

through Kearney and Grand Island and other points. In other words, they charge a dollar a ton more to stop a car at Kearney than they do to haul it 200 miles further to Omaha. And Lincoln is in the same class with interior cities. Southern coal pays nearly \$5 a car more into Lincoln than it does through Lincoln to Omaha. An estimate given me is that six thousand cars of southern coal is brought yearly to Lincoln. The indefensible discrimination which the commission would remedy if it had power costs Lincoln something. The southern lumber rate into Lincoln is a cent a pound greater than the rate on lumber hauled through Lincoln to Omaha. This makes a higher rate here by practically \$5 a car over Omaha, and a low estimate is that 3,500 cars are used and distributed each year in Lincoln. These discriminations cost something year upon year to Lincoln. I have only time to give a very few illustrations of this kind. The California fruit rate to all common points is \$1.25. A carload of California fruit pays the same freight to Lincoln and Omaha that it pays to New York and Boston. Is it a reasonable rate to haul it for nothing for half the distance? If we here accept the discrimination, do we get an equalization in return? This is becoming a great fruit state. From southeastern Nebraska points to southern South Dakota points, a distance of 250 miles, the apple rate is from 50 to 52 cents. From New York to the same South Dakota points, a distance of 2,500 miles, the apple rate is 39 cents. A Lincoln wholesaler yesterday told of shipping two cars of dried fruit from California. For convenience in distribution he had one car stopped at Sheridan, Wyoming, and it cost him to have it stop there \$135 more than the other car cost him brought on to Lincoln. A friend recently cited a case where he had a small shipment of family relics sent from his old house at Pittsburg, Pa. He paid 22 cents on the shipment from Pittsburg to Chicago, it cost him 75 cents from Chicago to the Missouri river, and \$3.78 from the Missouri river to Sheridan, Wyoming, a shorter distance than the Pittsburg-Chicago haul. Instances by the hundreds of injustice to this section could be cited, and they are everywhere. Wichita's corn rate was 9 cents more than the Kansas City rate was through Wichita to Galveston. The commission recently heard this case, found it unreasonable, and after allowing the railroad claim of competition at Kansas City, fixed five cents as a sufficient differential in favor of Kansas City. The roads reduced the nine cents one-half cent, and the commission was powerless to enforce its findings. How can we escape the conclusion that common justice demands the power be given to the commission which the president asks?

"In a question of such magnitude there is of course another side and the railroads undoubtedly believe that they are justified in their interests in combatting the giving of this power to the commission. A number of briefs have been made from the point of view of the roads. One that was widely circulated was an attack upon the commission, in which with infinite elaboration the work already done by the commission was minimized. It showed that the commission had cost the government 3,804,000; that it had in its life held trial on 353 cases, making the cost of each case \$10,778, and that but two of the cases had been carried through the court of last resort and won, making the cost of finally adjudicated cases up to the million dollar point. If this were all the work of the commission, it would be a better argument; but the commission has had before it 3,525 cases, a large majority of which the roads themselves remedied as they did the Lincoln case, without letting a ver-

dict be reached. The work of the commission in requiring safety appliances and in publishing statistical information is worth all it has cost outside of trial cases; and the fact that it has been a means of publicity for rate cases causing 90 per cent of them to be settled without trial—because of the fear of publicity on the part of the roads—makes the argument of this brief a matter of little force.

"The most complete statement of the railroad side that I have found is incorporated in a brief prepared by the president of the Southern Railway system. I can only briefly summarize from it. The brief holds that rates are now reasonable in themselves, and cites that since 1870 to 1893 the average earning per ton per mile has decreased from 1.9 to .76; that preferences between individuals that have existed through secret rebates have been greatly exaggerated; that they preferences between localities have been greatly exaggerated; that they always will exist, and that present statutes are sufficient to meet them; that the change proposed is not desirable as a future system, because it changes the rate-making power from the railroads to the commission, and that this would be dangerous to values of railroad properties; that it would be a step toward socialism involving manufacturers, shippers, and carriers alike.

"Again the argument is made that the legislation would arrest commercial progress. That present methods are in aid of shippers, extending their business, which rigid legislation proposed would curtail and abolish. The proposed legislation is defined as drastic beyond constitutional limits, although in this the fact that the courts are the final arbiters is overlooked.

"The proposed legislation, it is further claimed, would not secure anticipated results, because of the volume of litigation that would be opened and the inability of the courts to pass upon it all. The remedy offered in this brief is for the commission to promote better relations between the parties, and that a more rigid enforcement of present laws be followed.

"The argument, both that made in briefs of this kind, that made by railway adherents in public print, and that made by represented railroad interests in congress, all finally center in the demand to be let alone. When the Esch-Townsend bill passed the lower house, carrying the idea urged by the president, the Hepburn bill that was side-tracked only proposed remedies through a tortuous court process, involving the creation of new courts, and a long highway of appeal that would wear out the litigants before final results would be obtained.

"The proposed legislation ought to be such as to get fixed results quickly. It ought to be such as to safeguard the rights of property through a review by the court of last resort. It ought to be enacted because injustice exists now, because the spirit of the interstate commerce act is violated, and its provisions inoperative. Corporate power more and more unrestrained does injustice to individuals and communities, through its established policy of building up a few localities at the expense of many, and through a rate-making system that, brought to its initiative, is based not upon the rights of shipper and carrier, but on what the traffic will bear."

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