

## The Papers of Charles Hamlin (mss24661)

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Hamlin, Charles S., Miscellany, Printed Matter, "Record of Work Done On  
Import Differential Cases, 1911-1912, N.D.

CHARLES HAMLIN  
PAPERS

Miscellany

Box 356

Folder 6

PRINTED MATTER--

"RECORD OF WORK DONE ON IMPORT  
DIFFERENTIAL CASES, 1911-1912," N.B.

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ON  
IMPORT DIFFERENTIAL CASES.  
1911-1912.

IMPORT DIFFERENTIAL CASES.

1911.  
Saturday, March 23.

Mr. Rich met me at the Union Club and asked me if I would represent the Boston & Maine R. R. in the proceedings. I told him I would consult with Mr. Ives, Chamber of Commerce, and would let him know.

April 1 to  
3 inclusive.

Worked continuously on tables of valuation of imports and exports from the different Atlantic seaboard ports and computed percentages accruing to the four principal ports.

Careful study of exhibits in the export differential case and review of the case.

Preparing a list of proposed statistics and exhibits for the import hearings.

April 3.

Two hours conference with Mr. Chandler (Chamber of Commerce), Mr. Lamoure (Boston & Maine) and Mr. Blood (Boston & Albany) as to statistical tables.

April 4.

Long interview over telephone with Mr. Briscoe of Boston & Albany R. R. Requested him to wire Mr. McCain of the Trunk Line Association to give us details in classes and commodities of all import traffic which went to Pittsburgh and other sixty per cent points in the years 1910 and 1911.

Early in 1910 Mr. McCain separated this traffic from the general returns which he made. Although he now issues a separate list of the imports to the sixty per cent points, yet he merely lumps classes and commodities together. We found that it would be necessary to separate these latter figures so as to add them to the general returns thus giving a complete return after 1910 similar to the ones issued by Mr. McCain prior to 1910.

Also asked Mr. Biscoe to consider whether the years 1906, 1907 and 1908 averaged together would give a fair basis on which to compute gains or losses in the following years

- April 6. Conference with Mr. Crane and Mr. Berry of Boston & Maine R. R. 11 to 1, going over details of exhibits, foreign ocean rates, etc.
- April 7. Working out table based on special statements 438 and 440 of the Trunk Line Association, 1904.
- April 8. Conversations over the telephone with Mr. Crane and Mr. Biscoe with reference to securing data as to westbound domestic and import traffic comparing the periods of 1907 and 1908 with the periods 1909 to 1911.
- April 9. Worked all day on tables showing proportion of import to domestic westbound business for years 1899 to 1903, inclusive, from special statements 438, 440 and 449.
- April 10. Meeting of Mr. Chandler and experts representing B. & M. and B. & A. Further work on statistics.
- April 11. Conference with Mr. Crane. Conference with Mr. Chandler. Work on statistics.
- April 12. Received a letter today from Mr. Clark, a member of the Interstate Commerce Commission, in which he states that the Baltimore Commercial interests and the Baltimore & Ohio R. R. have requested the Commission to postpone the hearing set for April 19, on the Import Rate question, and to assign the same for hearing at some later date together with the complaint filed by the New York Commercial Bodies against the existing export and import differentials and he asks in said letter that we advise him as to our position on this matter.

I at once prepared a letter to Mr. Clark stating that in the absence from town of Mr. Ives, Mr. Berry and Mr. Rich that it was impossible to state any determination of this matter but that I suggested that the Commission require all parties in interest to appear on April 19th and then that the matter be finally determined. See letter to Clark.

I read this proposed letter to Mr. Chandler of the Chamber of Commerce and later Mr. Ives called me on the telephone from New York and I read the letter to him. They both

fully approved it. I then read the letter to Mr. Crane and he approved it. I then called up Mr. Biscoe of the Boston & Albany but found that he had left for New York. I accordingly wrote him a note sending him a copy of the letter. I also sent copies of the letter to all those to whom Mr. Clark's letter was addressed in addition to myself and also wrote to Mr. Berry and Mr. Rich.

April 13. Entire morning consumed in consideration of statistics and in preparing letter in reply to Commissioner Clark and communicating with the other commercial bodies and railroads.

April 14. Conference with Mr. Crane going over entire matter of records which will have to be produced at the hearing and correspondence from steamship lines and examination of bills of lading showing uniform ocean rates to the various ports.

April 15. Entire morning spent in study of import rate statistics. Conference with Mr. Crane.

Mr. Ives suggested the other day the advisability of employing Mr. Rantoul to give his whole time to the import and export differential questions so as to be prepared himself to testify before the Commission as an expert on traffic conditions at Boston.

