

8 RAILROAD BILL COMES TOMORROW

(Continued from page seven.)

with any order of the commission fixing any rate or rates, fares, charges, classification, joint rate or rates, or any order fixing any regulation, practice or service, may commence an action in the district court against the commission as defendant to vacate and set aside any such order...

though made by the commission in the first instance, if the original order shall not be rescinded or changed by order or judgment of the district court, rendered upon such original order...

RULES OF EVIDENCE AND PRACTICE.

Sec. 17. In all actions and proceedings in court arising under this act all provisions of this act on the subject of evidence and rules of evidence shall be the same as in civil actions...

a. The commission shall cause to be prepared suitable blanks for the purpose designed in this act, which shall conform as nearly as practicable to the forms prescribed by the interstate commerce commission...

b. The commission or any commissioner, or any person or persons employed by the commission for that purpose, shall have the right to inspect the books and papers of any railroad and to examine under oath any officer, agent, or employee of such railroad in relation to its business and affairs...

c. The commission may require by order or subpoena, to be served on any railroad, in the same manner that a summons is served in a civil action in the district court...

d. The railroad commission may in its discretion prescribe a uniform system of rendering accounts of business transacted in Utah by all railroads within the meaning of section 2 (including subdivisions a and b) of this act...

liable to the penalty provided for in section 27 of this act.

CONTRACTS, ETC., FILED.

Section 19. Every railroad whenever required by the commission shall, within a time to be fixed by the commission, deliver to the commission for its use copies of all contracts which relate to the transportation of persons or property, or any service in connection therewith...

AMOUNTS EXPENDED IN CONSTRUCTION.

Section 20. The commission shall ascertain, as nearly as practicable, the amount of money expended in the construction and equipment of every railroad, the amount of money expended to procure the right of way, also the amount of money it would require to reconstruct the roadbed, track, depots and other facilities for transportation...

ous service required of each class. Whenever the information required by this section is obtained, it shall be printed in the annual report of the commission...

INTERSTATE RATES.

Sec. 21. The commission shall have power, and it is hereby made its duty, to investigate all freight rates on interstate traffic on railroads in this state, and when the same are, in the opinion of the commission, excessive or discriminatory or are levied or laid in violation of the interstate commerce law...

DISCRIMINATION PROHIBITED.

Sec. 22. If any railroad, or any agent or officer thereof, shall directly or indirectly, by any special rate, rebate, drawback, or by means of false billing, false classification, false weighing or by any other device whatsoever, charge, demand, collect or receive from any person, firm or corporation a greater or less compensation for any service rendered or to be rendered by it for the transportation of persons or property...

PENALTY FOR VIOLATIONS BY OFFICERS, AGENTS OR EMPLOYEES.

Sec. 26. Any officer, agent or employee of any railroad who shall fail or willfully refuse to fill out and return any blanks as required by this act, or shall fail or refuse to answer any questions therein propounded, or shall knowingly or willfully give a false answer to any such questions...

person, firm or corporation, furnishing any part of the facilities incident thereto; provided, nothing herein shall be construed as prohibiting any railroad from renting any facilities incident to transportation and paying a reasonable rental therefor.

PREFERENCE PROHIBITED.

Sec. 23. If any railroad shall make or give any undue or unreasonable preference or advantage to any particular person, firm, or corporation, or to any class of persons, firm, or corporation, or to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared unlawful.

UNLAWFUL TO ACCEPT REBATES.

Sec. 24. It shall be unlawful for any person, firm or corporation knowingly to accept or receive any rebate, concession or discrimination in respect to transportation of any property wholly within this state, or for any service in connection therewith, whereby any such property shall be transported at a less rate than that named in the published tariffs in force as provided herein...

TREBLE DAMAGES.

Sec. 25. If any railroad shall do or cause to be done or permit to be done any matter, act or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by any such railroad shall be liable to the person, firm or corporation injured thereby in treble the amount of damages sustained in consequence of such violation...

RATES NOT SPECIFICALLY DESIGNATED.

