

Frear Demands Surtaxes From Standard Oil

Insists That Mellon Collect on \$437,580,357, or 44 Per Cent Profit a Year by New Jersey Subsidiary

Asks U. S. Investigation

Says Company's Statement 'Money Is Needed in Business' Should Be Questioned

WASHINGTON, Nov. 12.—Charging that the Standard Oil Company of New Jersey, according to its own figures, has "held in surpluses, \$437,580,357, or 44 per cent additional profit every year" from Wisconsin, in a letter to Secretary of the Treasury Mellon made public to-night, demanded that penalties be imposed.

Mr. Frear inquired whether it is not prima facie evidence that the purpose of the company was to "prevent the imposition of the individual surtax on its stockholders."

"If you claim it is not," Mr. Frear threatens, "then indeed Congress has a duty to perform in reaching by law the undisturbed surplus that thus avoids individual surtaxes."

Indicates Radical Purposes
Mr. Frear being an earnest worker in the La Follette political vineyard, his letter to-night is of more than usual interest as indicating one of the purposes of the radical element which will be so materially strengthened in the next Congress as the result of Tuesday's election.

The letter says in part: "In ten years from 1912 to 1922, inclusive, the company (New Jersey Standard Oil subsidiary) has shown net earnings before taxes of \$775,163,260. Of this sum \$152,677 has been paid for taxes; \$222,958,238 represents aggregate dividends, and \$437,580,357 has been absorbed by the needs of the business."

44 Per Cent Annual Profit
This shows, if interpreted correctly, that Standard Oil of New Jersey, the subsidiary company under discussion, made in profits in ten years 776 per cent, or 77 2/3 per cent annually; that after paying taxes it distributed 220 per cent in cash dividends, or 22 per cent annually to its stockholders, and in addition to this enormous profit it laid by in surpluses \$437,580,357, or 44 per cent additional profit every year.

"On this showing I ask you it is possible that you cannot find question in your mind for the imposition of penalty provided in Section 220, and is it not a fact that your commissioner has failed to demand of Standard Oil a statement of its 'needs in business' and has refused to enforce the penalty provided in Section 220, acting under your advice in the matter? Is it not prima facie evidence that the purpose of setting aside 437 per cent surplus in

Endeavorers Ask Ban On Statute of Brewers

READING, Pa., Nov. 12.—By unanimous vote and without debate, the Berks County Christian Endeavor Union, in annual convention last night adopted resolutions asking the City Council to remove the statue erected in 1885 in City Park, near the entrance to the Berks County Prison, in honor of Frederick Lauer, who died in 1883. It was erected by the United States Brewers' Association, of which Lauer was president. The Christian Endeavor convention took the view that the statue, in view of prohibition times, has no right to remain in the park. City Councilmen refused to-day to talk about the resolutions until they have had a conference.

Lauer was one of the leading business men here for many years. He was perhaps the leading brewer in the country in his day. Born in 1816 in Germany, he came to America when thirteen years old and for many years was active in business and politics. He was a city councilman, a railroad director and a trustee at Keystone State Normal School, Kutztown.

ten years was to prevent the imposition of the individual surtax on its stockholders. If you claim it is not, indeed, Congress has a duty to perform in reaching by law the undisturbed surplus that thus avoids individual surtaxes.

"You say that after the stock dividends are paid the statute still applies. I ask you frankly, why should not apply before the dividends are declared when the evidence has been submitted, and further ask you in all sincerity what cases, if any, have been required by you to pay a penalty under Section 220. I ask this because the press states that the Commissioner of Standard Oil has never asked the 'needs in business' that would reach 400 per cent surplus accumulated in ten years. Again I ask you what I do not make this inquiry out of curiosity, but call your attention to 'Investment Opportunities,' Volume 4, No. 11, New York, 1922, published, I believe, in New York, which contains many blank applications for investments in Standard Oil stock, and which states in its introductory paragraph, page 1, as follows:

"Since we were last privileged to address you, two dominant factors in world finances have made decisive movements. Andrew Mellon, banker, oil magnate and capitalist secretary of our treasury, controlling the immensely wealthy Gulf Oil Corporation, inaugurated the stock dividend and led the movement with a 300 per cent stock dividend. The stock jumped from \$400 to \$800.

Rockefellers Followed
"The Rockefellers followed immediately by deciding to distribute the Standard Oil surplus. The Standard Oil of Kentucky, California, New Jersey, New York and Vacuum followed with the distribution of from 100 to 400 per cent. Nearly thirty Standard Oil companies are 'possible' American Radicals and National Biscuit companies were doubtless influenced, and also declared large stock dividends. Many others will follow.

"Our last issue indicated these possibilities. (Page 5, September, 1922.) The probable effect on future American markets is not exaggerated. Nothing like it has ever happened before—and is unlikely to happen again in a generation."

