

MUCH INTERESTING DATA IN CORPORATION COMMISSION'S REPORT

(Continued from First Page.)

killed and 1,051 injured by the same cause, showing an increase of casualties of twelve killed and 264 injured.

Freight Service.
Perhaps the most important item to the shipper is the character of the service rendered by the railroad company. We regret to say that the service in the handling and the transportation of freights has been steadily growing worse for more than a year. It has grown so bad that it is not uncommon for it to take a month to get a shipment from one point to another in the state, notwithstanding the heavy penalties incurred by such delays, and the business interests of the state are being seriously crippled. Every shipper has felt the burden imposed by such service, and it has cost them in the aggregate hundreds of thousands of dollars.

Numerous complaints are being made for the lack of cars for outgoing business, and the commission has done all it can to relieve the situation, but most of these cars are needed for interstate traffic, over which we have no legal control. Many lumber plants are being seriously hampered and some are being shut down for lack of cars. One shipper alone needs today 200 cars and has needed ten per day every day for two months, but has not been able to get them.

It is true that the railroad companies have added greatly to their yards and side-tracks and have purchased a considerable amount of rolling stock, but their track facilities are still inadequate and they claim that they cannot purchase enough rolling stock, and that the demand for cars and locomotives is so great all over the country that it is necessary to place orders with the manufacturers months ahead. It seems that the railroad companies have gradually abandoned the old custom of making their own equipment and are entirely dependent on the manufacturers for it. It is probably better for them to purchase cars and locomotives, if they can get them when wanted, than it is to build them in their own shops, but the commission does not think this relieves them

from the obligation to obtain the equipment necessary to take care of the traffic offered, and if the railroad company cannot buy a sufficient quantity they should build it themselves. The congestion of less than carload business at junction points is another source of delay and loss to the shippers. In many instances the freight depots are inadequate and the clerical forces too small. If the railroad companies would spend enough of their revenues to prepare them to promptly and safely handle the traffic, their profits would then far exceed their present proportion of the gross earnings, and the prosperity of the entire state would be greatly enhanced.

Local Train Service.
In this respect the commission's former report and recommendations are renewed. From no source comes more justly cause of complaint. The local service, in the opinion of the commission, is subordinated to the through; this is remarkably so in the service of passenger trains. The trains on which the local travel is wholly dependent are the identical trains scheduled over hundreds of miles for the convenience, in its connection and in other respects, of the through travel; hence, the transportation of the local passenger is dependent on the movement of the through train and is subjected to the multiplicity of delays incident to long-distance runs. A local passenger service cannot be satisfactory or adequate when it is irregular and uncertain and the interests of the local passenger served only secondary. The passenger thus served, in the very nature of things, must sustain great loss of time and means on account of extra expense.

This is equally true of the through travel. "Through trains" is a misnomer, if they are scheduled to stop for the local passenger at every station along the route, and the service becomes tedious and belated trains is the result. There is a reasonable and just demand for more local passenger trains. At present nearly all passenger trains are regulated by the schedule of the through. Since the

commission has been presenting this subject in its annual reports and pressing the matter before the railway companies, some progress has been made, notably the service by the Atlantic Coast Line Railroad Company from Springhope to Rocky Mount and to Selma, and from Tarboro to Kinston; by the Seaboard Air Line Railway from Wilmington to Hamlet, and from Raleigh to Weldon; by the Southern Railway Company from Salisbury to Asheville, and from Greensboro to Rameur.

In every case where a local train has been employed with the special purpose of serving the people along its route, good results have come to the road providing it, as well as to the public using it.

We do not minimize the importance of through trains. It is absolutely necessary to make provision for this immense volume of traffic; but the importance of the local travel is emphasized when compared with it. The number of passengers handled by the railroad companies in the state for the year ending June, 1906, intrastate, is 4,462,327; interstate, 1,885,849. The three principal roads in the state report that for the same period they transported intrastate passengers, 3,918,688; interstate, 1,467,051; that intrastate earnings were \$2,707,119, and interstate earnings were \$1,992,435.

