

KNOX DISCUSSES RAILWAY PROBLEM

Traces History of State and Federal Control of Them from Beginning.

CONFLICT OF AUTHORITY.

Old Rule, So Long as Congress Did Not Act, States Free to—Roads Soon Sought Government Aid.

Kalamazoo, Mich., Feb. 11.—Hundreds were turned away from the academy of music tonight, unable to gain admission to the annual banquet of the Kalamazoo Lincoln club, at which United States Senator Philander C. Knox of Pittsburgh, and Congressman J. Adam Bode of Minnesota, were the guests of honor. United States Senator J. C. Burrows of Michigan also spoke.

SENATOR KNOX'S ADDRESS.

Senator Knox said in part: Mr. Toastmaster and Gentlemen: What the great interstate railroads have demanded of the people through the national authority in the past, and what the people through the same authority are now demanding of them, constitute two distinct phases of American economic and legal policy which it is interesting at this time to contemplate; and from this contemplation we may get our bearings upon some situations not difficult to understand, but which have been much misunderstood.

With the imagination of the American people captivated by the marvelous utility and potentiality of the railroad as a means of interstate communication and factor in development, the first 50 years of railroad history constitute a period of generous and protecting governmental care.

Created by the states and originally designed and operated almost wholly as local highways, it was long after the American railroads were well established in the eastern states before the conflict began between the national and state authorities incident to the expansion of the railroads into interstate systems.

In the earlier days the highest courts policies in respect to railroad properties and operations had been adopted and embodied in state constitutions, laws and judicial decisions. The adjustment of these to the paramount federal authority as it became involved to protect the interstate commerce of the country from the exercise of conflicting local laws and regulations constitutes the first epoch of national policy, and it was marked by progressive liberality and even zeal in extending federal protection and encouragement.

The state claimed and insisted upon a control over business of railroads transacted within their borders, unaffected by the fact that such business may have originated in or been destined for points in other states.

In the earliest days the highest courts of the states sustained monopolies granted by the states to engage in transportation between the states, and there was general acquiescence in the belief that the commercial power of the general government amounted to little as a limitation upon state authority. So dominant and sacred was the idea of the rights of the states that the Congress even disclaimed its authority to authorize stage coaches to carry mails between the states upon the ground of its being an unauthorized interference with the functions of the states.

These local claims went for a long time unchallenged and all sorts of trammels and burdens were imposed upon interstate business. It was regulated, taxed and even prohibited in some cases.

OLD RULE OF LAW.

The rule of law which governed the situation for many years, as prescribed by the supreme court of the United States, was that so long as Congress remained silent and did not undertake the regulation of commerce under its constitutional authority the states were free to impose regulations. That was the theory of concurrent authority.

The extent of the confusion growing out of this condition of affairs can scarcely be realized in this age of continuous and unbroken routes of travel and transportation. Passengers had to change cars at state lines and goods had to be reshipped. The privilege of going into, out of, or through states was taxed and the right to do so was held not to conflict with the power of Congress over interstate commerce.

The railroads struggled for a time against these conditions in the courts without avail, and finally, backed by

The African Negro

Has Beautiful Pearly Teeth, Clean, White and Perfect, Without a Flaw, Even in Old Age.

Living Near to Nature, His Digestion Is Perfect.

Dr. Livingston, and later, Henry Stuart, both of whom spent much time in the exploration of Africa, in their memoirs mention the fact that members of all the tribes that they came in contact with possessed beautiful, white, pearly, sound teeth, and that on investigation they found that this was due to the fact that the digestive organs of the negro had never been injured, and that they were able at all times to take care of the coarse foods that were taken into the stomach.

The negroes' food is of the plainest kind and is seldom if ever cooked. It is eaten as it is found, with but little preparation.

The cause of unbound and imperfect teeth found among civilized people is due to two important factors—the prevalence of dyspepsia, indigestion and stomach troubles, and the food we eat. These factors are free from dyspepsia, which interferes with the whole system and causes trouble everywhere.

To have sound teeth, cure your dyspepsia and eat proper foods, and you will have little trouble with them.

A package of Stuart's Dyspepsia Tablets should be kept in the house at all times. They cure dyspepsia, sour stomach, indigestion and put the stomach and intestines in a healthy condition.

The Tablets contain a powerful ingredient which assists the stomach in the process of digestion, and puts it in a healthy condition.