"This startling statement made by an investment journal and reputable source, I take it, in New York, terms you as the capital Secretary of the Treasury controlling the immensely wealthy Gulf Oil Corporation, that inaugurated the stock dividend and led the movement with a 300 per cent stock dividend, and that Rockefeller companies simply followed your lead.

"Also the significant statement 'nothing like it has ever happened before' and is unlikely to happen again in this generation.' Standard Oil stock applications were attached and offered for sale with this announcement. If I have incorrectly quoted or misstated, I shall be glad to be so informed and will make full correction.

"Your statement to the press that this year's Treasury deficit will reach \$670,000,000 (due in large part to the \$450,000,000 excess profits tax repeal urged by you) is also noted and while hundreds of millions of dollars in penalties and surtaxes doubtless may be collected under Section 220, as intended by Congress, to my mind other factors in the case heretofore referred to are of greater importance. Only secret records and secret administration of law makes this startling situation possible. In the next letter I may carry coals to Newcastle when indicating the purpose and effect of Section 220 as distinguished from the stock dividend decision.

"Extended editorial comment by 'The Times,' 'The Commercial' and 'The Wall Street Journal' all speak from the viewpoint of a distinguished New York banker, who said he spent one month in making up his tax return and eleven months in trying to avoid his tax. Apparently, your solution will be a happy one for him, but I feel sure it is not that contemplated by the average legislator when the law was enacted.

"Renewing my observation that it is an incongruous situation that asks you to enforce Section 220, but again urging a revision of the penalty therein provided to reach abnormal surpluses, I am, very sincerely yours, JAMES A. FREAR."

Enroll Every American, Red Cross Roster Plan

"Duty and Privilege to Give All the Opportunity," Says Payne's Message

WASHINGTON, Nov. 12.—A message urging the 200,000 men and women actively engaged in the annual roll call to enroll "every American everywhere" on the American Red Cross roster was issued to-day by John Barstow Payne, chairman of the organization. Telling the workers "You are to call the roll among your neighbors and friends from now until Thanksgiving Day," Chairman Payne pointed out that "It is both your duty and your privilege to give every American the opportunity to consecrate himself anew to service under the banner of the Red Cross."

"The stupendous task of relieving the misery of more than half a million men, women and children who have been driven out of Asia Minor and eastern Turkey by the Greek-Turkish War," he added, "is only one of the many grim tragedies which the Red Cross is meeting."

Wanting to Die in Sing Sing, Big Ben, 78, Steals to Go Back

"I'm Gettin' Pretty Old Now," Says Habitual Convict, Crowned Gray During Forty Years of Sojourns in Ossining, as He Pleads With Judge for Life Term

The oldest policeman on the force, and the youngest, too, for that matter, knows Ben Garner, "Big Ben" Garner, who for the last forty years gravitated between the lower East Side and Sing Sing, was a petty thief, and a hard luck one, too. Year after year he faced the judges, his tall figure stooping just a bit more, age cross-hatching a few more lines into his wizened face and his clothes just a bit more mused and dirty. He knew more about the inter-cell communication at Sing Sing than he did how to write his name. Each time his mustache was frosted just a bit whiter.

Sometimes he had quite a bit of money, but most of the time he didn't. Easy come and easy go was his motto. A short time ago Big Ben was seventy-eight years old. Winter was coming on, pickings were not so easy as they had been and there was always that chance that some younger victim would bash his head in. He couldn't run so fast as in the old days.

So yesterday Ben set out to get a permanent home, not having had an address in seventy-eight years. He walked into the hardware store

of Nate Waxburg, at 746 Ludlow Street, near Grand, and, waiting until Nate's eyes were on him, grabbed a package of hardware cards slowly packed out. Nate caught him before he had gone fifteen yards.

At the Clinton Street station they let down Detectives Rosenberg and Hayes, who immediately recognized Ben as a thief with a police record as long as your arm.

"Hello, Ben," said Detective Hayes. "What's the big idea?"

"Well, Jack," replied Ben, surrendering the thirty-dollar package of nondescript hardware junk. "I'm gettin' pretty old now. Hope the judge'll give me a life stretch up the river. I want to die in Sing Sing."

His only regret seemed to be that the theft didn't come within the grand larceny mark.

"Life's too tough," he told the lieutenant at Clinton Street. "Here I am, an old man, ar' I ain't got a dime. What's it all about, anyway?"

So Big Ben will tell it to the judge to-day and see if he can't go back and live with Warden Lewis E. Lewis, who is an old acquaintance.

you have always shown me, and because of your own energetic and representative activity. But we do know that, although in a majority of instances the men who have become chairmen through seniority have been those who were untried for their posts, by reason of extreme old age or of failing health, or because of grave differences of opinion with the majority of their Republican associates, but as the right of the duty of a Senator to assert his independent opinion or to differ with the executive is constitutionally elected to represent his constituents, according to his best judgment and his conscience, but the chairman of a committee acts not in his sole representative capacity but as the representative of the majority of that committee and the majority in the Senate to which he belongs. Nay, more, he is the executive agent of the committee, and required vigilantly to prepare for the consideration of the bills reported by it.

