

RELATIONS BETWEEN HARRIMAN AND CLARK

Another Investigation Being Conducted by Frederick Lane at Los Angeles.

J. ROSS CLARK TELLS OF PRIVATE AGREEMENTS

Traffic Fence Erected at Salt Lake; How Harriman Negotiated With Himself.

LOS ANGELES, Feb. 7.—Franklin K. Lane, interstate commerce commissioner, today resumed the investigation into the Harriman merger, commenced by the commission several weeks ago in Washington, and continued at various points throughout the West. The sessions, which will probably last the remainder of the week, began in the supreme court rooms in the Bullard block.

J. Ross Clark, brother of Senator W. A. Clark, a director and second vice-president of the San Pedro, Los Angeles & Salt Lake road, was the first witness called by Mr. Severance. The attorney for the commission plunged immediately into the subject in hand, namely, that of determining the relations of the Clark road with the Harriman system.

Opposed by the Short Line.

Senator W. A. Clark and associates joined with R. K. Kerns, an associate of St. Louis, in purchasing terminal facilities at San Pedro, and later the same parties incorporated for the construction of the line between San Pedro and Salt Lake. Senator Kerns, of Salt Lake, and associates, also joined in the enterprise. The survey for the proposed road proceeded from both Los Angeles and Salt Lake. In the Meadow valley wash, a large canyon in Nevada, which the witness testified was absolutely necessary to build through, in order to get from Salt Lake City to Los Angeles, much opposition was encountered from the Oregon Short Line. This company owned about one hundred miles of old grade at this point which the Salt Lake road attempted to appropriate, but on which point they were defeated in the courts. The Clark corporation was at this time entirely an independent line, free from contracts or agreements with other roads. It was the purpose of the Clark and Kerns interests to construct and operate a line of their own.

At this point Mr. Severance proceeded to show how the coalition between the Harriman interests and the new Clark corporation was effected. Later the survey, which had been interrupted, began again, and was more stopped by the Utah, Nevada & California Railroad company, a subsidiary corporation of the Oregon Short Line, which instituted suit to maintain control of the canyon. This canyon was about one hundred miles long and narrow that the surveys of the two roads crossed each other twenty-six times in passing through it. The canyon, it appeared from the testimony of Mr. Clark, was the key to the situation. He admitted that he had entered into a traffic agreement with the Harriman interests to maintain rates into Southern California territory was because he could not get through the Meadow valley wash without it.

Why Agreement Was Made.

"Was a contract made by the pro-

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visions of which you were allowed to build through this canyon?" asked Mr. Severance.

"No, not exactly."

"Yet you got through by the terms of the contract?"

"Not absolutely, but that was the result. No road could have been built but for the agreement."

"Was the Short Line building this way at the time?"

"They represented to us that they were."

"Then you were compelled to contract to keep the Oregon Short Line from paralleling your line to Los Angeles?"

"Their actions indicated that."

Harriman Negotiates With Himself.

Mr. Clark testified that negotiations were carried on in both New York and California. Several officials of both roads participated, including Senator Clark and Mr. Harriman. The matter resulted in Mr. Harriman securing a holding of a one-half interest in the Clark road, and the directorate was equally divided between the two interests. It was also shown that the Salt Lake did not, after entering into this agreement with Mr. Harriman, build a complete line between Los Angeles and Salt Lake, but contracted to use certain trackage of the Santa Fe between Riverside, Cal., and Daggett, Cal., and of the Southern Pacific between Riverside and Colton, which they are doing today. It was shown by the agreement that Mr. Harriman obligated himself to secure the latter concession from the Southern Pacific in favor of the Salt Lake road, and Attorney Severance inquired of the witness:

"Mr. Harriman, therefore, negotiated with himself to induce himself to grant your road the use of this certain track?"

"We secured such a concession," said Mr. Clark.

It was also shown that the Clark road and the Oregon Short Line had mutually contracted not to invade each other's territory north and south of Salt Lake, respectively.

"By this your people and the Oregon Short Line virtually erected a fence at Salt Lake, you not to get on their side or on your side?"

"That may have been the effect."

The preferential freight agreement between the Union Pacific and the Clark road, by the terms of which neither could divert any business to other lines in each other's territory, was dwelt upon. The Southern Pacific was named as the sole exception in this part of the contract.

The Preferential Agreement.

Mr. Clark resumed his testimony when the hearing reconvened at 2:15. The Harriman-Clark freight agreement was again taken up. Mr. Severance called the attention of Mr. Clark to a clause in the contract which provided that notwithstanding the preferential agreement between the Clark road, the Union Pacific and the Oregon Short Line, the interchange of business with the Southern Pacific by all three of these lines should not be disturbed by the terms of the contract. The witness did not know who put this provision in the contract or why it was done. He admitted that this might allow the Union Pacific and Oregon Short Line to divert traffic to the Southern Pacific, notwithstanding that the original agreement was drawn, he thought, to compel the observance of the preferential agreement.

Mr. Severance pointed to a clause in the freight agreement with the Union Pacific which expressly provided that the latter road should have control of the rates over the Salt Lake line in Utah—about 400 miles in length. This Mr. Clark admitted might give the Union Pacific the dictation of their freight rate in the State of Utah, but he did not know whether the Union Pacific exercised this right, or whether the traffic manager of the Clark road fixed the rate. Mr. Clark said that his own road had not cut the freight rate on California fruit shipments because he deemed them low enough already. He said that their traffic manager could cut freight rates without consulting the Harriman interests.

