

## SENATE PASSES THE RATE BILL

Deliberations Upon it Have Been  
Almost Continuous for  
Seventy Days.

LAST DAY VERY INTERESTING.

Senator Rayner Pays His Compliments  
To the President, Deploring  
His Interference.

Washington, May 18.—After 70 days of almost continuous deliberation, the senate today, at 4:13 p. m., passed the rate bill by the practically unanimous vote of 71 to 2. The three negative votes were cast by Senator Foraker, Republican of Ohio, and Morgan and Pettus, Democrats of Alabama.

There was a somewhat larger attendance of senators than usual, but by no means abnormal, and there was no manifestation of any kind when the result was announced. There was, however, an almost general sign of relief among the senators.

The bill has received more attention from the senate and from the country at large than any measure that has been before Congress since the repeal of the purchasing clause of the Sherman act in 1893. It was reported to the senate on Feb. 24, and was made the unfinished business on March 12. From March 12 to May 4 the bill was under general discussion without limitation on the duration of speeches, 58 of which were delivered. Many of these were prepared with great care, and two of them consumed more than a day's time in delivery.

Senator La Follette, the junior senator from Wisconsin, spoke for three days, and Senator Daniel of Virginia for two days. Senators Bailey, Foraker, Lodge, Hainey, Dolliver and others each spoke for an entire day.

For 12 days the bill has been under consideration under a rule limiting speeches to 15 minutes each. The senate has at all times been earnest and animated, but for the most part devoid of personality as between senators. The past few days, however, having called out some caustic criticism of the president and of some newspaper correspondents by Senator Bailey. In addition to passing the bill the proceedings today consisted in concluding the consideration of the amendments as such and the delivery of a number of speeches on the bill. The only amendment adopted was the one offered yesterday by Senator Teller, eliminating the words "in its judgment" from the power given to the interstate commerce commission to fix rates.

**RAYNER DOUBTS PRESIDENT.**  
After the senate concluded the third reading of the rate bill, Senator Rayner took the floor to discuss the general aspect of the measure. His speech dealt mainly with the president's connection with the legislation, and was largely personal throughout.

Mr. Rayner said that he was firmly of the belief that the president would again change his mind before the controversy was over, and that if the speaker of the house of representatives would nominate a man on the conference committee who had the courage of his convictions and who would not waver upon the question of constitutional review, the president would abandon the Allison amendment and go back again to the Long amendment, the place he started from. He said that Addison had once made the remark that a woman who deliberates is lost, and that while there was no chance of anybody ever losing the president, there was no telling if with the next few days some new Chandler, to fortune and to fame unknown, might not get possession of the president and take him over the breakwater of the Allison amendment back again to his original terminus. Mr. Rayner said that he would not pretend to make any assault upon the president or pretend to charge him with a selfish or dishonest purpose, but that the processes of reasoning through which he reached a conclusion were so changeable that it was impossible to follow him.

**MARYLANDER SERIOUS.**  
Mr. Rayner said he (Rayner) was perfectly serious in his expectation that owing to these peculiar fancies of the president he would change his whole position again unless the senate adjourned on him and prevented it. When he came to discuss the Allison amendment, Mr. Rayner said he hesitated to vote for the bill and had never supported a measure of this sort with more reluctance, because he thought the words contained in the amendment were fatal.

Mr. Rayner insisted in the strongest possible way that this unfortunate amendment destroyed the efficiency of the entire measure and that, in his judgment, if it finally carried, will work its own ruin.

**PRESIDENT'S INTERFERENCE.**  
"I deplore the fact," said Mr. Rayner, "of the president's interference. I regret it with all my heart, and I am sorry for it. He has debilitated and mutilated this measure, while if he had only persisted in his purpose a few days longer, a united senate in response to the voice of a united people, would have put upon the statute books a law that gratified their expectations and responded to the exigencies of the hour."

**AS DOLLIVER SEES IT.**  
When Senator Rayner concluded Senator Dolliver took the floor, saying that if he felt about the bill as did Mr. Rayner he would not vote for it. "The bill is not revolutionary or dangerous legislation," he said, and predicted that it would have the popular approval.

He proposed to defend neither the bill nor the president, but he would say there are millions who will not think less of the chief executive for bringing his party into accord in the legislation.

Whatever may be said for or against the president, Mr. Dolliver said, he comes out of the fight with every proposition he has advanced written in plain terms in the statute books of the United States. That the bill is a perfect response to the president's recommendations, he contended, and then quoted those recommendations to sustain that declaration.

