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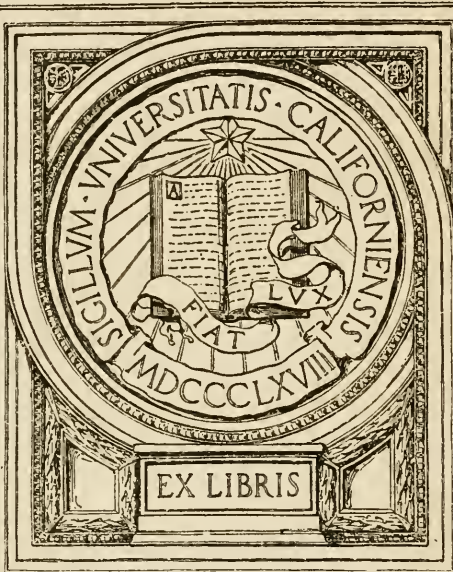
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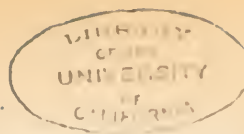
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# Interstate Commerce Law Conventions

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Held at Chicago  
OCTOBER 26 and 27, 1905

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COMPRISING THE SESSIONS OF

**The Interstate Commerce Law  
Convention**

AT STEINWAY HALL

AND

**The Federal Rate Regulation  
Association**

AT MUSIC HALL, FINE ARTS BUILDING

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To: Mrs.  
Alfred L. L. C.

# INTRODUCTORY STATEMENT

In order that it may be clearly understood why two conventions on the subject of Interstate Commerce regulation were held in Chicago on October 26th and 27th, the following documents are herewith submitted:

## Executive Committee of the INTERSTATE COMMERCE LAW CONVENTION

Held at St. Louis, Mo., October 28-29, 1904.

REPRESENTING FIVE  
HUNDRED COM-  
MERCIAL AND IN-  
DUSTRIAL ORGAN-  
IZATIONS,  
NATIONAL, STATE  
AND LOCAL;  
IN FORTY-FIVE  
STATES AND  
TERRITORIES.

FRANK BARRY,  
Secretary,  
Milwaukee, Wis.

### EXECUTIVE COMMITTEE.

E. P. BACON, Chairman...Milwaukee, Wis.  
C. H. SEYET, Vice-Chairman...St. Louis, Mo.  
R. S. LYON, Treasurer.....Chicago, Ill.  
S. H. COWAN.....Ft. Worth, Texas  
J. E. HOWARD.....Wichita, Kansas  
WM. LARRABEE.....Clermont, Ia.  
R. W. HIGBIE.....New York City  
MURDO MACKENZIE.....Trinidad, Colo.  
GEO S. GARDINER.....Laurel, Miss.

Milwaukee, Sept. 18, 1905.

A convention of delegates representing the various trade, industrial and producing interests of the country is hereby called, by the executive committee named in the heading of this sheet, to be held at the Auditorium hotel, at Chicago, Ill., to meet at ten o'clock a. m. on the 26th of October next, the sessions to continue probably into the following day. The basis of representation will be one delegate for every organization, composed of persons engaged in the pursuits above mentioned, of one hundred members or less, and an additional delegate for each additional two hundred members or major part in excess thereof.

The object of the convention is to impress upon Congress the extent and persistence of the demand of the people of all parts of the country for legislation outlined in the President's last annual message to Congress in the following language:

"The Interstate Commerce Commission should be vested with the power, where a given rate has been challenged after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately and to obtain unless and until it is reversed by the court of review."

In his address at Chautauqua, N. Y., on the 11th of August last, the President declared his belief in the immediate necessity for legislation "conferring upon some branch of the executive government the power of effective action to remedy the abuses in connection with railway transportation."

The result of the effort to secure legislation of this character,

continued during the past five years, seems likely to reach a determination at the coming session of Congress. The importance of such a demonstration of the public interest in the legislation at this time as will be effective in its influence upon Congress cannot be overestimated, and it is hoped that the opportunity presented by the convention for this purpose will be utilized by the sending of delegates thereto by every organization desirous of the enactment of such legislation.

The railway interest is unitedly opposed to any legislation restricting its absolute control of railway rates, and the representatives of that interest throughout the country are not only exerting their utmost influence with Congress to prevent legislation in this direction, but are making strenuous efforts to suppress expression of sentiment in its favor on the part of commercial organizations, and also, by perverting the intent and purpose of the legislation, to incite opposition thereto on the part of such organizations. Hence, it is necessary for the friends of the legislation to avail themselves of every means of making their influence felt where it will have effect in bringing about its enactment.

The names and addresses of delegates appointed to the convention should be forwarded promptly to the undersigned at Milwaukee, Wis.

Truly yours,

E. P. BACON, Chairman.

In pursuance of the terms of this call, delegates were elected and appointed from various associations throughout the country, and in accordance with the provisions of the call, the names of the delegates elected and appointed were reported to Mr. Bacon at Milwaukee. Among the delegates reported to Mr. Bacon were those appointed to represent the National Lumber Manufacturers' Association. In acknowledging the receipt of the appointment of these delegates, Mr. Bacon wrote the following letter to George K. Smith, Secretary of the National Lumber Manufacturers' Association:

Milwaukee, Wis., Oct. 10, 1905.

Mr. George K. Smith, Secretary,  
The National Lumber Manufacturers' Association,  
St. Louis, Mo.

My Dear Sir:—I am in receipt of your favor of the 7th inst., enclosing list of delegates appointed to represent your Association at the coming Interstate Commerce Law Convention at Chicago, sixteen in number. While our Committee will be glad to see as large an attendance at the convention as may be had you will observe that under the terms of the call the number of delegates who will be entitled to vote is limited to one for each organization "of one hundred members or less and an additional delegate for each additional two hundred members or major part in excess thereof." The membership of your association as reported to this Committee by you not long since was 850, which would entitle the association to five voting delegates.

One of the delegates appointed, Mr. Thomas Shevlin of Minneapolis, I observe, appeared before the Senate Committee on Interstate Commerce on the 8th day of May last, in opposition to increasing the powers of the Interstate Commerce Commis-

sion, and also expressed himself as being opposed to any legislation for the regulation of railway rates. The object of the convention, as stated in the call, being to impress upon Congress the public demand for legislation outlined in the President's last annual message, extract therefrom containing his recommendation relating thereto being quoted in the call, it seems to me that any proposition made by a delegate in conflict with the recommendation would hardly be in order and that the convention could only entertain propositions intended to promote the enactment of the legislation recommended.

I call attention to the matter in order that delegates appointed may have a correct understanding of the situation and that any misapprehension in relation thereto may be avoided.

Very truly yours,

E. P. BACON.

Upon receipt of this letter by Mr. Smith, Mr. N. W. McLeod, President of the National Lumber Manufacturers' Association, telegraphed Mr. Bacon as follows:

"St. Louis, Mo., Oct. 12, 1905.

Mr. E. P. Bacon, Chairman,  
Milwaukee, Wis.

"Received appointment to-day as delegate from President Long of Southern Association. In view of yours of October 10th to Smith, doubt eligibility. Does eligibility as delegate depend on commitment to specific endorsement of extract from call to which you refer? Answer. N. W. McLEOD."

To which Mr. Bacon replied as follows:

"Milwaukee, Wis., Oct. 12, 1905.

N. W. McLeod,  
St. Louis, Mo.

"Purpose stated in call precludes entertaining any proposition to modify scope of legislation outlined in extract from President's message quoted therein. Doubt eligibility of delegate not in sympathy with purpose stated. E. P. BACON."

Upon receipt of this letter, Mr. McLeod called a conference at Chicago of the presidents of some of the leading trade and industrial organizations of the country, and that conference, on October 16th, issued a call in which, after quoting the original call issued by Mr. Bacon, and the telegram of Mr. McLeod to Mr. Bacon given above, and the reply of Mr. Bacon thereto, was in the following language:

It being manifest from the above ruling by Mr. Bacon that an attempt will be made to prevent free speech or any discussion or action in the convention that does not reflect Mr. Bacon's personal views, regardless of the will of the delegates to the convention, we, the undersigned, officers of national business and shipping organizations, believing that the importance of the questions under consideration demands that an absolutely free expression of all interested be permitted and that gag rule should not obtain in a deliberative body of American citizens, and in view of the fact that action on this

subject may be taken at the next session of Congress, consider it to be desirable that our law makers have the benefit of a full and unbiased expression of the great industrial business and shipping interests of the country.

We hold it to be of vital importance that the bona fide shipping interests of the country be represented at this convention, and that these interests should strongly deny the right of politicians to make the issue of this convention and the subject to be discussed therein a weapon for political purposes, which result will unquestionably follow should the shipping interests of the country be denied a right of hearing.

To this end you are urgently requested to appoint the number of delegates to which your organization is entitled under the call quoted above, regardless of what the views of your organization on the subject may be, and have your delegation in Chicago on the morning of October 26th.

If we are refused free speech and if Mr. Bacon sees fit to shut off any portion of the business interests of the country from an expression of opinion on this vital question, steps will be immediately taken so that the delegates may have an opportunity elsewhere to give a full and free expression of their views.

This statement is sent to you to urge you to be present at the Interstate Commerce Law convention and to seek to secure at that meeting, in an orderly and proper manner, the right to be heard in your own behalf.

(Signed)

NELSON W. McLEOD, President, National Lumber Manufacturers' Association (Chairman).

W. C. PERRY, President, Southwestern Coal Operators' Association.

R. A. LONG, President, Southern Lumber Manufacturers' Association.

DAVID M. PARRY, President, National Association of Manufacturers.

ALBERT L. CARPENTER, President, Mississippi Valley Lumbermen's Association.

J. C. BIRGE, President, National Hardware and Manufacturers' Association.

C. C. YAWKEY, President, Wisconsin Valley Lumber Association.

In addition to the telegram quoted above, Mr. Bacon, on October 12th, wrote the following letter to Mr. McLeod:

Milwaukee, Wis., Oct. 12, 1905.

Mr. N. W. McLeod,  
St. Louis, Mo.

My Dear Sir:—On receipt of your telegram to-day, inquiring whether eligibility as a delegate to coming Interstate Commerce Law Convention depends on commitment to specific endorsement of extract from President's message contained in the call for the convention, I replied as follows:

"Purpose stated in call precludes entertaining any proposition to modify scope of legislation outlined in extract from President's message quoted therein. Doubt eligibility of delegate not in sympathy with purpose stated."



My letter to Secretary Smith of the National Lumber Manufacturers' Association of the 10th Inst., expresses my views fully in relation to what will properly be in order for consideration at the convention, in regard to which, it seems to me, there can be no difference of opinion in view of the object of the convention as specified in the call. I think you will agree with me in regard to this on reflection.

The convention has been called for the purpose of expressing the sentiment of the various commercial organizations of the country, so far as it exists in favor of legislation recommended by the President which coincides with the expressions made during the past two or three years by over five hundred such organizations, either by action of the bodies themselves or by their respective executive boards, the object being to afford opportunity for reiterating such expressions in an effective manner for the sake of influence upon Congress in its action upon the subject of the coming session.

Very truly yours,  
(Signed) E. P. BACON,  
Chairman.

As soon as the issue concerning the eligibility of delegates was raised in connection with the delegates of the leading lumber associations in the country, Mr. W. B. Judson, manager of the American Lumberman, one of the leading newspapers in that trade, and published at Chicago, telegraphed to Mr. R. W. Higbie and Mr. George S. Gardiner, both prominent lumbermen, who were members of Mr. Bacon's Executive Committee, asking if their understanding of Mr. Bacon's test of eligibility was correct. To these telegrams Mr. Judson received the following replies:

New York, Oct. 18, 1905.

W. B. Judson, Care American Lumberman,  
Chicago.

Have no information about the matter you refer to.

R. W. HIGBIE.

New York, Oct. 16, 1905.

W. B. Judson, American Lumberman,  
Chicago.

See call for convention dated September 18th, which indicates Bacon's ruling correct.

GEORGE S. GARDINER.

In addition to these telegrams, on October 18th Mr. Judson received the following letter from Mr. Bacon:

Milwaukee, Wis., Oct. 18, 1905.

Mr. W. B. Judson.

My Dear Sir:—I am in receipt of copy of telegram addressed by you on the 16th inst., to one of the members of this Committee, inquiring as to my ruling in relation to recognizing as a delegate to the coming Interstate Commerce Law Convention at Chicago an individual who has publicly expressed himself as opposed to any further legislation in relation to railway rates regulation.

I beg leave to say that I have not assumed to dictate who should be appointed as delegates, but having observed that the National Lumber Manufacturers' Association had appointed as delegate a gentleman who appeared before the Senate Committee on Interstate Commerce at its hearings in May last in opposition to increasing the powers of the Interstate Commerce Commission, I called the attention of the secretary to the fact that the object of the convention, as stated in the call, is to impress upon Congress the public demand for the legislation outlined in the President's last annual message and that, in my opinion, any proposition that might be made by a delegate in conflict with that recommended would hardly be regarded as in order, which I stated to avoid any misapprehension on the part of delegates appointed thereto.

I hand you herewith copy of call for your information.

Very truly yours,

(Signed) E. P. BACON,  
Chairman.

In response to telegrams of inquiry sent by Mr. W. E. Barns, Secretary of the Conference Committee, organized under the leadership of Mr. McLeod, the following telegrams were received:

Ft. Worth, Tex., Oct. 19, 1905.

William E. Barns, Auditorium, Chicago, Ill.

Am not apprised of Bacon's ruling. Convention is called of delegates from organizations desirous of enactment of legislation on line with President's message. Should think others not eligible. See letter.

SAM H. COWAN.

Wichita, Kans., Oct. 18, 1905.

William E. Barns, Auditorium, Chicago.

My understanding of the call is to endorse the President's position as evidenced by his message and speeches on that subject. Those not in sympathy with the movement should not elect or appoint delegates. Our battle cry is uphold and strengthen President Roosevelt.

J. E. HOWARD.

Trinidad, Colo., October 18, 1905.

W. E. Barns, Auditorium Hotel, Chicago.

My understanding is that only those favorable to the amendment of the Interstate Commerce Law as set forth in the President's message are eligible as delegates to the convention on the 26th. Wire Bacon, Milwaukee, and he will construe call for you.

MURDO McKENZIE.

On October 21st, Mr. N. W. McLeod addressed the following letter to Mr. R. W. Higbie:

October 21, 1905.

Mr. R. W. Higbie, Chairman Transportation Committee,  
National Wholesale Lumber Dealers' Association,  
New York City.

My Dear Sir:—I have a letter from you dated October 16th relative to my appointment as a member of the Ways and Means Committee in the Car Stake matter; also taking up the matter

of appointment of delegates to the Interstate Commerce Law Convention and giving an expression of your opinion in that matter. The object, as stated by you, seems to be in conflict with the ruling of Mr. Bacon.

To my mind, the convention in Chicago on the 26th, if it is limited to a ratification meeting and the bona fide shippers who are not in full sympathy with the detail of the corrective measures proposed by Mr. Bacon are to be excluded, I feel by such method Mr. Bacon and those who sympathize with him are working directly into the hands of the selfish interests and in this matter can be classed as obstructionists.

That the President himself has abandoned the idea of a commission fixing an absolute, inflexible rate is evidenced by his utterances on this subject Thursday in which he advocated the fixing of a maximum rate, which is an entirely different proposition.

If Mr. Bacon persists in his ruling that only those in favor of the President's policy of an absolute, inflexible rate being named, as is outlined in the call, such delegates could only endorse a proposition that the President himself has abandoned.

I believe that I am more deeply interested in a governmental supervision of transportation than is Mr. Bacon. I am certainly more interested in it than the governors of the states whom Mr. Bacon has invited in his supplementary call or the delegates that these governors will appoint from each of their congressional districts. There is no question in my mind but what great harm will result if this matter is forced into a political issue, as Mr. Bacon now seems determined to force it.

I will, of course, see you at the Car Stake meeting in Chicago on the 26th and will do all in my power to aid the committee in financial support—in supporting the cause before the Interstate Commerce Commission, and in supporting the movement to enforce the findings of the Commission if we are successful in a favorable decision, and I believe we shall be.

I am equally as earnest in favoring and supporting governmental supervision of transportation and am absolutely of the opinion that the power to fix an absolute, inflexible rate will cause a commercial revolution which will be disastrous to commercial interests, at least, pending the readjustment to the changed conditions.

The only complaint that I find exists is that of intolerable delay in adjudication. It seems to me that if the means are provided for promptly determining judicially cases that may be passed upon by the Interstate Commerce Law Commission, either by the creation of a bureau to prosecute the cases for the shippers or complainants at the expense of the government before a special or transportation court from which appeal can only be made on a question of law, the evil complained of would be cured and we would not run the risk of destroying public confidence or having a commercial revolution.

I also have a letter from you dated the 17th Inst., which is an exact copy of yours of the 16th. I should like very much to meet you in Chicago before the 25th, if possible. I shall be in Chicago Monday and remain there until the close of the con-

vention. I have been appointed a delegate, but Mr. Bacon states that he has grave doubts as to my eligibility. As I have none, and believe that I am eligible, I shall, at least, present my credentials. Yours truly,

(Signed) N. W. McLEOD, President,  
The National Lumber Manufacturers' Association.

On October 18th, Mr. S. H. Cowan, of Fort Worth, Texas, addressed the following letter to Secretary Barns:

S. H. COWAN.

L. B. BURNEY.

COWAN & BURNEY,  
LAWYERS.  
Fort Worth, Texas.  
B. K. Coree, Atty.

October 18th, 1905.

Mr. William E. Barns, Chicago, Ill.

Dear Sir:—Answering your wire of Oct. 17th, I telegraphed you to-day as follows:

"I am not apprised of Bacon's ruling. Convention is called of delegates from organizations desirous of enactment of legislation in line with President's message. Should think others not eligible. See letter."

The call for this convention states its objects as follows:

"The object of the Convention is to impress upon Congress the extent and persistence of the demand of the people of all parts of the country for legislation outlined in the President's last annual message to Congress in the following language:

"The Interstate Commerce Committee should be vested with the power where a given rate has been challenged and after full hearing to be found reasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately and to obtain unless and until it is reversed by the Court of Review.

"In his address at Chautauqua, N. Y., on the 11th of August last, the President declared his belief in the immediate necessity for legislation conferring upon some branch of the executive government the power of effective action to remedy the abuses in connection with railway transportation.

"The result of the effort to secure legislation of this character, continued during the past five years, seems likely to reach a determination at the coming session of Congress. The importance of such a demonstration of the public interest in the legislation at this time as will be effective in its influence upon Congress cannot be overestimated, and it is hoped that the opportunity presented by the convention for this purpose will be utilized by the sending of delegates thereto by every organization desirous of the enactment of such legislation."

You will observe that the last sentence simply calls for delegates from "Organizations desirous of the enactment of such legislation." It was not intended by this call to have this convention stocked by those who have in one way and another opposed such legislation or who are opposed to effective legislation of this character, and there is no more reason for seating delegates in this convention who are opposed to the objects of

It than there would be to seat a Democrat in a Republican convention, or vice versa. I have been informed in various ways that some of the railroads, if not all of them, have laid a plan to secure persons to attend this convention who are opposed to the legislation recommended and insisted upon by the President in his message and his various addresses upon the subject. This would be an unfair advantage to take and ought not to succeed—will not succeed. The railroads, of course, can furnish transportation and can afford the expense of sending any number of delegates whom they have chosen, and if the objects of the convention were not limited to the matters as stated in the call, it can readily be seen how by that method its objects would be thwarted. The newspapers have published statements to the effect that the railroads had agents going through the country making this sort of effort and I have been informed by reliable sources, as I conceive them to be, that a number of delegates would be sent to the convention with the object in view of defeating its purpose though appearing to be sent in accordance with the call for the convention. This would seem to render it necessary to have limited in the call as was done, the purposes of the convention in order that such a scheme might be prevented.

When it comes to the question of not seating a delegate who does not endorse Mr. Bacon's views, I assume he has not made any such ruling, and I assume he would not be authorized in any sense to make such ruling aside from the matters stated in the call. I sincerely hope no such effort will be made and it can only result disastrously to the railroads to make such effort. As I suggested to the Senate Committee, if it is really believed by any Senator or Representative in Congress that the public does not desire this legislation as outlined by the President, the way to test that is to let some Congressman or Senator run for office upon that position and that would bring it to the test. There is not any doubt about where the public really stand upon the subject, nor is there any doubt but that the railroads would be able to secure quite a large number of merchants and others to take the opposite view as they did do before the Senate Committee. This meeting at Chicago is not an appropriate or proper place to present the views of the opposition to the legislation. It was called upon the assumption that only organizations that endorsed this legislation would send delegates there and that these delegates would be sent for the purpose of carrying out the objects of the convention. The fact that in Mr. Bacon's list there may be some organizations which do not desire to endorse this legislation, does not entitle them to participate in the convention any more than it would entitle a person who had changed his politics from that of a Republican to that of a Democrat to participate in a Republican convention.

Very respectfully,

S. H. COWAN.

To this letter Mr. Barns replied as follows:

October 19, 1905.

Hon. S. H. Cowan, Fort Worth, Texas.

Dear Sir:—In reply to your favor of October 18th regarding

the construction to be put upon the call issued by Mr. E. P. Bacon for a convention of delegates from various organizations to be held in Chicago October 26th, I desire to submit some observations concerning Mr. Bacon's ruling as to eligibility and your concurrence therein.

I do not think that I need to argue to a lawyer of so distinguished a position as your own the proposition that the eligibility of the delegates to a convention must be determined by the call which authorizes their selection, and that the work of the convention is to be limited to the objects stated in the call.

The circular sent out by Mr. Bacon is composed of three distinct and separate parts: The call for the convention; the statement of its objects, and an argument of Mr. Bacon's personal views:

First, Mr. Bacon, without qualification or limitation in any manner whatever, and with no prescription of eligibility, calls for "a convention of delegates representing the various trade, industrial and producing interests of the country." This is not a convention of delegates representing organizations in favor of the President's recommendation. It is an invitation, without reference to their opinions, to any trade, industrial or producing interest to be present at that convention.

The object of the convention is stated to be "To impress upon Congress the extent and persistence of the demand of the people of all parts of the country for the legislation outlined in the President's last annual message to Congress," the language of the President's message being quoted and supplemented by a quotation from the Chautauqua address of the President. The clear and unambiguous language of this statement of object is open to no other construction than that the purpose of the convention is to impress upon Congress just what the extent and persistence of this demand is. It is not to impress upon Congress the extent and persistence of the demand by those who are in favor of such legislation, but, as expressed in the call, it is the extent and the persistence of the demand of the people of all parts of the country. It is desired to establish what the demand of the people of all parts of the country for such legislation is. This cannot be fairly impressed upon Congress by a convention of those who are in favor of such legislation and the call does not limit representation in the convention to those who are in favor of it.

If Mr. Bacon had issued a call for a convention of delegates from associations in favor of such legislation and had, by the terms of his invitation, limited it to those who were already committed to its enactment, he would have been in a position to argue that those opposed to the legislation had no footing in the convention. I submit to you, as a lawyer, if the document which Mr. Bacon has issued were submitted to the most fundamental rules of pleading in any court, and its redundancy and surplusage eliminated, if it could, by any possibility, be held to be limited to those in favor of the proposed legislation.

Without any limitation whatever the business organizations of this country are invited to attend the convention, and it is only by such general attendance of the people of all shades of

opinion that the extent or persistence of the demand of the people of all parts of the country could be impressed upon Congress.

The sentence to which you refer, which reads: "And it is hoped that the opportunity presented by the convention for this purpose will be utilized by the sending of delegates thereto by every organization desirous of the enactment of such legislation," is the mere expression of the personal views of Mr. Bacon and is no part of the call or the statement of object. If, at the time the call was issued, it had been the intention of Mr. Bacon to attempt to shut out from the deliberations of the convention those who were opposed to his views, it would have been so stated in the call and not left for the stump speech which accompanies it.

I am informed that Mr. Bacon has requested the Governors of eighteen states to appoint delegates to this convention. It is not claimed that these delegates represent any trade, industrial or producing interests, but it is apparent that they stand as the political representatives of the power which appoints them. Will you be good enough to show me the portion of the call which justifies these political appointments?

