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### FORTY-SIXTH CONGRESS

### HOUSE.

WASHINGTON 22. — The usual scenes incident to a night session were enacted. During the pauses between the reports of the sergeant-at-arms, Frost suggested ironically that the tedious hours be enlivened by allowing Spear, of Georgia, to make a speech upon the necessity of improving the Tegesta river in that gentleman's district. The suggestion brought prolonged colliquy. A call of the roll on a motion to adjourn, made at 1.50 showed fewer members present than at the first roll call. Frye remarked that the whole thing had turned into a farce.

King submitted a resolution directing the sergeant-at-arms to take into custody the members absent who voted at first, Roll call. A discussion ensued as to the power of the minority of the House to adopt such a resolution. Atherton, while favoring the resolution, remarked that members left the hall, not only through the doors, but through the windows of the cloak rooms. Finally, at 4 o'clock, the resolution was adopted—yeas 76, nays 25. There was strong determination manifested on both sides of the House to prolong the session until a quorum should appear. On the part of some gentlemen this determination was strengthened by a desire to pass the Chandler bill, but for the most part it arose from a disposition to make it apparent that when the House ordered evening sessions hereafter members attending such sessions would insist upon the presence of a quorum and the transaction of business. At 4.45 a motion to adjourn was defeated. At 5.30 the sergeant-at-arms appeared at the bar of the House with Harris, of Virginia, Bland and Rothwell in custody. The sergeant-at-arms stated that his deputy waited upon Lowe, of Alabama, and that gentleman refused to accompany him to the House. Harris, Bland and Rothwell stated that they had left the House before the closing of the doors and were excused. It was then ordered that Lowe appear before the House on Saturday at 2 o'clock to give his excuses for not returning to the House when summoned.

The House, at 6 o'clock, adjourned till noon.

At this hour, the journal not being completed, a recess was taken.

After recess, the journal being approved and the morning hour dispensed with, Keifer called up the resolution of the committee on elections upon the contested election case of Bisbie *vs.* Hull, declaring the contestant, Bisbie, entitled to the seat.

Springer explained that the opposition to consideration of this case, yesterday, arose from the fact that some of the gentlemen on this side desired Hull to be present at the time of the vote.

The resolution was adopted and Bisbie took the oath of office.

Lowe explained that he was unwell when he declined going to the House last night, at the request of the sergeant-at-arms.

The order of arrest was then vacated and the House adjourned.