"Whatever may be said of the president," he concluded, "he will be remembered as the fearless leader who, without regard to personal comfort or regard for consequences, has taken up these great questions and secured their enactment into law."

**TELLER'S OPINION.**  
Senator Teller expressed the opinion that the bill, as amended by the senate, was a much better measure than when it came to the senate. He expressed regret that there had been an effort to give the bill a partisan coloring, and denied the right of the president to call senators or members of the White House and instruct or request them how to conduct themselves. He would, however, give the president credit for giving life to the measure, for without that initiative he did not believe the Republican party would have permitted the passage of the measure.

**FORAKER PUZZLED.**  
Senator Foraker said that there were



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some sections that he would like to see enacted into law, and that if he could vote upon these sections as such, he would be relieved of great perplexity. He, however, had an unchangeable opinion on the right of Congress to enter upon the rate making power, and could not secure his own assent to cast an affirmative vote for the measure as a whole. Hence, though he stood alone, he meant to cast his vote against the bill, knowing that if he voted alone he had support in the real convictions of many other senators.

**LA FOLLETTE DIFFERS.**

Senator La Follette took issue with Mr. Dolliver's contention that the pending bill was a compromise with the president's recommendations, saying that the contrary was true and that it did not contain provisions that would enable the interstate commerce commission to ascertain what are either just or reasonable rates. He also deprecated the idea of making it a party question. "It may be done here, but not in the country at large on the question of whether the railroads shall serve the people equitably and justly."

Speaking of the defeat of his own amendments he said: "They were voted down by Republican colleagues who had been lined up under the leadership of New England senators."

He contended that the addition of his amendments would have strengthened the measure and they should have been accepted. He then entered upon an argument against over-capitalization, and said that so long as it was permitted the question would remain a live issue. "It will not be possible to keep it within the closed doors of the committee room," he said in conclusion.

**CAN AMEND BILL.**

Senator Bailey announced his conviction that the bill was a vast improvement over the existing law, and said he would vote for it. "If not perfect, it can be amended, and if the carriers do not respect and obey this mild law, Congress will pass a law with teeth in it—with teeth of metal that will hurt."

That the bill was incomplete and fragmentary was the opinion expressed by Senator Newlands, but he announced his purpose to vote for it as an advance on present law. Anxious as were the senators by this time to reach a vote, there was nevertheless much interest manifested when Senator Tillman took the floor. After announcing his intention to vote for the bill as "the best he could get," he entered upon the task of acknowledging the instrumentality of the president in securing the legislation. He came bluntly to the point, saying, "But for the work of Theodore Roosevelt in bringing this matter to the attention of the country, we would not have had any bill at all. It is true that the idea was not his and that the demand for the legislation was made in three Democratic platforms; nevertheless, he seized upon the idea and the success of the issue is largely due to his advocacy. I can't congratulate him on his victory, for I think we should have had a better bill."

**DUBOIS FAVORABLE.**  
The consideration of the bill was concluded with the reading of a brief statement from Senator Dubois, absent because of illness, to the effect that he desired to be recorded as favorable to its passage.

After the last of the general speeches on the rate bill had been heard, Senator Frye, who occupied the chair, was prompt in putting the bill to a vote. "Let us have the ayes and noes," was heard from a dozen senators. A rollcall was ordered. There was an unusual attendance, and the voting proceeded with exceptional rapidity. Explanation was made on behalf of all of the absentees that if present their votes would be in the affirmative.

**THE VOTE.**

The rollcall resulted in the passage of the bill, by a vote of 71 to 2, as follows: Yeas—Alger, Allie, Allison, Ankeny, Bacon, Bailey, Berry, Beveridge, Blackburn, Brandegee, Bulkeley, Burdett, Burnham, Carmack, Carter, Clapp, Clark of Montana, Clark of Wyoming, Clark of Arkansas, Clay, Crane, Culberson, Cullom, Daniel, Dick, Dillingham, Dolliver, Dryden, Ekins, Flint, Foster, Foraker, Frye, Fulton, Gallinger, Geary, Hale, Hansbrough, Hemenway, Hopkins, Keane, Knox, La Follette, Latimer, Lodge, Long, McCreary, McCumber, McEnery, McLaurin, Mallory, Martin, Millard, Nelson, Newlands, Nixon, Overman, Penrose, Perkins, Piles, Rayner, Scott, Simmons, Smoot, Spooner, Stone, Tallafiero, Teller, Tillman, Warner, Morgan, Pettus—3.