Sec. 29. Whenever after hearing and investigation as provided by this act, the commission shall find that any charge, regulation or practice affecting the transportation of passengers or property, or any service in connection therewith, not heretofore specifically designated, is unjust, unreasonable or unjustly discriminatory, it shall have the

any book, paper, or account of such railroad, which is in his possession, under his control, shall be deemed to be a violation thereof, and upon conviction thereof shall be fined not more than \$1,000 for each such offense; and not less than \$500 nor more than \$1,000 shall be recovered from the railroad for each such offense when such officer, agent, or employee acts in obedience to the direction, instruction or request of such railroad or any general officer thereof.

GENERAL PENALTY FOR VIOLATIONS BY RAILROADS.

Sec. 27. If any railroad shall violate any provision of this act, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it, for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission, or any judgment of a court made by any court upon its application for such relief, such violation, forfeiture and penalty shall be a sum of not less than \$100 nor more than \$1,000 for each offense...

EMERGENCY RATES.

Sec. 28. The commission shall have power, when deemed by it necessary to prevent injury to the business or interests of the people of interstate rate wars, or in case of any other emergency to be judged of by the commission, to temporarily alter, amend, or modify the rates of any existing passenger rates, freight rates, schedules and orders on any railroad or part of railroad in this state...

TO THE PEOPLE!

Read every word of this. It concerns you. The necessity for a commission is plainly demonstrated by the keen antagonism of the railroads and their subsidized press. We are making this fight for the people. "Get into line" and let your representative understand that Utah demands a Railroad Commission.

Twenty-five Reasons Why Utah Needs a State Railroad Commission, and What a Commission Could Secure for the People of the State.

- A Commission would not be in possession of free transportation, and could act for the best interests of the people. Free transportation entails an obligation on the holder thereof to work and vote for the giver. Esau sold his birthright for a mess of pottage. DON'T BE AN ESAU.
A Commission would have the power given it by the state, which no individual has, to investigate the shipping rates on Coal charged by the Railroads, and ascertain why it is that while Salt Lake pays \$5.25 per ton, Mount Pleasant only pays \$3.50 per ton.
A Commission would prevent the Coal Companies from shipping Coal out of the state while our own citizens are suffering for the want of it.
A Commission would prevent the unjust discrimination in freight rates which at present enables certain well favored shippers to get reduced rates for distribution within the state as against others.
A Commission would investigate the arbitrary "Weighing Association," and permit of some method being adopted for a more reasonable manner of adjustment of disputed weights.
A Commission would investigate the "Pool Association" that exists and which serves to prevent competition.
A Commission would provide a means whereby less favored shippers desiring cars, would have some medium through which their requests would receive attention.
A Commission would have the power to investigate and regulate the unjust discrimination in passenger rates prevailing in some parts of the state, whereby certain localities are favored over others.
A Commission will prevent the giving of free transportation for the purpose of influencing shippers, and the creation of favorable legislation, contrary to the people's interests.
A Commission will prevent the Railroads from laying their "Heavy Hand" upon the people who are unfortunate enough to incur their displeasure, and for seeking to secure their constitutional rights.
A Commission will increase such rates on Coal for Domestic purposes as will enable the consumer to live within his means, and still keep warm, by making the rates consistent with the distance hauled, the vital necessity for Coal, and the prices charged for the same in other states.
A Commission would regulate the rates on manufacturing Coal to that extent that hundreds of new industries which in the past year have refused to enter our borders owing to the high price of fuel, would be induced to establish factories in our cities and towns.
A Commission would have the power to investigate the numerous fatal railroad accidents that occur within our state every year, and apply such penalties and restrictions as would insure the safety of the traveling public.
A Commission would serve to investigate and regulate the exorbitant freight rates charged for short hauls within the state, which in many instances are higher than that charged for the same goods from far Eastern points.
A Commission could save the citizens of the state over \$1,000,000 each year in the reduced price of coal, made so by a reduction of the shipping rate on Coal from the mines.
A Commission would investigate and remedy as far as possible the poor service, poor road beds, and poorer equipment that makes the railroads of the state a constant danger to life and limb, and a menace to health and morals.
A Commission would compel the railroads operating in the state to maintain adequate and decently equipped stations for the comfort and health of the traveling public, and the general welfare of the state.
A Commission would co-operate with the Interstate Commerce Commission in securing such rates for Utah as will enable this state to occupy its natural position as the manufacturing and jobbing center of the Intermountain country.
A Commission would have the power to create, control and regulate freight rates within its own borders, given it by the state and confirmed by the Supreme Court of the U. S., December 16, 1906, which clearly and specifically places the power of such regulation upon the "State Railroad Commission."
A Commission would prevent the railroads from putting into effect special rates at a moment's notice, for the purpose of favoring certain shippers, and certain shipments, in which frequently certain railroad officials are themselves peculiarly interested.
A Commission would prevent as nothing else will, the raising of freight rates within the state, to offset the reductions in interstate rates which the Interstate Commerce Commission will undoubtedly cause to go into effect in the near future.
A Commission will have the power to investigate the earnings and expenditures of the railroads and to determine what the rates shall be, consistent, with a fair profit on the capital invested, and prevent the enormously large dividends and surplus which have been wrung from the earnings of the people.
A Commission will put new railroads seeking admission at our doors on an equality with those already operating within our borders, and make it possible for them to secure instant recognition and patronage.
A Commission will present the granting of free transportation to the law-makers and employees of the state, which still prevails in spite of the Federal laws, and which is the prime cause for the many infractions and passive acquiescence, coupled with the unjust discriminations that are all too prevalent.
A Commission will save the railroads themselves thousands of dollars that are now annually wasted in free transportation, which saving can be applied to the reductions in freight rates.