There are many bodily ills due entirely to stomach troubles.

If you are ill ask yourself if your trouble may not be caused by indigestion.

This may be the cause of the whole ailment, and to cure it means to have perfect health.

You can get Stuart's Dyspepsia Tablets at any drugstore, for they are as simple as any drug in the store. They are sold in a small package.

Send us your name and address to-day and we will at once send you by mail a sample package free. Address F. A. Stuart Co., 150 Stuart Bldg., Marshall, Mich.

the people's insistent demand for continuous and expeditious transportation and taking advantage of most extraordinary and unpopular assertion of local authority, a move was made upon Congress to assert its constitutional power to regulate interstate commerce.

At the present time, the circumstances out of which this appeal to Congress was successfully made seem almost incredible. New Jersey had granted a charter to the Camden and Amboy railroad providing that during the life of the charter no other railroad should be constructed in the state to be used for the transportation of passengers and freight between Philadelphia and New York without the consent of the Camden and Amboy company, and taxing every passenger passing through the state between those cities. During the Civil war, the government being under the necessity of moving troops from Philadelphia to New York, and the Camden and Amboy railroad not being able to handle the load, the government was compelled to impress another railroad into its service. Subsequently the Camden and Amboy company brought suit in a court of New Jersey and compelled the company which served the government to pay to it every cent which it had received for this transportation. It was to destroy this monopoly and to compel all states to permit the traffic of other states to pass through them that the act was passed.

As soon as the bill was introduced it met with strong opposition, not only from New Jersey, but from many senators and representatives who claimed that the act was unconstitutional as interfering with the right of the state to regulate her own internal affairs.

This bill was enacted into a law on June 15, 1876, and it provides, as I have already stated, that railroads are authorized to carry persons and property from any state to another state and to form continuous lines of transportation. The act is a license to engage in interstate commerce without state interference, and since carrying property from one state to another is interstate commerce, and it was passed under the power to regulate such commerce.

It was designed, as the supreme court said in construing the law, "to remove barriers upon transportation between different states which had previously existed and to prevent the creation of such barriers in the future."

Proceeding with even more rapid pace, after the movement had begun, the federal judicial authority supplemented the legislative branch of the government in its effective work of establishing the supremacy of the nation to the exclusion of the state au-

thority over the intercourse and the means of intercourse among the states.

RULE SQUARELY REVERSED.

After undergoing various modifications, the rule was squarely reversed that the silence of Congress upon any phase of commercial intercourse left the states free to regulate it within their own territorial limits. The silence of Congress is now held to be equivalent to a legislative declaration that commerce between the states shall be free from state regulation. This rule proceeds upon the theory of exclusive federal authority over the subjects and effects by the mere force of its enumeration a total exclusion of the states from the field.

Prentice and Eagan, speaking of the subject of federal authority over interstate commerce and the contributions of the federal judiciary to its upbuilding, say:

"To the wide range of questions thus so early suggested, we find no answer in the express terms of the Constitution. Whether the commercial power which had been granted to Congress was to be exclusive of, or concurrent with, state action; whether the states should be subordinate or equal to the policy or revenue powers of the states; whether, in short, it was to be everything or nothing—all this was undetermined. The federal authority as it exists today is the work of the greatest of the men who sat upon the bench of that court, were their memory in all else gone."

The federal activities to promote interstate commerce have been likewise extended to the executive branch of the government. President Cleveland's intervention at Chicago in 1894 was based in part upon the interference of commerce between the states. The executive claim was that the national power over interstate commerce included the attributes of sovereignty, and that the president had power to forcibly remove all obstructions put upon the highways of commerce. That claim was sustained by the supreme court.

Thus far I have endeavored to show that the railroads of the country have been the wards and beneficiaries of the federal government; that from the earliest days of their existence they have been progressively lessened and the national control progressively increased to the point where the last vestige of the local authority, except in matters comparatively unimportant and local in their bearings, has been swept away and the national power declared paramount and exclusive.

As so far as the history of the railroads is concerned, it has been accomplished by legislation solicited by the railroads themselves and through judicial doctrines for which they contended and by executive action which they invoked. The people looked on and approved this rapid development of federal control with a full realization of the fact that a single control was necessary for the highest efficiency in railroad service.