The absentees were Messrs. Aldrich, Burrows, Burton, Dewey, Dubois, Gamble, Gorman, Heyburn, Kittredge, Money, Patterson, Eliatt, Proctor, Sulzer and Warren.

It was 4:33 p. m. when the chair announced the result, and eight minutes afterward the senate adjourned until Monday.

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## CHIEF PURPOSE OF THE RATE BILL

It is to Give Interstate Commerce  
Commission the Power to  
Fix Rates.

TO INVESTIGATE COMPLAINTS.

Has Authority to Enforce Orders,  
Which Are to go Into Effect  
Within 30 Days.

Washington, May 18.—The principal purpose of the railroad rate bill passed today is to permit the interstate commerce commission to fix rates. The provision conferring this authority is found in the fourth section of the bill, which amends section 15 of the interstate commerce law so as to accomplish this result.

That section directs the commission to investigate complaints of unjust and unreasonable charges on the part of the common carriers in the transportation of persons or property, or of regulations or of practices affecting such charges.

It also authorizes an inquiry as to whether the rates or practices are "unduly discriminatory or unduly preferential or prejudicial or otherwise in violation of the act," and in case any of these conditions are found to exist, the commission is empowered to determine and prescribe what will be the just and reasonable maximum rate and what regulation or practice is just, reasonable and fair.

Further, authority is given the commission to enforce its orders, and they are to go into effect within 30 days and

continue in force for two years unless suspended, modified or set aside by the commission or by a court of competent jurisdiction. Other powers conferred by this section are to apportion joint fares, establish through routes and maximum joint rates and prescribe their division, and to determine the compensation to be paid to shippers doing service for carriers.

Section 16 of the present law is so changed as to provide for an award of pecuniary damages to complainants found entitled, and in case payment is not promptly made in accordance with this award the beneficiary is authorized to file suit in a United States circuit court to compel compliance. The finding of the commission is to be received as prima facie evidence of the facts in such suits, and the petitioner is absolved from all liability for acts.

Another provision renders legal the services of the orders of the commission through the mails, and provides that these orders shall take effect 30 days after service, unless suspended or modified by the commission or suspended or set aside by the courts.

A penalty of \$5000 for each offense in disobedience of the order is imposed, and the penalty is to accumulate at the rate of \$5000 a day in case of continuous violation. Orders other than those for money payments are to be enforced by the federal courts through writs of mandamus or injunction, and in case of appeal to the supreme court these cases are to be given preference over all others, except those of a criminal character.

The bill was amended by the senate so as to give the United States circuit court jurisdiction to entertain suits brought to annul or change the orders of the commission, and to provide against the granting of interlocutory decrees without the hearing and making appeals from such orders direct to the supreme court.

Other provisions extend the definition of the word railroad so as to make it include switches, spurs, tracks, terminal facilities, freight depots, yards and grounds, and defines the word "transportation" so as to make it embrace cars and other facilities for shipment or carriage. "Respective of ownership or of any contract," the intention being to make the railroads responsible for all special car service. It is made the duty of carriers to furnish special car service upon reasonable request.

Senate amendments include all pipe lines, express companies and shipping car companies under the head of

"common carriers," and make them amenable to the requirements of the bill. Other senate modifications prohibit the issuance of passes or the granting of special favors to one class of passengers over another; prohibit railroad companies from transporting commodities produced by themselves, require such companies to put in switches at the reasonable request of shippers, prohibit the granting of acceptance of rebates, and reinstate the imprisonment penalty for violation of the law.

There are also changes in the law relative to the reports to be rendered of common carriers, and a penalty of \$100 a day is imposed for failure to comply with the report requirement.

The commission is given access to the accounts of the companies affected by the act, but examiners are forbidden, under penalty of heavy fine and long imprisonment, from divulging the facts ascertained. Fines of \$500 for each failure to keep proper accounts is provided. A falsification of accounts is made punishable by fine and imprisonment.

Circuit and district courts of the United States are given jurisdiction over all complaints by the commission for failure to comply with its orders and such courts are required to issue writs of mandamus compelling such compliance.

**BIRTH INS. CO. RECEIVER.**

Boston, May 18.—In the supreme court today F. W. Dallinger of Cambridge was appointed receiver for the American Birth Insurance company, on petition of the attorney general on behalf of the state insurance department.