I also observe that Mr. Bacon has flooded the country with proxy blanks, asking the organizations which do not care to send delegates to forward a proxy to his secretary. I call your attention to the fact that the call issued by Mr. Bacon is for a convention of delegates, and nowhere shows any provision for representation by proxy. I ask you if, under this call, limited as it is to "delegates," Mr. Bacon can justify the inclusion of proxies from organizations which "do not care to send delegates."

Yours very truly,

WM. E. BARNES.

On October 19th Mr. Barnes received the following letter from Mr. Bacon:

Executive Committee of the  
INTERSTATE COMMERCE LAW CONVENTION,  
Held at St. Louis, Mo., October 28-29, 1905.

Frank Barry, Secretary, Milwaukee, Wis.

Milwaukee, Wis., Oct. 19, 1905.

Mr. W. E. Barnes, President St. Louis Lumberman,  
St. Louis, Mo.

My Dear Sir:—I observe from the report published in the Chicago Tribune of the 17th inst., that you acted as secretary of a conference of lumbermen and others held at Chicago on the previous day in reference to the appointment of delegates to the Interstate Commerce Law Convention to be held in Chicago on the 26th and 27th instants, at which an opinion by me, as chairman of the Executive Committee appointed by the previous convention, in reply to an inquiry as to the eligibility of delegates not in accord with the object stated in the call, was criticized as an attempt to "gag rule."

I beg leave to say that I have not assumed to dictate who should be appointed as delegates, but having observed that the National Lumber Manufacturers' Association has appointed as delegate a gentleman who appeared before the Senate Committee on Interstate Commerce at its hearings in May last, in oppo-

sition to increasing the powers of the Interstate Commerce Commission, I called the attention of the Secretary to the fact that the object of the convention, as stated in the call, is to impress upon Congress the public demand for the legislation outlined in the President's last annual message and that, in my opinion, any proposition that might be made by a delegate in conflict with the recommendation would hardly be regarded as in order, which I stated to avoid any possible misapprehension on the part of the delegates appointed thereto.

I hand you herewith copy of call for your information.

Very truly yours,

(Signed) E. P. BACON, Chairman.

To this letter Mr. Barns replied as follows:

Chicago, Ill., Oct. 22, 1905.

Mr. E. P. Bacon,  
Milwaukee, Wis.

My Dear Sir:—Yours of the 19th inst. received. In reply I would say that if you intended, when you issued the call for the convention, to have only those who were in favor of the specific recommendation of the President, attend, and take part in it, and that their action should be limited to voting "yes" on the resolution to that effect, the "Nos" not being in order, and, of course, not called for, you should have worded your call to that effect. Had you done so the utter uselessness of such a convention for the purpose of influencing Senators and Congressmen would have been apparent, and probably little attention would have been paid to it by anybody. It would have been a convention without a precedent in American history.

The call, however, as worded and issued by you has no such absurdly limited meaning, but it is an open invitation to all trade, industrial and producing organizations to send delegates to a convention for the purpose of considering the matter, and after a full, free and fair discussion of the proposition, determine by their action whether as a body they are in favor of the proposition, and thereby show the extent and persistence of the demand for such legislation, and I cannot find in the call as worded an intimation that it is to be such a one-sided affair as you now claim.

Your definition of the object of the convention is different from that of Mr. R. W. Higbie of your Executive Committee, for in a communication to Mr. N. W. McLeod, he states:

"The object of the Interstate Commerce Law Convention is to further legislation, as you doubtless know, to make decisions and orders of the Interstate Commerce Commission effective, and it is, therefore, extremely important that this convention be well attended, so that its actions may represent public opinion, and may create a favorable impression upon Congress."

Mr. Higbie's interpretation of the call seems to me utterly at variance with your views and more in accordance with my own.

Very truly yours,

W. E. BARNES.



It was developed from the reports in the newspapers that although no provision was made therefor in the call issued by Mr. Bacon for the original convention, the Governors of different States were appointing delegates representing neither "trade, industrial or producing interests," but representing a congressional district; thereupon, Mr. McLeod addressed a letter to Mr. Bacon asking under what provision of the call these delegates were being appointed. To this Mr. Bacon replied as follows:

Milwaukee, Wis., Oct. 20, 1905.

Mr. N. W. McLeod, Auditorium Annex,  
Chicago, Ill.

Dear Sir:—Replying to your favor of the 19th inst., will say that our committee decided to issue a supplemental call to the Governors of the several States requesting them to appoint one delegate to represent each congressional district in their respective States to the coming Interstate Commerce Law Convention, which was duly issued Sept. 25th, last. The call expressed precisely the same object as was stated in the original call. Delegates appointed in pursuance thereof will, of course, be entitled to seats in the convention. Very truly yours,

E. P. BACON, Chairman.

To this Mr. McLeod replied:

Chicago, October 23, 1905.

Mr. E. P. Bacon, Chairman,  
Interstate Commerce Law Convention,  
Milwaukee, Wis.

Dear Sir:—Answering your favor of the 20th inst., in which you state that a supplemental call to the Governors of the several States was made by your committee, requesting them to appoint one delegate to represent each congressional district in their respective State to the coming Interstate Commerce Law Convention:

In your call of September 18th the invitation was extended to the trade, industrial and producing organizations of the country. As far as I have been able to learn, this supplemental call was not sent to the trade, industrial and producing organizations to which the original call was sent.

In an interview published in the Milwaukee Sentinel you are quoted as saying, in answer to a question as to why you invited delegates from each congressional district to a convention that was called to represent trade, industrial and producing interests, you replied:

"The call includes the producers. The men from the congressional districts who have been appointed in a dozen States are supposed to represent the farmers, who are producers."

As a duly accredited delegate to the Interstate Commerce Law Convention to be held in Chicago on the 26th, I protest against the admission as delegates to said convention of the Governors or any of the men they may have appointed, to

seats in the convention, representing the congressional districts, unless these delegates hold duly accredited credentials from some bona fide trade, industrial or producing organizations. They cannot be seated in the convention under the call unless it is the will of the assembly to seat them.

I have a copy of a circular letter, accompanied by a printed proxy, for signature of the delegates, which you have sent out. The letter requests that the proxy be signed in blank to the Secretary of the Interstate Commerce Law Convention. I desire to call your attention to the fact that the call issued by you is for a convention of delegates, and nowhere shows any provision for representation by proxy, and I do not believe you will be able to justify before the convention the use of proxies.

Relative to eligibility, I desire to call your attention to a letter of William E. Barns to the Hon. S. H. Cowan, of Fort Worth, Tex., in reply to a letter from Mr. Cowan on the subject of eligibility. The contention of Mr. Cowan and yourself has been that the convention was called for the specific endorsement of an extract from the President's message, a copy of which was included in the call. It is a fact that the President has abandoned the policy outlined in this extract, and in his speech at Raleigh, N. C., last week advocated the adoption of a maximum rate instead of the inflexible, absolute rate.

In an interview published in the Milwaukee Sentinel you are quoted as follows:

"E. P. Bacon, Chairman of the Interstate Commerce Law Convention, who issued the call for the gathering on October 26th, in Chicago, declared last night that there is no difference between the two statements of the President. He claims that the words of the President in his message favoring the granting of power to the Commission to fix specific freight rates, and the statement of the President at Raleigh, favoring the granting of power to fix a maximum rate, are not at variance with the results which they will obtain."

The fixing of a maximum rate, as you unquestionably know, is to fix the maximum rate that transportation companies can charge, but gives them the privilege of making lower rates in response to the fluctuating commercial conditions. The rate advocated by you in the call is an arbitrary, absolute, inflexible rate that transportation companies would be obliged to use and that they could not use a higher or lower rate.

While you were in Washington you advocated an absolute, inflexible rate, for the reason, as stated by you, that unless this was done it would not materially cure the situation, as when the Commission had determined the cause in which there was discrimination against the community, the railroads involved promptly reduced the high rate to the rate indicated by the Commission, which would have cured the complaint, but that the other lines carrying the lower rates immediately lowered the rates affected, maintaining the old differential existing before the order of the Commission became effective, and the discrimination existed in the same measure as it existed before, still obtained. You testified in May last before

the Senate Committee, in answer to a question, that the Esch-Townsend bill provided for neither a maximum nor a minimum rate, but for the fixing of an absolute rate. Your testimony shows clearly that you understood between an absolute, inflexible rate and a maximum rate. In fact, you stated that you personally preferred a maximum rate. How do you reconcile your testimony before the Senate Committee and your statement to the Milwaukee Sentinel?

I have received a letter from Mr. R. W. Higbie, one of your Executive Committee. He is Chairman of the Committee on Legislation of the National Wholesale Lumber Dealers' Association. There is a cause now pending relative to the railway companies equipping freight cars with stakes to enable shippers to load their cars without the expense of furnishing stakes themselves. I am a delegate to the meeting of the Ways and Means Committee who have this car stake matter in charge. I enclose herewith a carbon copy of my reply to Mr. Higbie which I wish you would carefully read, as it outlines my position fully in relation to this transportation matter.

Permit me, in closing, Mr. Bacon, to say that I feel that the shippers of the country should be got together in a delegated body, in any way that the interests which they represent could be determined in any satisfactory and conclusive way, and that an absolutely free and open discussion of this transportation question be had for the benefit of the information that would grow out of such meeting as could be used by Congress, and that as this question is so largely a business question it should be, as far as possible, determined by business men, to the exclusion of politicians or professional agitators. If you persist in the attempt to force the coming convention into a political or ratification meeting, the result must be harmful to the trade, industrial and producing interests of the country and can only benefit the transportation interests.

Yours very truly,

N. W. McLEOD.

It is hoped that these documents will serve to throw some light upon the events which led up to the holding of the two conventions. They should clearly show to any fair-minded reader that there never was the slightest attempt from the inception of the independent movement to capture the convention of Mr. Bacon. The only attitude of the leaders of the movement, which afterwards became the Federal Rate Regulation Association, was to voice and record their protest against the ruling unauthorized by the call itself, which sought to shut out from the deliberation of the convention all who were not previously committed to the views of Mr. Bacon. The statements, which were widely published, that delegates attempted to force their entrance to the convention and were repulsed by the police, is absolutely untrue. Upwards of 450 delegates presented themselves at the hall of the con-

vention offering their credentials, and were refused admittance unless they would sign the following pledge:

We, the undersigned delegates, for ourselves and for the association or organization which we represent, indorse the principles of the foregoing call for the Interstate Commerce Law Convention and indorse and agree to support the legislation as outlined in the President's last annual message to Congress, to so amend the Interstate Commerce law that the Interstate Commerce Commission shall be given the power, where a given rate has been challenged and after full hearing found to have been unlawful, to prescribe what shall be a lawful and proper rate to take its place, the ruling of the Commission to take effect immediately.

Singly and in groups, they refused to sign the pledge, and returned to the Auditorium Hotel. In the meantime another hall had been provided by the Conference Committee, and these delegates bearing regular and legal credentials to Mr. Bacon's convention in Steinway Hall, organized themselves into another convention.

# Federal Rate Regulation Association

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Meeting held in Music Hall, Fine Arts Building,  
Chicago, Ill., October 26th and 27th, 1905.

The convention which subsequently resulted in the formation of the Federal Rate Regulation Association, was called to order at Music Hall in the Fine Arts building, October 26, 1905, by Mr. N. W. McLeod, of St. Louis, Chairman of the Conference Committee and President of the National Lumber Manufacturers' Association. Mr. McLeod announced the suggestion by the Conference Committee of the name of Mr. F. J. Bradley, of Haverhill, Mass., representative of the Shoe Manufacturers' Association, for temporary chairman. This recommendation was concurred in by the convention, and in assuming the chair Mr. Bradley said:

"Gentlemen of the Convention—When I was selected by my associates to represent them at the meeting of the Interstate Commerce Law Convention, I came entirely unpledged and with my mind open to any deliberations of that convention. I came, as I say, absolutely uninstructed and with my mind open to hearing all sides of these great questions of supervision and freight making for the railroads of this country, and of deciding upon the merits of the case from the arguments presented.

"You know the position taken by the managers of that convention that if we, who wished to learn and they who have convictions and wish to be heard, are to accomplish anything, this meeting is the only alternative. Whether or not it would have been wiser for the Interstate Commerce Law Convention to have opened its door to this body, that a full and fair consideration of all sides of the question might have been given, the people are to decide. We are here to consider the subject openly, frankly, broadly, and in the hope that we may arrive at some conclusion upon which we can all unite. Whatever is accomplished, let it represent the conscience, the good judgment, and the best business intelligence of this convention. Gentlemen, I believe the first business the nomination of a temporary secretary. What is your pleasure?"

Mr. T. B. Aldridge of Denver, Colo., representing the Denver Retail Grocers' Association, was elected temporary secretary.

Upon the question of the appointment of a Committee on Credentials, a general and extended discussion was had, arising out of the fact that the delegates assembled bore credentials addressed to another organization, which, upon their presentation, had refused to recognize them unless a further pledge not provided for in the call of the convention be signed by the delegates presenting the credentials. It was pointed out

that it was because of this supplementary condition which the delegates were to so large a number unable to comply with, that they were present in this convention. It was, therefore, decided that this convention should accept credentials addressed to the convention of the Interstate Commerce Law Association, and after considerable discussion as to the manner of selection, it was decided that the delegates from each state present the name of a member of the Committee on Credentials. The following members of this Committee were nominated in this manner:

- Alabama—John Craft, Commercial Club, Mobile.  
 California—G. X. Wendling, California Sugar and White Pine Lumber Association, San Francisco.  
 Colorado—A. F. Sweet, Retail Grocers' Association, Denver.  
 Connecticut—F. E. Brown, Business Men's Association, Bridgeport.  
 Georgia—W. F. Place, Coal Merchants' Exchange, Atlanta.  
 Idaho—A. B. Moss, Hardware Association of Payette.  
 Illinois—G. W. Traer, Illinois Coal Operators' Association, Chicago.  
 Indiana—L. A. Clark, Commercial Club, Muncie.  
 Iowa—Carl Leopold, Iowa State Manufacturers' Association, Burlington, Iowa.  
 Kansas—E. B. Purcell, Commercial Club, Manhattan.  
 Kentucky—Louis R. Atwood, Paint, Oil and Varnish Club, Louisville.  
 Louisiana—S. M. Bloss, National Lumber Manufacturers' Association, Garyville, La.  
 Maryland—B. M. Watts, Coal Exchange, Baltimore.  
 Massachusetts—N. W. Sawyer, Shoe Manufacturers' Association, Lynn, Mass.  
 Michigan—Robert Lake, Michigan and Indiana Coal Dealers' Association, Jackson, Mich.  
 Minnesota—F. R. Salisbury, Commercial Club, Minneapolis.  
 Mississippi—W. N. Ethridge, Governor's appointee, Meridian, Miss.  
 Missouri—W. C. Perry, Southwestern Coal Operators' Association, Kansas City.  
 Montana—B. F. White, Commercial Club, Dillon.  
 Nebraska—John T. Dryan, Lincoln.  
 New York—F. H. Mason, Chamber of Commerce, Buffalo.  
 North Dakota—Maynard Crane, Northwestern Lumbermen's Association, Cooperstown.  
 Ohio—John R. Flotron, Receivers' and Shippers' Association, Dayton, Ohio.  
 Oregon—Wallace Nash, Board of Trade, Portland.  
 Pennsylvania—Samuel B. Crowell, Retail Coal Merchants' Association, Philadelphia.  
 Tennessee—Eugene S. Shannon, Chamber of Commerce, Nashville.  
 Texas—J. W. Knox, Board of Trade, Jacksboro.  
 Utah—Fred J. Kissel, Weber Club Commercial Association, Ogden.  
 Virginia—Joseph L. Kelley, Governor's appointment.

Wisconsin—Wm. Irvine, Mississippi Valley Lumbermen's Association, Chippewa Falls.

New Mexico—M. W. Browne, Wholesale Grocers' Club, Las Vegas.

#### AFTERNOON SESSION.

October 26th.

Immediately upon the assembling of the convention at 2:30, with Temporary Chairman Bradley in the chair, Mr. W. C. Perry, Chairman of the Committee on Credentials, presented its report, as follows:

MR. W. C. PERRY: Mr. Chairman, and Gentlemen of the Convention: The Committee on Credentials during the recess have gone through a great mass of credentials hurriedly, and may have made mistakes. We may have omitted some gentlemen from our report who are entitled to seats in the convention. We have performed our work as thoroughly as we could; but necessarily it may be imperfect, and as the secretary reads the roll of delegates which the committee has prepared, I would ask the careful and particular attention of every delegate in the convention, so that in case there are mistakes they may be corrected. And I would ask each delegate if a mistake does occur of which he is cognizant to call attention to it, so that we may correct it.

We have prepared an alphabetical list of delegates, and as I say, the secretary will read it. It will not be the report of the delegates from each state in that form; although I think all the delegates from each state are included in the report. But so many delegates are here representing no states, or institutions or organizations in states, but representing organizations which reach over state boundary lines, that in order to make an intelligent report, we made it in this form.

There are a number of gentlemen here who presented us with their credentials who were appointed by the governors of the various states. We have reached the conclusion that under the call for the convention issued by Mr. Bacon—and of which we insist we are still part, and in fact the actual convention that was called—(Applause), no one was entitled to send a delegate here except an association or organization of men engaged in industrial pursuits or manufacturing business or producing business, and only organizations were entitled to send delegates. That is the letter and the precise language of the call.

Now, Mr. Bacon, when he found that there were more men against his notions than were in favor of them—when he found that he was going to be outnumbered in his own convention by the people he had invited to attend it, and who were qualified to attend it—issued a supplemental call and invited the governors of the various states to appoint a member or delegate from each congressional district. That act was entirely without warrant of authority, and entirely without the purview of the original call for the convention, and entirely beyond the authority

of Mr. Bacon, or his committee created at the last convention held in St. Louis last summer.

So we have concluded that we have no authority to seat anybody in this convention that is not qualified under the original call, and we report to you that in our judgment these gentlemen appointed by the governors should be admitted to seats and given the privileges of debate in this convention, but not authorized to vote.

Now I ask the secretary of the Credential Committee to read the list of delegates, and I ask each delegate here to listen carefully to the reading so that we may correct any mistakes we have made.

Thereupon the secretary called the roll of the delegates.

In seconding the motion to adopt the report of the committee, Mr. Perry spoke as follows:

CHAIRMAN PERRY: As chairman of the committee, I desire to second that motion, and in that connection I want to say I do not know why it is that the press, apparently, does not desire to give this meeting a fair report. (Applause.)

I have understood that more or less charges are made, or insinuations indulged in, that the delegates to this convention do not represent anything, and that this report of the committee on credentials is more or less spurious.

Now I desire to say if there are any newspapers that may want to publish it, that it is not true; that every man on this report—every man whose name appears on this report—has signed his name to a card giving his place of residence in his own handwriting and what he represents in this convention. (Applause.) And in every case he represents an organization such as was described in the call for the convention, and is fully qualified. There is no myth about it; it is an actual fact, and he is here to speak for himself.

I do not know how all these gentlemen stand on this question of rate regulation by Congress—so far I have not bothered my head or my mind about that proposition—but I am here to assert, without any fear whatever of contradiction, that every man in this meeting was qualified and is qualified as a delegate to the Interstate Commerce Law Convention, called by Mr. Bacon, and that the signature of every man in the convention is here, together with credentials in proper form authorizing every such individual to represent his constituency in the Interstate Commerce Law Convention.

With these remarks I desire to second the motion to adopt the report of the committee.

The report of the Committee on Credentials as presented was unanimously adopted. Mr. John Kirby, Jr., Board of Trade, Dayton, Ohio, then spoke as follows:

MR. JOHN KIRBY, JR.: Mr. Chairman, and Gentlemen of the Convention: I have a matter I would like to present to the delegates. In view of the fact that this is a bolters' convention or a bolters' meeting, it appears to me—

A NUMBER OF DELEGATES: No, no.

MR. KIRBY: Well, have it as you please, gentlemen. We will not quarrel about that. But it seems to me before we pro-



ceed with permanent organization or any business, we should express our condemnation at the reception we got at the other hall. I therefore wish to offer this resolution:

"WHEREAS, The delegates here assembled representing some four hundred and fifty trade and industrial organizations throughout the United States, have gathered in Chicago, pursuant to a call issued by Mr. E. P. Bacon, chairman of the Executive Committee of the Interstate Law Convention;

"WHEREAS, We, the delegates of the said 456 organizations, appeared at Steinway hall on the morning of this 26th day of October and presented our credentials, whereupon before being granted admission to the hall of the convention we were required to sign a pledge committing ourselves to certain prescribed views on the question of railroad regulation, which obligation debars discussion in variance with such views;

"WHEREAS, The method employed by the management of the so-called Interstate Law Convention, in demanding such an obligation from delegates is a thrust at the vital American principle of liberty and free speech and contrary to the method of a square deal as laid down by President Roosevelt, such method of conducting the convention being based upon the principle of gag rule which we abhor, denounce and condemn; now, therefore, be it

*Resolved*, That we delegates representing all sections of the country who have been denied admission thereto for the reasons stated, do hereby enter our emphatic protest against the un-American methods adopted by the management of said convention; and be it further

*Resolved*, That we indignantly refuse to participate in any convention where the question or questions at issue cannot be brought into the field of free and open discussion; be it further

*Resolved*, That inasmuch as there is an overwhelming majority of duly accredited delegates here present, we declare this to be the duly called convention; be it further

*Resolved*, That a committee of five be appointed by the Chair to so notify the minority delegates now in session in Steinway Hall, and invite them to be present."

VOICES: Second the motion.

MR. DAVENPORT: Mr. Chairman and Gentlemen: The resolution just read expresses accurately and absolutely my individual sentiments.

As a legal proposition, gentlemen, there is no question that the majority of the delegates from the organizations invited by Mr. Bacon to attend a convention here being present in this hall, after having offered themselves for admission in the place which the executive committee had selected for the holding of the convention, and being excluded by force, and a show of force, and having resorted to this open convention hall, this constitutes in law the Interstate Commerce Law convention. (Applause.)

There cannot be two opinions on this subject because it has been repeatedly adjudicated by the courts of this country. And if it were a question involving property rights, or if it were a question involving other rights, the courts of this country would

hold that this majority of the delegates appointed constitute The Interstate Commerce Law Convention.

Now the question is what ought we to do under the existing state of facts. Mr. Bacon issued his call. That call sets forth the objects for which we convene. That call has been interpreted by Mr. Bacon and the minority as restricting the action of this body. This convention as a body has the right to determine itself the scope of that call, and the proper thing to do at this time is to appoint a committee to notify the minority who hold credentials of a similar character with our own, to come into this body, if they see fit to come—and I hope they will—and come here prepared to present their views as fully as we desire to present ours, and as we expect to present them, well and good. If they see fit to stay out, why, that we cannot help. And then, gentlemen, it gives me great pleasure to say that I never in my life stood before such a representative body of American business men as I see before me to-day. (Applause.)

From the Atlantic to the Pacific and from Canada to the Gulf, representatives of the great industrial, commercial and producing interests of this country are here represented for the purpose of considering one of the greatest questions that has ever been presented to the business men of this country and the citizens of this country, calmly, sanely, conservatively and deliberately; and we ought to invite the expression of every person who cares to be heard on any phase of this matter. And it seems to me that it is eminently proper at this stage of the proceeding, the chair should appoint a committee to go to these gentlemen and as best they can invite them to attend. (Applause.)

The resolution presented by Mr. Kirby was unanimously adopted, and the following committee was announced by the Chairman to wait upon the Steinway Hall convention:

- Mr. John Kirby, Jr., of Dayton, Ohio.
- Mr. N. W. McLeod, of St. Louis.
- Mr. Daniel C. Ripley, of Pittsburg.
- Mr. J. W. Van Cleave, of Missouri.
- Mr. Arthur R. Briggs, of California.

Mr. N. W. McLeod being unable to serve upon the committee, Mr. George W. Scott, of San Francisco, representing the Redwood Association of California, was appointed in his place.

The permanent organization of the convention was then proceeded with by the election of Mr. N. W. McLeod, of St. Louis, President of the National Lumber Manufacturers' Association, as permanent chairman; Mr. G. X. Wendling, California Sugar and White Pine Association of San Francisco, and Frank J. Bradley, Shoe Manufacturers' Association of Haverhill, Mass., as vice-presidents; and T. B. Aldridge, Retail Grocers' Association, Denver, Colo., permanent secretary.