The first problem, the development of the relations of the highways of the nation to public authority, was more solved and solved wisely. The first epoch was concluded and out of the abuses and perversions of the augmented powers and privileges of executive action, the state and the railroad operations under generous governmental policies sprang the necessity of regulating the relations of the railroads to the people for whose service they were created. This can be characterized as the second epoch. If railroad managers had fully appreciated and respected their relations to their trust and the public, they would have solved the problem for themselves. There would have been no second epoch and no necessity for the regulatory legislation which began in 1887 and which has since been steadily extended and equality are fully established.

RESORT TO FEDERAL POWER.

As the railroads sought the federal power for their protection, so the people resorted to the same power for their own relief. It began gradually to dawn upon the American people that they were living substantially under railroad domination so far as their business interests were concerned.

The agitation for railway legislation preceding the passage of the act of 1887 which created the interstate commerce commission was caused by the flagrant disregard by the general officers of railroad companies, of their obligations to the public and their duty to their security holders.

The general purpose of that law was to secure the equality of right between shippers and communities which had been so generally ignored. Favored individuals and localities had been enriched and unfavored ones had been brought to poverty. Much relief was anticipated from this measure and, indeed, the grosser forms of abuse were ended or when they were a time apparently checked.

While the commission possessed power to seek and discover deviations from the law, it had no power to declare just rules of action or to enforce its decrees concerning unjust practices. Time and again, but in vain, did the commission represent to Con-

RHEUMATISM IS EASILY CURED.

Science Has Proven It But a Symptom of Kidney Trouble And Tells Remedy.

GIVES HOME PRESCRIPTION.

Get These Harmless Ingredients from The Drug Store and Mix Them Yourself to get Relief.

Recent hospital reports show that the dread disease, rheumatism, is steadily increasing throughout the country. All known means of relief are being suggested to save the great amount of suffering this winter, especially among those who are not in a position to park up and visit the noted health resorts to be treated. Recent tests prove rheumatism not exactly a disease in itself, but a severe symptom of kidney trouble, a condition caused by clogged up pores of the eliminative tissues in the kidneys which fail to filter the poisonous waste matter and uric acid from the blood permitting the substances to remain in the vein and decompose, usually settling about the joints and muscles, causing the intense pain, swelling and stiffness of rheumatism.

A well known specialist, who has probably treated more cases of rheumatism than anyone else, and who is also the most successful, gives the following remedy, which is harmless and inexpensive, and so simple that anybody can mix it at home.

The ingredients are: Fluid Extract Dandelion, one-half ounce; Compound Karsen, one ounce; Compound Syrup Sarsaparilla, three ounces. Get this good prescription pharmacy and get these three vegetable ingredients and mix them by shaking in a bottle, taking as a dose a teaspoonful after each meal and again at bedtime.

There is nothing better in the world for backache, kidney and bladder trouble, too. Such symptoms are frequent signs of kidney trouble, and weakness, general and nervous debility are caused by certain acids and poisonous waste matter, decayed tissue, etc., in the blood, which the kidneys will clear and purify after a few doses of this prescription.

gross the defects in the law as a remedial measure for the abuses against which it was aimed, and time and again its recommendations were ignored. The unwillingness of Congress to remedy the defects and the apparent disposition of the courts strictly to construe its provisions practically nullified this legislation.

FLAGRANT ABUSES.

In the year 1902, and for some time previous, railroad and other corporate abuses were flagrant and widespread and much confusion existed as to the law which governed them. Grave doubts had been expressed by committees of Congress and other high authorities as to the power of Congress under the Constitution to regulate new and subtle plan for bringing under a single control the great producing and transportation corporations of the country, and to reach the cunning devices employed to evade the law.

The organization of the Northern Securities company to throttle railroad competition in the northwest and the fact that the large beef packers and grain dealers in the middle west had entered into illegal arrangements with the railroads for rebates and discriminating advantages in transportation which gave them a complete monopoly of a business formerly enjoyed by a large number of persons distributed over the entire country, developed a situation in the early days of the Roosevelt administration, which required prompt action along new and untried lines. The first important act of the administration affecting this subject was its declaration that the plenary power of Congress over all kinds of transportation and its instrumentalities had not been exhausted by the Sherman anti-trust law nor by the interstate commerce act, and the announcement that steps would be taken at once to secure interpretations of all existing laws, with a view of confirming the theory of the Roosevelt administration, which power as applied to the situation and as a guide in considering the necessity for new legislation.