If the freight service of the state was undertaken without local trains, the result would be disastrous; even the tendency to make the movement of local traffic of secondary consideration would congest every spur, side-track and yard, and already there are penalty statutes requiring prompt movement of local freight to provide against such a course.

A five per cent or a ten per cent reduction of a rate on any particular classification would avail the shipper but little if the shipment he desired to make was not allowed to go forward, and while his carload stood on the side-track, his competitor, enjoying a gateway rate, would, by the facility of a through train, place his shipment into the hands of the local trader.

The industrial conditions of the state are now such that the facilities and time employed in transportation are an important factor to the success of almost every business.

Litigation.
The Selma connection case, referred to in our last annual report as pending in the supreme court of the United States, was argued in February but as yet no decision has been announced.

The Atlantic Coast Line Railroad Company made reports to the commission monthly, showing revenue earned by this train and the visible expense of its operation, and instead of operating at a loss there was a net profit, over visible expense of \$2,872.06 for the year ending October 31st, 1906, and 55,769 passengers were accommodated by this train.

The case of Southern Railway Company against the Corporation Commission, also referred to in our last report as pending in the supreme court of the United States, was argued in April and decided on May 28th, adversely to the commission. The court decided: "An order of a state corporation commission compelling a railway company engaged in interstate commerce to deliver cars containing interstate shipments beyond its right of way to a private siding is an unlawful interference with interstate commerce, whether viewed as an assertion by the commission of its general powers over carriers, or of its power to make the order in a particular case in favor of a given person or corporation." It will be noted that the court emphasized the fact, which appeared in the case, that the private siding at which Southern Railway was ordered to deliver cars was beyond the right of way of said company. In the opinion of the court uses the following language: "Without at all questioning the right of the state of North Carolina, in the exercise of its police authority, to confer upon an administrative agency the power to make many reasonable regulations concerning the place, manner and time of delivery of merchandise moving in the channels of interstate commerce it is certain that any regulation of such subject made by the state or under its authority, which directly burdens interstate commerce, is a regulation of such commerce, and repugnant to the constitution of the United States."

Another decision was made at the same term of the court in case of Houston & Texas Central Railroad Company vs. John A. Mayes, the principle of which is of importance to our shippers, namely: "When applied to interstate shipments, the provision of Tex. Rev. Stat. arts. 4497-4500, as amended by Acts 1899, p. 67, which penalizes the failure of a railway company to furnish cars to a shipper within a certain number of days after the latter's requisition in writing in the sum of \$25 per day for each car not so furnished, and admits of no excuse except such as arises from 'strikes' or other public calamity, is an unconstitutional regulation of interstate commerce."

These two cases show some of the difficulties with which shippers and consignees of interstate shipments have to contend.

Work of the Commission.
The work of the commission has been constantly increasing. Last year there were 387 cases docketed and disposed of; this year there have been 628 cases, an increase of 61 1/2 percent. Several thousand dollars, most of which in small sums, have been caused to be paid or refunded to complainants. A number of depots have been ordered to be repaired or built, some of which have been completed. All freight rates have been reduced to the standard on the Atlantic & Yadkin Railroad, and the fertilizer rate has been reduced to the standard on the East Carolina Railway. Some reduction in the different commodity rates has been made every month this year, including rates on warehouse trucks, grinding or corrugated rolls, building tile and hollow brick, common brick, trees and shrub-

bery, furniture (including sideboards, wire mattresses or springs, chairs, mirrors, chair stock, veneering, wooden seat stools, bobbins, shuttles and spools, vinegar, kraut, pickle and other barrels, tobacco baskets, delivery wagons, and on all roads comprising the Southern Railway Company on less than carload shipments of apples, beets, onions, potatoes, turnips and cabbage.