Chairman McLeod then assumed the duties of his position, and a motion was unanimously adopted for the appointment of a committee of nine on resolutions.

Mr. William Irvine, of Chippewa Falls, moved the appointment of a committee of five on Finance, which motion was adopted. The presentation of resolutions to be referred to the

Committee on Resolutions without discussion was made the next order of business, and the following resolutions were presented:

(Offered by F. B. Thurber of the U. S. Export Association.)

RESOLUTIONS IN RE INTERSTATE COMMERCE ADOPTED  
BY THE NATIONAL BOARD OF TRADE AT ITS  
THIRTY-FIFTH ANNUAL MEETING, WASHINGTON, D.  
C., JANUARY, 1905.

The National Board of Trade, believing that the interests of the people demand, not only that the rates of transportation should be reasonable and that there should be no unjust discrimination or preferences, but also that there should be a more effective governmental supervision of all transportation agencies, expresses the earnest hope that Congress will, in its wisdom and as speedily as possible, enact such legislation as will, with justice to all interests concerned, secure a more speedy and more effectual correction of any abuses in transportation methods or operations which may, upon due inquiry, be found to exist; and to that end that power be given to the Interstate Commerce Commission to revise any rates found to be unreasonable or discriminating, the revised rates not to go into effect until the action of the commission shall have been, upon review, confirmed by the Circuit Court of the United States of competent jurisdiction.

*Resolved*, That the National Board of Trade earnestly advocates legislation by Congress to amend the Interstate Commerce Law so as to permit reasonable traffic agreements by railroads, under the supervision and control of the Interstate Commerce Commission, to the end that unjust discrimination may be prevented and reasonable, uniform and stable rates be established.

*Resolved*, That the act to regulate interstate commerce be amended, to-wit: That private car lines and terminal railroads engaged in interstate commerce be considered as common carriers and subject to the Interstate Commerce Act.

CHARLES P. LANE (Alabama): I have a resolution here I would like to present.

Mr. Lane then advanced to the platform and read the following resolution:

*Resolved*, That we extend to Theodore Roosevelt, President of the United States, our hearty approval of his recent action in bringing about peace between two great foreign nations, which act distinguished him as the greatest of peace-makers, and reflected credit upon the great peace-loving and God-fearing nation he represented.

*Resolved*, Second, That his tour of the South may be productive of concord, peace and unity of country-love between the sections of our country.

*Resolved*, Third, That this convention appreciates his good purposes and objects in attempting to secure equitable and satisfactory solution of all contentions between the people and our greatest promoters and developers of the country, the railroad corporations, and so far as is consistent with our construction of the Constitution of the United States, the powers vested in

the Federal Congress by the same, which throws an all-powerful protection around the rights of the individual, we will support and encourage him. But at the same time, we express to him our intelligent and patriotic apprehension that any radical changes in our methods of control might greatly jar and disturb the matchless growth, prosperity and progress our country is now enjoying.

Resolution presented by Mr. Charles J. Traxler of Minneapolis, general attorney of the Northwestern Lumbermen's Association.

Whereas, The railroad companies of this country, in performing their functions as common carriers, have been permitting practices which result in gross discriminations, unequal rates, unfair competition between persons and between markets, and other practices which create unequal privileges to a favored few to the great and permanent injury of the great mass of our people, and

Whereas, We believe the vital interests of the whole country require and demand such immediate legislation on the part of Congress as will furnish speedy, efficient and permanent relief; therefore be it

*Resolved*, That we, the representatives of the various trades, industrial and producing interests of the country, in convention assembled, do hereby respectfully petition such legislation on the part of Congress, and at the earliest possible date, as will furnish a full and efficient measure of relief to all classes of persons, trades and business interests in all matters touching joint rates, unjust discriminations, rebates, secret cut rates, private cars, private car lines, terminals, terminal facilities, freight classifications, competition between carriers, competition between markets, and all other matters which interfere with or tend to prevent the furnishing by common carriers of equal facilities and equal privileges to all classes of shippers and with favors to none.

*Be it further Resolved*, That we are strenuously opposed to any legislation, first, which is revolutionary in its tendencies or which is indefinite or uncertain in either its application or its results; second, which creates or attempts to create a cumbersome court with a code of untried practice and procedure which must result in delays and disappointments; third, which vests or attempts to vest doubtful or unlawful powers upon an inadequate court, thus making necessary and inevitable the delay of an appeal to the Supreme Court of the United States to determine its legal status.

*Be it further Resolved*, That we respectfully petition such further and immediate legislation on the part of Congress as will provide for the appointment of a competent Commission by a non-partisan and non-political agency with power to determine, upon proper and legal application, all violations of law touching the matters mentioned above, with such additional provisions as will make skillful procrastination or disastrous delays impossible; as will furnish full, immediate and satisfactory relief and establish equity, justice and equality amongst all classes and conditions of shippers throughout all parts of our country.

*Be it further Resolved*, That it is the sense of this convention

that a permanent federation of commercial, industrial, producing and allied organizations of the country be organized and maintained, the object and purpose of which shall be to crystallize the best thought of the country and to formulate and express the same in proper form for enactment into law, and to take such measures as may be deemed necessary or expedient to bring the same to the attention of Congress, to the end that the highest measure of efficiency in legislation touching the matters herein referred to shall be secured at the earliest possible moment.

MR. F. C. NUNEMACHER (Kentucky): As to representation, I am a double-header. I represent the National Association of Manufacturers, the Louisville Board of Trade, the Louisville Employers' Association, and Builders' and Contractors' Exchange.

*Resolved*, That the Congress of the United States is respectfully petitioned to take from the Interstate Commerce Commission all judicial and legislative functions and charge the said Commission with the duty of inquiring as a prosecuting body with the powers equal to those usually accorded to grand juries, into any discriminations or unreasonable rates that may be brought to their attention, having full authority to examine the books and accounts of railway companies (in the same manner as those of banks are now inspected by National Bank examiners, a penalty attaching for an unlawful disclosure of said examination) and of proceeding in the courts of propiate jurisdiction to enjoin or punish any unlawful action on the part of the railroads and to give procedure to all courts of the United States to all such cases or proceedings as may be so brought by the said Commission and in districts where the volume of cases cannot be handled promptly in the courts of appropriate jurisdiction, prompt legislation be enacted to provide for an additional division of such courts.

F. C. NUNEMACHER.

SENATOR DIETRICH (Nebraska): Mr. Chairman and gentlemen, I have a short resolution:

*Resolved*, That in the opinion of this convention that conferring ratemaking power upon the Interstate Commerce Commission in any degree and making its findings operative until reversed by the courts is ill-advised and would retard rather than develop the commercial and farming interests of the United States which have progressed more rapidly under the unhampered management of the great transportation companies than in any other country and have resulted in giving to the United States the lowest freight rates in existence, being less than one-half the rates quoted by any other nation. Giving the ratemaking power to the Interstate Commerce Commission would result in making a conflict between the states and national conditions which could only result in chaos and ruin to both shippers and transportation companies, and would result in maximum or distance tariffs which would disturb and destroy interstate and international competition.

*Resolved*, That this Association is opposed to unjust discrimination in any form in the operation of our public highways; that private car lines and terminals should be under government supervision, but a reasonable elasticity in operation is necessary in order to market our products, and that to deny this would oper-

ate to the detriment of our producers, manufacturers, laborers, and the general public.

D. M. PARRY: I appear before you as the president of the National Association of Manufacturers, an organization that includes in its membership over 3,000 of the industrial plants of the country having an aggregate capital of some billions of dollars. As the Association represents a large percentage of the capital invested in manufacturing, and as its membership is to be found in every State of the Union, it is certainly appropriate that it be given a hearing at a gathering such as this, which is made up of shipping interests that are directly dependent upon fair and impartial treatment from the railroads in the matter of freight rates. If the figures were obtainable, I believe that it would be found that the membership of the National Association of Manufacturers constitutes as important a portion of the freight patrons of the railroads as any other interest here represented.

At the last convention of the Manufacturers' Association in Atlanta in May of this year, the subject of giving the Interstate Commerce Commission extended powers was one of the leading questions discussed, and in open convention the following resolution was adopted without dissent:

*Resolved*, That we favor the active enforcement by the executive department of the general government of all existing laws to prevent the giving or acceptance of rebates or special favors (through whatever device) to or by favored shippers, and we call upon the Interstate Commerce Commission to apply all the remedies at its disposal as provided by the original interstate commerce act, and the Elkins act amending the same.

*Resolved*, That if the existing laws for the detection or punishment for the acceptance of such rebates are insufficient or defective in any respect, we favor the enactment of such further legislation as may be necessary, to adequately deal with the evil and to secure its complete prevention.

*Resolved* That in order to carry into effect the provisions of the foregoing resolutions, Congress should be asked for a provision to be made for the necessary examination of the books of the railroad corporations, something after the manner of the National Bank examinations, for the purpose of detecting and eliminating special favors and discriminations against small or less favored shippers, and a provision for adequate punishment for improper disclosure of confidential information so gained.

It will be observed that there is nothing in this resolution endorsing the proposition for government ratemaking. On the contrary it strictly confines itself to a reiteration of demands made in previous conventions that the rebate evil in all its forms be adequately dealt with. I will not hide the fact that prior to the adoption of this resolution there was an earnest effort made by some of our good members in committee meetings to have the government ratemaking proposition endorsed, but these members gracefully yielded to the dominant sentiment of the membership present at Atlanta, and attempted no opposition in the open convention to the adoption of the resolution. The resolution therefore may be taken as reflecting the views of a large proportion of the manufacturers of this country on the so-called interstate commerce question. Without prejudice to the opinion of those manu-

factors who do not deem the resolution as adequate to meet the present evils, I desire to present briefly the principal reasons of those who do believe that the resolution goes far enough, and I wish to emphasize the fact that those who believe in the implied purport of that resolution, which is that the government should not go into the ratemaking business, have rapidly increased in number in the last several months.

As I take it, there is practically no opposition from any source to the eradication of unjust rate discriminations of every sort, and I believe that there is little dissent from the view that the Elkins Bill has largely eliminated the question of discriminations between individuals, leaving the charges of discriminations between localities and different classes of traffic as the main grounds urged for further legislation in this matter of discriminating rates. Able lawyers have asserted that the Elkins act covers even these latter classes of discriminations. But be that act as it may, it still remains that the sentiment of the country is practically a unit on the proposition that the improper discriminations shall cease, and that the law, if not adequate to prevent them, should be amended sufficiently to make it adequate.

But right at this point comes a divergence of opinion on this great subject. The leaders of the government rate movement insist that in order to remedy discriminations declared to exist in published tariff rates as between different localities and different classes of goods, it is necessary that the Interstate Commerce Commission be given the power to veto such published rates and compel the publication of new rates of its own determination. On top of this, these gentlemen also insist that the commission shall be given the power to veto published rates where there is no question of discrimination between the locality of products, but where the only point involved is the question of the reasonableness of the rates themselves. In other words, it is demanded that the Interstate Commerce Commission go into the business of fixing rates. I wish to make several observations at this point. The first is that this controversy now revolves about the published rates of the carriers, it being conceded apparently that the law is adequate which compels the carriers to enforce the published rates against all individuals, that is, it is conceded that the rebate evil is satisfactorily dealt with by existing law. The second observation is that it is asserted by the friends of the government ratemaking proposition that the commission would not, if given the power to fix rates, exercise that power to any wholesale extent, but it cannot be denied that the change of even an insignificant rate may force the change of many rates over a wide territory. And it also cannot be denied that if the Commission should disappoint its friends in this respect and decide on the changing of all the rates in the country at one fell swoop, it could do so about as readily as it could change a single rate. The third observation I will make is that it is proposed not altogether to deprive the carriers of their day in court, but they are first to be adjudged guilty and punishment meted out to them, after which they may, if they desire, go to court about the matter. This may not be as bad as hanging a criminal before trying

him, but it has some points of close resemblance to such procedure?

Without going into the statistics and data offered by the friends of government ratemaking in support of their contentions, I wish to remark that the remedy they offer for alleged evils, be they real or imaginary, is one of the most radical ever proposed by intelligent business men in this country. One moment's consideration of the proposal that the government shall go into the business of fixing the prices of transportation ought to be sufficient to make every conservative, fair-minded man pause and reflect. It is from the populace and demagogues that we have come to expect propositions that the government shall interfere with the rights of property, and it is hard for me to believe that business men should now lend serious attention to a proposition that is not a whit better than that of government ownership or the free coinage of silver. I refuse to believe that this government ratemaking proposition reflects the real sentiment of the great majority of the shippers of this country, for to my mind to believe such a thing is to assert that the shippers have combined their forces for the purpose of tyrannizing over the railroads and depriving railroad capital from reaping the profits from which, under the free institutions of this country, it is entitled. Rather do I prefer to believe that this crusade to endow a political commission with a socialistic and czarlike power to fix transportation prices is what is popularly and very aptly termed a hot-air movement fathered in the main by professional political agitators and men who have private reasons of their own for fighting the railroads. I believe that as the shippers come to consider this question they are more and more inclined to take the view that government ratemaking is an impracticable and dangerous scheme, and that at least it must be given very earnest consideration before extending it their support. The resolution adopted at the Atlanta convention shows that the manufacturers there present reached this conclusion, and I believe that other organizations have come or are gradually coming to a similar view.

I am perfectly aware that by voicing these views I incur the risk of being charged with being a representative of the railroads at this conference, and therefore I take this opportunity of denying that I appear here in any such capacity. I am here to reflect the opinions of those shippers who believe in conservative and carefully considered action on every public question, and who also believe that every industry, including even the railroad industry, is entitled to fair treatment and the enjoyment of those rights of property which are accorded to other industries. Mark you, this is not saying that the railroads should not be made to deal justly with the public and with business interests generally, but it is saying that as the manufacturers, the stock raisers and other business interests expect to be dealt with, so also should they be ready to deal justly with the railroad industry. It is saying that to adopt the socialistic principle of government interference with the return on railroad capital is but paving the way for the enlargement of the same principle to cover prices of the farmer and manufacturer. This idea has been pooh-poohed, but as a matter of fact there is no argument that can be asserted in favor of government ratemaking that cannot be made to apply



with equal force to the fixing of prices by the government on all commodities. For example, if it is right for the government to determine arbitrarily the relation between prices for transportation in several communities, it would be equally right for the government to determine the relative prices of shoes in the same communities.

Heretofore the right of the owner of capital to secure the highest prices he can obtain in the market for his product has not been seriously attacked. It has generally been recognized that our commercial prosperity has been erected upon this right of capital. Now let any government commission essay to fix the price of transportation in any instance, and this right of private ownership in property is necessarily denied in that instance. It would be impossible for the commission to fix a single rate without implying the right of the government to limit the return on capital invested in railroads. Gentlemen, to assert that capital invested in railroads shall be deprived of the right to seek the highest profit obtainable on the market is to concede that the profit on all capital, howsoever it may be invested, may be limited at the will of the government. Grant the validity of the principle of government limitation of profits in one branch of industry and you grant it in all, and you cannot escape the conclusion that if you favor government rate-making you abandon the principle of individual freedom and private ownership in capital and align yourselves with the socialists who would confiscate the returns on capital.

I think that every man in this convention will agree with me that the people of this country are today better fed, better clothed, better sheltered and enjoy better facilities for education and recreation than any other nation ever enjoyed in all the history of mankind. I think also that every man here will agree with me when I say that our fundamental principles of government guaranteeing non-interference with the accumulation and investment of capital and the returns on capital, in other words, with the principle that a man has the right to do with his own as he pleases so long as he does not interfere with the equal right of another, is the principal cause for our material prosperity and our present high stage of civilization. Allow me then to earnestly urge upon you the duty of protecting these fundamental principles of government. These principles are as sacred today as they ever were in the past, and surely no patriotic citizen is prepared to depart from them except in case of the direst necessity. Now, that these various principles have brought forth such marvelous national wealth, now that all classes of the people are enjoying the fruits of these principles as never before, why in God's name should men seek to undermine and abandon them? Let us think this question over thoroughly like men who value their country's welfare above all else—let us, I urge, be conservative and cautious in the face of this radical proposition for governmental rate-making. Surely on its face there is ample reason to regard this proposition with suspicion and distrust.

But, say the advocates of this socialistic scheme, the railroads are quasi-public institutions, and must be regarded in a different light from other industries. I grant that because of their

semi-public character there should be rigid provisions of law compelling them to deal impartially with the general public, but because this is true it does not necessarily follow that the capital invested in them should be limited as to its profits. Under the principle of non-interference by government with prices of transportation the railroads of this country have undergone a marvelous development until today we proudly point to the greatest system of railroads in all the world. Today we have two hundred thousand miles of trackage and a capital of eleven billions invested in these railroads. So far, therefore, as the development of the railroads is concerned, the principle of non-interference by government in the making of rates has had a wonderful effect in encouraging the investment of capital in these highways. Establish the principle of government rate-making, and I am here to assert that you will immediately put an end to the rapid development in the railroad world, for capital is timid and will not seek investment where there is reason to believe its right to profits will be denied or restricted.

Again, under the principle of non-interference by government in rate-making the efficiency of the service rendered by the railroads has undergone exceedingly rapid advancement and to those who declare that the railroads of this country have been completed, I wish to say that this very year millions and millions of new capital is being invested in equipment and betterments as well as in the extension of mileage. Do you want to put a serious check on this betterment of the service of the roads? If you do, then launch the government in the rate-making business, and you will succeed most admirably.

Again, under the principle of non-interference by the government in rate-making the rates themselves have steadily declined, except for slight reactions, for the last fifty years. Now I touch upon oft-repeated claims that rates are unreasonable in themselves. I am quite aware that those who advocate government rate-making have at their fingers' ends a vast array of statistics to prove their contention, but I have examined these statistics and compared them carefully with the statistics offered in their reputation, and for one I want to say here and now that I have rarely seen more expert juggling with figures than has been performed by some of the advocates of this government rate-making movement. In this connection I wish to make the declaration that before this convention adopts a resolution in favor of government rate-making it ought in the name of fairness and sincerity appoint a disinterested commission of experts to arrive at the truth regarding the conflicting statistics offered in this controversy. As for myself, I believe that the rate per ton per mile is the best gauge of railroad rates that available statistics offer, and this rate has steadily declined until the last few years, when it has had a slight rise—a rise, however, that has hardly kept abreast with general upturn in prices.

From a broad consideration of the returns on capital it is to be logically inferred that capital invested in railroads cannot secure a higher profit, generally speaking, than capital invested in other industries. Capital seeks investment where the profits are highest in proportion to the risk involved, and this tendency

brings about in the long run a general average of profits in all directions. The average percentage of profit has steadily declined in the last half century, and capital invested in railroads has no more escaped than capital invested elsewhere. In fact, because of much of the capital in railroads being invested without hope of immediate dividends the percentage of profit on the eleven billions of railroad capital is less than five per cent, whereas the percentage in manufacturing and agriculture is much higher. Now, capital does not fix its own profits, but must take what the market affords, and I here assert that capital invested in railroads cannot fix its own profits, but must take what the market affords. So long as capital increases in amount in this country there is absolutely no chance for the arbitrary advancement of freight rates by the railroads, no matter how few may become the men in control of the roads. Every additional dollar invested in railroad property must tend to reduce rates. Every line of railroad, no matter who controls it, must constantly seek to develop its tonnage to its maximum carrying capacity, and to do this it is from time to time compelled to reduce rates. Observe the continual struggle of the different lines of roads to obtain business, and you must immediately come to the conclusion that competition is not dead in the railroad world. In the very nature of things it is impossible to destroy this competition except by government intervention, for no owners of a railroad are going to cease making that road do all the business it can, and if a less rate will bring a higher tonnage with higher net profits, then the rate will be reduced. If a number of railroads in a given section of territory agree not to cut each others' throats, these roads are still forced to reduce rates to develop tonnage and also to enable the products they carry to compete in the great markets with like products brought from other sections of the country. Of course, the carriers charge all the traffic will bear just as truly as a manufacturer of shoes charges for his product all that the market will give him. It is this self-interest, this reaching out for the highest profit that is the foundation rock of our great commercial prosperity, and the competition to secure the highest profit is what brings down prices on all commodities, including even the prices on the commodity of transportation. Looking at the facts presented by statistics, we find that this argument is amply demonstrated as correct, for the freight rates in this country are generally acknowledged to be the lowest in the world. In this connection I want to call attention to the claim frequently made by the advocates of government rate-making that the railroads are levying a frightful tax on the country amounting annually to millions of dollars. The use of the word tax in this manner is enough in itself to stigmatize the proposition as one of the vagaries of the populistic trend of mind. As well accuse the teamster of levying a tax on the public when he charges for hauling a load of merchandise to the freight depot, and incidentally, I may say that this teamster tax is in many cases greater for carrying the goods one mile than that of the railroads for carrying the same goods a thousand miles. I also wish to make the observation here that the railroads are not owned by a few

individuals and that as a matter of fact the people through the savings banks and insurance companies, own a very respectable percentage of the eleven billions of railroad capital.

Summing up the points I have just made, I now wish to ask the question, why the shippers of this country should wish the government to embark in the rate-making business when, under the system of non-interference by the government in rate-making, there has been developed the greatest railway system in the world with the lowest freight rates in the world and the highest efficiency of service in the world, the whole country considered? If non-interference by the government in rate-making has borne such excellent fruit in the last fifty years, why now the necessity of departing from it? Is it not naturally to be supposed that the same development and betterment of the railroads under the policy of non-interference in the past may be confidently expected in the future from the continuation of the same policy of non-interference? Anyone who would attempt to prove otherwise has indeed a monumental task, and I urge upon every man in this gathering to examine with the utmost scrutiny the claims and arguments of those who believe in now reversing the policy which has stood the country so well in hand in the past.

I have made this address longer than I intended, else I would here take up the evils that may justly be apprehended from the government going into the rate-making business. Imagine for one moment, if you please, the spectacle of rates being made by a political commission, swayed as it necessarily must be by the strongest political clamor. Every section of this great country that is weaker in population and wealth than some other section has good cause to fear the results of such a system of rate-making. So also has the whole country to fear the driving of capital from the railroad field, the fixing of inflexible rates, the deterioration in railway service, and eventually a general increase instead of a decrease in rates. Where the risk is greater capital must demand a higher rate of profit, and I believe government rate-making would in the end mean higher general rates and perhaps government ownership.

Again, if you study the subject you are also most sure to arrive at the conclusion that the strife between different localities and between the dealers in different classes of traffic for more favorable rates would tend to the adoption of a uniform rate per ton per mile, and a rate of that kind would inevitably blast the commercial and agricultural development of nearly the entire country. I again urge upon all thinking men in this convention that the possibilities of disaster to be apprehended from the reversal of the policy of the government in regard to the making of rates are so serious as to call for the utmost caution and conservatism in handling this question. And I confidently believe that all fair-minded men, if they give due study to this question, will come to the conclusion that the power to make rates should continue to lodge where it is, and that thereby the general interests of the country will be best subserved, the right of communities to enjoy the advantages of population, wealth and geographical location will be respected, the less de-

veloped sections will not be at the mercy of the more powerful sections and rates will, on the whole, gradually decline, while the services rendered by the carriers will develop in efficiency.

In conclusion, I wish to present a resolution which I think should be given due consideration. In this resolution it is recognized that wrongs are sometimes justly to be charged against the carriers and that these wrongs must be righted. But because some evils exist is no reason why we should fly to evils that would prove a thousandfold worse. Let us seek the correction of these evils in the regular way in which we have met other evils in the past. Let us cling tenaciously to the fundamental principles of individual freedom and property rights and not take up with the false god of socialism. Let us apply the police powers of the government and not be so prone to acknowledge that the nation is too weak to grapple in the orthodox way with any evil that may arise. Every corporation as well as individual guilty of unjust treatment of the general public should be punished, but punished not before a hearing in court, but afterwards. This resolution provides for adequate machinery of government to hear all grievances against the railroads and in a sane, orderly fashion to mete out punishment expeditiously where punishment is merited. What more can be asked unless, forsooth, it is desired to ignore the rights of capital invested in railroads and to rush into the arms of confiscation and socialism? Here is the resolution:

MR. PARRY: Here, gentlemen, are the resolutions I wish to submit. As I believe a large majority of you gentlemen have received copies of these resolutions, if it meets with your approval I will not read them, but submit them without reading. Do you take it by consent, gentlemen? (Applause.)

