

Summary of Railroad Rate Law as Amended

Harry L. Christie, attorney for the St. Louis Business Men's League, has prepared for the Post-Dispatch the following summary of the interstate commerce law:

SCOPE OF THE LAW

The law relates to interstate and foreign commerce, and not to shipments wholly within a single state. Both freight and passenger traffic are included within the terms of the law.

It affects common carriers. This term includes, not only railroad companies, but also express companies, sleeping car companies and persons and corporations engaged in the transportation of oil and like commodities by means of pipe lines.

The law applies not only to the actual transportation of goods from point of shipment to destination, but it applies as well to all services rendered in connection with the receipt, delivery, elevation, transfer in transit, ventilation, refrigeration or icing, storage and handling of the goods transported. It applies to the cars and other vehicles and facilities employed in connection with transportation and handling, regardless of ownership of the same.

PURPOSE OF THE LAW

The main purpose of the law is to insure reasonable and non-discriminative rates, regulations and practices.

Carriers are required:

To make their charges just and reasonable.
To afford reasonable and equal facilities for interchange of traffic between various lines.

To print and file and keep open to public inspection schedules of all their rates, fares and charges.

To give thirty days' notice of any change in rates, fares or charges, unless a shorter time is prescribed by the commission.

To make full annual reports to the commission in the manner prescribed by the commission, and also to file monthly reports of earnings and expenses, if required.

To keep all accounts, records and memoranda in form and manner as required by the commission, and to give the commission and its examiners free access to the same.

To assume liability for any loss or damage to goods received for transportation whether occasioned by the receiving carrier, or by any other carrier over whose lines the goods pass.

To construct, maintain and operate switch connections with branch lines of railroad and private side tracks, where same is practicable and the business justifies it.

To obey the lawful orders of the commission.

Carriers are forbidden:

To discriminate unfairly by means of rebates or other device between persons or between places, or between classes of traffic.

To issue passes except in certain specified cases, where the facts warrant the giving of free transportation. (This provision is effective January 1, 1907.)

To charge more for a shorter haul than for a longer haul, where the distance covered by the former is included in the latter, except in special cases as specified.

To pool earnings.

To enter into agreements or arrangements designed to prevent the carriage of freight from being continuous from place of shipment to place of destination.

To permit transportation of goods at less than regular rates by means of false billing, false classification, false weighing or other device.

To transport commodities (other than timber and its manufactured products) which they themselves own or have any interest in, except such as are for use in the carrier's business as such. (This provision effective May 1, 1908.)

PENALTIES AGAINST CARRIERS

A carrier violating the law is liable to the person injured for the full amount of damages sustained, including a reasonable counsel or attorney's fee.

Violation of the law by the carrier or by any officer or agent of the carrier is a misdemeanor punishable by fine of not more than \$5,000.

Unlawful discrimination is punishable also by imprisonment in the penitentiary for a term not exceeding two years.

Willful failure to obey an order of the commission in respect to the rate to be charged or the practice to be observed (as prescribed in section

15) causes a forfeiture to the United States of \$5,000 for such offense.

Failure to keep accounts, records and memoranda in the manner prescribed by the commission, or to exhibit same to the commission or its examiners, causes a forfeiture to the United States of \$500 for each offense.

The willful making of false entries, or the willful destruction or mutilation of accounts is punishable by fine of not less than \$1,000 nor more than \$5,000 or imprisonment for from one to three years, or both fine and imprisonment.

PENALTIES AGAINST SHIPPERS

Persons obtaining transportation at less than regular rates by means of false billing, false classification, false weighing, false representation or other device, the act being willful, are punishable by fine not exceeding \$500 or by imprisonment in the penitentiary for not more than two years, or both fine and imprisonment.

Persons inducing a carrier or its agent to discriminate unjustly in their favor and against other shippers, either by the payment of money, by solicitation or otherwise, are punishable by fine not exceeding \$5,000, or by imprisonment in the penitentiary for not more than two years, or by both fine and imprisonment. Such offenders are also liable to the persons discriminated against for all damages the latter may sustain.

THE COMMISSION, ITS POWERS AND DUTIES

The interstate commerce commission is composed of seven members with terms of seven years, each member receiving \$10,000 a year.

The commission is empowered to keep itself fully informed as to the business of interstate carriers, and it is made its duty to enforce the provisions of the law.

The commission is required to investigate matters complained of by individuals, corporations or state railroad commissioners, and may institute inquiries on its own motion. The complainant need not show direct damage to himself.

When the commission, upon inquiry, finds a rate, regulation or practice unjust or unreasonable, it becomes its duty to prescribe a just and reasonable regulation or practice or maximum rate to be thereafter charged or observed. The orders of the commission in this regard become effective within a reasonable time, not exceeding thirty days, and continue in force for the time prescribed, not exceeding two years, subject to suspension by the commission.