We think passenger rates are too high and should be reduced, but we believe it should be definitely settled first whether we are to continue, the only state in the union, to require both first and second class accommodations. Two years ago the commission felt that if first and second class fares were abolished and one fare established instead, passenger rates could and ought to be reduced, and they so reported to his excellency, Charles B. Aycock, who recommended this course to the legislature of 1905, and bills were introduced to that effect. These failed to pass, however, because of the failure to agree on the rate for one fare, and the question of one or two fares will be regarded as still unsettled. The commission thinks this question ought to be settled because it is very evident that a lower rate can be established and maintained with one fare than with two.

The passenger traffic and earnings have increased since these recommendations were made and a lower rate could be made now than at that time. This year the average amount paid per passenger per mile on the Atlantic Coast Line Railroad was 2.53 cents; on the Seaboard Air Line Railway was 2.32 cents; and on the Southern Railway was 2.58 cents. The average amount paid per passenger per mile on all roads was 2.474 cents.

Some members of the general assembly having expressed a desire that the amount of reduction of the standard rate should be fixed by the statute, the commission has endeavored to ascertain and incorporate in this report, as far as practicable, all the statistics bearing on this question, and have required the railroad companies to make in their annual report of June 30th, 1906, a return of the total earnings within the state, and a full and complete report of the inter and intrastate earnings separately, which had only been done heretofore in their quarterly reports.

The supervision of banks is constantly increasing in importance. This year there are 26 banks with \$48,207,488 resources against 25 banks with \$41,065,539 resources last year, being an increase of 28 banks with \$7,211,949 resources. During the year forty-five new banks have been chartered and two banks have been liquidated. When we remember that each of these banks are required to make five reports each year and that the bank examiner makes at least one more, making six in all for each bank, we can get some idea of the volume of the work.

The combined work of the office has grown beyond the clerical force and our very efficient chief clerk is obliged at times to employ additional help. Nearly 20,000 letters have been mailed from the office this year and more than one million words of testimony taken in shorthand by our stenographer. The state policeman in having the entire work of this department accomplished at a cost of \$11,640. The work of the tax commission alone in those states which have a tax commission cost them nearly double the entire cost of this department.

Attention has been called in this letter to several matters over which the Corporation Commission had no power or control, in order to remedy this defect in the law we respectfully recommend that the Corporation Commission act be amended so as to authorize and empower the Corporation Commission to make such order for the repairs of any railroad, or any addition to its rolling stock, or any addition or improvement in the equipment of any transportation line, or any change in the manner of operating the roads or other transportation line and conducting its business to promote the security and convenience of the traveling public; so that the Corporation Commission shall have the same powers and authority over telegraph and telephone companies as it has over railroads, so far as the same may be applied.

Respectfully submitted,
FRANKLIN McNEILL, Chairman.
SAM L. ROGERS, E. C. BEDDINGFIELD, Commissioners.

JURY GAVE \$2,000 LESS THAN ASKED

After being out for about one hour the jury in the case of the American Locomotive Company vs. the Weldon Lumber Company returned a verdict allowing the plaintiff the sum of \$3,500 without interest. Suit was instituted for \$5,300 with interest for two years. No denial was made of the work being done but it was contended that the charges were unreasonable. The case was begun Monday and was concluded yesterday (yesterday), having been given to the jury about five o'clock. The verdict was returned one hour later.

Court was convened this morning and a motion was made to set the verdict aside, which motion was overruled and judgment given. While no specific statement was made in regard to taking an appeal, sixty days is allowed to decide what course shall be pursued.

This completed the present term of the court and a recess was taken until the 21st of January.

A Western Wonder.
There's a Hill at Bowie, Texas, that's twice as big as last year. This wonder is W. L. Hill, who from a weight of 90 pounds has grown to over 180. He says: "I suffered with a terrible cough, and doctors gave me up to die of Consumption. I was reduced to 90 pounds when I began taking Dr. King's New Discovery for Consumption, Coughs and Colds. Now, after taking 12 bottles, I have more than doubled in weight and am completely cured." Only sure Cough and Cold cure. Guaranteed by all druggists. 50c and \$1.00. Trial bottle free.

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