AS TO RAILWAY RATES: AN EQUITABLE, REASONABLE AND DESIRABLE SOLUTION OF THE VEXED QUESTION—A TENTATIVE RESOLUTION BEARING UPON THE SUBJECT SUGGESTED BY D. M. PARRY, PRESIDENT OF THE NATIONAL ASSOCIATION OF MANUFACTURERS.

To Manufacturers and Shippers:

The coming congress will be called upon to settle the momentous question of railroad rate legislation. Shall the government, through a political commission, be given the arbitrary power to fix rates, or shall the question of a disputed rate be taken up in a sane, orderly manner and disposed of according to the fundamental laws of the country? This is the main point in the present controversy regarding rate legislation. How do the shippers stand upon it? Do they want to go on record as favoring the orthodox way of meeting abuses and wrongs by the application of the police powers of the government or do they wish to stand before the country as favoring the commencement of a career of socialism, absolutism and paternalistic meddling with property rights?

Every argument that can be advanced in favor of the government going into the business of fixing the prices of transportation can be urged with equal force in favor of the government going into the business of fixing the prices on commodities other

than that of transportation. I cannot see how the shippers of this country can consistently favor government rate making when they themselves would not favor government fixing of prices for their own products. Again, it is impossible for the government, through a commission, to fix a single rate without thereby implying the right of the government to limit the returns on capital invested in railroad property; and to establish the precedent that the government may set a limit on the returns on capital invested in any industry whatever is certainly a most radical and dangerous innovation of our government. While every shipper in the country is interested in receiving impartial treatment from the railroads, yet in endeavoring to secure this impartial treatment it would be, to my mind, a grave error for them to lend themselves to such a populist proposition as this of government rate making.

I am no advocate of railroad might, but there is a vital principle at stake in the government rate making proposition, and I would earnestly urge conservative and cautious action regarding it. I wish to assert after having given the matter careful consideration, I am convinced that if the government embarks in the business of rate making, the result will be disastrous upon the railways and upon the business interests of the entire country. Every section of the country that is not as well populated or as wealthy as some other section has good grounds to fear the results of rate making by a political commission, which must necessarily be swayed by the strongest political clamor, and I have no doubt that eventually there would be a general increase in rates instead of the expected decrease, that the service performed by the carriers would become deteriorated, that the tendency would be to establish a uniform rate per ton per mile, involving serious injury to industries everywhere by prescribing within narrow limits the territory they could with profit supply with their products, and that the dangerous proposition of government ownership would in the end be given great impetus in the minds of the people.

I have prepared a resolution containing recommendations to Congress which I believe to be fair and just, and which, if carried out, would adequately meet every evil that now exists. This resolution follows; and I hope you will give it your earnest consideration, and if you are against making a start towards socialism in this country, I also hope you will do all you can toward making this or some similar resolution the expression of the views of the shippers of this country upon this momentous question.

Faithfully yours,

D. M. PARRY.

#### RESOLUTION.

Whereas, We are heartily in accord with the declaration of the President of the United States that the highways of commerce in the United States should be open to all upon equal terms, and that there should be adequate laws to prevent and punish discrimination in the tolls levied by the common carriers of the United States in favor of or against competing communities, or individuals; and

Whereas, The government should exercise supervision over tariffs of the carriers of freight, both by water and by rail, to the

end that no discrimination or extortion shall be permitted, or if practiced, shall be punished; yet we believe that this supervision should be exercised in a decent, orderly manner, and no attempt should be made to deal with the carriers except in the highest spirit of equity, recognizing that the right to levy reasonable and equitable tolls is their most valuable asset, and that no onerous burdens should be placed upon them without giving them their day in court.

Whereas, The Interstate Commerce Commission, during its history, by methods of conciliation and adjustment, has settled, upon terms satisfactory to all the interests involved, more than 90 per cent of the complaints lodged with it; and

Whereas, It is our earnest belief that it would be injurious to the best interests of the shipping community to endow the Interstate Commerce Commission with authority to initiate rates, or to substitute a new rate for a rate that has been challenged for the reason that the fabric of the railway tariffs on the commodities that are transported in large volume over wide areas are so interwoven and interrelated that the changing of one rate may arbitrarily force the changing of thousands of other rates, which would produce confusion in the relation of competing areas to each other, and would work hardship and loss upon shippers and carrying companies. Now, therefore, be it

*Resolved*, That we respectfully petition the President and the Congress of the United States that the following resolution be given careful consideration to the end desired, that the relations of the commercial shippers and carriers may be placed upon an enduring basis, and removed from the realm of party politics, as the agitation of these questions disturbs the business and prosperity of the country, and may eventually lead to government ownership of the means of transportation, which we regard as the greatest evil which could befall the country.

*Resolved*, That the Congress of the United States is respectfully petitioned to enact laws creating a Bureau of Interstate Transportation which shall be adjunctive to the Department of Commerce and Labor, and subordinate to the Secretary thereof, to be in charge of a commission who shall be skilled in the affairs of Commerce as related to the transportation of commodities

*Resolved*, That the Commissioner of Interstate Transportation shall have as many assistants, who shall be skilled in the art of transportation, as shall be necessary to receive and promptly investigate any and all complaints presented by shippers setting forth any matter of extortion, in equity or discrimination or any infringement of any existing law, or any future law, by any shipper or carrier.

The Bureau of Interstate Transportation to be charged with the duty of adjusting or prosecuting all complaints of discrimination, unjust rates, and unfair practices of every description by the carriers, and when it is found impossible to informally adjust the differences between the complainant and the parties complained of, then to prosecute the complaint before a special Court of Transportation which shall be created by Congress, and judges of which shall be required to devote their entire time to the adjudication of such differences.

The judges of the Court of Transportation shall sit together in Washington and separately in the large cities throughout the country, so that complaints may be acted upon with the least possible delay.

The Bureau of Interstate Transportation shall act for the complaining shipper, and prosecute the case at the expense of the Government, under the direction of the Attorney-General of the United States, thus relieving the shipper of the expense of conducting litigation, and if the decision of the Court is adverse to the railroads reasonable damages shall be awarded the shipper to reimburse him for the injuries sustained.

The only appeal from the Transportation Court will lie in the Supreme Court of the United States, and then solely upon questions of law.

That in order to facilitate the business of the Bureau of Interstate Transportation and of the public with the carrier, the carriers shall be authorized by law to establish Traffic Associations or Conference Committees in order that the Carrier Companies may be dealt with in masses to save the delay that will ensue from separate negotiations with each company.

#### RESOLUTION OF JOHN I. PLATT, POUGHKEEPSIE, N. Y.

Whereas, the power to fix rates and regulations for the transportation of freight is a power so broad that it can only be justly exercised under full consideration of all parties directly or indirectly affected by it, and

Whereas, the volume of internal traffic within the separate States exceeds many times the total of interstate traffic, and its interests are therefore much more important to the welfare of the whole people than those that can be controlled under the constitution by any national authority, therefore,

Resolved, That we protest against conferring upon the Interstate Commerce Commission or any similar body power to fix transportation rates, or establish transportation regulations, unless provision be also made for a full and fair hearing to those who may represent the shorter but vastly greater traffic within the separate States, which, though such body may not directly control certainly should receive great consideration before any final action or decision.

The Chairman announced the appointment of the following members of the Committee on Resolutions:

W. P. Trickett, Kansas City Transportation Bureau, Kansas City, Mo.

Arthur R. Briggs, Board of Trade, San Francisco, Cal.

George M. Tibbs, Jobbers' and Manufacturers' Association, St. Paul, Minn.

George H. Anderson, Chamber of Commerce, Pittsburg, Pa.

F. E. Brown, Business Men's Association, Bridgeport, Conn.

M. W. Mix, Mishawaka, Ind.

C. F. Frizzell, Retail Merchants' Association, Nashville, Tenn.

Euclid Martin, Commercial Club, Omaha, Neb.

W. F. Endres, International Council of Coal Merchants, Jamestown, N. Y.



The Chair also announced the appointment of the following Finance Committee:

William Irvine, Mississippi Lumbermen's Association, Chipewewa Falls, Wis.

A. P. Burchfield, Chamber of Commerce, Pittsfield, Mass.

J. Kirby, Jr., Board of Trade, Dayton, Ohio.

H. S. Rand, National Association of Lumber Manufacturers, Burlington, Ia.

J. W. Van Cleave, National Association of Manufacturers, St. Louis, Mo.

Chairman McLeod then announced that the committee, which had been appointed to visit the minority meeting in Steinway Hall, was ready to report, and on behalf of that Committee, Mr. John Kirby, Jr., made the following report:

MR. KIRBY: Gentlemen, we sent to the chairman of the minority convention the following note:

"A committee of five from the meeting in Studebaker Hall, representing 460 delegates, desire to make a statement to this convention and request your reply."

Signed by all of the members of the committee.

After waiting perhaps twenty minutes or half an hour, a committee of five waited upon us, saying that they had been appointed a committee to confer with us and receive any communication we might wish to make to the convention in writing. After a short discussion pro and con, we presented to the chairman of that committee the latter part of the resolution, or in other words the part of the resolution under which we were appointed a committee, and he said he would present that to the convention, and that they would give us a reply in the morning. I believe, Mr. Van Cleave, that this is about the gist of it?

It was then proposed to send a telegram to the President outlining the situation as it existed at that time, and submitting to him the proposition that this was not, as it had developed, a "square deal." After considerable discussion, however, it was decided to leave the presentation of all of the matters involved in the proceedings of the two conventions to the committee which would hereafter be appointed to present the resolutions of this convention to the President.

#### FORENOON SESSION.

Friday, 9:30 o'clock a. m. October 27, 1905.

The convention was called to order at 9:30 by Chairman McLeod, who announced that the Committee on Resolutions was not then ready to report.

Mr. L. A. Hobbs, Michigan and Indiana Retail Coal Association, Benton Harbor, Mich., said: It occurs to me that possibly some of the resolutions read yesterday or the general tendency of them might have been construed differently from the intentions of the gentlemen who came here. There is no doubt we came here to attend the Interstate Commerce Law Convention, so-called, but we wish to have a reasonable amount of free speech. It doesn't seem to me that we should place ourselves in a position where we say no rate legislation

is necessary simply because we have separated ourselves from the other body or they have separated themselves from us.

I would therefore with the view of correcting this tendency on the part of the resolutions heretofore offered like to submit the following:

"Whereas, abuses in the transportation business have arisen of sufficient magnitude to make the consideration of the question one of the most important before the people, and

"Whereas, it appears to this convention that the abuses referred to consist largely of inequalities in rates affecting local industries, also of an apparent desire on the part of the railroads to exceed their charter rights and engage in business foreign to the real objects of their existence—by this we mean the merchandising of commodities by the railroads and also the paternal care which they seem inclined to exercise over our legislatures;

"Therefore be it resolved, that it is the sense of this body that the railway corporations should be kept strictly within their chartered rights, that no buying and selling of commodities be tolerated and that they be discouraged or prohibited from placing congressmen or members of the legislature on their payroll.

"Be it further resolved that Congress be urged to pass such laws as in its wisdom will correct abuses in rates wherever such abuses may exist.

(Submitted by Fred A. Hobbs, vice-president Michigan & Indiana Retail Coal Association, Benton Harbor, Mich.)

MR. MEAD (representing the Merchants' Association of New York): Mr. Chairman, owing to the fact that during the day yesterday as a delegate representing the Merchants' Association of New York, I was in rather a delicate position owing to the fact that the question of whether or not I should be accepted as a delegate in the other convention—whether I should or should not be accepted as a delegate in the other convention was still pending. This morning, however, I am pleased to speak on this floor as I have declined the appointment or the acceptance to the other convention because of the fact that the organization which I represent is in favor of free and open discussion of all questions which are of great interest to the country, but it is not because of the fact that the organization which I represent is opposed to what they consider to be proper legislation on this subject.

In order that the attitude of this organization which I represent may be clearly shown, I desire to present a series of preambles and resolutions wherein the name of the association is taken out and this convention is inserted, defines our position upon this question.

In this connection I might say that the organization which I represent has defined its attitude upon the preambles and resolutions, and cannot of course, sir, be bound by any action of this body. My purpose in being here is more a protest in favor of free and open discussion.

The preambles and resolutions are as follows:

RESOLUTIONS OFFERED BY S. C. MEAD, DELEGATE REPRESENTING THE MERCHANTS' ASSOCIATION OF NEW YORK.

Whereas, President Roosevelt, in his last annual message to

Congress, referred in the following language to the subject of increasing the powers of the Interstate Commerce Commission:

"The Interstate Commerce Commission should be vested with the power, where a rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the commission to take effect immediately and to obtain unless it is reversed;" and

Whereas, in conformity with this recommendation on the part of the President, there was formed and introduced into the last session of Congress H. R. Bill 18,588, entitled "A Bill to Supplement and Amend the Act Entitled 'An Act to Regulate Commerce, approved February 4th, 1887,'" known as the Esch-Townsend Bill; and,

Whereas, In the opinion of this convention this subject is one of great importance both to the commercial interests of the country and to the vast financial interests having investments in railroad properties and is a subject, therefore, in which the rights of all parties concerned should be carefully guarded; and,

Whereas, The so-called Esch-Townsend Bill provides that the order of the Interstate Commerce Commission fixing a rate, after full notice and hearing to all parties concerned, shall become operative and obtain until final adjudication upon any appeal that may be taken; and,

Whereas, In the opinion of this convention the proposed legislation should incorporate a provision giving power to the Courts to grant a stay of the order of the Interstate Commerce Commission pending the appeal only when it is shown to the satisfaction of the court that the operation of the order of the Interstate Commerce Commission pending the appeal would cause undue or irreparable hardship to any of the parties interested; now, therefore, be it

*Resolved*, by this convention, That the so-called Esch-Townsend Bill should be amended by inserting a provision to the effect that no stay whatever shall be granted in any appeal from the order of the Interstate Commerce Commission unless the court shall be satisfied that undue or irreparable injury will be done to any interested party by the operation of the order of the Interstate Commerce Commission pending the determination of the appeal and further providing that the court may impose such conditions of granting any such stay as in its discretion it may deem wise; be it further

*Resolved*, That with such amendment this convention hereby approves the general principles and objects of the Esch-Townsend Bill as introduced at the last session of Congress.

These preambles and resolutions, sir, were the action of the members of the association which I represent. The membership is made up of over one thousand of the leading business houses in New York City. The percentage of the membership acting upon the resolution was as follows: 80 per cent were in favor of this resolution, 10 per cent were in favor of the Esch-Townsend Bill, as introduced in the last session of Congress, and

10 per cent were against any action to amend the interstate commerce law as it exists today. (Applause.)

MR. FREEMAN (of Pontiac, Mich.): Free speech being the motto of this convention, and as I take it, its purpose being the open discussion of required or essential railroad regulation, I submit my views, abbreviated as much as possible.

I received a commission to appear here from my State government—not because of politics, but because I had the reputation of being somewhat familiar with the Interstate Commerce Act, with freight tariffs and classifications, and with railroad abuse of rightful and legal privileges. I come as a representative small shipper, a class that, taken as a whole, ship more goods and are more interested in fair and equal treatment of all by the carriers than are the large corporations, who have more influence and better facilities to care for themselves. Personally, I am not in favor of government rate regulation, because I can hardly conceive a body of uninterested men capable of making rates and doing justice to the public and the carrier.

In further legislation, what assurance have we that it would do any good, and do we require it? The rate charged by the carrier largely regulates itself and will continue to do so until further consolidation of lines into a few hands, but the abuse of power of and by the carrier, whether because he has educated himself to think that his interests only should be considered are from pure selfishness and love of power, has become almost unbearable to a supposedly free people.

We send to Congress our brightest minds, largely composed of the best legal talent; they enact our laws. Great pains were taken with the original Interstate Commerce Act, but the public were but temporarily benefited; repeated legislation has only made matters so much worse. The Sherman law did not help the situation. The Elkins Bill, utterly useless. Now, under the same conditions, what is the good of further laws, except to benefit the lawyer by befuddling the public? Why not give the present law a good test? It has never had it yet. Just as soon as a competent attorney becomes somewhat acquainted with railroad law, he is retained by the big corporations who are getting the benefit of railroad favoritism or by the railroad themselves, and the public continue to flounder in the same old helpless way. The instant that conditions do not suit you, you begin to carry more legislation, more laws, when instead of wanting more law, it is the man or power behind the law that you require. I think it is Governor Folk of Missouri who tells us that "A poor law with a good man behind it is far better than a good law and a poor man behind it."

Principal parts of the Interstate Commerce Act were the long and short haul clause and its joint responsibility of the joint-carrier feature.

I claim that from the time of appointment of the first commission until now that the commission has been a railroad's commission. It is notorious that they were appointed through railroad influence. Judge Cooley doubtless was an honorable man, but he was a very old man, and had been a railroad attorney for so many years that he had become biased in favor

of the carrier and could not be just and partial. I will not comment on other members for fear of saying more than I intend. Our Interstate Act was copied from the English law, which immediately after its commitment was tested on the joint responsibility feature, and joint responsibility found. But while the wording of our law is the same, our brilliant commission have studiously avoided a ruling on this point for eighteen years.

Why does our Supreme Court overturn findings of the commission? Because findings have been lame, I think purposely. With the real features of the act properly presented before an impartial tribunal, I think you would find little further legislation required. We need an impartial, competent and honest commission; not a commission who have even decided point-blank contrary to the wording of the law, in the interest of the carrier. I cannot believe that the same wording means one thing on one side of the water and the contrary on the other.

I would like to show up where and how a proper and correct finding of the law as it stands would materially alter present conditions, but time forbids.

The most of our troubles with the carriers are through fault of our own. We go sneaking around, begging favors, and so forth, teaching them that they own the earth and us. (Applause.) How many of you, when presenting claims, refuse to give up your vouchers?

Is not further legislation useless unless you alter conditions, and if you alter conditions, do you require further legislation?

I may add that this railroad's commission, on the plea that it was impossible to secure testimony while criminal liability of the carrier existed, recommended and succeeded in having, through the Elkins Bill, that clause of the Interstate Act annulled. They have also recommended and recommended because pooling is bound to exist anyway, that pooling be legalized. This must be on a theory that as thievery cannot be stopped, it should be legalized.

MR. RULOFSEN (San Francisco) offered the following resolution:

Whereas, When Congress created the Interstate Commerce Commission and determined that it was to consist of five members, it was admittedly their intention that one member should be appointed to each of the five great geographical subdivisions of the United States; and

Whereas, The failure of the Western and Pacific Coast States to recommend to the President a commissioner representing the vast commercial interests of the Western and Pacific Coast States, they failed to get representation on the commission; and

Whereas, Ever since the creation of the Interstate Commerce Commission neither the Western nor the Pacific Coast States have been represented on the said commission; and

Whereas, The entirely dissimilar conditions of the States

and Territories west of the Missouri and Mississippi Rivers should be protected by representation on the Interstate Commerce Commission; and

Whereas, The commission as constituted at the present time, consists of five members, representing the Atlantic Seaboard, the Southern, Middle and Middle Western States; and

Whereas, These vast commercial interests would undoubtedly object to surrendering even one member of the commission to the Western and Pacific States and Territories; and

Whereas, The business of the present commission far exceeds their ability to handle it with a reasonable degree of promptness; therefore be it

*Resolved*, That in the opinion of this convention that for the purpose of expediting the hearing of cases, that the commission should be increased to seven members; and be it further

*Resolved*, That the two additional members should be appointed, one from the Western States, west of the Mississippi and Missouri Rivers, and the other from the Pacific Coast States; and be it further

*Resolved*, That a copy of these resolutions be sent to the President of the United States, respectfully requesting his careful consideration of these conditions and the claims of said States and Territories for representation on the commission.

MR. COCKE (of Virginia): I am one of the appointees to this convention by the Governor of the State of Virginia, and I have exercised some little convention hiatiara by declining to be a participant in a convention where I would be received with all the course and effect and with the right to participate in the meeting and a right to vote on the questions and have linked my fortunes with you gentlemen (applause), who will allow me the privilege of the floor, with the right to offer resolutions, but do not allow me the right to vote. I am very content, and I think that the action of your body was a wise and proper one, because so far as I can see the purposes of having the appointments made by the respective Governors of the States seems to have been for the purpose of controlling this convention in a manner that was not originally contemplated (applause). I want to say, however, that, as representing the good old State of Virginia, we are used to free speech (cries of good), and that any cause that cannot stand in the light of a discussion is a cause that will hardly merit the support of American citizens (cries of right). Therefore, quite a number of resolutions that have been offered here take up different phases of the situation, and it seems to me that a resolution should be before this body to be acted upon hereafter, if necessary, defining our position before the world under the contingency of these gentlemen still claiming that they are the convention. We deny that fact, but if they still claim them to be the convention, it seems to me that a resolution should be passed by this body defining the circumstances under which this convention was convened, and on these lines

I prepared a set of resolutions which, if you will indulge me for a moment, I will read:

RESOLUTION BY THE REPRESENTATIVE OF THE SIXTH CONGRESSIONAL DISTRICT OF VIRGINIA.

Whereas, A call has heretofore been issued by E. P. Bacon, chairman of the Executive Committee of the Interstate Commerce Law Convention, requesting a convention of delegates representing various trade, industrial and producing interests of the country as well as representatives from the various Congressional districts of the United States, to assemble in the city of Chicago on the 26th day of October, 1905; and

Whereas, Large numbers of representatives to said convention duly accredited by their respective trade organizations and the executives of their respective States presented their credentials to said meeting and were refused admittance to their deliberations until and upon the condition that each should sign a pledge committing himself to certain proposed policies and resolutions which it was contemplated should be the subject for the consideration of said convention; and

Whereas, Said delegates being of the sincere and abiding conviction that no such pledge could properly be exacted from them as a condition precedent to their admission to the convention to which they had been duly accredited, declined to accept the conditions and earnestly protested against this unwarranted and unprecedented action on the part of the executive officers of said association, and for the purpose of making said protest effective have organized themselves into an orderly meeting of duly accredited delegates to said convention, and do now resolve:

1. That the action of said executive committee of the Interstate Commerce Association in refusing to admit to the convention this day assembled in Steinway Hall those members of the convention who have declined to sign a pledge binding themselves before discussion and conference upon questions that could only be properly solved after discussion and conference, is not justified by any law of precedent or propriety, and we denounce this action as a rank insult by said committee of unwarrantable authority, whereby our respective constituencies have been deprived of representation in a convention by which those memberships is in part made possible.

2. That ——— delegates, representing ——— individual organizations, now in meeting duly assembled at Studebaker Hall, Chicago, do now most earnestly represent to the Congress of the United States that any action which may be taken by the so-called convention of the Interstate Law Convention now in session shall not be deemed representative of the views of the trade, industrial and producing interests of this country, and in view of its restricted and conditional membership that its resolution be accepted as the views only of the gentlemen participating therein.

LUCIAN H. COCKE,  
JOSEPH L. KELLY,  
Virginia.

MR. C. B. HAYES (Kansas City): Mr. Chairman, I had intended to introduce a motion along the same lines and covering the same ideas expressed by the member from Virginia. My reason for putting them in the form of a motion was that it would be open to discussion. The idea I had in mind was that owing to the unfortunate misunderstanding on the part of members as to the representation and intention of this convention, the public will undoubtedly be kept in ignorance as to what we are trying to do, as to what we have done and to who we are and what we are. My intention was to offer a motion that the resolutions committee be instructed to prepare an address to the American people, telling them how this convention came into being, what it had done, what it stood for, and explaining the objects and scope of this convention; that that address be officially tendered to the Associated Press, so that the public at large will understand exactly what we want them to understand as to what we are trying to do, and that after reciting all that, that the individual names of every delegate in this convention be added to the address, and in addition to that the Associations that we represent. Mr. Chairman, I put that in the form of a motion:

That the resolutions committee, after they have offered to this body the regular resolutions, be instructed to prepare an address to the American people, which they will turn over to the Associated Press for distribution throughout the country.

CHAIRMAN McLEOD: Is the motion supported?

The motion was seconded.

