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Commerce Commission Takes Issue With Commerce Court

By Associated Press.
Washington, D. C., Dec. 20.—Sharp issue is taken by the interstate commerce commission with the commerce court in the 25th annual report of the commission transmitted to congress today.
The issue is made principally upon the popularly known as the trans-continental rate cases, involving freight rates from the Atlantic to the Pacific coast terminals and to intermediate points. Existing rates of the trans-continental lines from Eastern points to inter-Rocky mountain cities are materially higher than Pacific coast terminals. In a decision interpreting the long-and-short-haul provision of the present law, the interstate commerce commission, directed by order, that a relation of rates should be established between the Pacific coast and points of origin in five cases, into which the United States was divided.
The effect of the order was to reduce rates to inter-Rocky mountain cities and prevent the railroads from exacting from shippers the Pacific coast rates plus the local rates from Pacific coast terminals to the intermediate points. The orders of the commission in application of the trans-continental carriers were enjoined by the commerce court and the matter has been carried, on appeal to the United States supreme court.
In its report to congress today the commission declares that "it is a waste of transportation and therefore uneconomical and wrong to maintain a system of tariffs which are presently intended to develop the Pacific coast cities and to arrest the develop-

interior cities two-thirds of the way across the continent to the same coast cities than to inter-mountain points. This is the kind of discrimination the commission has attempted to minimize."

While the commission recognizes the full effect of water competition upon the rail rates it says, "we have the frank admission of the railroad managers that they have subsidized or bought some of these transship lines and terrorized others until they can make the coast the effect of the sea has been 'neutralized.'"

"A railroad policy of rate making must certainly be subject to limitations of the law, or else there is no law. To say that there is a long-and-short-haul section under which a carrier may not charge more for the shorter than for the longer haul, but that the railroads may, to any extent they please carry out a policy of blanketing the country for the benefit of the farther points and not the nearer points, is to say that a railroad may, without restraint, effect a ruinous discrimination or whim. There can be no regulation of rates as to discrimination or preference under such an interpretation of the law.

"The commerce court intimates that the mistake of the commission is in having attempted to fix a relation of rates instead of establishing reasonable rates; but, as we have already pointed out, there is no way in which the discrimination found to exist in these tariffs can be prevented, except by fixing a differential, since we have no power to establish an absolute rate or fix a minimum charge below which the carrier is not free to go.

"We feel strongly that water competition, even when the widest reasonable latitude is given to the effect of market competition, can not by any possibility justify a higher rate from Omaha to Reno than from Omaha to San Francisco; from St. Paul to Spokane than from St. Paul to Seattle.

"Upon the other hand, it should be noted that the opening of the Panama canal may so add to the intensity of this water competition as to call for some modification of the conclusion now reached."

The commission holds the fixing of reasonable rates to be a legislative function, not subject to review by the courts. Congress, it is maintained, has delegated that power to the commission, and the intention is clear that the courts, in the opinion of the commission, has no power to review such rates as may have been established through the orders of the commission in the trans-continental cases.

The report declares that during the last year 652 cases, embodying 507 formal decisions were disposed of. During the year 881 formal complaints were filed and 12 proceedings of inquiry were instituted by the commission on its own initiative. In addition there were instituted 43 proceedings of investigations and suspensions of tariffs containing proposed increases and rates; 4,345 informal complaints; 5,658 claims; and 5,723 applications for relief from the operation of the long-and-short-haul provision.

At sessions of the commission held in Washington and elsewhere 243 hearings were held at which more than 95,000 pages of testimony were taken. In the 12 months ended November 30, 1911, 12,829 tariff publications were filed, an average of more than 400 for each working day.

An elaborate discussion is presented of the work of the division of inquiry showing that since December 1, 1910, 62 indictments for criminal violations of the act to regulate commerce were returned. The aggregate of fines assessed was \$214,223. Many investigations were made that disclosed practices not sufficient gravity to warrant prosecution but of such doubtful propriety that the commission ordered their discontinuance. In this connection the commission says significantly:

"It becomes increasingly evident that entire freedom from discrimination can be secured only by a complete separation of the business of transportation from every form of commercial or industrial enterprise."
In conclusion the commission recommends that the law be amended so as to result in telephone, telegraph and cable companies to publish, file and post their interstate tariffs; to make the Elkins act applicable to such companies; that transportation companies be required to adopt a system of uniform classification of freight; to provide additional safeguards in railroad transportation for employees and the public; to relieve the commission of the jurisdiction of Columbia; to provide for the regulation and control of capitalization and suitable provisions for the valuation of railway property; and that a suitable building be provided for the use of the commission.