I told him I would think the matter over but that it struck me very favorably. I called up Mr. Crane Saturday, April 15, and he said that Mr. Rantoul was an able man and that he thought it desirable to have a man like him who could testify for the Port of Boston and yet not directly represent any of the railroads. I asked him to confer with Mr. Rich as to this and he said that he would.

April 17. This morning, April 17, I called him up and he said he had conferred with Mr. Rich and Mr. Rich thought that the idea was a good one.

I also called up Mr. Biscoe of the Boston & Albany R. R. and he said that Mr. Rantoul was a very able man and that he thought the idea was good.

Just called Mr. Crane on the telephone to ask him if Mr. Ives' suggestion as to Mr. Rantoul was agreeable to Mr.

Berry. Mr. Crane said that he had not spoken to Mr. Berry about it and that Mr. Berry was not then in his office but there was no occasion to speak to him because if Mr. Rich approved Mr. Berry would approve and that as he had already told me, Mr. Rich had approved it. I told him that while it had in one sense nothing to do with the Boston & Maine, yet I wanted to be sure that we were working harmoniously in every way.

April 17. Meeting of Chamber of Commerce Import Rate Committee. Present Mr. Charles Jones, Mr. Preston, Mr. Ives and C. S. H.

I suggested to the meeting the advisability of employing Mr. Robert Rantoul as an expert to qualify himself to appear as an expert witness in behalf of the Port of Boston. I said that either this must be done or Mr. Ives and his Secretary, Mr. Chandler, would have to be prepared to give up absolutely all of their time for some months in the future to the preparation of the case.

I explained to the committee that as in the export differential cases I had been retained by the Boston & Maine R. R. and that my charges to the Boston Chamber of Commerce over and above my regular retainer would be nominal.

It was thereupon voted to employ Mr. Rantoul at a salary of \$300.00 per month, subject to the approval of the Executive Committee.

Spent whole morning with committee discussing the case in every aspect.

April 18. Conference whole morning with Mr. Rantoul going over preparation of import rate case.

Week end- Preparation of statistical information as to steamship  
ing April lines from the various ports, sailings, tonnage carried,  
29. etc.

April 29. Interview Mr. Rantoul on statistics already done.

Mr. Rantoul said that he had arranged a conference with Mr. Kelly in Philadelphia for Wednesday, May 3rd; that Mr. Kelly said that while he had no objection to my being at the conference, yet that if I were formally invited he would have to invite his counsel, Mr. Jones, which he did not seem desirous of doing. He added, however, if I were merely to drop in without any invitation, he would be very glad.

I told Mr. Rantoul to tell Mr. Ives that I should have to be in Baltimore on that date and therefore I could not attend and I asked him particularly to caution Mr. Ives not to enter into any agreement or alliance of any kind with Philadelphia as any such course might seriously handicap us in determining our course of procedure. I added that of course any suggestions Mr. Kelly might make it would be well for Mr. Ives to receive and say that we would seriously consider them.

- Wednesday, May 3. Conference at Washington with Commissioner Clark on the import and export differential matter, specially as to intervention of commercial trade bodies.
- Conference with Mr. Daish, counsel for Baltimore commercial bodies.
- Friday, May 5. Conference at Baltimore with A. G. Brown, Esq., counsel Baltimore Chamber of Commerce.
- May 9. Interview with Mr. Rich, General Solicitor of B. & M. R. R. and President Mellen.
- I explained my policy to Mr. Mellen, namely:- to demand the right in behalf of the port of Boston to meet the lowest rate, that is, the Baltimore rate, on both imports and exports; that if the Commission saw fit to give a similar privilege to New York, we would have to take our chances along with the other ports but that we should make no alliance either with the out ports or with New York. In so far as we attacked the export differential in favor of Baltimore, our case would run in parallel lines with New York; in so far as we maintained the right to the existing parity of rates on imports with Baltimore and Philadelphia, we were necessarily opposed to New York. I told Mr. Mellen that I thought that we could probably hold the parity of rates on imports and that the existing differentials on exports against New York and Boston might possibly be somewhat reduced; also that there was a bare possibility that Boston might secure a slight differential under New York on export business.
- He stated that as far as possible he wished the fight to be made by the Chambers of Commerce as he thought that would put the case in a stronger light.

May 16. Interview Mr. Rantoul one hour.

Gave Mr. Rantoul my bound volumes of the exhibits in the differential cases of 1905.

June 27. Letter from Mr. Briscoe, Boston & Albany R. R., dated June 23, enclosing copy of B. & O. and Pa. R. R. tariffs showing free storage on import traffic under certain conditions. Sent copies to Mr. Rantoul and Mr. Crane.

Letter from Mr. Crane, dated June 23, calling attention to case of New York Produce Exchange vs. N. Y. Central & H. R. R. R.