WHAT THE PEOPLE SAY:

- Hooper, Utah, Jan. 12, 1907. "Enclosed please find a few names (48) according to your request. I will add that I am heartily in accord with you in this direction. Yours respectfully, Success to you. Stay with it!"
Orton, Utah, Jan. 4, 1907. "The idea of this petition to the Legislature is congenial to my feelings. The railroad companies have surely charged the masses of the people exorbitant prices for freight and passengers. They really have been unreasonably in their rates, and it is thoroughly demonstrated that the railroad companies have given free passes to the state officials, and other representatives have received free passes from the railroad companies to give to their friends. I am of the opinion that a railroad commission appointed by the legislature would be a good thing for the state of Utah. I will get what signers I can. I will also scratch the representative from Garfield county on the back to vote for the railroad commission." Yours truly, A HELPER.
Spanish Fork, Utah, Jan. 5, 1907. "I have been burning bog-wood, old barrens, and scrubbrush for several weeks. I generally use about \$5,000 worth of coal. I have been in the coal business for 18 years, but in 1905 the Utah Fuel company saw fit to put me out of business, and they did it by refusing to sell me coal; also in 1906. I have had but little coal, and this morning I am sending my team 12 miles distant after some. I write this simply to show you that we are suffering for the want of coal." Yours respectfully,
Spanish Fork, Utah, Jan. 2, 1907. "I had no idea of my letter even getting into print, or I certainly would have written more facts, and made it more plain. I regret ever saying anything about it, as I fear the heavy hand of the railroad." Yours respectfully,
Salt Lake City, Utah, Jan. 5, 1907. "I heartily approve of your steps, taken to secure from our railroads such freight and passenger rates as we are entitled to without discrimination. Trust that you succeed in your effort for the betterment of the community as a whole." Respectfully,
Annabella, Utah, Jan. 12, 1907. "Enclosed find names of a few legal voters who have volunteered their aid in helping you with a just cause. All of these are of this place." Yours truly,
Riverton, Utah, Jan. 7, 1907. "I return petition signed as requested. We are pleased to see the matter taken up by yourselves and are unable to see why railroads should so strenuously favor the policy of giving special rates to favorite parties, and of building up certain firms and localities against their competitors. We know of certain extreme cases in the past where the rate to one firm was one-tenth the rate to another party. We have also met cases where the regular rate has been charged by the agent, but auditors' checks have been given to cut the rate very materially. We, however, do not expect any equitable treatment from the railroads as long as every judge and legislator and assessor travels on the courtesy of the railroad companies." Yours very truly,
Ogden, Utah, Jan. 18, 1907. "However I heartily endorse the movement, and hope that we will be successful in getting a commission. If there is any other thing we can do to help the bill, command me." Yours truly,
Neph, Utah, Jan. 13, 1907. "Beyond all question such a commission is necessary in every state and without them the interstate commission will be able to produce only partial results. My particular purpose in writing you is to give a pointer which has, perhaps, not been brought to your attention. Already I have observed that some railroads are avoiding the annual pass question by sending trip tickets to those who have heretofore had annuals. This is, of course, an extension of the law which should receive your attention and publicity. Another thing which should be considered by local commission is the conditions of some of the roadbeds in the state. They are such as invite disaster, and make bad accidents a certainty sooner or later. No other great country in the world has attempted to regulate such conditions as are found in most of the public service corporations of the United States. The railroads are especially in the limelight just at present and every patriotic citizen should uphold every effort which looks toward reform. Something especially should be done to bring the attention of the people to the legislature in their deliberations on the measure you will, doubtless have introduced. It must be confessed to the shame and disgrace of the state that our legislatures, recently in particular, have been openly bribed in the various junketing ideas tendered them by the railroads. This in addition to the passes for themselves as well as their sisters and their cousins and their aunts." Success to your efforts.
Besides the above we have many others and thousands of signatures from every county in the state. The efforts of this association have been endorsed by— The Utah Federation of Labor, representing the entire labor interests of Utah. The Retail Butchers and Grocers' association, representing over 150 of the merchants of the state. The Woodmen's association. The Manufacturers and Merchants' association of Utah. Ogden Real Estate association, and many others.