LIEUTENANT SAKUMA OF SUBMARINE NO. 6.

In Japan's roster of naval heroes no name appeals more strongly to the intensely patriotic masses of that country than that of Lieutenant Tsutomu Sakuma of the ill-fated Submarine No. 6, lost in April, 1910.

The calm soldierly courage and patriotic devotion shown by Sakuma and his men in face of slowly approaching death by suffocation at the bottom of the sea had seldom been exceeded in war or peace.

Six submarines were making efficiency tests in the Bay of Hiroshima. Sakuma, commanding Submarine No. 6, was running with the conning-tower just above the surface, when the chain on the sluice valve broke and the sea poured in.

After a desperate effort he succeeded in forcing the valve shut with his own hands, but not until the stern had nearly filled with water, which caused the vessel to slowly sink to the bottom.

The hand-pump was promptly manned, but the water covered the electric generator and the lights were extinguished, leaving the men to work in total darkness. Stiffing gases filled the little chamber and breathing became difficult. Their only hope lay in the hand-pump; if that failed to raise the submarine, a slow death from suffocation was sure to come to every member of the crew.

They stood faithfully by the pump and toiled calmly and silently on in the darkness. The commander was unable to see the gauge but he knew by the "feel" of the craft that their vessel were of little avail—that the vessel scarcely moved.

The men realized their pending fate,



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but gave no sign of relaxing their efforts. But the poisonous gases gradually overcame them; death clutched their stout hearts, and one by one they fell; until Sakuma alone was left.

Surrounded by his dead comrades, with the shadow of death slowly creeping upon him, in his intense desire to serve his country to the last, he wrote his report of the cause of the accident and gave advice as to the best means of preventing a recurrence. Portions of the log read as follows: "I have no words to beg pardon for losing His Majesty's boat and for killing my men, owing to my carelessness. But all the crew have well discharged their duties till their death and have worked with fortitude. We have lost our lives in order to discharge our duties for the sake of the country. Our only regret is, however, that this accident may, we fear, cause a hindrance to the development of the submarine. We earnestly hope, therefore,

that without incurring such a mistake, you will make efforts with all your power for the investigation and development of the submarine.

"I am glad all my men have discharged their duties admirably. I am greatly satisfied. . . ."

"I have always been prepared for death on leaving home. . . ."

"I humbly ask Your Majesty, the Emperor to be so gracious as not to let the bereaved families of my men be subjected to destitution. This is the only anxiety which occupies my mind at present. . . ."

"12:30 I feel great pain in breathing. At 12:40 the record ended, and Lieutenant Tsutomu Sakuma passed out of our lives in order to discharge our duties for the sake of the country. Navy. When his body was recovered and a monument raised—by popular subscription—to his memory.—The Human Factor.



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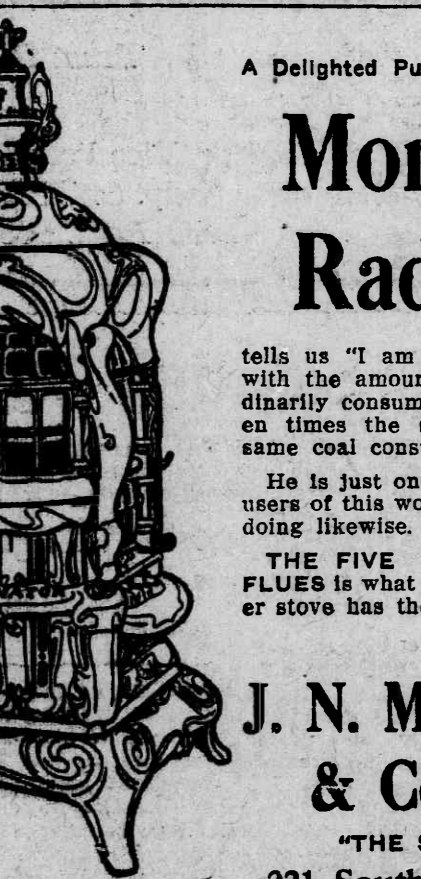
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May we remind those who are giving out of their fullness to our little brethren in want and need that

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