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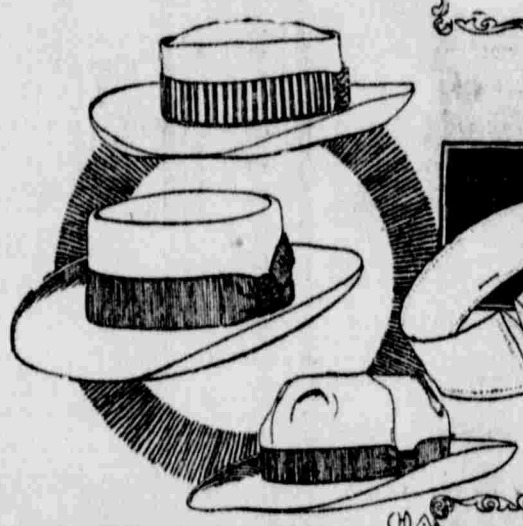
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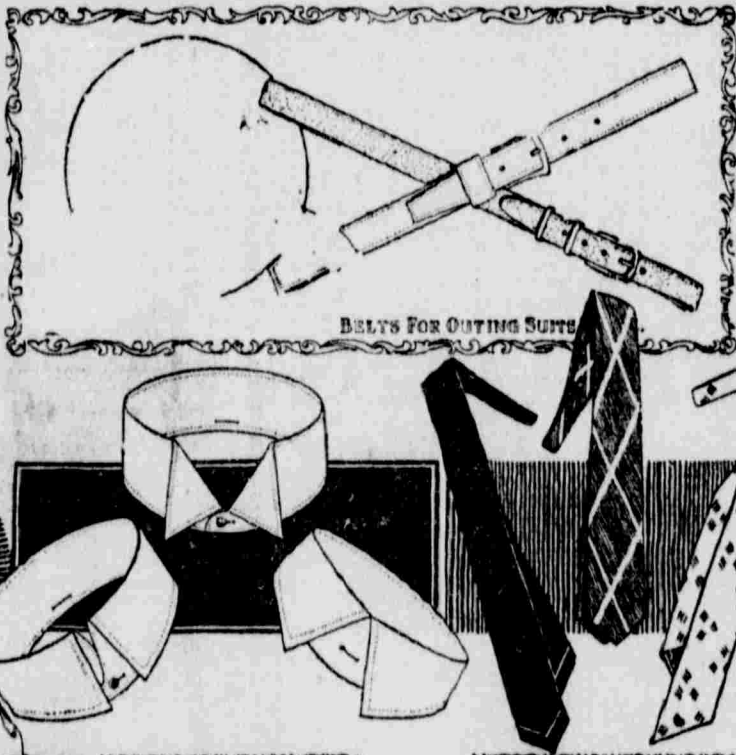
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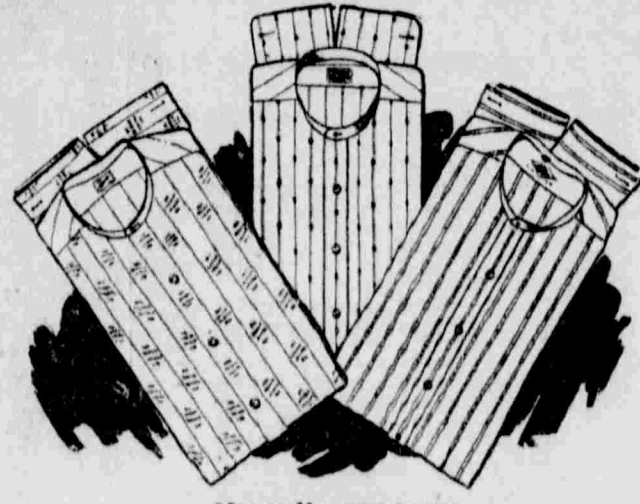
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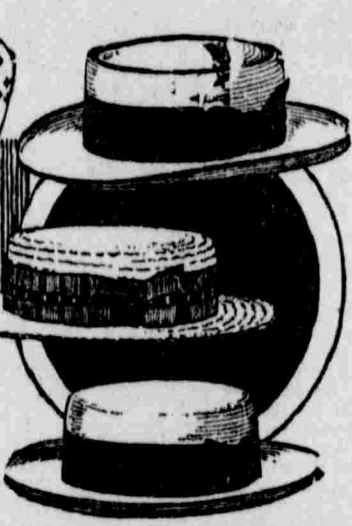
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