

respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed.

#### Rates Take Effect in Thirty Days.

"All orders of the commission, except orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended or modified or set aside by the commission or be suspended or set aside by a court of competent jurisdiction. Whenever the carrier or carriers, in obedience to such order of the commission or otherwise, shall publish and file in respect to joint rates, fares, or charges, and shall fail to agree among themselves upon the apportionment or division thereof, the commission may after hearing make a supplemental order prescribing the just and reasonable proportion of such joint rate to be received by each carrier party thereto, which order shall take effect as a part of the original order.

#### May Establish Through Routes.

"The commission may also, after hearing on a complaint, establish through routes and joint rates as the maximum to be charged and prescribe the division of such rates as hereinbefore provided, and the terms and conditions under which such through routes shall be operated when that may be necessary to give effect to any provision of this act, and the carriers complained of have refused or neglected to voluntarily establish such through routes and joint rates, provided no reasonable or satisfactory through route exists, and this provision shall apply when one of the connecting carriers is a water line.

"If the owner of property transported under this act directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the commission may, after hearing on a complaint, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the service so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for in this section.

"The foregoing enumeration of powers shall not exclude any power which the commission would otherwise have in the making of an order under the provisions of this act."

Sec. 5. That section 16 of said act, as amended March 2, 1889, be amended so as to read as follows:

"Sec. 16. That if, after hearing on a complaint made as provided in section 13 of this act, the commission shall determine that any party complainant is entitled to an award of damages under the provisions of this act for a violation thereof, the commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

#### Petitions in Damage Suits.

"If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the circuit court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the road of the carrier runs, a petition setting forth briefly the causes for which he claims damages, and the order of the commission in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the com-

mission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the circuit court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit. All complaints for the recovery of damages shall be filed with the commission within two years from the time the cause of action accrues, and not after, and a petition for the enforcement of an order for the payment of money shall be filed in the circuit court within one year from the date of the order, and not after: Provided, that accrued claims may be presented within one year.

#### Plaintiffs May Act Together.

"In such suits all parties in whose favor the commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

"Every order of the commission shall be forthwith served by mailing to any one of the principal officers or agents of the carrier at his usual place of business a copy thereof; and the registry mail receipt shall be prima facie evidence of the receipt of such order by the carrier in due course of mail.

#### Commission May Modify Orders.

"The commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

"It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

"Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section 15 of this act, shall forfeit to the United States the sum of \$5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

"The forfeiture provided for in this act shall be payable into the treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office, or in any district through which the road of the carrier runs.

**Federal Prosecution For Forfeitures.**  
"It shall be the duty of the various district attorneys, under the direction of the attorney general of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. The commission may, with the consent of the attorney general, employ special counsel in any proceeding under this act, paying the expenses of such employment out of its own appropriation.

"If any carrier fails or neglects to obey any order of the commission other than for the payment of money, while the same is in effect, any party injured thereby, or the commission in its own name, may apply to the circuit court in the district where such carrier has its principal operating office, or in which the violation or disobedience of such order shall happen, for an enforcement of such order. Such applica-

tion shall be by petition, which shall state the substance of the order and the respect in which the carrier has failed of obedience, and shall be served upon the carrier in such manner as the court may direct, and the court shall prosecute such inquiries and make such investigations, through such means as it shall deem needful in the ascertainment of the facts at issue or which may arise upon the hearing of such petition. If upon such hearing as the court may determine to be necessary, it appears that the order was lawfully made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction, or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it, or them, obedience to the same; and in the enforcement of such process the court shall have those powers ordinarily exercised by it in compelling obedience to its writs of injunction and mandamus.

#### Appeal to Supreme Court.

"From any action upon such petition an appeal shall lie by either party to the supreme court of the United States, and in such court the case shall have priority in hearing and determination over all other causes except criminal causes, but such appeal shall not vacate or suspend the order appealed from.