The commission has authority, also, after hearing on complaint to establish through routes, joint rates and division of rates.

If a shipper renders any service in connection with a shipment or furnishes any instrumentality used in connection with his shipment, the commission may, after hearing on complaint, determine the reasonable maximum charge allowable for such service or instrumentality and make an order accordingly.

It is the commission's duty when it finds a complainant entitled to damages, to make an order requiring the carrier to pay the amount of such damages on or before a day named.

In case of a carrier's failure to obey the commission's orders in respect to rates, regulations or practices, the commission may apply to the court for an order restraining the carrier from further disobedience. After an order is made by the commission, application can be made for a rehearing, but pending such application, the order is to be in force.

The commission may request the attorney general to apply to the court for a writ of mandamus commanding common carriers to comply with the provisions of the law.

The commission is authorized to prescribe the forms of all accounts, records and memoranda kept by the carriers, and to have free access to same by their examiners.

THE ELKINS ACT

Willful failure by the carrier to file and publish its tariffs or to observe proper tariffs is a misdemeanor punishable by fine of not less than \$1,000 nor more than \$20,000.

Every person or corporation who shall knowingly offer, grant and give or solicit or accept or receive any rebate, concession or discrimination, is punishable by fine of not less than \$1,000 nor more than \$20,000; and any person convicted of such offense shall also be liable to imprisonment in the penitentiary for a term not exceeding two years.

Any act or omission of an officer or agent is

deemed the act of the company, firm or person whom such officer or agent represents.

Receiving a rebate or offset in any form from a carrier also subjects the offender to a forfeiture to the United States of three times the amount received.

The commission, when it has ground for believing that a carrier is committing forbidden discrimination may present a petition to the court, and it is the duty of the court thereupon to enforce the law by proper orders and process.

THE EXPEDITION ACT

Provision is made for giving suits in equity arising under the interstate commerce act precedence over others, where the attorney general certifies that the case is of general public importance.

THE ACT IN RELATION TO TESTIMONY

No person is to be excused from testifying or from producing books and papers on the ground that his testimony or such books and papers would tend to criminate him. He shall not, however, be prosecuted, or be subjected to any penalty or forfeiture, on account of the matters concerning which his testimony is given, or to which such documentary evidence relates.

MR. BRYAN'S RECEPTION AT LINCOLN

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do good to those that hate you. How can you know what justice is if revenge is rankling in your bosom. Christ gave us the doctrine that takes from the heart the desire for revenge, and by putting love in its place, makes it possible for men to know what justice is.

"And as we traveled through India and saw the idolatry that one can find there; as we saw them dip up water from the so-called sacred Ganges; as we saw them dipping the limbs of the dead into these waters to consecrate them before they were burned; as we watched them in their devotion and in their superstitions, our hearts turned with love and longing to the little churches of this country where we can worship God in a different way and on a spiritual plane.

"But, my friends, I am not here to speak to you tonight. It has been announced that we are to have the pleasure of shaking hands with you as soon as I have concluded my remarks. I have been taking a survey of this audience. Mrs. Bryan and I have at times shaken hands with as many as 3,600 an hour, and I have been looking over this audience and wondering how high the sun would be in the sky tomorrow morning when I got through. As we have not had our full quota of sleep since we landed in New York I think I shall not postpone that sleep too long. I think I shall not occupy more of your time than to say that we come home again with delight. We have seen nothing abroad that is so dear to us as home.

"Tonight we shall not rest on the trembling bosom of the mighty deep; we shall rest rather on these billowy plains of the boundless west, and I am sure that the alfalfa scented air of these lands will be sweeter than the spicy breezes of Ceylon. And I know that in my home upon the hill where we can meet you and talk over the days when we have been absent we will be far happier than we would be in any castle on the Rhine. I thank you for your attention."

Mr. Bryan was cheered lustily and long. The doors of the state house were opened and the crowd filed through.

The reception was in the rotunda of the capitol. It was attended by many thousands of people desirous of grasping the hands of Mr. and Mrs. Bryan. The people thronged the capitol grounds and until near the end of the reception it was impossible for one to get within forty feet or more of the entrance to the building. The crowd while waiting, however, was entertained by the elegant display of fireworks from the front of the capitol grounds.

Mr. Roosevelt should call Mr. Cortelyou's attention to the fact that it is spelled "p-u-t i-t b-a-c-k."

Labor marched solidly on September 3. Will it vote as solidly on November 6?

The reporter-detective has scored another "scoop." This time it was a Chicago Tribune reporter who trailed Banker Stensland to Tangier and there had him arrested. They can not escape the ubiquitous reporter.