## AMERICAN.

### LELAND STANFORD REPLIES

**To Judge Black's Article on American Railroads, and their Rights.**

SAN FRANCISCO, 22.—Leland Stanford, President of the Central Pacific Railroad, publishes a three-column letter this morning to the special committee on fares and freights of the New York Board of Trade, answering the questions propounded by them, and also Judge Black's opinion. Stanford starts out saying the general scope of the question goes to the control, to a greater or less extent, of the property which stockholders in railroad companies believe to be of right their own. Here it is pertinent, it seems to me, to call attention to the principles upon which our government is founded. They are laid down in that great bill of rights known as the Declaration of Independence. There it is clearly enunciated that governments are instituted to secure the people in their inalienable rights to life, liberty and the pursuit of happiness. Tariffs and the supervision of commerce and trade originated in a barbarous age, and where the direct offspring of robbery and rapine enforced by the hand of might. If the question of the control of railroads were to be treated purely from a legal standpoint I should have nothing to say, because it is *stare decisis*. The essence of ownership is in control. The value of property consists in its use or the rents and profits to be derived. In the celebrated Granger cases, so called, the use of profits and the control were declared to be the subject of legislation. The principle in these cases, especially as enunciated in the warehouse case, was, that the right of the legislature to control the use and the benefits of the property of private individuals in concert with their own personal services, was to be determined by the nature of the business of the people with whom the business might be transacted. To sanction these decisions there was a violent assumption of fact. It does not follow that the warehouse man necessarily does business with a large number of people. A single individual might tax to the utmost the capacity of the warehouse, and, indeed, of several. In such a case if one or more individuals may use the property and appropriate the services of one or more persons, there is no limit to which the power may be exercised over all kinds of business. Then, where is the harmony between a decision of the courts sustaining this doctrine and the fundamental principle of our government to which all has before been made subservient. These decisions sustain Judge Black's assertion, but there can be no denying that they are a most flagrant violation of the principles of a free government, and are entirely in harmony with the theory of government which rests its foundation in might and asserts the divine right of kings. It was never intended that this should be a paternal government, yet does it not begin to assume that form when it is claimed that it should fix the terms of contracts between independent parties by attempts at regulating the rates shippers shall pay and carriers shall receive for their services? Stanford adds: But I proceed to treat the subject in its political economic aspects. In answer to interrogatory you seem to beg the whole question as to whether railways are public highways and common carriers, and derive their franchises and existence from the public. I do not think that the assumption is proper. Corporations are formed, I believe, throughout all the States of our Union under general incorporation laws, and they are formed by the individual corporators. The property of the incorporation is contributed by the stockholders and the State no more creates the corporation or its property than it creates partnership between individuals on the partnership property. The corporation obtains nothing which cannot be had by any set of individuals who choose to associate themselves together as a corporation for some purpose. Your second question: "Railroad managers justify the practice of giving low rates to some shippers, and refusing them to others, on the ground of development of business in certain localities. Is it consistent with public welfare and the rights of citizens to allow railroad managers to decide what persons and places shall be thus developed?" I shall not say anything to justify discrimination against individuals and communities, but content myself on this head by simply stating that such has never been practiced by railroad companies with which I am connected. So far as they are concerned they practice the same general business principles that govern and regulate individuals in the management of their affairs. The primary consideration with railroad managers under the observance of the golden rule, is their treasury. With this in view, and to meet competition, they often carry freight at less rates for a longer than for a shorter distance, and they accept the less rate because they can't do better, because a small profit is better than none. This is only in accordance with the principles of industry and thrift and economy which should ever be encouraged. To deny the companies the privilege of working for a small profit would be on a par with saying to an individual, "better be idle than take small earnings when larger cannot be had." It is the policy of the Central Pacific, and I believe of railroad companies of the United States generally, to accept small profit when larger cannot be obtained, as it is also its policy to encourage the development of the resources of the country. In doing so it practices no unjust discrimination of charges, but it puts in practice common and economic principles. In fixing the charge for service by railroad companies, there are various things that may enter into the determination of rates; prominently among them the quality of article carried, and the quantity, the distance moved, the climate and other difficulties to be overcome in the transportation, the volume of business, whether the movement in either direction is about equal and the question of competition. Your committee is undoubtedly aware that a very large portion of the coarse, unmanufactured products of the country is moved below the average rate of the cost of transportation, yet in doing so nobody is harmed. The railroad companies find the smallest profit better than none. A rate barely sufficient to pay the expenses for movement is better than idleness. Under this rule the country obtains a development, homes for the people are possible at remote distances from markets, and every industry finds encouragement. Under the substantially unlimited control of their own affairs which companies have enjoyed, rates of transportation have steadily been reduced, until at the present their general rates are far below what even your committee would ten years ago have deemed possible. The higher the maximum rate the lower is is the possible minimum. Given a certain amount to be earned and a reduction of the maximum necessarily increases the minimum. These minimum rates largely affect individuals, and the question of the production and the general development of the country. The maximum charge being upon manufactured and costly articles, it is not felt by the producer or by the consumer, and a reduction of this rate is of great convenience to the carrier and the producers of cheap manufactured materials, and without which a very large portion of the latter commodities could not be produced or moved, and would go substantially to the benefit of the middle men, without making these articles any cheaper to the consumer. In other words, the great efforts made to reduce rates would not, if successful, be of any advantage to the laboring man who makes or the laboring man who consumes. Reductions are sought by those engaged in business, and, if made, would insure almost solely to their benefit, and for this reason they are seeking to exercise a control over the property of others. There is not a principle of business exercised by the railroad companies in their management that is not deemed honorable, and which is not in constant practice by the merchant, the manufacturer, the lawyer, the doctor and the farmer. As to the idea suggested by question five, that a court be established to decide, upon full inquiry, the questions of justice between the carrier and its patron, that is one matter, but so far as the establishment of a board of commissioners to exercise control over the property of others is concerned, that is another matter, and which I cannot be expected to approve. As to question six, I am not informed that competition is mainly supplanted by pooling arrangements. I believe that this pooling reaches only to the through business of a few roads, but if the government is to equitably regulate railroads, the earnings of all will have to be pooled or the roads consolidated. The ninth question relating to limiting earnings, Stanford answers that there is no justice in limiting what may be earned by the exercise of sagacity and industry. Regarding increasing the capital of railroad companies, he says, that is the concern of the companies themselves, and intimates that it is nobody else's business.

