

THE GOLD LEAF

THURSDAY, MAY 31, 1906

The Railway Rate Bill.

[Continued from first page.]

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 cause 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 on an original hearing, except that the commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including 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 carriers. 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 amount paid therefor, and the number of shares of the same; the dividends paid, the surplus paid, if any, and the number of stockholders; the funded and floating debts and the interest 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 amount of such accidents 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 expenses; the balance 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 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 money."

One Minute Cough Cure.

For Coughs, Colds and Croup.

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 any such agent or examiner, 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 as aforesaid 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 receipt or memorandum 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 memorandum, or who shall willfully neglect or fail to make 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 a violation 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 which purports to 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 at 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 court 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."

Proper Rebuke.

Norfolk Virginian Pilot. The defeat by the Senate of Mr. Foraker's amendment to the rate bill was a proper rebuke to that pernicious politician, and it is good to know that many Republican Senators united with the Democrats in the decisive adverse vote. An attempt to inject into an important public measure bearing upon the interests of all the people a provision applicable to local conditions in one section, and utterly foreign to the momentous question of rate-regulation, was the act of a pettifogger and demagogue rather than statesman. To Foraker as to Keiler the admonition is applicable, suppress the brutal cruelty of your own constituents towards the negro before you complain that his rose-leaves are crumpled in the South.

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California Summer Excursions. Daily, June 1 to Sept. 15, first-class, round-trip. \$69 from \$60 from Kansas City. Final return limit, October 31. Honored on The California Limited. Also June 25 to July 7, similar tickets will be sold at \$59.50 from St. Louis or \$52.50 from Kansas City, limited to return Sept. 15. En route see the Grand Canyon of Arizona.

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