CHAIRMAN McLEOD: Will you please discuss the question;

MR. E. J. DETRICK (Pittsburg, Pa.): Mr. Chairman, following the gentleman's remarks, I think it is in order for me to make a declaration in this hall. I have read the morning papers and it seems to me they are endeavoring to create a false impression in the public's mind, that this convention represents the railroad interests and large corporate interests. I want to state that I am not representing any such interests as that. I am here in behalf of my constituents, who, I might say, are 1,200 contractors in the city of Pittsburg, and as secretary of the Pennsylvania State Association of Builders' Exchanges, I represent four thousand contractors in the State of Pennsylvania. I came here uninstructed; I was turned down at the other convention because, as has been stated here, I would not sign a paper, signing my rights away. I represent American citizens, retail shippers. I am not here representing any schemes or to represent any resolutions of schemes, but I represent the retail shippers of Pennsylvania, and I think it is in order and the proper thing that under this motion I make this declaration, and I hope there may be some other declarations of this kind so that they may be publicly known and that it may be known that this convention represents American citizens.

MR. S. C. MEAD (New York): I wish to echo, on behalf of my Association, all that the gentleman has said. It is hardly worth the while for self-respecting representatives of self-respecting organizations to deny what is said about the character of those organizations. In regard to the motion that has been made it seems to me there must be a very wide divergency of opinion



on the main question involved in this convention, namely, what, if anything, should be done in relation to the Interstate Commerce Law. It would seem to me it would be better that a motion of this sort should be entertained after the address has been prepared and presented to the delegates here assembled, because it may be that the members representing the different organizations may not feel the same or represent the same attitude on the main questions involved. Therefore, I think it would more properly come before the convention after the form of the address has been presented.

MR. THURBER (New York): It seems to me that the resolutions offered by the gentleman from Virginia and which have been referred to the Committee on Resolutions furnish an admirable basis for such a statement, and I have no doubt that Committee on Resolutions will echo the thoughts so well expressed in those resolutions, and I agree entirely with the gentleman from Kansas that there should be attached to those resolutions or to the statement which the Committee on Resolutions will present the names of every organization represented in this convention.

They have given the names of 456 delegates, but that is not indicative of the industries that these delegates represent, and it is very important it seems to me that we go before the country, that we go before the Associated Press if you please, to show that this is not a railroad convention; that this is a convention of shippers of the United States representing greater industries of the United States, that is a greater amount of actual business, ten to one, than the so-called regular convention which has been in session.

CHAIRMAN McLEOD: The Chair will make the announcement that the roster of this convention will show the names of the delegates, the organization he represents and the place, and that will be compiled and we are proud of it. That is being compiled now, and will be available for any purpose for which the convention desires to use it.

The question was called for.

CHAIRMAN McLEOD: The question has been called for. Those in favor of the motion as stated will signify by saying "Aye." Contrary "No." Motion prevails and it is so ordered.

CHARLES P. LANE (Alabama): I want to make a suggestion which I think will aid us in our deliberations. I know that most gentlemen engaged in the art of commerce and trade feel a certain pride in the conditions surrounding them. They are the most useful men in the world, but it is a fact that those men are not often learned in the law or in the art of law-making. Hence we should know where we are drifting and what we are doing. I want the ship guided carefully, so that we will not seek any legal improbabilities and will not make ourselves ridiculous before the world by asking what cannot be given.

I am not a railroad attorney and I never was in the employ of a railroad. I came here and paid my transportation and I have my ticket, but I want to say, Mr. President, that our present Interstate Railroad Commission is a statutory creation, created by the statutes of the United States, and does not pertain

to the constitution of the United States, is not a part of it, but there are four great component parts, the Executive, the Judicial and the Commercial.

Now we are asking or contemplate asking that a more stringent power be granted to some body to regulate and to control railroads. Now as we lawyers would say, Mr. President, we would ask this question in our pleadings, this simple, intelligent statement in the cause of action, first—what is your grievance, and second—what is your remedy.

Well, I cannot contemplate any cause for grievance, but I do certainly apprehend, Mr. President, that there is a scarcity in the great legal remedies of the United States of a remedy other than that which has already created a statutory creation and commission; just what you have.

Now, Mr. President, under the constitution of the United States, it is impossible to go to that railroad or Interstate Railroad Commission and give it power to execute its demands by the mandamus. That remedy pertains strictly to the judiciary, a great potent part of our government, the great regulator of our government. It is the constitutional government, the judiciary.

While it is legally possible for the Congress of the United States to pass a great freight rate, you might call it regulating the Interstate Commerce of the United States from Canada to the Gulf, that is a legal possibility. But sir, the only question, the only tribunal that could put into execution the law thus created would be found in the judicial power of the United States. We would have to go to Congress and not to any commission. And whenever, Mr. President, as a thoughtful and intelligent body of men we come before the people of the United States and say we want a law, we must bear in mind we are making a suggestion which in its practical application is simply a tremendous proposition, when we want a law from Congress that will spread over the vast domain of the United States, bearing equitably and justly upon the empty cars and loaded cars, upon the hill and the hard pulls and the valleys and the plains, we ask for a blanket measure that I think beyond the comprehension of the intelligence of the railway. (Applause.)

Mr. President, I think if we would call a congress of all the traffic managers of the United States and give them six months time that they could not agree upon a measure, upon a blanket law, stretching it all over our broad domain that would be in any particular fair and just, alike to all.

Now let us bear in mind in this broad domain of ours we have State government, separate, distinct democracies, each of which is regulated and controlled—each of which regulates and controls our local traffic, each has statutory power and authority to regulate the local freight.

We are having a great struggle down in our State today and I will tell you a singular thing. I heard one of our prominent men, a prominent rate agitator, remark that he prayed to God that Alabama might have the Georgia freight rates. I went across the line the other day into Georgia and I heard a man remark

over there that he was praying to God that Georgia might have Alabama freight rates. (Applause.)

Now there is a cry of the demagogue—and this, gentlemen, is the day of the demagogue—and we the thoughtful and intelligent business men must stop and listen and think carefully lest we allow the demagogue and the socialist to run riot over us and our homes. (Applause.)

Now to come back, as I say, Mr. President, it is embarrassing for me to appear before this able body of men, but to come back to the legal phase of the case, it would humiliate me to go back to Alabama, to all of these people, this vast body of men—I am saying nothing against them, the railroad men, and really I do not think we ought to know they are in existence. (Applause.)

But this body of men have asked of the government a legal impossibility. Now, gentlemen, let me tell you as a lawyer, if you institute, if you ask for a great statute, and it is bound to be instituted, that will spread over the length and breadth of the United States covering all this union, not one State only—it is not instituted for Illinois only or for Indiana only or for New York, but one great statute. You ask for an amendment of the constitution of the United States which will create a separate interstate railroad board, because it cannot be given to you without an amendment to the constitution, unless, gentlemen, "you take your luck," as the boy says at the mill, and go to the Supreme Court of the United States with your grievance in that way, and in the regular lawsuits try for damages or for something else, and let that tribunal on its regular docket hear and determine the merits of your case.

Now that will be a pretty slow process. It is true that we have a great many district courts throughout the United States, but I know, gentlemen, they are so slow that it is almost impossible to do anything with them, and I find there is growing out of these matters a feeling, because it seems to me that every man that has stubbed his toe on a rail or on a cross tie has a complaint against a railroad corporation.

I want to say to you, gentlemen, that down in Alabama about twenty-five years ago, when I was a boy, that we were as poor as people could be. We had nothing, but that northern capital came to our rescue and built us our railroads (Applause), and these railroads, gentlemen, developed us from a poor, barren, stretch of country, reaching from Decatur, Alabama, to Birmingham, to the iron regions, that was a waste, worth 25 cents to a dollar an acre. The railroads came from the East and West, and Birmingham sprang up as by magic, and the railroads made Alabama a prosperous, civilized and a happy people. And it was northern capital that did it. And, gentlemen, I am going to bare my broad chest and raise my brawny arm in defense of a great agency that made Alabama great, and it was the capital that you sent from your country to ours to assist us that built up our country. (Applause.) Mr. President, we have in Alabama not a feeling of envy and unkindness, save among the demagogues, and you hear a man in Alabama raise his hand

against the railroads and you say right there and then that man has a bee in his bonnet to be a candidate for office.

Now I trust, Mr. President, we will proceed intelligently, and I trust we will proceed thoughtfully, and proceed legally; that we will show that we are not demagogues or socialists, but that we are authorized representatives, and thoughtful and patriotic citizens of the government of the United States. We are here to reach a conservative and intelligent solution of the proposition or else, Mr. President, to simply say that our meeting shall be but a form. We were called by a special invitation to meet that conference convention at Steinway Hall, and after having been invited there were met at the door by policemen's billies. That is the situation. I was met in that manner, and I have come here to join you and to be with you, and I trust that when we have adjourned we will have made a reputation for intelligence and thoughtfulness that will reflect greater credit upon us than to have joined that body of arbitrary men over there at Steinway Hall. (Tremendous applause.)

The subject of permanent organization, and the scope which the proposed association should cover, was discussed at some length by various delegates, but upon full consideration, definite action was deferred until after the report of the Committee on Resolutions.

#### AFTERNOON SESSION.

The afternoon session was called to order by Chairman McLeod at 2:10, and the Committee on Resolutions reported as follows:

MR. TRICKETT: Mr. President, and Gentlemen of the Convention: Your Committee on Resolutions begs leave to report as follows:

We declare, as a fundamental basis of our deliberations and of our purpose, an unquestioning faith in the wisdom, integrity and high purposes of President Theodore Roosevelt; our appreciation of his influence, which permeates every branch of government, every industry and all development of the entire nation, and our confidence in his leadership.

We recommend definite action by this convention looking to the establishment of a permanent organization which shall be representative of every State and every Territory of the Union, and shall be the nucleus of all future work that shall become necessary hereafter to carry out the express will of this association. To that end we suggest the selection of a general committee which shall be charged with the duty of transmitting to Congressional committees on interstate and foreign commerce, during the next session, the action of this convention, that we are unalterably opposed to conferring on the Interstate Commerce Commission or any other appointive agency, the power to prescribe specific rates for transportation, for that said action would prove a dangerous experiment inimical to the best interests of commerce and the continued development of this country.

We recognize the existing evils connected with the transportation interests of the country, namely, all forms of rebates or

favoritism extended to one individual or locality, to the disadvantage and detriment of others, private car lines, industrial, terminal or switching lines, manipulation of freight classification, unfair and unequal distribution of freight equipment, and so forth. We demand the most rigid enforcement of the laws which have been found to be inadequate and should be so amended as to provide efficient and permanent relief.

We recognize the great and almost universal dissatisfaction with the Interstate Commerce laws as now administered or enforced is due to the delay in reaching a determination of questions demanding early and final settlement, and we urge upon Congress the imperative necessity for providing the necessary machinery for relief. Respectfully submitted,

W. S. TRICKETT, Chairman.

The report of the Committee on Resolutions was discussed at length, some objection being raised to the form in which private car lines and terminal railways were condemned, it being contended by those engaged in the discussion that they had their legitimate functions to perform, and that the condemnation should not be broad enough to include their proper operation. As a result of this discussion, the committee inserted in the report as read the words "or effected through," making the condemnation read: "All forms of rebate or favoritism extended to one individual or locality to the disadvantage and condemnation of others effected through private car lines, industrial, terminal or switching lines."

In response to suggestions growing out of the discussion, the committee also struck out the word "specific" in connection with rates, so that the recommendation of the resolution, instead of being against the Interstate Commerce Commission, having power to make a "specific rate," was against giving them power to make a rate. As finally amended, the resolutions were as follows:

Mr. President and Gentlemen of the Convention: Your Committee on Resolutions begs leave to report as follows:

We declare as a fundamental basis of our deliberations and of our purpose, an unquestioning faith in the wisdom, integrity and high purpose of President Theodore Roosevelt, our appreciation of his influence, which permeates every branch of government, every industry and all development of the entire nation, and our confidence in his leadership. We recommend definite action by this convention looking to the establishment of a permanent organization which shall be representative of every state and territory of the Union and shall be the nucleus for all future work that shall become necessary hereafter to carry out the expressed will of this Association. To that end we suggest the selection of a general committee which shall be charged with the duty of transmitting to congressional committees or interstate and foreign commerce during the next session of Congress the action of this convention.

We are unalterably opposed to conferring upon the Interstate Commerce Commission, or any other appointive agency, the power to prescribe rates for transportation, believing that such action would prove a dangerous experiment inimical to the best

interests of commerce and the continued development of this country.

Recognizing existing evils connected with the transportation interests of the country, viz., all forms of rebate or favoritism extended to one individual or locality to the disadvantage and detriment of others or effected through private car lines industrial, terminal or switching lines, manipulation of freight classification, unfair and unequal distribution of freight equipment, or by any other or different means, we demand the most rigid enforcement of the laws, which, if found to be inadequate, should be so amended as to provide speedy, efficient and permanent relief.

We recognize the great and almost universal dissatisfaction with the Interstate Commerce Law as now administered or enforced is due to the delay in reaching a determination of questions demanding early and final settlement, and we urge upon Congress the imperative necessity for providing the necessary machinery for relief.

(Signed)

W. P. TRICKETT, Chairman,  
ARTHUR R. BRIGGS,  
GEORGE M. TIBBS,  
GEORGE H. ANDERSON,  
F. E. BROWN,  
M. W. MIX,  
C. F. FRIZZELL,  
EUCLID MARTIN,  
W. F. ENDRESS,

Committee on Resolutions.

These resolutions were unanimously adopted.

Mr. Wallis Nash, Board of Trade and Jobbers' and Manufacturers' Association, of Portland, Oregon, then addressed the convention as follows:

Mr. Chairman and Gentlemen: Very little has been said on this subject, and this I consider very material and ask you gentlemen to bear in mind the wide difference that exists between the Eastern States, fully supplied with railroad facilities, and that of the West, which are yet almost undeveloped in that respect. As I cast my eyes back to my own state of Oregon, an enormous region of undeveloped resources, where men have gone by the hundreds and endeavored to develop these small sections; I know people who are driving their cattle 300 to 350 miles to reach a railroad, and we rejoice now to know that that great pioneer, Mr. James J. Hill, is bringing about a connection with the transcontinental roads, the Northern Pacific and Great Northern, to supplement the communication which we already have. But we recognize that there are two parties who are seriously interested, the producer and the shipper and the railroad corporations with whom he is by necessity brought in contact. Under the conditions I have sketched we are largely producers of material of great weight and small relative value. Therefore the railroad, with relation to the producer or shipper is placed at a great disadvantage. It is almost impossible that a railroad should make profits in the early state of its operation, because of the small value of the product which it is to transport, and it is to the elasticity of the arrangements with

railroads that our development has been made; it is that, and in no other way. We have instance after instance where the railroad people of our coast, who are familiar with conditions, who know the people, who appreciate the hardships they are placed in, and it is by their agency and their methods that we have been enabled to carry out our work, and it is therefore with the object of a continuation of such conditions that I am here to represent my people and say that we desire no outside interference with the conditions under which we have prospered so far.

I have instance after instance in my mind where these railroads have made contracts with our people, unprofitable to the railroad in its present state, but most beneficial to our people. We have repeated instances where our Manufacturers' Association, our Jobbers' and Producers' Associations, have notified the railroads that they are dissatisfied with the condition of transportation as to the rates and conditions. There is very little dissatisfaction, if any, as to the relations existing between the railroads and the people, but it is obvious also that there are instances that we are to deal with and meet.

Now, gentlemen, it appears to me always in listening to these discussions, that there is not a clear distinction in the minds of many of us, as to the two great branches of the problem we have to meet. There is a civil contract under which we ship our goods. There are criminal matters which have to do with the railroads in the matter of undue preference. One case is to be adjusted between the parties, railroad and shipper, by making an adjustment, but not necessarily between them, but by reference to a commission. The other deals with secret rebates, undue facilities, unholy bargains. These are the methods that the criminal law and not the civil law should be called upon to redress, and I suggest to this resolution committee, that that distinction should be made plain. It appears to me that these matters which attempt to deal with the Elkins bill, etc., it should be made plain that these things complained of, they are distinctly criminal in their nature, and should be punished or suppressed, and if the people are not able to bring the matters before the courts, then it should be for the commission to bring these methods forward and have the perpetrators properly punished; I go one step further, where railroad corporations cannot be sufficiently punished in those matters, the agents of these corporations should be themselves held responsible, for they are responsible for bringing about those evils.

I don't know whether these views are too radical but I believe them to be right, and founded in justice, and a corporation has no right whatever, by its agents, to do things that if a person had done, would be criminal. The agents who do these things should be held responsible for them. As to the civil matters it is different altogether, obviously different. It is a matter between the shipper or producer and the railroad. It is obvious that another tribunal of some other kind or another should be brought in to act. It is satisfactory to know that ninety per cent of the charges brought before the Interstate Commerce Commission have been settled out of court, and that

five per cent more of those cases have been afterwards adjusted between the corporation and the shipper, and as to the other five per cent of them, they are either pending in court now, or have been adjudicated in favor of the railroad companies. It seems to me that an agency through whose operations such beneficial results can be brought about and have been brought about, even under the drawbacks of its organization as it exists, should be fostered and strengthened and aided in such lines rather than be condemned. I hope that the legislation which we shall see from Congress will take this form.

The Interstate Commerce Commission is constituted at present of five members, mostly, as has been said, from the East. Those who are familiar with the infant, but enormous resources of these mountain states, and the states of the Pacific slope, who recognize the difference in their conditions between those and the conditions of the Eastern States, must admit the fairness of the suggestion made from the Pacific slope, that at least one member of that commission should have there his home. Obviously the interests of the mountain states, with all their enormous resources in mining and other material, should be represented on that commission. There are considerations which can only be solved by persons who have been brought in contact with those conditions, and I trust, therefore, that the number of the commission may be increased to seven, one of whom shall come from the Pacific slope and one from the mountain states. And then the next proposition is equally fair, that in order that an agency of that kind shall do its best, it shall be accessible and we all know what the difficulties have been up to this time. With its membership such as I have suggested it is obvious that some kind of a circuit could be arranged into which one of the members at least of this Interstate Commerce Commission could circulate around in these different districts and be accessible at certain times for the reception of complaints. The function of such a committee as that would be confined to those duties such as taken by a referee in an equity case. He should be entitled to receive the evidence to tabulate it, to have it given before him under all proper safeguards of cross examination; in fact he should be intrusted with the duty of making up the record; then the meeting of the commission should be so arranged that the result of these cases brought up to this stage should be brought before them in concrete, tabulated and succinct shape so that they could deal with the question without the whole commission going through the labor of taking all the evidence before it, and then let them express their opinion. And I for one believe in no court, and in no tribunal that cannot make its judgments effective. I believe the procedure, as I have depicted it is so broad that it could be made effective by revising, amending, or reversing as found necessary.

The next proposition flows from that, that is, the proposition of appeal from the decisions of that commission, and they should be framed so as to be prompt, easy, inexpensive and effective. That can only be done by the extension of power to the members and the extension of power and rearrangement of the circuits of the United States Circuit Court. But I think any legislation that attempts to deal with that should extend the func-



tions, extend the membership, extend the accessibility of those that may appeal. But you must remember that appeals to the United States Supreme Court at Washington are not to be desired, but to be resorted to only in extreme cases. I would limit the appeal in city or railway cases to the circuit court. If such an organization as that can be put into operation, I believe we will have no need to do this unconstitutional thing that anybody appointed here shall be able to deal with the future race. None of us have the power to deal with the future. It is quite sufficient that any court should deal with the cause and the case and the complaint brought before it as to what has passed and not with having to do with the future yet unreached.

Gentlemen, I am obliged to you for your attention. (Applause.)

The matter of permanent organization was then taken up by the convention, and it was moved that the permanent organization shall consist of a President, who shall be the Chairman of this meeting, and a Vice-President, to be selected from each state. This motion was adopted. Subsequently it was adopted that the Chairman should be empowered to select an Executive Committee of twelve members at large.

Federal Rate Regulation Association was adopted as the name of the organization. Thereupon the convention proceeded to the selection of Vice-Presidents, as follows:

- Alabama—Charles P. Lane, Huntsville.
- Arkansas—W. R. Abbott, Ft. Smith.
- Colorado—George C. Copenhaver, Denver.
- California—A. C. Rulofsen, San Francisco.
- Connecticut—Daniel Davenport, Bridgeport.
- Indiana—N. A. Gladding, Indianapolis.
- Idaho—A. B. Moss, Payette.
- Illinois—Delos Hull, Oak Park.
- Iowa—Joseph Dain, Ottumwa.
- Kansas—J. B. Case, Abilene.
- Kentucky—F. C. Nunemacher, Louisville.
- Louisiana—S. M. Bloss, Garyville.
- Maryland—B. M. Watts, Baltimore.
- Massachusetts—Horace W. Sawyer, Lynn.
- Michigan—Andrew H. Green, Detroit.
- Minnesota—George M. Tibbs, St. Paul.
- Missouri—W. C. Perry, Kansas City.
- Montana—B. F. White, Dillon.
- New Mexico—Fred H. Pierce, Las Vegas.
- Nebraska—Euclid Martin, Omaha.
- New York—John N. Scatcherd, Buffalo.
- Ohio—William J. Blakency, Dayton.
- Oregon—Wallis Nash, Portland.
- Pennsylvania—E. J. Detrick, Pittsburg.
- Tennessee—W. R. Cornelius, Jr., Nashville.
- Texas—E. A. Hawkins, Jr., Galveston.
- Utah—Joseph Geoghegan, Salt Lake City.
- Wisconsin—L. W. Thompson, Beloit.
- Virginia—Lucian Cocke, Roanoke.
- Washington—J. S. Goldsmith, Seattle.

The powers of the Executive Committee were then discussed,

and the scope of the final and permanent organization was then considered. In this connection, Mr. W. C. Perry of Kansas City said:

MR. PERRY: I want the gentlemen of the convention to defer to the committee and give them more power and authority to do something in the future. I do not think that the power conferred upon it by the resolution or the power being conferred upon it by the motion is strong enough to clothe this general committee with the power with which it ought to be clothed, enough power to carry on the work that we have commenced here. That is power to go on and finish up the work you have commenced. Now the Resolutions Committee very properly in its report suggested that the organization of the General Committee—the resolution reads: "To that end we suggest the selection of a general committee which shall be charged with the duty of transmitting to congressional committees on interstate and foreign commerce during the next session of Congress the action of this convention." That is very good, and that is as far, perhaps, as the committee on resolutions felt it had the authority to go. I am in favor of the motion made by my friend on the right—that is, I am in favor of conferring on that general committee authority to make by-laws and do anything and everything else that may be necessary or proper in its judgment to carry out and complete the work we have inaugurated in this convention. I move as an amendment to the motion now before the house that this general committee shall be clothed with all the power that this convention is possessed of. I want it to act as a substitute for this convention and do anything we might be able to do while in convention assembled, including the power, if it seems desirable, to reconvene this convention or to call another convention, and to fix the basis of representation in such new convention. In that way we will have a working committee that we have already given birth to in a large part, and we will also clothe it with such authority as we have the power to clothe it with and with sufficient authority at least to carry on the work we have started to do.

Complimentary votes of thanks were extended to the permanent and temporary officers, and upon the proposal of a delegate, three cheers were given for the permanent Chairman. Thereupon the convention adjourned.

# Interstate Commerce Law Convention

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Meeting Held in Steinway Hall, Chicago, Ill.,  
October 26th and 27th, 1905.

The Interstate Commerce Law Convention convened at Steinway Hall at 10 o'clock A. M. Before the proceedings started, Mr. Gardiner, of Clinton, Iowa, called on the Executive Committee, saying:

"The temporary chairman requests the members of the Executive Committee to meet in the rear of the stage, back here."

The convention was called to order at 10:32 o'clock a. m. by Mr. S. H. Cowan, who said:

Gentlemen of the convention, I regret to have to report to you that Mr. E. P. Bacon, of Milwaukee, who is chairman of the Interstate Commerce Law Convention, who is the chairman of the Executive Committee of that convention and has served you in the capacity that he has, spending his own money and time so long and so faithfully—that he is unable physically to be with you today and open this meeting. He has requested by telegram and by letter that I call this meeting to order.

I have but little to say to you, except that the gentlemen who we face today are at least willing to abide by the consequences of what the Executive Committee has determined, and that they can afford, at least, in meeting in this convention, to endorse the principles announced by our great President, Theodore Roosevelt. (Applause.)