#### Venue of Suits Against Commission.

"The venue of suits brought in any of the circuit courts of the United States against the commission to enjoin, set aside, annul, or suspend any order or requirement of the commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office, and may be brought at any time after such order is promulgated. And if the order or requirement has been made against two or more carriers then in the district where any one of said carriers has its principal operating office; and if the carrier has its principal operating office in the District of Columbia, then the venue shall be in the district where

said carrier has its principal office, and jurisdiction to hear and determine such suits is hereby vested in such courts. The provisions of 'An act to expedite the hearing and determination of suits in equity, and so forth,' approved Feb. 11, 1903, shall be, and are hereby, made applicable to all such suits, including the hearing on an application for a preliminary injunction, and are also made applicable to any proceeding in equity to enforce any order or requirement of the commission, or any of the provisions of the act to regulate commerce approved Feb. 4, 1887, and all acts amendatory thereof or supplemental thereto. It shall be the duty of the attorney general in every such case to file the certificate provided for in said expediting act of Feb. 11, 1903, as necessary to the application of the provisions thereof, and upon appeal as therein authorized to the supreme court of the United States, the case shall have in such court priority in hearing and determination over all other causes except criminal causes.

#### The Court Review Section.

"Provided, that no injunction, interlocutory order or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice to the commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the supreme court of the United States: Provided further, that the appeal must be taken within thirty days from the date of such order or decree and it shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes.

"The copies of schedules and tariffs of rates, fares, and charges, and of all contracts, agreements, or arrangements between common carriers filed with the commission as herein provided, and the statistics, tables, and figures contained in the annual reports of carriers made to the commission, as required by the provisions of this act, shall be preserved as public records in the custody of the secretary of the commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the commission and in all judicial proceedings; and copies of or extracts from any of said schedules, tariffs, contracts, agreements, arrangements, or reports made public records as aforesaid, certified by the secretary under its seal, shall be received in evidence with like effect as the originals."

#### Applications For Rehearings.

Sec. 6. That a new section be added to said act immediately after section 16, to be numbered as section 16a, as follows:

"Sec. 16a. That after a decision, order, or requirement has been made by the commission in any proceeding any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the commission may establish. No such application shall excuse any carrier from complying with or obeying any decision, order, or requirement of the commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the commission. In case a rehearing is granted the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, in-

cluding those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order.

#### Free Passes For Railway Employees.

"Sec. 16b. Nothing in this act shall prevent any common carrier subject to its provisions from giving free transportation or reduced rates to the officers of the organizations of such employees for the purpose of transacting the business of such organizations with such railroads: Provided, that such reduced rates or free transportation are not issued with the view of discriminating in favor of or against any particular class of employees."

#### Annual Reports From Common Carriers.

Sec. 7. That section 20 of said act be amended so as to read as follows:

"Sec. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

#### Year Dates From July 1.

"Said detailed reports shall contain all the required statistics for the period of twelve months ending on the 30th day of June in each year, and shall be made out under oath and filed with the commission, at its office in Washington, on or before the 30th day of September then next following, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such parties shall forfeit to the United States the sum of \$100 for each and every day it shall continue to be in default with respect thereto.

#### Monthly Reports of Earnings.

"The commission shall also have authority to require said carriers to file monthly reports of earnings and expenses or special reports within a specified period, and if any such carrier shall fail to file such reports within the time fixed by the commission it shall be subject to the forfeitures last above provided.

"Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this act.

"The oath required by this section may be taken before any person authorized to administer an oath by the laws of the state in which the same is taken.

#### May Prescribe Form of Bookkeeping.

"The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission, and it may employ special agents or examiners, who shall have authority under the order of the commission to inspect and examine any and all accounts, records, and memoranda kept by such carriers. This provision shall apply to receivers of carriers and operating trustees.

#### Forfeits For Disobedience.

"In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the commission or

any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of \$500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

#### Imprisonment For False Entries.

"Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the commission, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than \$1,000 nor more than \$5,000 or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment.

#### Fines For Indiscreet Examiners.

"Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the commission or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than \$5,000 or imprisonment for a term not exceeding two years, or both.

"That the circuit and district courts of the United States shall have jurisdiction, upon the application of the attorney general of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of said act to regulate commerce or of any act supplementary thereto or amendatory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them.

"And to carry out and give effect to the provisions of said acts, or any of them, the commission is hereby authorized to employ special agents or examiners who shall have power to administer oaths, examine witnesses, and receive evidence.