August 1. Conference with Woodward Hudson, counsel of Boston & Albany R. R. and Mr. Briscoe.

Went over the differential case and we agreed that it would be better for the Boston Chamber of Commerce to file an intervening petition and after that to consider what, if any answer should be filed by the B. & A. R.R.

July and August. At work five hours a day going over statistical matter and making comparisons of tables; also study of law on the subject; also preparation of analysis of all exhibits in the former Differential case and preparation of list of new exhibits.

August 22. Conference between Chamber of Commerce and officials of B. & A. and Boston & Maine railroads.

October 28. In New York. Conference with Clyde Brown, Mr. Fairchild and Mr. Caldwell. Expenses \$23.40.

Petition of intervention of Boston Chamber of Commerce mailed to the Commission for filing on Thursday, September 28.

Answer of Boston & Maine R. R. mailed to Commission for filing Tuesday, October 3.

This answer was submitted to Mr. Rich and approved by him; see letter to C. S. H. It was approved by Mr. Crane in interview with C. S. H. October 3.

On conference with Clyde Brown, Esq., Gen. Solicitor N. Y. C. R. Co., in New York Thursday, Sept. 28, it was decided to allow the answer of general denial filed by the N. Y. C. for itself and leased lines, includ-

ing the B. & A. to stand without further answer from the B. & A. Mr. Brown stated that he would inform the Commission that C. S. H. represented the B. & A. and had full authority to conduct the proceedings for the B. & A. in any manner C. S. H. and the B. & A. officials deemed advisable, as if the B. & A. was an independent line.

Sept. 30. Order entered by I. C. Commission granting petition of Intervention of Boston Chamber of Commerce.

Oct. 6. Sent copy of answer of Boston & Maine R. R. to Mr. Fairchild, counsel in the N. Y. Chamber of Commerce complaint No. 3993.

Oct. 29 to Attendance at Washington and trial of import differential case.  
Nov. 2.

Expenses railroad, sleeping car, hotel, etc. \$68.25

Nov. 2. Received check from Boston & Maine R. R. for \$500.00 on account of retainer and services in the Import Differential cases. On the bill I found the following endorsement:-

"Arrangement made by Mr. Tuttle and afterwards authorized by President Mellen".

I at once wrote E. J. Rich, Esq., the General Solicitor, that while the matter was of no practical importance, yet as I understood it, the arrangement for my representing the Boston & Maine was made directly through him on March 23, 1911 and that I resigned as counsel of the Boston & Maine R. R. early in September 1910.

Nov. 3. Interview with Vice President Berry over the telephone. I told Mr. Berry that the Philadelphia interests, and especially George S. Patterson, counsel of the Pennsylvania R. R., had asked me to come over to Philadelphia and have a conference with him, he making the suggestion that Philadelphia was willing to join with Boston in the Export Differential case.

He did not say whether Boston should come down to the Philadelphia basis and both fight New York and Baltimore, or whether Boston and Philadelphia should come down to the Baltimore basis.

I told him I had no authority at the present time to speak as to this but that I would try to arrange a meeting with him later.

I also told Mr. Berry that I wished he would give me authority at the proper time to state to the Commission that if the Commission lowered Boston to the Baltimore basis, the Boston railroads authorized me to say that they were willing to come down to that basis and suggested to him that we enter into some negotiation as to this with the interior railroads sending exports to Boston over the Boston & Maine.

He seemed to think there might be some difficulty because of the loss of revenue of the interior roads because of reducing rates to the Baltimore basis. He said so far as the Boston & Maine R. R. was concerned, he could say at once that it would be glad to make this reduction if allowed by the Commission.

I told him that I had heard indirectly that Mr. Fairchild, representing the New York Commercial interests, had received a communication from the Erie R. R. stating that it would put down the rate if allowed by the Commission.

Mr. Berry said that if the standard lines under such circumstances would not join Boston in reducing the rate to the Baltimore basis, if allowed, he would at once arrange to have such a rate put in through Newport, Vermont, via the C. P. R.

I asked him if he would give me later an assurance to this effect and he said that I would hear from him shortly.

Oct. 8. Extra telephone service, \$8.45

Oct. 9. Paid telephone service to Boston, 1.15

Monday, Interview with Vice President Berry and Mr. Crane.  
Nov. 6.

I stated to Mr. Berry that one of the first questions which would probably be put to me in the export differential case would be, on the assumption that the Commission warranted us in taking the Baltimore rate, -first assuming that New York and Boston are permitted to take the Baltimore export rate, will the interior railroads connection with the Boston roads state that they are willing to put in that rate.

Second, assuming that the Commission refuses permission to New York to adopt the Baltimore rate but gives such permission to Boston, thus giving a lower rate through Boston than through New York; in such event, what would be the attitude of the Boston roads and their connections in the west?