It is not a partisan meeting which I call together. It is the meeting of men who have come here without political desires or wishes, without the fear of punishment, and above all without the hope of reward except the doing of that which every good citizen ought to do for his country. (Applause.) Our convention may not be as large in numbers as it might have been had we the means of placing hundreds of delegates here; had we the money to pay for it, had we the other means of placing them here. But those of you who are here—and I personally know that it is a representative audience, a representative assembly, a representative delegation—will act for the best interests of your constituents untrammelled by those who seek to destroy the very thing which you propose to do. (Applause.)

The Executive Committee, without compensation, acting entirely for the benefit of the public, without the expectation of office, seeking no glory for themselves, but knowing that somebody must attend in some degree to the public good and look after the public weal, have devoted their time and their money, and they have found it necessary, to their regret, to require at least an endorsement, of which I have spoken, as a condition

precedent to participating in the temporary organization of this meeting, and have, according to the power vested in them at the last meeting of the Interstate Commerce Law convention at St. Louis, appointed a temporary presiding officer whom I now introduce to you, Mr. R. W. Higbie, of New York City. (Applause.)

MR. HIGBIE: Gentlemen, for the honor which you have conferred upon the lumbermen of the United States through your Executive Committee in selecting one of their number to proceed with the organization of this convention, I want to thank you. For myself I consider it a great honor to be called upon to open and to help to organize a convention composed of so many representative men from so many representative organizations.

Those of us—and I believe that all of you have been interested in this proposed legislation so long that you are thoroughly familiar with and do not in any sense underestimate the strength of the opposition with which this movement is confronted. But, gentlemen, there is one power in the United States which is still supreme. I refer to the power of public opinion as expressed through the people of this country. (Applause.) There is no power—I care not whether it is the power of the railroads or any other organized corporations—which can in the end defeat any movement which is backed up by the solid conservative public opinion of the people of this country. (Applause.)

We have been called together for a specific purpose, and that purpose is to endorse the general principle that this Government ought to exercise the power which it unquestionably has, to supervise, to regulate and to oversee the practices of the railroads of this country.

It is not my purpose to address you at further length. Again thanking you, I now have the great pleasure of introducing to you the Honorable Mayor of this city, Mr. Dunne. (Applause.)

MAYOR DUNNE: It is with great pleasure both as a citizen of this city and as the chief executive of a city of two million people that I welcome you within the doors of this city. Chicago is especially desirous of welcoming those who have met for such a purpose as this, for the discussion of great questions of public importance that affect the welfare of this country. (Applause.)

Chicago, in my judgment, is a nerve center of America. (Applause and laughter.) Chicago is a city which generally takes the initiative in the discussion of great public problems, and from this city reach out and throb out through the country the opinions of the people as expressed by men who have independence of thought and have the courage to express them. (Applause.) I know of no subject that is more important to the people of this country than the subject you are called upon to discuss here today. The question is what we shall do with the railways of this country. There are three classes of people who look at the discussion of this matter from three different standpoints. There are people in this country who believe that railroads should be run like a butcher store, or a dry goods shop, to charge one a dollar, and another ten cents. There is another class of people in this country who believe with President

Roosevelt that the great industries must be controlled by the government, and that if not controlled by the government, they will control the government. There is a third class of people in this country, that is not a small class, which is a class that is growing from day to day and they number now, in my judgment, millions of voters in this country that believe that the only way to control the railroads of this country is to do what a great many progressive countries in Europe and Australia have done, and that is, to own them. They believe that government control while on its face looks well, that when practically worked out, is a failure. My views I do not care to enter into in this discussion. I simply say that you are called upon to discuss great and vital and live issues, and while there may be difference of view among you, I know that the discussion will be carried out by you gentlemen with the amenities that prevail among gentlemen. I know you will be bound by parliamentary rules and will resort to no other methods, in the first place, because you look like a lot of gentlemen who will be governed by the amenity usual among gentlemen, and the second reason is, that it is against the city ordinance to do otherwise. I am not able, unfortunately, to give you a ride in municipal street cars at present, but I hope if you convene here next year or the year after, we will be able to tender you such a courtesy from the city of Chicago.

All we have now in the shape of municipal vehicles are patrol wagons. I trust your deliberations will be productive of much good. The public are watching this convention with a great deal of interest, and I hope you will leave behind you as a result of your discussion much that is fruitful of good to the public, and I trust you will carry away with you from the City of Chicago the most pleasant recollections.

CHAIRMAN HIGBIE: It is my pleasure, gentlemen, to ask Governor Campbell of Ohio to respond to the address of welcome which the Mayor of this city has just delivered to you. I take pleasure in introducing Governor Campbell. (Applause.)

GOV. CAMPBELL (Ohio): Mr. Chairman, your Honor and Gentlemen of the Convention: I just heard one of the press men ask who Gov. Campbell is, and I will answer him. I have been a resident of Ohio for a short time, for only eighteen months, and I am now an editor of a daily paper in Lima, Ohio. I was formerly a railroad commissioner for the State of Iowa for twenty-six years. I have been engaged in this fight (since 1870) against the railroads. That is my record, and I want to give it to you. (Applause.)

In behalf of this representative convention I have been called for a few minutes to accept the freedom of this city and the welcome tendered by his Honor the Mayor to this great representative body of men, who come here representing not corporations, who come here on their own responsibility from different institutions that send them here, who come representing a great principle, who come to a great convention, to express the feelings and the intentions of the business men of this Nation on this question of rates. We accept the freedom of this city, your Honor, and will try to make ourselves at home here.

We came here, we are not here for any other purpose except one purpose, and that is laid down in the call and that is to endorse the position of the President upon this great rate question. (Applause and hisses.) It is extremely unfortunate that the great corporations of this country have seen fit to come in here and interfere with the deliberate intentions of the people of this country. (Applause.) It is a great mistake, a great mistake to interfere with the people when they ask for what they are actually entitled to, and that which they are determined to have, that is, as the President of the United States says, fair play. (Applause.) That is what we want and what we are going to have.

We are glad to come to this great city of Chicago, the center of this great Nation, the great representative city that is so vitally interested in this great question perhaps more than any other city on the globe. West of this city is a great empire of people that are all bound and bearing a tariff of high rates and extortion and the great discrimination of the great corporations of this country. (Applause.)

We have with us today here people from California, where they are almost shut out from the markets of this great East and where the crops often rot because they cannot move them because of the high rate, while we people in the East are hungry for the products of the West. (Applause.)

This city today is vitally interested in this question, for I tell you that the discrimination against Chicago and against the West are turning the traffic of the whole West to the Gulf for an outlet, and this city will lose these products of the West, and is losing them, and consequently it is interested in this matter. (Applause.)

That is one thing which we wish to do, to get the people of this city with us, in order to give this city rates which are not extortionate, to deliver it from rates that have driven the great grain interests to go to the Gulf to seek an outlet, or else to go away around by the way of the Soo route, and the result is that this great Nation is virtually controlled by these corporations on account of the discriminating rates that have compelled the people of the West to seek an outlet.

While the producers of the West have been at the mercy of these great corporations, this city has gradually drifted into the hands of men who are connected with the corporations. They are not here today. They have left this city on account of the action of the courts. Some of them are under indictment today for they have interfered with the rights of the people in this matter of rates. Some of them are under indictment today because they have undertaken to take the products of the West and driven them in an unlawful manner, have taken them and robbed the producer of what belongs to him. This condition must be remedied by the people of this city, and the commercial part of this city must awaken to the fact that if the city is to hold its position as the great commercial city of the West, they must meet the producer on this great question of rates, and regulate the lines of transportation. We come here to impress upon you

the fact that this great rate question is of vital interest to you if you desire to keep up your communication with the West, with the great producers who are interested in low rates.

We accept the hospitality that has been given to us by this city of Chicago, the city of two million people, with its great manufacturing plants. This rate question has driven all the great packing interests of the West into this city. In the State of Iowa I was railroad-commissioner when we had twenty-two packing houses. Today we have only three or four packing houses. They were simply crushed out by the discriminating rates and their doors were closed, and today we ship our hogs and cattle to Chicago, and then we have them shipped back to us again for consumption, and we have to pay the freight both ways. This is one of the evils that we have met to remedy today, in order that we may have a fair show in this fight for rates.

Now, gentlemen, this convention has met today to endorse the position of the President. The greatest mistake that could be made by the corporations is for them to fight the President, on this question. That is the greatest mistake that could be made. There is nothing more reasonable than the position that the President has taken upon this question. I believe that the people of this country want to go further than the President does, and while I do not agree myself with my friend the Mayor in his position on Government ownership, we must have Government control in this country of these great corporations, or the people will take this question in their hands and go further than we would want them to go. (Applause.)

The position of the President upon this question is moderate. He does not go so far as I want him to go on this question. But he has my earnest, hearty support, because he is honest and earnest in his effort to protect the people and to give them the right that they are entitled to under the constitution and the laws of this country. (Applause.)

When these great corporations were first founded, the Government and the people in the States gave them millions and millions of acres of public lands to enable them to build the great lines of transportation, and they conceded the right of the public to control. You will find it engrafted in the law of these states, you will find a clause conceding to the people the right to control these great corporations. Today they deny that right. Today they deny the simplest question of control. Today they say to you that if you want to control these railroads, you are a socialist. If that is socialism, count me a socialist. (Applause.)

I have no sympathy with socialism, but I feel, fellow citizens, that we have got to be masters of the situation, or the corporations will control this country more completely than they are today. They have absolute control today of this Nation, so far as the lines of transportation are concerned. What have you in the way of interstate power, gentlemen, to control? The Congress of the United States ten or twelve years ago, constituted the Interstate Commerce Commission, and put in the law a clause which was supposed to give the commission the power to control rates. That was accepted by the railroads of this

country, and under that, for ten years they exercised the functions of that law, and we thought that they had the power to control corporations; but it came to the knowledge of some of the corporate men that they could impair and destroy that right. They went into the United States court, and it was found that the commission did not have the power under the interstate commerce law to control rates. The gentlemen fall back upon it right now, and they claim that there is no power to control rates, and that they are not willing to give to any five men they say, or to any delegated body of men who are not experts in the railroad question the right to make these rates. That is the position. They will not concede even the position that they had conceded years and years when this commission was supposed to have that power and acting under it, when the whole nation acquiesced in it, when the corporations conceded that the commerce commission had that power. They are not willing now to accept that and return to that position which the President urges in his message to Congress, that this commission—the power to that commission that they formerly exercised, and that was conceded by this whole nation to be a right and proper function that they had at that time proposed to exercise.

That is what we are here for today, to urge that the former position and law—supposed law in this country, be embodied there, and that that power be granted to the Interstate Commission over these rates.

That is a very, very moderate exercise, gentlemen, of the functions that the people ask. These great corporations are supreme at this present time when the people of this country ought to be supreme. Now, the question is, whether we are going to stand by the President. Is a convention of representative men who have come here with a fixed purpose; that is, to vindicate the President upon that question and to back him up by the moral influence of all these great representative bodies reaching from ocean to ocean, and lake to gulf; and to announce in this convention that they are for the President on that question first, last and all the time, and that they propose to back him up. (Applause.)

We are here, gentlemen, today from principle, not for perquisites and passes. (Laughter and applause.) We are here for the public interest, not to subserve private interests. We wear nobody's collar; we have nobody's passes in our pocket. (Applause.) We have paid our railroad fare. We bear our own expenses, and that is the trouble with this convention. We are here without money and without price. (Laughter.) But, gentlemen, I read in your faces a fixed determination to do your duty regardless of threats of punishments or of future rewards. I see in the faces of this representative body here men who have at heart the interests of this whole people and the prosperity of the commerce of this great nation. And I want to say to you today that we have to face—we stand face to face against thirteen billions of property represented on the other side—thirteen billions of property, bonds, stocks and railroad property estimated by the United States government at thirteen millions of dollars.



Think of the power in the balance against the common American citizen. (A Voice: "Thirteen billions.") I mean thirteen billions of dollars—what did I say? Thirteen billions—is what is in the balance on one side, and on the other side the sovereignty of the people, which is greater than all the wealth and all the corporations and which will eventually in the end triumph on this great question. (Applause.)

Gentlemen, in conclusion, I want to say on behalf of the delegates to this convention to his Honor, the Mayor of Chicago, that we accept his hospitality. We will try to behave ourselves while we are here. We are no rump convention. We are not the tail end of anything. We are the head and front of a great movement here (laughter and applause) and you will hear from us hereafter. (Applause.)

CHAIRMAN HIGBIE: Gentlemen, I understand that Governor Van Sant, of the State of Minnesota, is in the room. I also think that Senator Frear is in the room, and the Hon. John W. Kern, of Indiana. (Applause.) We would be very glad if they would come to the platform.

CHAIRMAN HIGBIE: It is regularly moved and seconded that the chair appoint two committees, one on permanent organization, and the other on credentials. Those in favor of the motion will signify in the usual manner.

The motion was unanimously adopted.

CHAIRMAN HIGBIE: While that committee is being made up I am going to introduce to you a gentleman who is probably well known to all of you, and who within the last twenty-four hours has been engaged in a fight for this cause in which the head and front for those who are in opposition to this call was centered and he has won by a vote of ten to one. I wish to introduce to you the Hon. John W. Kern from the State of Indiana. (Applause.) I wish first to read a telegram which has just been received and which is signed by a name well known to every one here. "Judge H. S. Collins, Steinway Hall, Chicago, Ill.: I trust the convention will resist to the utmost the admission of any delegate who will not sign the proposed pledge. Let the railroad hired men exhibit their passes and go home. If they attempt to be violent, go elsewhere and hold a Roosevelt convention. (Signed) William E. Chandler."

Mr. Kern addressed the convention as follows:

Gentlemen of the Convention: I am commissioned by the Commercial Club of Indianapolis, which is the largest commercial organization in that commonwealth, to come here and declare to this convention that the people of Indiana regardless of any party affiliations stand like a stone wall in favor of the position occupied by the President of the United States on the question before this convention. (Applause.) I have been requested to briefly give an account of the contest recently had in the City of Indianapolis on this question. The Commercial Club has 1,200 members and the membership constitutes the flower of Indianapolis business citizenship. It has a directorate of fifteen members. Some time ago, in response to a call issued by Mr. Bacon, the Board of Directors appointed delegates to this convention and instructed them on motion of myself to

stand by the President when they came here representing the club. (Applause.) Mr. D. M. Parry, who is also a member of the Board of Directors of that club, but who was not present at that meeting, afterwards made complaint that the Board of Directors should not have exercised that sort of authority. In order that Mr. Parry might be accommodated and he and his friends might have a full opportunity to present their views, the Board of Directors called a meeting of the membership of the club to settle the matter for themselves. On the night before last when the membership met, there were present many faces that had not been seen before in years. Every railroad man who belonged to the club sprang forward to take part in the exercises of that meeting. Mr. Parry was there with all the friends he could rally, about him. We had a very full and free discussion of all sides of this question, and when a vote was finally taken the vote was more than ten to one in favor of the government regulation of railroads, and it was the expression of the club that a man who did not agree with the President, any man who was interested in the maintenance of present railroad rates had no more place in this convention than a free-trade Democrat would have in a high protective tariff Republican convention. (Applause.) I think it was demonstrated in Indianapolis the other night that while everybody regards Mr. Parry as a very agreeable gentleman and a very useful citizen, being one of our leading manufacturers, yet they have no sympathy with him whatever in his attitude on this public question which is now agitating the country? I am not here to detain you long. I was not invited to say more than I have said, but I have this to say further: That I am a Democrat of the straitest sect, and twice within the past eight years I have carried my party's banner in Indiana. With all other Democrats I went down in defeat, but I carried the banner as honorably and bravely as I knew how. (Applause.)

When President Roosevelt was inaugurated I had some doubts, of course, as a partisan naturally would have—I had some doubts of him. I have watched his every step since his inauguration as President, and I am here to declare to you, gentlemen, today as a Democrat, that in my judgment no President of the United States since the days of George Washington has had such united support on the part of the people everywhere as Theodore Roosevelt. (Applause.) President Roosevelt has demonstrated his ability to rise above party and out of the atmosphere of partisanship and get away from party lines, and to step up from a party platform to the higher platform of patriotism, and to be President of all the people, and I think it is one of the most hopeful signs of the Republic that men of all parties have for the moment forgotten their political differences, forgotten their differences on mere abstract propositions—questions of economics and questions of finance and become a part of this great body of American citizenship upholding the President of the United States in the mighty struggle in which he is engaged. My friend has spoken of the great power of corporations, of the thirteen billions of dollars which they represent. They have great power and they undertake to exercise that power, I under-

stand, by sending men here to disturb this convention of the people and prevent an expression of its views. While these men represent great power, power not hitherto known perhaps, in the history of this or any other country, yet in this Republic is a still greater power, a power that is about to be manifested. It is a power before which kings have trembled, a power before which kings have gone down, it is the power of public opinion, it is a power that has behind it an awakened public conscience and which will bring to the people of this country their own, and crush out all those forms of anarchistic opposition to the rights of the people, a species of which is manifested by men who are in Chicago today for the purpose of disturbing this convention and frustrating the purpose for which it was called. (Applause.) Gentlemen, I thank you.

**CHAIRMAN HIGBIE:** In accordance with your resolution the Chair has appointed the following committee:

Committee on Permanent Organization—Judge Sam H. Cowan of Fort Worth, Tex., Chairman; C. W. Robinson of Louisiana; R. H. West of Cincinnati, Ohio; William B. Stillwell, Savannah, Georgia; Captain J. A. Farley of Texas, and E. F. Perry of New York City.

Credentials Committee—J. H. Howard, Wichita, Kansas; J. H. Rumsey, Oklahoma City; F. J. Story, Los Angeles, Cal.; J. R. Rumsey, Chicago; F. R. Babcock, Pittsburg, Pa.; M. P. Buell, Chicago, Ill.; Thomas J. Bray, Grinnell, Iowa; L. C. Slade, Saginaw, Mich.; E. D. Conger, Columbus, Ohio.

**THE CHAIRMAN:** I am about to introduce to you a gentleman whom you will be glad to meet. I would suggest that the name from each State be written on pieces of paper and handed to the Secretary immediately upon adjournment, which will take place at the close of the address. I have the pleasure of presenting to you Governor Van Sant of Minnesota. Government control has no more ardent advocate.

**GOV. VAN SANT:** Mr. Chairman and Gentlemen of the Convention: There is no ambiguity in the cause of this convention. We know what we are here for; we know what we want. No cause was ever more clearly stated. We do not come here as enemies of the railroad. We do not stand with pick axes and crowbars in hand to tear up their tracks. Time will demonstrate that we are their friends, and in my judgment they made a great mistake to oppose the fair and just measures set forth in our early action. (Applause.) I further believe that they will give a great impetus to our movement by the opposition which they have inaugurated. When the American people are thoroughly aroused their demands will be ten times greater than ours. I said we are friends of the railroad. There are many who believe that unless wise action does prevail government ownership will follow.

In this, I believe I voice the sentiment of all of you who have given this subject careful study. I desire just for a moment to quote one of the Interstate Commerce Commissioners. "There are two courses open, government ownership or government regulation of railroads. Which it will be, depends mainly upon

the managers of the railroad. If they do not want government ownership they will cease from opposing every effort presented to reduce rates which are unreasonable." One railroad president said in an interview recently: "The government should either own and operate the railways or supervise and regulate their management. The latter class I think the wiser. The railroads are in all respects as much subject to government control as are the public highway. Another railroad president stated about the same time that the regulation of railroads is inevitable and that the railroads must be prepared for it. The views of these men are worth consideration; they have had experience and should be thoroughly informed. You cannot disguise the fact that it is to be either government ownership or government control. If we do not want the former, we must have the latter. Railroads are absolutely essential and have been a mighty force in the development of our country. The railroad is essential and should never be permitted to become a monopoly. It should have fair treatment and receive proper compensation for its services."

Have they been treated fairly? Let us for a moment examine. It has been announced that I am from Minnesota; the great North Star State has donated to the railroads ten millions five hundred thousand acres of land, more than all the farmers of that commonwealth have under cultivation. Nor does this include rights of way, nor does it include bonuses by citizens, townships or counties. They have given enough to build every railroad in the State. That is not all. The general government in Minnesota has given besides this ten million five hundred thousand acres, ten million acres. Doesn't it follow that the railroads should be just as generous in their treatment of the people of that State and other States which have treated them in a similar manner? That is all there is to the question. That is what we are meeting here for today. The railroad question will not down. That it will not is due in a great measure to this organization. Great credit is due to Mr. Bacon for the fight that has been put up on the question of railroad regulation. It is an important question. It is not only important, it is the paramount question today before the American people. It affects every man, woman and child in the United States. Upon the freight rate depends the cost of everything that our lives depend upon. It is unreasonable to say that unjust rates and discrimination should not exist. Let me say that this city of Chicago and the cities from which I come, St. Paul and Minneapolis, are discriminated against as the rates from New York and San Francisco are the same as from these cities. Is it reasonable that the people living in these communities should be placed on such a basis? I think not. There is a gentleman in this room as a delegate to this convention whom I will quote as showing that discriminations are common, not only against the cities I have mentioned, but against individuals. Here is what he says: "There are certain large elevator concerns which get a rate from St. Paul and Minneapolis to Duluth of two and a half cents, while the tariff is five cents, and we are compelled to compete with those elevators. The Great Northern has been

carrying grain from Minneapolis to Duluth at two and a half cents; one-half of the tariff rate only. This rate is granted to only three elevators which have the good fortune to be on the inside. He gives the car numbers and gives the items to prove this. This one item represents an amount of over ninety-two thousand dollars."

Can this be possible, gentlemen, in this, a country where men are equal in opportunity? Should the railroad be permitted to enrich some at the expense of others? That some should have such undue advantages over their competitors, that a railroad should have the power to build up one city and ruin another, to enrich one individual and pauperize another? It is quite common and possible nowadays to deride Mr. John D. Rockefeller. What has made him what he is today? It was, gentlemen, because of the special privileges which he enjoyed from railroads. But don't blame John D. Rockefeller; blame yourselves. Don't blame the conditions, but change them. You have got it in your power to do it. When I think of the conditions in our country today, read of the insurance scandals, the taking of money from poor people who have given up all the luxuries of life to provide for those who are left behind them; when I consider the graft in Philadelphia, in St. Louis, I think of what Phil Sheridan said to one of his colonels during one of his campaigns in Virginia. This colonel said to him: "Where can I get into this fight?" "Get in anywhere; there is good fighting all along the line." There is good fighting all along the line. When you get home don't stop, but let your neighbor know what you mean, what we have been doing here and let your zeal prevail and good results will follow! The rates charged are unreasonable I propose to bring proof to show. And I hope you will pardon me for reading this report of the Interstate Commerce Commission: "One of the most significant things in recent railway operation is the difference in the cost of transportation. A few years ago the impression was general that freight rates could not and would not be advanced. Railway traffic officials frequently affirmed this in discussion. When the commission had under consideration certain consolidations of railways, the eminent gentleman who had brought this about said under oath that the purpose was not to advance, but rather to reduce rates. Recent history belies these predictions. This increase in transportation charges has been accomplished in various ways.

What is the remedy? Your convention opens the way. I agree with you that we must look to Congress for redress. Additional power should be given the Interstate Commerce Commission along the lines suggested by the President in his last message to Congress. He says:

"The Interstate Commerce Commission should be vested with the power where a given rate has been challenged and after a full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the commission to take effect immediately and to obtain unless and until it is reversed by a court of review."

This is sound doctrine. In urging just and wise legislation,

you are standing with the President of the United States and a large majority of the American people. (Applause.) I am in hearty sympathy with your movement. It is no sudden impulse on my part. I have advocated it for years. At a conference of Governors at Helena, Mont., in 1901, after agreeing to stand unitedly together to resist the merger of two great parallel lines of competing railways, the Northern Pacific and the Great Northern, in violation of the law, we passed the following resolution, fully realizing the necessity for further legislation, even though the threatened consolidation was prevented by the decree of the court. Here is the resolution, and it was sent to every member of Congress in the States through which those lines ran: That power should be granted to the Interstate Commerce Commission to fix maximum rates upon interstate commerce and to regulate the same.