ATTACKING SECRET RATES.

Pursuing this policy the monopolies created by secret and preferential rates for railroad transportation were successfully attacked in suits in equity to enjoin the violation of the law against rebates and discriminations, thereby establishing for the first time the right of the attorney-general to appear in a court of equity in behalf of large numbers of people and sections of the country affected by a violation of law. In these cases the great remedy of injunction was employed to enforce popular rights. The government also succeeded in branding as outlaws the combinations of independent corporations to

fix and maintain extortionate prices of meats, made possible through illegal arrangements with the railroads, and to sue them, when caught in court with overwhelming evidences of guilt, to fly to the protection of a demurrer to prevent the revelation of the evidence that the government had collected with unflinching pains to establish violation of the law.

In the suggestions made by the administration to Congress at its request respecting new legislation it expressly disclosed the purpose of announcing a complete scheme of governmental regulation of railroads and combinations which it thought would greatly improve the situation.

The specific recommendations were these: a law making it unlawful to punish persons receiving rebates as well as those paying them; a law to empower the federal courts to issue injunctions at the suit of the attorney-general of the United States to prevent rebates; a law making it unlawful to transport traffic by carriers subject to the "act to regulate commerce" at any rate less than such carriers' published rate; a law to enable the government to get at all the facts bearing upon the organization and practices of concerns engaged in interstate and foreign commerce; a law to secure speedy decisions of cases under the anti-trust and interstate commerce laws.

Every one of these suggestions became law within 60 days after it was proposed.

VALUABLE LEGISLATION.

It would be difficult to overstate the enormous value of this legislation to the public. It had the effect to confirm the party of Abraham Lincoln in the affections and confidence of the people than any body of substantive law enacted since his death. It was highly commended by President Roosevelt in his message to the Fifty-eighth Congress and in his public speeches during the year following its passage. It redeemed the promises of the Republic, can justly be said to have marked the campaign of 1902. Its efficiency has stood the test of time; its constitutionality has withstood the attacks of the most powerful interests represented by the most brilliant advocates of the law; it was popularly endorsed at the polls, and the spirit of moderation and justice in which it was conceived and enacted was approved by the splendid majority of 1904 in a campaign in which it was advanced as the party's chief claim to popular confidence.

Although the sum of the achievements of the Fifty-seventh Congress was great, and the sum of the rights so boldly denied, yet the full measure of relief had not been secured. An analysis of the acts of that session and the remedial legislation that preceded it disclosed that they dealt effectively with but one phase of the popular demand, namely, the right to equality in service and equality of charge for service on the public highways.

Two important matters to be dealt with, namely, regulation of railroad rates as would give practical effect to the provisions of the law requiring them to be reasonable, and finally, such regulation of commerce relative to the employees engaged therein as would secure to them more reasonable conditions of labor and minimize to them and to the public the evils incident to transportation. These features were covered by the railroad rate law, the safety appliance law, the law limiting the number of hours railroad employees can be contractually employed, and the employers' liability act. The law limiting the number of hours railroad employees can be contractually employed, and the employers' liability act. The law limiting the number of hours railroad employees can be contractually employed, and the employers' liability act.

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The fundamental work has been done. It has been wrought out by those responsible for it, on broad lines, in a spirit of moderation and with a desire to do no injustice. It has been neither "sporadic" nor "spectacular." The work has been treated as a whole and each part sustains its proper relation to the other part. It has proceeded as a structure built deal with as a unit, not here and there a pillar supporting roof between. As the work progressed motives and measures have been grieved and misunderstood by those who could not or would not understand them. Unscrupulous men upon the one hand, have intemperately condemned every forward step, and, upon

the other hand, men equally unscrupulous, have endeavored to break down the credit and confidence of the railroads, arrogating leadership in an economic development the scientific principles and practical details of which they altogether misunderstood.

UNFRIENDLY CRITICISM.

Unfriendly criticism has portrayed these steps as bearing fruit only in the disturbance of business. The facts found defective may seem superficial and possibly prejudiced observation. So the river, bending and doubling in its course, its current halted by dams and bars may seem interrupted and obstructed in its flow, but the stream invariably flows on, and it never flows backward.