I told Mr. Berry that in my judgment that unless we could answer both these questions in the affirmative, it would practically end our case.

He said that if New York and Boston were both given the right, he could say at once that I would be authorized to say that they would take this rate.

On the second question he was more in doubt, although he said that if the standard lines in the west would not agree to put in the Baltimore rate through Boston, he could undoubtedly induce the Canadian Pacific and Wabash railroads to do this so that I should have authority to state that it would be done.

I suggested that he take this matter up with the C. P. R. and he directed Mr. Crane to write a letter to Mr. McGinnis, Traffic Manager, to ask him whether the C. P. R. would join with the Boston & Maine in the Baltimore export rate if permission were given it by the Commission to do so, and further asking the C. P. R. to obtain from the Wabash R. R. a similar statement.

Mr. Ives wrote me a letter dated November 25, asking me to take up the matter of the division of the expenses of the export and import differential, export and import cases, between the Chamber of Commerce and the various railroads interested.

He also stated that in the former case the Chamber of Commerce paid only one-fifth and the railroads paid the other four-fifths of all expenses, including those of Mr. Preston.

Later, Mr. Ives telephoned that he was in error as to this as the railroads paid only their share of the stenographic reports.

Mr. Ives also sent me a letter from Mr. Byrnes, Vice President of the New Haven, to President Smith of the Chamber of Commerce dated, November 24, in which Mr. Byrnes stated that it could not contribute towards the expenses of the Boston Chamber of Commerce as the company had already incurred large expense in the preparation of these cases and will incur much additional expense in securing and preparing proper statistics for their complete presentation and that in addition to this, they were paying counsel fees.

I at once called up Mr. Byrnes on the telephone and explained to him that there were certain expenses that were not those of the Chamber of Commerce alone but pertained to the whole case, such as payment for one copy of the testimony, for printing exhibits and printing briefs; also for Mr. Rantoul's payment of \$600 for special service in compiling statistics, etc., the latter's employment being with the approval of the railroad officials.

Mr. Byrnes then said that of course the railroads would pay their share of these expenses and asked me to write him a letter making such recommendations as I saw fit in the matter and I accordingly wrote him November 27th, 1911.

Nov. 29. Cash paid express annual reports St. Louis Chamber of  
Commerce-- \$.65

1912.	Preparing complete digest of all testimony in import case.	
Jan. 9.	Received from Boston & Maine share of my expenses to date in differential case, \$130.40; also share of Boston Chamber of Commerce.	
Jan. 18.	Received share of Boston & Albany R. R. making total \$130.40, the balance remaining have turned over to the Boston Chamber of Commerce as the payments have been made by them. See checks 9961 and 9977.	
Jan. 18.	Cash paid ticket to Washington, \$11.15. Cash paid drawing room, \$11.00.	
Feb. 17.	Received from Chamber of Commerce \$45.69, being their share, one-quarter of expenses up to date.  Received from Boston & Albany R. R. \$545.69, being \$500.00 on account and \$45.69 for expenses.	
Feb. 21. Mch	Cash paid U. Holzer for binding Philadelphia and Baltimore Exhibits,--	\$8.70.
Mch. 11.	Cash paid U. Holzer for binding digest of testimony--	1.50
Mch. 21.	Cash paid for binding four copies of digest of testimony--	5.00
Mch. 24.	<i>Cash paid for charges on telegram from Commission as to extending time for filing Expat Brief</i>	<i>.43</i>
Apr. 2.	Cash paid Holzer for binding digest of testimony (2 copies) bill of Mar. 26) <i>but should be on bill of Mch 24 with the other volumes.</i>	3.00
	Cash paid Holzer for binding one copy of Abstract of testimony (bill of Mch. 26)	1.50
Apr. 1.	Cash paid for railroad ticket to Washington	11.25
	" " " section " "	5.40

April 2.	Cash paid Miss Dowd for stenographic services. (This was rendered on bills sent to railroads and Chamber of Commerce on March 22, 1912.)	\$107.76
April 3.	Cash paid for Dennison clasp envelopes--	.60
	Expenses to Washington and Return, -Argument--	61.50
	(See back of Hotel Belmont Bill) (This expense, (\$61.50) includes the items under date of April 1 on Page 11 ).	
April.	Cash paid for telephone charges to Washington of March 1, \$.82; March 2, \$1.51; March 3, \$1.00	3.33
May 6.	Cash paid Hulse & Allen's bill of May 2, 1912, for furnishing copy of my Argument in above hearing--	5.00
June 19.	Cash paid for telegram from Bennett giving synopsis of decision by Commission.	2.16

*not charged on bill*