The decision of the Supreme Court of the United States in the merger suit was wholesome. It was received with joy throughout the Union. It prevented the most ingenious scheme ever conceived by the brain of man to stifle competition and promote monopoly. It was a triumph of the law, and it settled for all times the power of the government to prevent illegal consolidations of transportation companies in restraint of trade. It put an end to the merger. Now efforts are being made to do indirectly what the court would not permit directly. Many lines are being united into systems, and then the systems are grouped. In this way a few men practically control the transportation companies of the country. By means of this grasping process and grouping, a few railroad magnates can meet in New York and agree upon plans to put into effect policies which result in their special benefit and detriment to the interests of the public. Six of these groups or systems are said to control 178,000 miles of the 204,000 miles of the railroad mileage of the United States. By this means competition has been destroyed, and the necessity for rate regulation has become more and more apparent.

This proposed regulation by Congress will result in no injustice to either shipper or carrier. We might as well study this question thoroughly. It is not proposed as oftentimes asserted by enemies of our proposition, to fix all rates. It is only when a rate has been challenged and when after full investigation both sides have been urged, and the commission then decides that the rate is unreasonable, they shall name one and have it go into effect immediately and remain in force until passed upon by the courts. (Applause.)

That is the contention. It is the contention of all those who favor rate legislation. For ten years this power was exercised, and no trouble arose. Some 400 cases were tried, and they were readily obeyed—their decisions were—with the result that even the railroads themselves sometimes applied; and I believe, gentlemen, that this action today would be beneficial to the railroads as well as to the public, for in many cases it would not only save them from themselves but save themselves from each other.

In 1897 the Supreme Court decided by a majority vote only that this power was not delegated; that it could be but that it

had not been, and all that is necessary now to do is to put the commission back where they thought they were and proceed to business again. (Applause.)

To show that this statement is true, I again quote you from the commission:

"We desire to repeat in this connection that there is today no way in which these advances can be prevented. If they are just and reasonable, they ought not to be prevented, but it cannot be assumed that they are in all cases, and it is impossible to contemplate with equanimity the fact that the result of our recent improvement in transportation facilities, that the consequence of financial prosperity and financial adversity alike is an increase in the transportation charge, or to remember with indifference that this species of property is now in a position to tax unjustly other species of property."

If these charges are reasonable, they afford a most insidious means of taking unjustly from the general body of the public for the benefit of a few. At present this commission can investigate and report. It has no power to determine what rate is reasonable, and such orders as it can make have no binding effect.

To continue this commission with no power to enforce its decrees is a farce. The farce might as well end. Either give the power of regulation essential to make the decision of the commission effective, or abolish it altogether. (Applause.)

I congratulate you, gentlemen, that the long fight is about to end. A determination will be reached at the present session of Congress, I earnestly believe. You do well to call this meeting to arouse public sentiment. The conflict will soon be on in all its fury. The weak-kneed and the timid might as well go to the rear at once.

Can a successful fight be made? Yes, but it will be after a terrible conflict. The interests opposed will fight to a finish. They are strongly entrenched, and will not surrender until forced to do so. Let us accept the gauge of battle. Let it be settled now whether the railroads are our servants, or our masters. We contend that the railroad is the creature of the State. If the creature is greater than the creator, if the railroad is greater than the state, we might as well know it first as last. Let it be immediately understood whether the people exist for the railroads or the railroads for the people. In a word, let it be determined forever whether this is a government by the people or a government by the corporations. (Applause.)

President Roosevelt made a speech recently in Philadelphia. It was a masterpiece and worthy of the man. Here is what he said:

"Neither this people nor any people will permanently tolerate the use of the vast powers conferred by vast wealth, especially by wealth in its corporate form, without contriving some means of seeing that this power instead of being used in the interest of the individual possessing it, is also used for and not against the people as a whole."

The President is right. The people will not permit the misuse of the vast power of corporate wealth; will not long submit

to the dictation of its creatures. The time has come to call a halt. The great trust corporations exist, in fact, their very life depends upon special privileges granted them in the various States. When you talk of any remedy, their cry is that it will injure business, the same old sound, whenever reforms are proposed. It will destroy liberty, they say. The only liberty that would be endangered would be the liberty now enjoyed by certain corporations to rob the public. It is unconstitutional, they maintain. We heard that declaration when we marched South to suppress the rebellion and save the Union.

It has always been deemed right to regulate common carriers. Evidently they do not agree with Justice Brewer, who says, concerning the power over highways, that the charges imposed upon the public for their use always remain in the control of the government.

It is evident that all these magnates desire is to be let alone. Every old soldier remembers that was all that Jeff Davis wanted. If these magnates are permitted at every wave of prosperity to water their stock and place new burdens upon the people, they will be satisfied.

Are we in earnest? Do we really want the people to assist? If so, we have the power in our hands. In our country the people rule. No force is so irresistible as an aroused public sentiment. No man can detect its rumblings sooner than the public official. He ever has his ear to the ground and he can trim his sails on short notice so that his political craft can safely weather the approaching storm. A great tidal wave representing public opinion has rolled into Washington? The Lower House has heeded its warnings. It is drawing with terrific force against the Senate wall. That august body, too, must yield to the public demand. It is my earnest hope that the extended inquiry recently closed by the Senate Committee will hasten favorable action by that body. I have read that report with much interest and profit and I have observed all the way through that in large cities with great business centers where there are great jobbing houses, that those who testified are satisfied with present conditions. They say they have been able in the past to buy transportation, only another word for rebates, in a satisfactory manner. It has enabled them to build up great industries. What interest have they furthered? Their ware houses are filled with transportation bought in competitive markets. Are the men behind them that they talk so eloquently about satisfied? Not a bit whatever. In order to show you that our State is not satisfied I desire to take exceptions to what has been said by some of the men who have gone down and appeared before that committee in Washington, and I think that when I have finished you will see that Minnesota has some reason to complain of present rates and present conditions. What a man says down there is public property, and I have a perfect right from this platform to criticise what he says and to give, if I can, a different phase to the subject, and I am going to beg your pardon while I speak to you a moment longer.

I am going to beg your pardon while I just read for a moment more. I am coming to the part that interests us more up there in Minnesota now than anything else. I stated that those peo-



ple who went to Washington were not representatives of Minnesota. I am going to make a comparison of our State and the State of Iowa, and I am going to give you the reasons why we are especially interested. I am not at all jealous of the great State of Iowa. I am proud of her, and I am glad to say that she is doing better along these lines than we are in Minnesota, and we want to do just as well in Minnesota as they have in Iowa, and we want Iowa to do better than she is now (applause). I wish to show you that we are not enjoying all that we would like, and I will just make a few comparisons, but I take the figures from the report of the Railroad Commissioners of the State of Minnesota for 1893, and for the State of Iowa for 1893.

The gross earnings for the State of Minnesota for 1893 were in round numbers \$7,250,000, while in Iowa they were \$9,500,000. The operating expenses in Minnesota were \$3,200,000, and in Iowa \$4,000,000. The net earnings in Minnesota were \$3,575,900, while in Iowa they were \$1,643,000, over twice as much in Minnesota than in Iowa. The net profits per mile in our State were \$4,900, while in Iowa they were \$1,700; nearly three times as much profit from our State. If you will allow the same profit you will find that Minnesota was overcharged on each and every mile \$3,200. It totals up the sum of \$23,238,000. This fabulous sum, more than \$23,000,000, is the result of the rates in Iowa for a single year. A carload may be shipped in Iowa 100 miles for \$48, and for 98 miles in Minnesota for the same class of freight it is \$82. You will notice that there is a marked difference between Iowa and Minnesota, and this difference extends to the southern lines of Minnesota. They are much higher in southern Minnesota than they are in northern Iowa.

Now I am going to take the time to read this. Do you think that any man that goes to Washington and says that we have no complaint to make at all represents the public sentiment? Why should the rate be higher in Minnesota than it is in Iowa? It was claimed by the transportation companies that the Iowa rate would mean confiscation of the companies, and that it would confiscate the railroad property. We say that it would not confiscate the railroad property, and we show that the railroads are still in a position to make as much earnings on the capital invested as they are entitled to make and any more would be an injustice. The railroad people said that in Iowa it would mean confiscation. The increase in mileage has been large. Was railroad property confiscated? Not at all. The stocks of the two companies which have large mileage in the State of Iowa are quoted as selling for 231 $\frac{3}{4}$  and 177 $\frac{1}{2}$ , and the stock is now too high. A report in New York has it that one of the companies was about to pay a dividend on 300 million dollars. I don't think that they have been robbed, but on the contrary are reaping a harvest.

Gentlemen, the question is now up for settlement. There never was a more opportune time to decide an important question than now. We are fortunate in having the greater leader (great applause). No ordinary man is our guide in this affair. America has always had a man for the occasion. Washington for the revolution, Lincoln to save the Union, and now to deliver

us from corporate oppression we have a leader with lamp in hand (applause) who today stands first before the world. Is it England's king or Germany's emperor? Is he the Mikado of Japan, or the Czar of all the Russias? No, it is our own President, Theodore Roosevelt. (Applause.) Some say that he is not as earnest in the cause as he was. I don't believe it. I would as soon think that the rock of Gibraltar could be moved from its base as to think that Theodore Roosevelt could be moved from a position that he has taken before the American people. He will do his duty. Shall we do ours? In our country the people rule. We have a representative government, and every man is responsible for that government to the extent of one vote. I have no fear for the result. I could not be a pessimist if I tried. We heard a good deal about calamity howlers a few years ago. The calamity howler of today is the man of great wealth, the man who does not want to obey the law (applause). He says that if this cause prevails the country will go to the bow wows. Do not be deceived. Do your duty as American citizens, being inspired by the past history. Our past history is most inspiring; wherever there was a difficulty to settle it was settled, and if we cannot win now, organized as we are, and with the fearless leader that we have, it seems to me that our chances ever to win are slim. And so I urge you; I bring you words of good cheer from the North Star State. It is my belief that every member of Congress of the United States will be found in favor of rate legislation. Our legislature recently memorialized Congress along this same line, and then these gentlemen went down to Washington and said it is not the issue. I say that it is an issue. Both the outgoing and incoming governor recommended it. I want to tell you that Minnesota is alive and awake as any State in the Union, and nineteen-twentieths of the people are in favor of this measure, and they are going to fight until it passes. (Great applause.)

**THE SECRETARY:** The committee on credentials are: J. E. Howard, chairman; J. H. Johnson, F. J. Storing, J. P. Rumsey, F. R. Babcock, M. P. Powell, Thos. J. Grove, Louis C. Slays, E. D. Conger, and one man to be selected from each State other than those already nominated.

**MR. BABCOCK:** How will the committee on resolutions be appointed?

**THE CHAIRMAN:** By the present Chairman.

**JUDGE COWAN:** Before this convention adjourns, I desire the privilege of making an explanation, and that is that the executive committee, as I stated this morning, felt impelled to require certain declarations in order that you might have just such a convention as you have.

**A VOICE:** Come to the front of the stage.

**MR. COWAN:** The executive committee felt itself impelled, as I stated this morning, to require a certain endorsement of principles in order that you might have that which you now have, namely, privileges of your free speech. (Applause.) And we therefore felt—those who stand by the principles of this organization—which are quite well known, and which are the principles of the President, were to have a part in this meeting, if they are delegates to it. If by inadvertence, if by peculiar

circumstances which we could not know in advance and provide for them, if we have excluded any delegates who desired to participate in this, to the end that we are seeking, this committee desires to have them participate. I desire, therefore, to explain that our declaration this morning for admittance were for the purpose of your temporary organization, which has been or will be perfected when the report of the committee may be made at 3 o'clock this afternoon. Now that your committee on credentials is appointed, any gentleman who subscribes to the principles which this executive committee has written in order to gain access to this hall, is requested to present his credentials to the credentials committee in order that we may not do wrong. We must take the strong position in order to do right.

CHARLES ADKINS (Illinois): I am a member from Illinois and many of our Illinois people do not understand about the names that are to be handed in from each State to this credentials committee. Do I understand that each State does that?

THE CHAIRMAN: Each State does that, and that is to be done by the delegates of each State. I read the names consisting of a dozen men; we have about ten States represented; so that we can know who is entitled to representation in this State, we ask that these names be handed in. The States represented here are Kansas, California, Illinois, Maryland, Iowa, Michigan and the Territory of Oklahoma, which we expect will be a State or ought to be. (Applause.)

#### AFTERNOON SESSION.

MR. HOWARD: Mr. Chairman and Gentlemen, your committee on credentials begs leave to report as follows:

1. All those delegates subscribing to the principles of the call as enunciated by President Roosevelt in his last message to Congress are entitled to seats in this convention, also that Mr. Mead, representing the Merchants' Association of New York, be admitted on basis of his letter presented to this committee.
2. Delegates representing more than one organization shall be allowed to vote for each organization for which they present properly certified credentials.
3. The secretary of the convention has a list of the delegates entitled to seats, as per above recommendation:

J. E. Howard, chairman, Wichita, Kan.  
 J. H. Johnson, secretary, Oklahoma City, Okla.  
 F. Q. Story, Los Angeles, Cal.  
 I. P. Rumsey, Chicago, Ill.  
 M. P. Buel, Chicago, Ill.  
 F. R. Babcock, Pittsburg, Pa.  
 Thomas J. Bray, Grinnell, Iowa.  
 Lewis C. Slade, Saginaw, Mich.  
 E. D. Conger, Grand Rapids, Mich.  
 J. W. McCord, Columbus, Ohio.  
 T. L. Kinney, South Hero, Vt.  
 L. C. Whitney, Wisconsin.  
 J. W. Kahle, Seattle, Wash.  
 F. E. Waymer, Jacksonville, Fla.  
 Scott W. Moore, Louisville, Ky.

John D. Kernan, Utica, N. Y.  
 Jay Laverty, South Omaha, Neb.  
 Eugene F. Verdery, Augusta, Ga.  
 Theodore R. Ballard, St. Louis, Mo.  
 Clarence A. Kenyon, Indianapolis, Ind.  
 J. Z. Keel, Gainesville, Tex.  
 C. E. Stubbs, Denver, Colo.  
 W. C. B. Robbins, Boston, Mass.  
 Edwin B. Pike, New Hampshire.  
 George S. Loftus, St. Paul, Minn.  
 Edward H. Reid, Wyncote, Wyo.  
 I. M. Humphrey, Rapid City, S. D.

MR. FARLEY (of Texas): My understanding is that the committee on credentials has nothing to do except as to seating the delegates. I think the basis of representation is settled by the executive committee. I understood from the secretary of the executive committee that they settled the basis of representation and it was so published in this morning's papers. I would like to ask if that is true?

CHAIRMAN HIGBIE: I didn't see the publication in the papers. What was the publication?

MR. FARLEY: The executive committee tells me that the proposition was that no delegate should have representation for more than one vote for the first hundred he represented and one vote for every two hundred after that.

CHAIRMAN HIGBIE: I think that is not correct. The executive committee, according to my understanding, decided yesterday that in order to carry that into effect they must have as many delegates here as they are entitled to.

MR. FARLEY: That is what the secretary told me today, and it was so published in the paper this morning.

CHAIRMAN HIGBIE: What is your pleasure in reference to the report of the committee on credentials?

MR. CAMPBELL: I do not want to object to the report of the committee on credentials, but I do believe that it ought not to be taken as a precedent for the admission of anybody else. The committee has adopted the proposition to allow persons who endorse the recommendations of the President to be seated, and they say upon the propositions contained in the letter of Mr. Mead that Mr. Mead be seated. The contents of that letter is not offered for the consideration of this convention. Lest you may be putting yourself upon record as endorsing something you might not want to follow out in subsequent cases I move that the report be amended by the addition of the following:

Provided, however, that the admission of Mr. Mead upon the letter which he presented shall not form a precedent for the admission of any other delegate. Because this convention doesn't know what that letter is, and if they are willing to adopt it without knowing what it is—

A DELEGATE: Let us have the letter.

MR. CAMPBELL: I do not call for that; I am not trying to question the report of the committee. I will be in favor of adopting the report, but I want it with the proviso that that shall not be made a condition precedent for the admission of

other delegates, because you might be establishing a very dangerous precedent by doing it.

MR. CALL: I rise to second the motion.

MR. HOWARD: I want to explain that the report might have been more specific in this, that that letter attached to it had some resolution passed by the association which Mr. Mead belongs to. Those resolutions were so strong, and stronger than our own pledge, that he felt obliged to stand by the resolutions of his committee, and taking the thing together, we thought we were entitled to seat him.

CHAIRMAN HIGBIE: Would the explanation made by Mr. Howard—

MR. FOSTER (of Minnesota): Mr. Chairman, I rise to ask for information. Owing to the noise, we did not all understand the reading of the report, and I ask now how that report read. Some of us, the governors of the different States—not all of them, but some of them—have appointed delegates, one from each Congressional district, not because they represent any particular organization, but because they are supposed to represent the people of the district, following out the idea of the call. Now, in what position does the report of the committee leave those delegates here? I ask for information.

CHAIRMAN HIGBIE: My understanding is that the report of the committee will entitle those delegates to a seat on this floor, with one vote each.

MR. FOSTER: How?

CHAIRMAN HIGBIE: My understanding is that the report of the committee on credentials will entitle those delegates to a seat on this floor with one vote each.

MR. KEEL (of Texas): Mr. Chairman, I was on that committee on credentials, and I think the point the gentleman has taken is not well taken. For instance, a man must sign those articles that he signed at the door and which I signed in order to get here (applause), and the governor of the State might have appointed a man that is a wolf in sheep's clothing, and we do not want him here unless he has subscribed to the articles which I have signed (applause).

MR. HOWARD: Mr. Chairman, those delegates did all sign that.

MR. FOSTER: We understand that part of it; that we must have signed those articles, otherwise we have no right here whatever.

MR. CALL: Mr. Chairman, I seconded the motion of Judge Cowan of Texas to correct or to amend the report of the committee on credentials in regard to the admission of Mr. Mead. I was appointed one of a special committee by the executive committee to prepare a roster, together with a statement of the principles of the delegates desiring admission to this convention, and it was upon that roster and that statement that these statements were signed by all, in order that they might declare their position before becoming entitled to seats in this convention. Mr. Mead presented himself and asked admission to this convention, refusing to sign the statement which all others had signed, and he stated that he differed with us in regard to legislation, and he differed with President Roosevelt in regard

to his recommendation and that he would not sign the statement. Thereupon we notified him that he was not entitled to a seat in this convention. The committee on credentials has now examined his credentials and has made an exception in his case for some special reason, and I am prepared to accept, so far as I am concerned, the report of the committee upon credentials for the admission of Mr. Mead, with the explanation and proviso offered by Judge Cowan.

CHAIRMAN HIGBIE: The question is upon the amendment to the report of the committee on credentials. The amendment is as follows: That the admission of Mr. Mead shall not be taken as a precedent for the admission of any other delegate.

The amendment was adopted.

CHAIRMAN HIGBIE: The question is now upon the adoption of the report of the committee on credentials as amended.

The report as amended was adopted.

CHAIRMAN HIGBIE: The report is adopted; we will hear from Judge Cowan.

MR. COWAN: Mr. Chairman and gentlemen of the convention, the report of your committee on permanent organization is as follows:

Your committee on permanent organization beg leave to report the following order of business:

First: Invocation.

The committee desires to explain that because of the excitement and the apparent disturbance that probably was due to the corporate influence this morning, they forgot to have an invocation at the opening of this convention.

Second: The report of the committee further recommends permanent officers of this convention as follows:

For permanent chairman, Col. W. E. Hughes of Colorado.

For vice-chairman: Hon. John W. Kern of Indiana.

For permanent secretary, P. E. Goodrich of Indiana.

For assistant secretary, George A. Schroeder of Wisconsin.

Your committee recommends that there be appointed by this convention an executive committee of fifteen, to be selected by the chairman, to carry on the business of the organization.

Your committee further recommends that a finance committee be appointed to call upon the delegates present and otherwise raise the necessary funds with which to successfully prosecute the work of this organization.

Your committee further recommends that a committee on regulations be appointed by the chairman, consisting of seven delegates, to which shall be referred all questions without debate, to be reported back to the convention with such recommendation as the committee thinks proper to make.

Further, such other business as may properly come before the convention.

Mr. Chairman, involved in a motion to adopt the recommendation of your committee on permanent organization, I wish to say a few words in regard to the appointment of a permanent chairman of your meeting which this committee has seen fit to propose. If I am in order, there is a word upon that subject which I would like to say.

CHAIRMAN HIGBIE: You are in order.

MR. COWAN: Gentlemen of the convention, having addressed the chairman, the matter which we are called here to pass upon are matters which mark places in the pages of history. You may not see it today; you may not realize it today; this is a history making epoch.

Discoveries of the most vital character to the success, the peacefulness and the prosperity of this nation are being made day after day. One who should have charged a few years ago—but I need not make it so many as that, I might say one year ago—that the men who occupy high places in the civic affairs of this country were above approach and above doing the things which to their shame and to that of this country, be it said, the discovery has been made what they have done. A most remarkable thing, that which even shocks the mind so much that one scarce dares to speak about it, for it might lead to the suspicion of our neighbors. It has not been long since those who desire to regulate some of the larger financial institutions of this country, who desire to regulate the railroads, have been charged with being socialists, as our previous speaker, Gov. Van Sant, has well said. The time was, and not far distant, when if you advocated those things which were of disadvantage to the capitalists, you would be challenged as being a populist, and even my good friend, Senator Harris, who sits in the audience, has not passed out from under the recollection of that charge having been made against him. I might name our distinguished compatriot on the stage, that he has been in favor of such regulation of corporate affairs, that he favors populism in that particular. Now, it has come to a matter of common talk among our wealthy men, for they are mostly honest men among the men of affairs, who have made their property and run the affairs of the country, that there must be something which will prevent the improper use of the power that is produced by wealth.

In naming Col. W. E. Hughes as the chairman of this convention, we have been able to pick a man who has made his way from that of a poor boy to wealth, a man who is a banker, a man who represents trust companies which he owns, a man who has millions, but a man who has not forgotten that which he knew as a boy, which he realized as a young man, and which today he reveres, the patriotism of a pure American citizen, and who seeks no political honor, and is impervious to criticism (applause). It is the pleasure of this committee, the members who happen to know Col. Hughes, to be able to point to him as a man who has come in this convention, willing to sit, here as a millionaire, to serve as the chairman of a body which seeks to require the corporations to do right, and not take from them anything to which they are entitled. I thank you. (Applause).

CHAIRMAN HIGBIE: Gentlemen, you have heard the report of your committee on permanent organization.

MR. WHITNEY (Wisconsin): I move its adoption.

THE CHAIRMAN: It has been regularly moved and seconded that the report of the committee be adopted as read. All those in favor say "Aye." Contrary "No." The report is adopted. Colonel Hughes please take the chair.

MR. COWAN: I move that Mr. Buell, a distinguished cit-

izen of this city, be invited with Colonel Harris to escort Colonel Hughes to the platform and to take a seat with him.

CHAIRMAN HIGBIE: Mr. Buell and Mr. Harris will kindly escort our Chairman to the platform and take a chair on the stage.

Permanent Chairman Hughes was then escorted to the platform by Mr. Buell and Mr. Harris.

MR. HIGBIE: I take pleasure in introducing to this convention your permanent Chairman, Colonel Hughes of Colorado.

CHAIRMAN HUGHES: Mr. Chairman and Gentlemen of the convention: After thanking you most heartily for the high honor conferred upon me by naming me as your permanent Chairman, which I sincerely do, the only regret I have is that I feel hardly competent perhaps to serve you, for fear I will not do so to your satisfaction.

Before assuming the duties of the chair it may not be amiss for me to outline in a general way the situation and what I think we should do. As you know, gentlemen of the convention, the object of this convention is to endeavor to impress upon the Congress of the United States the extent and persistency of the demand that comes from all portions of the country that the Interstate Commerce Commission be vested with power, when a given railroad rate is challenged, after investigation and after final hearing, to substitute for this rate if found to be unreasonable or unjust or discriminatory, a rate to at once go into effect and obtain until it is set aside by the court; that as the President has in very expressive language expressed it, that the Interstate Commerce be vested with power when a rate is challenged, and found to be unreasonable after a full hearing, to substitute therefor a rate to take effect, this rate to go into immediate effect and to obtain until set aside by a court of review.