#### Bills of Lading.

"That any common carrier, railroad, or transportation company receiving property for transportation from a point in one state to a point in another state shall issue a receipt or bill of lading therefor and shall be liable to the holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, and no contract, receipt, rule or regulation shall exempt such common carrier, railroad, or transportation company from the liability herein imposed: Provided, that nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

"That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company through whose negligence the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property."

Sec. 8. That all existing laws relating to the attendance of witnesses and the production of evidence and the compelling of testimony under the act to regulate commerce and all acts amendatory thereof shall apply to any and all proceedings and hearings under this act.

Sec. 9. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, but the amendments herein provided for shall not affect causes now pending in courts of the United States, but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

Sec. 10. That this act shall take effect and be in force from and after its passage.

#### Pluto's Safety Valve.

A round, smooth hole in the side of a granite monument about nine miles out from the City of Mexico is locally known by a term which signifies "Pluto's safety valve." The hole is about nine inches in diameter at the opening, which is polished in a manner which suggests human workmanship. That man had nothing to do with drilling or polishing this hole will be readily surmised when it is known that it has occasionally emitted hot air and smoke during a period extending over 300 years.

#### The Man of Force.

There is always room for a man of force, and he makes room for many. Society is a troop of thinkers, and the best heads among them take the best places. A feeble man can see the farms that are fenced and tilled, the houses that are built. The strong man sees the possible houses and farms. His eye makes estates as fast as the sun breeds clouds.—Emerson.

#### Quite Familiar.

"There is not much in a name, perhaps," said a young Sunday school teacher. "Still it did give me a turn last Sunday when I asked a boy in my class how many apostles there were to have him look up and reply carelessly, 'Oh, a dozen or so!'"

Disease takes no summer vacation. If you need flesh and strength use Scott's Emulsion summer as in winter.

Send for free sample. SCOTT & BOWNE, Chemists, 409-415 Pearl Street, New York. 50c. and \$1.00; all druggists.

A Guaranteed Cure For Piles. Itching, Blind, Bleeding, or Protruding Piles. Druggists refund money if PAZO OINTMENT fails to cure any case, no matter of how long standing, in 6 to 14 days. First application gives ease and rest. 50c. If your druggist hasn't it send 50c in stamps and it will be forwarded postpaid by Paris Medicine Co., St. Louis, Mo.

To Cure a Cold in One Day. Take LAXATIVE BROMO QUININE tablets. All druggists refund the money if it fails to cure. E. W. Groe's signature is on each box. 25c.

Georgia Brown Fashionable Dress and Mantau Maker New Walsh Bldg. Phone 289.

JOE HIGHT CONTRACTOR and BUILDER Farm Buildings a Specialty SATISFACTION GUARANTEED McCook, Neb.

CHICHESTER'S ENGLISH PENNYROYAL PILLS Beware of Counterfeits. Refuse all Substitutes. Safe. Always reliable. Ladies, ask Druggist for CHICHESTER'S ENGLISH in Red and Gold Metallic Boxes, sealed with blue ribbon. Take no other. Be sure dangerous substitutions and imitations. Buy of your Druggist, or send 4c. in stamps for Particulars, Testimonials and "Recipe for Ladies," in letter, by return Mail. 10,000 Testimonials. Sold by all Druggists. CHICHESTER CHEMICAL CO. 2100 Madison Square, PHILA., PA. Mention this name.

FEELING LIVER-ISH This Morning? TAKE THE FORD'S Black-Draught Stops Indigestion and Constipation 25c AT ALL DRUGGISTS A Gentle Laxative and Appetizer



The best of everything in his line at the most reasonable prices is Marsh's motto. He wants your trade, and hopes by merit to keep it.

D. C. MARSH The Butcher Phone 12.

V. FRANKLIN, PRESIDENT. A. C. EBERT, CASHIER. W. B. WOLFE, VICE PRESIDENT

THE CITIZENS BANK

OF McCOOK, NEB.

Paid Up Capital, \$50,000. Surplus, \$4,000

DIRECTORS

V. FRANKLIN, W. B. WOLFE, A. C. EBERT.

E. J. MITCHELL, Auctioneer

Catalogue and Sale Bills Compiled. Stock and Farm write ups. Satisfaction Guaranteed.

With the Republican. McCook, Nebraska.