WHAT THE NEWSPAPERS SAY:

- From the Inter-Mountain Republican, Sept. 21, 1906. "Beyond question this is a matter which will receive the attention of the next session of the legislature. The experiences of other states, together with the needs of conditions here, before and after the enactment of a railroad commission law, will be secured, and in the light of all the facts the representatives of the people of Utah will take such action as may seem to them best for all the interests of this state. Utah stands today at the threshold of a splendid career. If the creation of such a commission shall promise material benefits for the shippers who are now largely at the mercy of transportation companies with which they do business, then it is a move that should be taken. And without doubt, on such a showing, it is a move that will be taken."
From the Inter-Mountain Republican, Oct. 18, 1906. "The effect of this association will be obtained by a wise and temperate exercise of the power of the state, and we believe the coming session of the legislature will take the action in the matter which the fundamental law of the state requires at its hands."
From the Logan Republican, Nov. 17, 1906. "What this state needs is a railroad commission, made up of about three men who do not care a fig for party politics, who do not work for petty partisan advantages, but within whose angle to the welfare of the people of Utah, and we suggest in all candor to the next legislature that it create such a commission and put it to work. No state has been ruined by a railroad commission's work, and many states, such as Iowa, Nebraska, Kansas, Minnesota, and several others have

What the Newspapers Say—Continued:

