafter brought to trial, whereupon said court determined that it had no foundation in merit or fact, and made and entered a decree dismissing the same with costs against the said Vacuum Oil company; that the costs and expenses awarded the plaintiff by said decree were totally inadequate to reimburse the plaintiff the expense to which it was put [illegible] employing lawyers and defending said action; plaintiff was put to an expense of $5,000 and upwards. Plaintiff was also greatly annoyed and harrassed by said action, and said conspirators made said action a pretext for circulating reports to the effect that plaintiff had no right to manufacture or sell its oils, and to threaten plaintiff's customers with litigations if they bought or dealt in them, as said conspirators did do by their agents and servants, whereby plaintiff lost customers, trade, and profits; that said action was wholly without merit in law or fact, as were said patents, as said conspirators well knew when it was brought; and it was brought solely and only pursuant to said conspiracy for the purpose of annoying and destroying plaintiff, and its trade and business. That the bill in said action was verified by Charles M. Everest on the 18th day of February, 1882.

(8.) The plaintiff further alleges, upon information and belief, that in further carrying on said conspiracy, and in pursuance thereof, the said conspirators in or about the month of April, 1883, caused another action to be brought in the name of the said Vacuum Oil company, the bill in which was verified by the said Charles M. Everest, April 17, 1883, against the plaintiff, on the claim and pretense that plaintiff had infringed upon certain patents relating to the manufacture of oil, by using certain apparatus which was patented and which it had no right to use; that said action was thereafter brought to trial, whereupon it was dismissed upon the ground that it had no foundation in fact or law; that over and above the costs awarded plaintiff, when said action was dismissed, it was compelled to incur liabilities and expend moneys to a very large amount, and the amount of money which plaintiff was compelled to expend in said litigation for lawyers and other expenses and liability incurred was about $2,500 or upwards; that said conspirators well knew said action and patents were entirely unfounded in fact or merit when they brought the same, and said conspirators caused said action to be brought solely and only as a part of said conspiracy, for the purpose of ruining and bankrupting plaintiff, and of making it a pretext upon which to threaten plaintiff's customers with lawsuits if they bought or dealt in its oils, as said conspirators by their agents did so, whereby plaintiff was annoyed and lost many customers and much trade and profits.

(9.) The plaintiff further alleges that it has sustained great losses and damages, which have been inflicted upon it by virtue of the said conspiracy, and the acts of the conspirators done in pursuance thereof; that it has lost customers and trade, and has been prevented and deterred from expanding and increasing its business, as it otherwise could and would have done; that the conspirators intended that plaintiff should be destroyed, put to expense, and lose customers, trade and profits as the result of their conspiracy; that the customers, trade and profits which the plaintiff lost by reason thereof, said conspirators intended to gain, and did gain, for themselves; that the plaintiff is unable to accurately measure and definitely state the full amount of injury which it has suffered by reason of said conspiracy, and the acts done pursuant thereto. Wherefore the plaintiff demands judgment against the defendants for the sum of $250,000, besides the costs of this action.

CHARLES E. FORSYTH,
Plaintiff's Attorney.

This complaint is duly sworn to by Mr. Charles B. Mathews, president of the company.