As to question twelve, "What do you think of the practice of the railroad companies or railroad managers contributing large sums to control elections or to influence legislation, or to political campaign fund?" Stanford answers that I think of that as I do of individuals doing the same thing. It is neither better nor worse in this case than in the other. I know, however, that if the railroad companies do these things it is invariably when they are compelled to do so to resist aggression and oftentimes threatened confiscation of their property, under the plea of regulation.

Question thirteen reads: "Do you think the uncontrolled power of public rights, as developed by the late railroad investigations, is inconsonance with the antagonism of capital and labor in this country?" Leave the railroad industry, if compiled, leave the control of railroad property as you leave other property, and you will never have occasion to ask such a question. It seems to me that communism does not come from the people who seek to control only their own property, but rather from those who wish not only to control and regulate properties in the creation of which they had no part or ownership, but also the labor, of others bestowed in their management. What you propose in regard to railroad property is, to my mind, on a par with the principles contended for by the communists and the agitators. Kearney advocated no doctrine in regard to property more atrocious than the principles embodied in the Granger cases, and the laws which they sustain. Stanford goes at length into the question of legislative control of railroads. He says in any scheme of congressional legislation the mileage would have to be taken into consideration in order to be just, allowing to one company the same rates as allowed another for the same service. It would also consider the difficulties of operation, the different grades, the various climatic influence, the different cost prices of labor and supplies, the question of the movement of freight in different directions, the volume of business, local and through, and the distance each moved, and so on. Under such a system it would be found that the advantages offered for transportation by the different companies would be unequal. The road having the least number of miles, were a mileage rate adopted, would move freight between two given points at a less rate than the other roads; and upon that basis it would command the entire business. If in distance the various roads were equal, the one having the easiest grades would have the advantage. So on through all the various circumstances that probably would be taken into consideration by a legislative body in making rates. It would be found that things unequal in themselves cannot be made equal by any mere declaration of equality. The topography and the geography of a country are the controlling factors in the regulation of rates and will remain unchanged. Business would seek the route offering the cheapest and best service between two points. To give a fair distribution of business so the different roads might live, would require a minimum as well as a maximum price to be established. Here you will have an arbitrary system. Regulation would necessarily deny the privilege of competition and disregard those economic principles which should govern and regulate business. From the foregoing my conclusion is inevitable, that railroad property should be left to the management of its owners. The business is legitimate. Any interference by those who do not own it is a burden upon the property, and one which must eventually be borne by the people. If the people want to exercise a control over the road they must do as they have said to corporations—it must do when the State exercises the right of eminent domain, that is, to pay to the individual owners the full value of wha ever is taken for public use, and to this it must come at last if the control is to be taken from the stock holders without confiscation. There is only one honest way to acquire control of property, perhaps, since the wide circulation given to Judge Black's communication, in answer to your questions, I may be pardoned if I refer to some of his statements. He finds authority to regulate charges upon railroads in that clause of the Constitution of the United States giving to Congress the authority to regulate commerce among the several States. Under this reading the power of regulation is a power to regulate the carrier; whether that carrier be a corporation or an individual. The regulating of railroads upon this ground is entirely foreign to that which has heretofore engaged our attention, and the difficulties of regulation upon this theory are practically insurmountable, substantially for the same reasons with the added difficulty that barriers would be erected to the commerce between individuals living in different States, that would not exist between individuals living in the same State. Referring to Black's statement about government aid to the Pacific railroads, Stanford says: So far from the aid of the government being sufficient to build the Central Pacific Railroad. I can say, because I know whereof I speak, that every dollar derived from the loan of the government credit went into the construction of the railroad, together with a much larger amount derived from the other resources of the company. It is susceptible of easy demonstration that the work of grading the first 150 miles of the Central Pacific Railroad, from Sacramento eastward, was more than would suffice to grade the road for a single track from the Rocky Mountains to the Hudson River. In conclusion, gentlemen, allow me to say that maximum rates determine the possibility of maximum rates. that maximum rates have enabled the railroad to develop to the extent that they have the vast resources of the country; that the railroads, in opening up new countries, adding new industries, conferring additional facilities for the interchange of commodities, and bringing the buyer and seller close together, have furnished, and do furnish labor for the common welfare far beyond other agencies. The reduction or rates under the plea of regulation is a great blow to the laboring man who produces and to the laboring man who consumes, in my opinion, any reduction scarcely goes to the benefit of the many, but to that of the comparatively few, and comparatively wealthy, who occupy the positions of middlemen between the producer and the consumer. This question of transportation is of an importance that prevents its being settled excepting upon just and correct principles.