No more can the progress accomplished be turned back. The principles established are permanent. The policy of legislation; the subordination of corporate operations to it, the law of impartiality in rates and accountability to the public interest, the equality and impartiality in the conduct of the great transportation services of the nation are now fixed and rooted in our jurisprudence and legislation. Postulating only the over-essential factor of fair, earnest and faithful enforcement, we may rely on this body of legislation for adequate protection against the return of the evils which have vexed the country since the days of the railroads.

Nor is it true that the measures which have reached the matured form of National legislation include attack, enmity or injury to sound business interests, either corporate or private. Extreme propositions may have been advanced, but the reforms enacted have prevailed in the completed enactments by Congress. On the contrary, these laws, rightly seen, mean a sounder, stronger and more widely diffused prosperity for the real corporate interests, namely the owners of the railroad shares and securities.

RAILWAY IMPROVEMENT.

High railroad authority has declared the necessity of spending five and a half billions during the next two years in extensions of the railroad facilities, to meet the growing demands of the country, coupled with a grave doubt whether the securities to pay for these expenditures can be floated. In view of that very doubt, though, it is questioned whether it is a subject within federal authority. It is of the utmost importance that the five and a half billions of securities shall purchase the full five and a half billions' worth of improvements, and not be subject to wholesale though surreptitious subtractions. Surely investors will buy bonds which represent 100 per cent of the actual value of the property, and not the property more readily than bonds which only enhance the security 60, 70 or even 80 per cent of the increase in liabilities. Surely stockholders will find more satisfaction in the property, if it is not burdened with charges to pay interest on 20 or 30 per cent of bogus indebtedness. Surely the great body of industry will be less prone to emigrate if their investments are called upon to pay fixed charges on the element of pure inflation.

It is as much to the interest of the public that the favored rates and the flat quality in capitalization shall be prevented, as it is to the interest of the public that railroad capital shall earn a fair return on actual investment. Administered with unswerving fidelity to the underlying purpose, they furnish the full remedy for the evils. We must not forget that the efficacy of all law lies in the integrity of persistence of its enforcement. A diversion of public opinion

RECORD OF ACHIEVEMENT.

The record of achievement in the public interest since 1887 has been very great and the results accomplished during this administration form by far the most important part. A very complete, if not perfect system of commercial regulation has been established. Reasonable and equality in railroad rates and practices are assured, railroad operations have been brought under rigid governmental supervision, and the safety of employees and the public protected by proper laws.

This administration found a deficit and discredited body of law under which all sorts of commercial and social transgressions flourished, and it set to work to remedy the situation by affecting and undermining the national well being. When the record of its achievements is closed it will reveal a compact body of constructive, systematic and effective legislation remedying defects, supplying omissions and covering new phases in the field of national authority over interstate intercourse and its instrumentalities.

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Good Bread

the real substance of every-day existence, is best when made of

HUSLER'S FLOUR

long into inattention or oblivion may easily be reflected in negligent or partial enforcement. Against that, the only perceptible possibility of a mosted reaction, must be maintained in active and educated popular sentiment, judging truly the depth and breadth of the interests at stake, resolved to avoid on one side the rocks of corporate privilege and favoritism without falling on the other side into the whirlpool of destructive and confiscatory retaliation.

For the maintenance of that enlightened popular opinion, the co-operation of honest and sincere men, laying aside private interests or personal prejudices for the common welfare, is invoked as the highest duty of patriotic citizenship.

The last authoritative word upon the subject of the people, the railroads, and the national authority, comes from the Interstate Commerce Commission in its report for 1907.

Speaking of the body of laws now extant, it says:

"It means much for the present and more for the future that the principles of this law have gained greatly in general understanding and acceptance. By railway managers almost without exception the amended law has been accepted in good faith, and they exhibit for the most part a sincerity and earnest disposition to conform their methods to its requirements. To a gratifying extent there has been readjustment of rates and correction of abuses by the carriers themselves. Methods and usages of one sort and another which operated to individual advantage have been voluntarily changed, and it is not too much to say that there is now a freedom from forbidden discriminations which is actual and general to a degree never before approached."

What I have said has been in the main of what has been accomplished under the national authority in the past. Further exercise of that authority should proceed with just appreciation from political clamor. We must remember, against quoting from the interstate commerce commission, that business undertakings proportionately increase during future years the railroads of the country must add to their tracks, cars and other facilities to an extent difficult to estimate. If they do not, the future productivity of the railroads will be seriously impaired. The inadequacy of transportation facilities is little less than alarming; that