Mr. Clark said he knew nothing himself about the traffic business, and Commissioner Lane said:

Lane Takes a Hand.

"If you, Mr. Clark, know nothing about rates in detail on your road, how do you know whether Mr. Stubbs of the Union Pacific does not dictate to Mr. Wells the freight rate on your lines?"

"I know he does not."

"How do you know it?"

"Mr. Wells would not take official dictation from Mr. Stubbs."

"But you conferred with Mr. Stubbs

HAS GREAT FAITH IN FOUR CORPORATIONS THE WORK FOR PEACE NEWLY ORGANIZED

Secretary Straus Is Confident of Success in Carrying Out Plans for Nobel Prize Fund.

WASHINGTON, Feb. 7.—"I have no doubt that many public-spirited men who recognize the usefulness of this work will contribute, so as to make the annual interest in every way adequate to carry out its purpose," said Secretary Straus of the Department of Commerce and Labor, in discussing today the prospective work to be done with the income of the Nobel peace prize fund, received by President Roosevelt from the Norwegian Parliament.

Secretary Straus is one of the trustees of the fund, which approximates \$37,000. Upon the passage of bills pending in Congress to establish the Nobel prize foundation, active steps will be taken by the board of trustees to put their provisions into effect. An "Industrial Peace Committee," representing labor, capital and the general public, is to be appointed to hold conferences annually in Washington to discuss industrial problems and its expenses are to be paid from the income of the fund.

"The Nobel peace prize foundation," said Secretary Straus today, "possesses the power to bring together in harmonious relations all agencies working for industrial peace purposes, making a powerful movement which will command the respect of laboring men, no less than the captains of industry."

"Before the committee having the matter of the preparation of the bill now before Congress formulated the measure, it consulted representatives of the various elements interested, and no better method of organization could be suggested."

In making your freight agreement with the Union Pacific which fixed your rates originally?"

"Does the interests which Mr. Stubbs represent, own half of your road?"

"Yes."

"Then why, if the Harriman interests own one-half your line and you conferred with Mr. Stubbs on your first freight agreement do you spurn his advice now?"

Here counsel for the Salt Lake road intervened and a long argument ensued.

The hearing adjourned at 4 o'clock to meet again tomorrow.

The Chicago-Utah Copper Mining company of Salt Lake, which owns claims in the Morgan mining district, Morgan county, Utah, filed articles of incorporation with the County Clerk yesterday. The company is capitalized at \$500,000, in shares of the par value of \$1 each, and 150,000 shares are set aside as treasury stock. None of the incorporators are Salt Lake people. The officers are: President, Charles Ball; vice-president, J. H. Ederly; secretary and treasurer, A. E. Howes. These, with William Blair, O. W. French, Frank Croft and O. B. Anderson, compose the board of directors. The Chicago, Ill., Morgan City and Coalville, W. Va., The Technico Mining and Development company of Farmington, which owns claims in Davis county, filed articles of incorporation with the Secretary of State yesterday. The capital stock is \$400,000, divided into shares of the par value of \$1 each, and 180,000 shares are set aside as treasury stock. The officers are: President, L. P. Derby; vice-president, O. C. Dixon; secretary and treasurer, E. L. Land; manager, W. Huseilton. These, with Fred Coombs, constitute the board of directors.

The Black Dolly Fire Clay company of Salt Lake, which owns claims near Pleasant Green and proposes to establish a pottery in this city, filed articles of incorporation with the County Clerk yesterday. The capital stock is \$25,000, divided into shares of the par value of \$1 each, and 5,000 shares are set aside as treasury stock. The officers are: President, Israel Cole; vice-president, Frank Cole; secretary, treasurer and manager, Harry S. Harper. These, with R. W. Clough and Heber A. Cole, compose the board of directors.

The Norton Thomas company, formed to do a general mercantile business at Devil's Slide, Davis county, filed articles of incorporation yesterday with the Secretary of State. The capital stock is \$10,000, divided into shares of the par value of \$100 each. The officers and directors are: W. I. Norton, president; P. G. Thomas, vice-president, secretary and treasurer; Francine Norton, Eliza Jane Thomas and T. V. Thomas, compose the board of directors.

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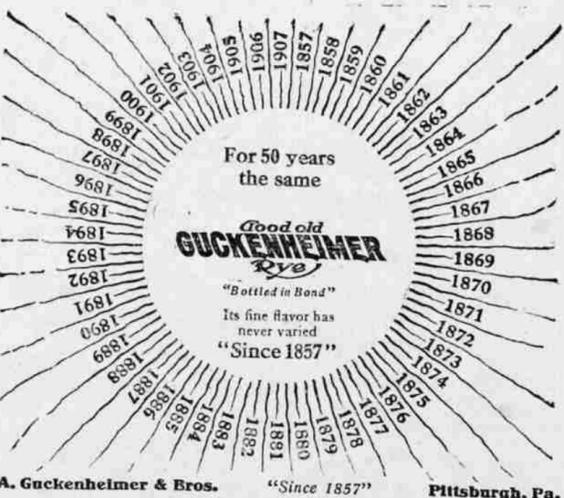
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