- brought the recalcitrant and purse-proud officials to time, and it is very nearly, if not quite, time for Utah to get busy and demand something in return. "The constitution contains a provision directing that uniform rates shall be established, but as yet no political party has had the nerve to carry out that provision. The Republicans are in complete control this winter; there is no senator to elect; there need be no political jimmying, and we expect to secure some relief at the hands of the party. If the people do not get relief there is no other party to be relied on, and we are not going to be at the end of the procession, either." From the Inter-Mountain Republican, Nov. 26, 1906. "A railroad commission would insure a reasonable rate to the transportation companies, would give the people a rate they could easily pay, and would so vastly increase the business of the railroads of the state that they would make more money than they do now. "Railroad companies in states where the commissions have been in operation prove that statement to be true. It is a step in the right direction—in the direction taken by the other states. The quicker it is adopted in Utah, the better it will be for our people in the present, and in the future. There will be no confiscation OF the railroads. There must be no confiscation BY the railroads." From the Inter-Mountain Republican, Nov. 29, 1906. "And if there were a commission, the state's development would be helped by the fact that the roads could give, that in ten years this state would be the producing garden and the market and the distributing point for the whole region between the Rockies and the western slopes of the Sierra Nevada. Some state and some city is going to take that place. If it be not Utah and Salt Lake, it will be some other. The one power that can veto or vitalize the movement is the railroad. They will not do it voluntarily. That would be asking something more than human nature usually concedes. But with a commission the state would be enriched, and the railroads would flourish in the era of a general and magnificent prosperity. "What will the representatives in the legislature do?" From the Utah State Journal, Dec. 20, 1906. "And, notwithstanding the arguments they make, which would sound nearly as well as they would if they had been offered by Mr. Harriman himself, we think the people of this state believe in a railroad commission, and feel to pray that the legislature will constitute one to carry out the constitution and the statutes. "Because in order to carry out those provisions, a commission must be created, having the power and the authority to perform specific acts." From the Utah State Journal, Dec. 21, 1906. "Until the legislature enacts the constitution into statute, with adequate penalties for violation, the provisions therein are worthless, for while the constitution provides a method of protection it requires a statute to provide a penalty for carrying that method into effect." From the Tribune, Dec. 29, 1906. Copied from the Provo Inquirer: "The opposition to a railroad law by some of the Salt Lake papers is the more astonishing when it is remembered that some of the men who are now opposing through the papers a law to regulate railroad rates and fares, helped frame the constitution of the state, which makes it mandatory upon the legislature to enact such a law." From the Richfield Record, Jan. 10, 1907. "It seems to us that it is up to the railroad companies to be doing something, and that mighty quick. The people are not in a humor to take chances of two years more of such treatment as they have received in the past before another legislative session is held. Railroad charges in the past have been extortionate and accommodations for shippers in the companies show no disposition to make changes for the better, then the people must take recourse to harsh methods." From the Deseret News, Jan. 14, 1907. "The railroads have always been treated with great consideration. They may not have obtained any more than they are entitled to; yet it is known, and the management of the roads know better than anyone else that in Utah they have not been under the necessity of spending large sums of money in order to obtain fair treatment. They have as a rule obtained all kinds of valuable concessions without money and without price." WHAT THE RAILROAD COMMISSIONERS OF OTHER STATES SAY: Frankfort, Ky., Jan. 12, 1907. C. C. McChord, Chairman. Austin, Tex., Jan. 12, 1907. "We regard the railroad commission of Texas as a very great benefit to this state, and it is so regarded by the people generally." L. J. Stoney, Chairman. Sa. Paul, Minn., Jan. 11, 1907. "Will say that it has been of untold benefit to the people of this state." Thos. Yarb. Ass't. Sec'y. Springfield, Ill., Jan. 11, 1907. "Has been conceded by both railroad companies and the people as absolutely necessary for the protection of both."—In addition to this, "Commission has been in existence since 1871." Wm. Kilpatrick, Secretary. Des Moines, Iowa, Jan. 10, 1907. "The Iowa railroad commission is a fixed institution. It has been well tried since 1888, and has proved a great benefit to the shippers and the railroads of Iowa, and has benefited both alike." N. S. Ketchum, Chairman. Jefferson, Mo., Jan. 11, 1907. "The consensus of opinion in this state that while the railroad commission may not have been able to accomplish all that people generally desire, yet it is acknowledged to have been of great benefit, and a relief to shippers." T. M. Bradbury, Secretary. Columbus, Ohio, Jan. 11, 1907. (Law passed creating commission, April 2, 1906. Commission appointed April 1906.) "In this brief space of five months the commission has in its own estimation accomplished much good and its promises of usefulness to the public are most flattering." H. D. Mannington, Secretary. Madison, Wis., Jan. 11, 1907. "The idea of the Wisconsin commission on the subject of the railroad rates is that a law should be passed in each state creating a commission to confer simple regulative powers upon it. Wisconsin, has, we think, the whole, the best law of any state in the Union, excepting Ohio and Ohio law is copied practically verbatim from the Wisconsin law. We think the Wisconsin law has been a decided success." J. M. Winterbotham, Secretary. Baton Rouge, La., Jan. 11, 1907. "A success: Because it has the foundation of the foundation of the forces its decrees by fines, collected through the courts." W. M. Bousard, Secretary. Ad.