## BRIEF TELEGRAMS.

**Culled from Saturday Night's Dispatches.**

Parts of England have been revisited by another severe snow storm.

Five or six tug boats have been submerged near Sandy Hook by the recent storm.

An ironclad is reported on the coast of Ireland to prevent the landing of arms.

Troops are being sent to Wigan and Preston Districts, owing to their disturbed condition.

The charge of the jury in the Irish treason case will be given on Monday, by Judge Fitzgerald.

The revenue of France for 1882 is estimated at 2,836,000,000 francs, expenditures, 2,918,000,000 francs.

The legislative appropriation bill will be ready for the full appropriations committee early next week.

Colliers and police of Shelmerdale, England, had a fight yesterday, and several persons were injured.

A terrific storm took place on the Mediterranean on Saturday, and destroyed about 50 smacks in French ports.

Bismarck's second introduction of the establishment of a triennial imperial budget, is meeting with great opposition in the press.

Advices of the surrender of Lima have been received by Chili's London representatives. The Chilian commander had 40,000 men.

The storm of hail and rain yesterday causes still an almost entire suspension of telegraphic communication throughout New York.

The postoffice appropriation bill, as reported to the House, appropriates $10 769,432. The estimated postal revenue for 1882 is $38,645,174.

The Bernhardt engagement at Chicago has been a success. The company leaves, and in two weeks have made and takes away with them $40,000.

In the Nebraska legislature, on the seventh ballot, General Charles H. Van Myck was elected Senator. He was formerly a member of Congress from New York.

Carrie Stokes (colored) was murdered last night, at Atlanta, and the body placed on a fire of wood. The clothing was saturated with coal oil, and the head and face horribly burned.

In the Rapphannock River, to-day, a gorge formed and caused the water and broken ice to back up to a height of eight of feet, which submerged the wharves at Fredericksburg.

Gambetta, on Friday, said the Chamber of Deputies, would not adjourn until the restriction had been removed from the President and the right of public meetings sanctioned.

Large numbers of distinguished Israelites are at Cincinnati to attend the meeting of the B'Nai Britto Grand Lodge of District No. 2, embracing Ohio, Indiana, Kentucky, Missouri and Colorado.

Secretary of the Navy Goff, Secretary Evarts, and many representatives of the Masonic fraternity were among nearly 10,000 people who witnessed the placing of the obelisk upon its pedestal in Central Park, New York, to-day.

The President has directed the following officers to be placed on the retired list: General Dunn, judge advocate-general; General VanVliet, adjutant-quartermaster-general; Col. Samuel Woods, deputy-pay master-general; and Major Jos. H. Eaton, paymaster-general.


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NOTICE.

*In the Probate Court in and for Salt Lake County, Territory of Utah.*

IN THE MATTER OF THE ESTATE OF JONAS ERIKSON, DECEASED.

PURSUANT TO AN ORDER OF SAID Court in said matter, notice is hereby given, on Tuesday the 8th day of February, A. D., 1881, at the hour of 10 o'clock a. m. of said day, at the County Court House in Salt Lake City, has been appointed by said Court the time and place for the hearing of a petition of J. F. Rylvling, Mary Ericson and Gorge H. Hickens, filed in said Court, praying that certain documents therewith filed, purporting to be the last Will and Testament of said Deceased, with a Codicil thereto, be admitted to Probate, and that the petitioner be appointed the Executors thereof, at which time and place all persons interested may appear, and oppose the Probate of said Will and Codicil.

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