"The old system served very well in the old days, in the majority of cases, as I have already said, the majority of chairmen who have come to their posts under the seniority rule have been representative and capable chairmen, but the Republican conference and the Republican steering committee owe it to the country to put aside the rule, just as the conference owes it to the country to make provision for the selection of a truly representative steering committee which shall meet regularly and which, as occasion may require, shall meet with the corresponding committee of the House. There is no other way in which we can dispatch the great volume of business devolved upon Congress as a consequence of the war, and I feel very certain that you will agree with me, and I write now in the hope that if Congress reassembles before the end of my hurried journey to Europe you will have counseled with other Senators, to the end that we may do our duty to the country."

"I wish I might have talked this over with you, as I have had opportunity to talk it over with Senators during the campaign and since the campaign with you. I feel very certain that you will agree with me, and I write now in the hope that if Congress reassembles before the end of my hurried journey to Europe you will have counseled with other Senators, to the end that we may do our duty to the country."

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Pilot Killed as Plane Hits Tree And Takes Fire

Thousands there expressed themselves yesterday as unable to understand the accident in which he was killed.

WASHINGTON, Nov. 12.—Lieutenant Commander Godfrey D. Chevalier, first naval aviator to make a landing on the airplane carrier Langley about three weeks ago and one of the senior officers of the naval air service, crashed at Rock Haven, Va., near Norfolk, early to-day and was seriously injured. Reports to the Bureau of Aeronautics said he was not expected to live.

Commander Chevalier figured prominently in the work of navy aviation abroad during the war.

Battery Thousands See Plane Wrecked in Bay

Thousands of persons who had flocked to Battery Park to pass their Sunday afternoon were idly watching the catenations of a hydroplane flying a few hundred feet over the bay at an altitude of about 250 feet yesterday afternoon when they were startled to see it go into a tailspin and, striking the water nose foremost, disappear momentarily from sight. Two persons were seen to loose their safety belts.

While the crowd ran to the sea wall to use all available telescopes and glasses, motor boats and craft of all descriptions sped toward the crippled plane. Coxswain Thomas Robinson, of United States revenue cutter Manhattan, was out in a small sailboat with two other men and arrived there first by cutting the engine. He saw the plane as it was about to crash and saw it go into a tailspin and, striking the water nose foremost, disappear momentarily from sight. Two persons were seen to loose their safety belts.

Both men were taken to the Broad Street Hospital, where they were attended by Dr. Philbin. As their injuries were found to be only minor ones, evacuations of the face and shock caused by submersion, they were soon able to return home. Neither one would discuss the accident or its causes, but, according to witnesses the plane, after looping a bit, had been speeding up the river when the motor failed, and, devoid of motive power, the craft had fallen into a tailspin at an altitude too low for recovery.

River craft swarmed about the bulk of the plane. All the police boats in the harbor were rushed to the spot. The tugboat Chancellor, belonging to the Merritt Chapman Wrecking Com-

Big Sun Spot Passes At Hour of Chile Shock

SANTIAGO, Chile, Nov. 12 (By The Associated Press).—The report of the Seismological Institute says that the apparent focus of the earth shock here was 200 kilometers from Santiago; the intensity of the movement was recorded between Nos. 8 and 9 of the official scale, which runs up to 12; the total duration was 3 hours and 40 minutes, and the estimated radius 1,200 kilometers in a transversal direction to the Andes.

The Meteorological Institute says that the earthshock coincides with the passage of a sun spot over the central meridian of the sun. The earth shock commenced at the termination of a day of abnormal heat. The sun spot referred to made its appearance on November 5 and was the largest observed this year.

figured in litigation in two of the state courts and two or more magistrates' courts.

The plane in which Herrick left Memphis had been under attachment here in a suit brought by Charles W. Rousch, an aviator, for wages alleged to have been due. This attachment was dismissed, and as Herrick left southward an automobile with a driver bearing another attachment writ was obtained by Rousch in connection with a suit which he filed Friday against Herrick asking damages for alleged false arrest.

Herrick Flies Away in Plane And Misses Attachment Writ

MEMPHIS, Tenn., Nov. 12.—Representative Manuel Herrick, of the 8th Oklahoma District, "hopped off" from Memphis for the South last night in one of his airplanes just three minutes before the arrival at Park Field of a court officer with a writ of replevin for the plane. The Congressman's departure ended three strenuous days passed in Memphis, during which he

was dismissed, and as Herrick left southward an automobile with a driver bearing another attachment writ was obtained by Rousch in connection with a suit which he filed Friday against Herrick asking damages for alleged false arrest.

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