Now, gentlemen, it is conceded, of course, under the clause in the constitution vesting in the Congress of the United States the right to control foreign commerce and commerce between the States, that Congress undoubtedly has the right to fix rates. The Supreme Court of the United States has declared that the power given by the constitution to regulate commerce means the power to prescribe the rules by which commerce is governed, to prescribe, in other words, the rate. Now we are not going to ask that the rate-making power be taken from the railroad and given to the commission. Nobody asked this. We think it best, so far as possible, for the rate-making power to remain with the railroads, with the owners of the property. It is not the desire of the President or the policy of the President to take from the railroad the rate-making power and give it to the commission. It is not desired that Congress should assume the rate-making power, although, of course, all corporations engaged in interstate traffic, Congress has the right to absolutely control and regulate. Of that there is no question. Our position is, and nobody contends for anything else, that there be a power vested somewhere, when a rate is successfully challenged, a given rate, after complaint made, to determine whether that rate comes up to the standard fixed by Congress, and if not, to substitute for it a rate that shall prevail and go into immediate effect until the question is finally passed upon by courts having jurisdiction.



That is our position. That is the position of the President, and the position I think that the convention intends to assume. Now, gentlemen, we from the West are not unmindful, in fact the people of the entire country are not unmindful of what the railroads have done. They have brought the comforts and necessities and even the luxuries of life to almost every door. They have hastened the development of the country. They have, as it were made the wheels go faster. That is about all. We had transportation before we had railroads. We had the Santa Fe trail before we ever heard of the Santa Fe railroad. We have not been wholly made by the railroads. The Santa Fe trail from the Missouri river to the Rockies was lined with the species of transportation we were used to, and had served us in a way long before we had the Santa Fe or a single Pacific railroad. The railroads have been followers, not pioneers. This long line of white-topped wagons that lined the Santa Fe trail and all of our highways leading westward with men—with men that followed beside them from New England and every eastern city from Maine to the Carolinas, from the middle West, from Illinois, Indiana, Michigan and Ohio, these men that were called by the mystic voices from the West that has called all people, the ambitious and the less fortunate; these were the men that developed this country. (Applause.)

Of course, the railroads have assisted, and we recognize our obligations to them, and we do not propose to disturb one dollar invested in railroads. We realize that one of the potent factors in civilization has been respect for property rights. Nobody proposes to disturb any investment made. And we admit that the common carriers, the railroads, must have a just return for their investment. This we will protect, but, gentlemen, the corporations must be controlled, and they must be controlled by the government. It was the government that created them. (Applause.) It was the State government, but the principle obtains, and they were given more rights than you possess, particularly the right to absolutely invade your domain, go where they please, tear down the roof that covers your family, and even dig up the bones of your ancestors. That is a right given them. They are empowered by the government with almost sovereign power. Wherever these corporations are engaged in interstate traffic they are absolutely under the control of Congress. Now, gentlemen, all we ask, Congress has already done, the legislative part of the work, in regulating commerce. Congress has provided that our railroad rates must be just, reasonable and non-discriminatory. The standard has been fixed. Now, if a given rate is challenged after complaint made, it is a mere matter of detail, a mere matter of administration, to apply this rate question to the standard. If it goes beyond it it is clearly with the commission or with any administrative body to declare what would be a reasonable rate, and to substitute this reasonable requirement for the time being. I do not think there is any trouble about that. The courts have held over and over again that the Congress can delegate this power even if it is legislative to a commission. I do not understand even that it is legislative.

Now, gentlemen, I do not mean to occupy your time long. The President, as you know, last December, at the last session of

Congress, in his message asked that the Interstate Commerce Commission be given power to, when a rate is challenged, substitute another after inquiry. The House met with the President's suggestion by a vote that was almost unanimous, but the Senate was not so responsive. The Senate sidetracked the matter. Now, gentlemen, it is up to us, this question. The fight is on, and I think we should fight to have here appointed representatives of every state to go right after our respective Senators and let them know what the country demands, and if they are with the President and with the people on this measure, we want to know it. If they are with the corporations we want to know it. (Applause.)

I think we should pass here the necessary resolutions upon this subject. I do not think we need a great deal. A simple amendment, probably, of the present act to regulate Congress, with power vested somewhere. I see no better place than the Interstate Commission (applause). The instrument is not material, but as the fight is along those lines, the power should be vested in the Interstate Commerce Commission. When a rate is successfully challenged after proper complaint and found not to conform to the legislative standard to suspend it, to correct it and set it aside until the question is finally passed upon.

Now, gentlemen, is the opportune time for us to move in this thing, while we have, as it were, a friend at court, President Roosevelt, to my mind the best representative of individualism in this country (applause). Gentlemen, he stands for all that is best and cleanest in American life and government. (Applause.) Now is the time to make this fight, and we are going to make it. (Applause.) We want here to take just the proper steps. We all understand the position. Let us get heartily to work and get the assistance of the public press, and let the people of the country understand how urgent, how persistent, how universal is this demand. (Applause.)

CHAIRMAN HUGHES: Gentlemen, the next business in order is the appointment of a committee on resolutions. The Chair announced the committee on resolutions: J. H. Call, California; G. W. Mueller, Illinois; E. P. Walden, Michigan; S. H. Cowan, Texas; H. A. Holmes, Kansas; R. W. Higbie, New York; John B. Kernan, New York; Gov. Larrabee, Iowa, and Senator Harris, Chicago.

MR. VAN DUSER (of Nevada): Mr. Chairman, I rise to a point of information. In listening to the reading of the report of the committee on credentials, am I to understand that those who are entitled to seats on this floor included those appointed by governors, those appointed by commercial bodies, and those who have subscribed to the declaration of principles at the door? Do I understand that a party who is neither the appointee of a governor nor a commercial body who may subscribe to that declaration in reference to President Roosevelt, is entitled to a seat on this floor as a delegate?

(Cries of no, no.)

CHAIRMAN HUGHES: The Chair does not so understand it; I think not. The committee on resolutions can retire and proceed with its work, and in the meantime I understand that Senator

Frear is present and a request is made that he be asked to address the convention.

MR. COWAN: Mr. Chairman, before that is done, there is a matter that has been sent in, if you will permit me to call attention to it as follows:

A committee of five from the meeting in Studebaker Hall, representing 460 delegates, desire to make a statement to this convention and request a reply thereto. Signed, J. Kirby, Jr., Ohio, chairman; J. W. Van Cleave, Missouri; Daniel C. Ripley, Pennsylvania; George W. Scott, California, and Mr. Briggs, as I understand it, of California.

Mr. Chairman, the executive committee of the Interstate Commerce Law convention, as is well known to the members here, received definite information of an attempt to pack this convention in the interests of the railways against the policy of this convention declared at St. Louis, and declared in the call to this convention, and contrary to the recommendation of the President. We learned that large numbers of men furnished with free transportation have come to this city for that purpose, and it was for that reason that we attempted to protect this convention and the public in order that the convention might not be packed and the purposes of the convention destroyed.

The gentlemen who came here, as you know, met at Studebaker Hall. They now send a communication and ask to be heard before this convention. They have refused to sign the statement of principles which all you gentlemen have signed, and upon which you were called to meet here. I desire to move that this committee be requested to present their statement which they have in writing, and that it be submitted to the committee on credentials.

The motion was duly seconded.

MR. STILLWELL: I move that the Committee be admitted and heard in person. If there is anything in our call or cause that is not open to free and full discussion it conveys the impression of weakness.

A VOICE: Committee on resolutions.

There were calls for the question.

MR. CALL: I think it should be heard by the committee on credentials as it is a matter relating to the credentials of the gentlemen.

G. V. WELLS (Stock Yards, Chicago): I wish to make a point of order, and that is this; that the committee on credentials is not now in existence and I do not think that that would be the proper place to refer this motion.

A VOICE: Has it been discharged?

MR. WELLS: The committee on credentials has performed its duty and is out of existence.

MR. COWAN: The executive committee of this association made certain rules for passing through the door and any man in here who has not subscribed to them has no right here and ought not to be here. Those rules are made by this executive committee which prevail here, and I do not think that we shall bring the enemy into the camp.

MR. MASON (Virginia): Mr. Chairman and gentlemen of the convention: Roosevelt always stands for fair play, for a square

deal. Nobody that comes with a crooked deal should get in here. Those who are entitled to a hearing are those who endorse Roosevelt, and as a Bourbon Democrat who traveled for four years in the Rebel army, when a Bourbon Democrat of that kind comes here supporting Roosevelt, a Republican, I tell you that thunder is in the air.

Now some of those gentlemen who are meeting across the street, if they have anything to say to the American people, let them tell us whether they are here for a square deal or a crooked deal. (Applause.) We do not want instructions, we do not want advice from any man that cannot sign the paper that we signed before we entered that door. (Applause.)

GOV. CAMPBELL (Ohio): Mr. Chairman, we do not want to lose our heads here. I can reply to my Confederate friend, as I wear the little copper button. We are making history and we want to go before the American people here with a declaration of principles that will sweep this country from ocean to ocean and from the lake to the gulf. We are not in sympathy with the tail-enders that met in another hall, and yet we must treat them with respect as American citizens. They have come to this convention; they have humiliated themselves by recognizing this convention; they have come here and recognized this as the head and front of a movement to endorse the President of the United States, and they want to come in, and I think we should meet them half way. They have recognized us. Let us ask them to submit to us a declaration of principles and see what it amounts to, and inform ourselves as to what they have got. (Applause.) I move then, sir, as an amendment to the motion of Judge Call that we accept a statement from that convention in writing and refer it to this convention for investigation and for report at tomorrow's session and deliberate over it tonight, and digest it, and we will come to some conclusion as to what we think of these gentlemen, and the principles they advocate, and perhaps we can get them to show their hands to us. We want them to show their hands. We want them to say in that declaration that they are making to us where they stand on this question.

The motion was duly seconded.

MR. CALL: I desire to accept the amendment that is offered. My understanding is that the proposition or statement shall be presented in writing and it is for the convention to judge whether they are entitled to seats in this convention or otherwise, upon the principles stated in the communication.

The previous question was called for.

CHAIRMAN HUGHES: All in favor of the amendment will signify it by saying aye, contrary no.

The amendment was carried unanimously. The question now comes up upon the original motion. If the gentlemen have anything to submit to this convention, they submit it in writing to be referred to the committee on credentials.

A VOICE: To be referred to this convention.

CHAIRMAN HUGHES: The question is upon the motion that the gentlemen who signed the request here be replied to and asked if they have anything to submit to this convention, that they please submit it in writing to be considered. All in

favor of the motion signify by saying aye, contrary no. The motion is unanimously carried.

MR. COWAN: I move the appointment of a committee of three to communicate with the gentlemen who are in waiting the fact that this convention has by motion declared that it will consider any statement which their convention has to present in writing, and submit it to the convention, and to give them an answer tomorrow morning, to appoint a committee of three.

The motion was duly seconded.

MR. DAISH (Washington): Inasmuch as the communication was from a committee of five, we ought to appoint a committee of equal number and I think we should appoint a committee of five, and not a committee of three.

THE CHAIRMAN: Gentlemen, you have heard the motion. Are you ready for the question?

MR. SLADE (Saginaw, Mich.): I move that a committee of five be appointed.

CHAIRMAN HUGHES: It is moved and seconded that we appoint a committee of five and that it be appointed by the chair to wait upon these gentlemen. Those who are in favor will signify by saying aye, contrary no. The motion is carried.

MR. BARRS (Florida): I move, Mr. Chairman and gentlemen—

CHAIRMAN HUGHES: There is a motion before the house, and the gentleman is out of order.

MR. BARRS: I thought that carried.

CHAIRMAN HUGHES: Only the amendment. Are you ready for the question?

VOICES: The question.

CHAIRMAN HUGHES: It has been moved that the chair appoint a committee of five to confer with and give reply to these gentlemen, this committee of five, which has signed this communication. All in favor will say aye, contrary no. The motion was carried.

The Chair will appoint on that committee Mr. Cowan of Texas, Mr. Call of California, Mr. Buell of Chicago, Mr. Skade of Michigan and Mr. Daish of Washington. That constitutes the committee, gentlemen.

MR. BARRS: I move, if I am in order, and I think I am, that that committee of five from this convention be instructed to notify the committee coming here from these other gentlemen that this convention stands ready to welcome any delegates who come here bona fide on the call of this convention to sustain President Roosevelt in his position. I hope no opportunity will be given to them to say that we spurned their offer, that they offered us the olive branch and tried to come with us, and that we refused it. Let it go out to the world that we stand ready to meet those who wish to stand bona fide in favor of the President's position. The people of this country are awake upon this question of rates—

CHAIRMAN HUGHES: The gentleman is out of order. There is no motion before the house. The executive committee considered that matter, and the gentleman is out of order.

MR. BARRS: I beg your pardon. I was talking on my time—

CHAIRMAN HUGHES: The gentleman is out of order. The

committee appointed will please come forward and go with the chairman.

Gentlemen of the convention, it has been requested that Senator Frear address us. (Applause.)

SENATOR FREAR: Mr. Chairman and Gentlemen of the Convention: I recognize it is a high honor to be called upon to speak on such an occasion as this, and particularly an honor where practically every member of the Convention is discovered from our proceedings thus far, to be a public speaker. It is an honor to have such men present as the distinguished Governor of Minnesota, one who has taken such an important part in reaching railroad history. Equally as great in the history of railway legislation is the presence of the distinguished ex-Governor who sits on my right (Mr. Larrabee). A few minutes ago a newspaper was handed me, which represents the sentiments of the transportation companies in my own state. It is there stated I would speak today from the standpoint of a farmer. I consider it fortunate they have anticipated the character of my remarks. In the contests which we are waging today we are reminded of the bronze button worn with honor by Governor Van Sant. Before he wore the button or was entitled to wear it he discovered the farmers were his friends engaged in the great struggle he has referred to. They shouldered the musket at that time and are equally enlisted in the cause which brings us together today. Within the last six months we have secured a railway commission in Wisconsin and have there successfully won the same great struggle which today confronts the nation.

It has been customary for many people of our state and for those of other states, who know our Governor by reputation, to say that in many respects he resembles President Roosevelt. Let me say to you, gentlemen, that in this country we will have in the immediate future a strong, comprehensive railroad law, providing President Roosevelt brings to bear the same persistence which has characterized the efforts of the Governor of Wisconsin in recent years. There is no man present who doubts that the President is equally determined. In recognition of the fact that the insurance companies of the country have in several instances disclosed an alarming condition of wastefulness and extravagance of funds belonging to the policy holders, permit me to speak to you briefly from the standpoint of a railway policy holder.

President McCall has stated that the intention of the insurance companies is not to benefit policy holders, but to extend the business of the company. President McCall has many of the qualifications which enter into successful railway management, as generally regarded today. High salaries, extravagant operating expenses, including lobby and campaign bills, palatial surroundings, illegal efforts to interfere with just legislation, characterize both lines of business. We are impressed with the fact that the officers, management and stockholders in both insurance and railway business have thus far alone been considered and the policy holder has not as yet been recognized by either. This is an important subject from the standpoint of the policy holders and they are quite numerous in this country.

Have you ever stopped to think that whereas the policy holders of the leading insurance companies of the United States number several hundred thousand, less than half a million, that seven hundred million passengers were carried in this country during the past year, and that every one so carried is a policy holder in this railroad question today. Also that one billion three hundred million tons of freight were carried by the transportation companies of this country during the past year, paid for by the producers and consumers of the country. They, together with the passengers, have contributed to the support of these companies two billion dollars during the past year. They are the policy holders who have a vital interest in this question. Heretofore they have not been considered, and we have a striking illustration of this in the position taken by the railroad managers in their attempt to prevent legislation, which subject has been so ably presented to you by your chairman. Their proposition is, provided a commission is given the power to fix a rate that the rate shall not go into effect until it has been finally determined by the courts, whereas the request of the President is for an immediate rate. They propose to give to the shippers of the country rebate certificates, and when eventually the rate has been sustained by the highest court, they can present the certificate and get the difference between the rate which has been fixed by the commission and the rate which they have paid. The proposition briefly is, why should the shippers receive the rebate? Is it not a clear and elementary proposition that when you ship the goods from the producer you deduct from the cost the freight, whatsoever it may be, and when it is shipped to the consumer he is charged in addition to the selling price, the freight.

It is the consumers and producers of the country who are paying the freight; they are paying the salaries, the operating expenses, the dividends, and they are paying the money which the gentlemen on the other side of the question are using to prevent desired legislation. What the shipper needs is the power to do business without discrimination or without rebates being granted to his competitors. This is all he asks.

With all due credit to the splendid work of this organization—and the people of the United States recognize it—let me say that possibly the position of the shipper has heretofore clouded the situation, and it may have delayed the benefits you would have gained if you had united all the parties in interest. What right have you got to disregard the seven hundred million passengers who have been riding during the past year? The majority of these passengers are paying today fifty per cent more than the minority for the same identical transportation.

The law says that railroads shall not ship one carload at a different rate from a thousand carloads, where the conditions are the same. They cannot make a wholesale rate on freight. Why should they do a wholesale passenger business and rebate 33 1-3 per cent of that which is paid by one passenger over another?

Permit me to say it seems to me you ought to unite in your prayer for relief a request to Congress on behalf of the passen-

gers and producers and consumers of the country. You should insist not only that there should be no discrimination in freight rates, but that when either freight or passenger rates are too high, they should be reduced. President Stickney has well said, and we cannot quote any higher authority, that rate-making is guesswork. You recollect what a bomb shell that was when it fell into the camp of the opposition about a month ago. The influence of the rate-maker today is unlimited. He can make and unmake communities. Where there are several roads in competition, by freight arrangements they make rates which may bring ten, twenty or thirty per cent upon the investment, as I believe I shall be able to show in the few minutes at my disposal. Why should they be permitted to charge such exorbitant rates of interest?

In the state of Illinois where we meet today, if you make a contract, unless it is otherwise specified, the rate of interest is five per cent. If you choose to contract as high as eight per cent the debtor can step into any justice court in Chicago and have it declared void so far as the interest is concerned. In many states they have gone so far as to impose a fine on usury. That is the case in my own state and in many others. In other states the creditor has no power to fix the rate of interest higher than five per cent. And this leads me to the next proposition.

The railroad rate-maker and not the government is the only agent today that fixes rates. This becomes material because present conditions are intolerable according to the highest authority which can be quoted. I wish to give you the testimony of Prof. Ripley of Harvard, who appeared before the Senate committee at Washington, wherein he says that all freight rates in the United States, within a period of five years, had been raised five per cent. This has occurred during a period of railroad consolidation when people naturally supposed that freight rates would go down; 75 to 80 per cent of that freight was carried at what is known and recognized by you gentlemen as low commodity rates. So that classification rates in this country within five years have been raised from 15 to 50 per cent by the railways of this country in order to make an enormous average of over 20 per cent increase on classifications and over 5 per cent on the total average of all freights.

Your distinguished chairman, who has fought these battles year in and year out in every state of the Union, before the Interstate Commerce Commission, and before Congress, has made equally important investigations. He testified before the Senate Committee in Washington that the increase in freight from 1900 to 1903, a period of three years, amounted to 10.9 per cent; that the increase in revenue within that three years, amounted to 25.6 per cent. The revenue increased two and a half times as fast as the freight during that period. From 1899 to 1903, a period of four years, he testified as a result of his examinations that the increased rate of net earnings per mile, of the railroads in this country amounted to 30 per cent. If you have not read the record, you ought to be familiar with these things, because he is fighting the battle for you.

Another proposition which shows the magnitude when



placed in dollars is that during those four years, allowing to the railroads of the country all fixed charges, reasonable dividends upon the stock, and counting permanent improvements as surplus funds, where it necessarily belongs, the railroads of this country, in those four years, accumulated a surplus of \$450,000,000 beyond a reasonable amount, or over \$100,000,000 a year. This is on the testimony of your chairman. Not a man there present would question it. It has never been questioned in Congress.

The statement has today been made here, although the figures were not given, and it is important as bearing on this question, that the Interstate Commerce Commission discovered in these same four years, allowing the rate of 1899, the freight rate, to have remained in force for four years, there would have been saved to the people of this country \$155,000,000. There is no one who will question but what the rate of 1899 was large enough to create enormous surplus earnings, and this is the report of the Interstate Commerce Commission.

Just one other illustration, and I am through on this point. Mr. Dean, who represented the fruit growers of the South before that same Senate Committee, made the startling report that from his investigation, allowing 5 per cent interest on every dollar in stock that had been issued on every railroad in the country—and that included one-half water, as any man knows who has studied the subject—allowing 5 per cent interesting earnings from the time that the stock had originally been issued, there had been accumulated by the railroads of the country two billion dollars in surplus earnings, over and above 5 per cent upon the stock.

Those railroad men who were down in Washington there seemed to think that that was a fair proposition. They could see nothing unreasonable in that argument. And these facts, gentlemen, are facts that should be taken home with you and discussed with your friends, because it seems to me they are of vital importance.

MR. SIGLER: Senator, may I make one correction there?

MR. FREAR: Certainly.

MR. SIGLER: At the period you speak of, the Interstate Commerce reports of 1899 and 1903 make it \$302,000,000 instead of \$150,000,000.

MR. FREAR: \$302,000,000 increase?

MR. SIGLER: Yes.

MR. FREAR: I stand corrected if the gentlemen is better informed than I. I accepted the statement as I understood it. When Mr. Bacon was being questioned before the Committee, Mr. Moseley, secretary of the commission, interrupted him and gave the illustration as I recollect it, as follows: If the rate of 1899 had been allowed to remain in effect for the succeeding four years there would have been saved to the people of this country \$155,000,000. I am corrected by the gentleman about that, but, in any event, these figures are so enormous that they are almost beyond comprehension when considered in their relation to the railroad traffic. I will say incidentally, Mr. Chairman, lest you feel I am consuming too much time, that your distinguished chairman (Mr. Bacon) urged me to come here and

speak from the standpoint of a resident of Wisconsin, and as affecting this question, I am going to tell you a few things about Wisconsin before I get through. However, I do not intend to prolong your punishment here unnecessarily.

CHAIRMAN HUGHES: Take all the time you want, Senator.

MR. FREAR: The question of how to remedy this surprising condition brings us to the subject of government regulation. Your chairman has so cogently put the rights of the government in the premises, that it seems unnecessary to say anything further as to the power of the government to regulate. But I wish to read what appeared in the paper this morning, the *Inter Ocean*, wherein Mr. Parry was interviewed. He says: "It is impossible for the government through a committee to fix a single railroad rate, without thereby establishing the right of the government to limit the return on capital invested in railroad property." "To establish the precedent that the government may set a return on any industry, whatever, is certainly a most radical and dangerous innovation of our government."

I presume that sentiment is common among the opposition. However, briefly stated, the government has the power to regulate all property for the public welfare as we know. That is a legal axiom; beyond that, the Supreme Court of the United States declared at an early day that the right to regulate freight and passenger rates was a power of government; the court has further said it is a power which cannot be given away except by words of positive grant, and beyond that the only limitation which has been placed upon this power is that no confiscatory rate shall be imposed.

In the Nebraska case, familiar to every lawyer who has studied this question, the Supreme Court of the United States declared that railroads were entitled to what? Reasonable earnings, and that only upon the actual property. And the court said in that case, as will be remembered, that they were not entitled to exact earnings upon watered stock.

It went a step further in the Michigan case and in the Texas or Regan case, and there the court decided, as you gentlemen may remember, that it would inquire into the salaries paid the officers and into all those things which go to make up wasteful operating expenses.

The railroads challenge the right of the government to regulate. What think you would the courts decide as to the right and necessity for regulation when it was shown that right here in Chicago, a railroad with headquarters in this city, paid thirteen millions of dollars for permanent improvements for ten years, charging it up to operating expenses, and yet had to declare frequent stock dividends in order to cover up its enormous earnings during the same period.

Within the past two years the Great Northern road has just issued the fourth installment of watered stock. This last installment was \$25,000,000, to its stockholders at par. The stock on the market was worth 325 per cent when issued, indicating earnings of approximately 25 to 30 per cent annually. That stock was worth \$75,000,000 on the market and was given to its stockholders at \$25,000,000, or in other words, a clear gift was made

to the stockholders of the Great Northern road of \$50,000,000, extracted from the policy holders, and turned into the pockets of the stockholders with one sweep of the pen.

You speak of the right of the government to establish reasonable rates for railroad transportation. Why condemn a situation in New York, where a little petty grafting of two or three millions of dollars occurs with insurance companies, when one road in this country gives fifty million dollars to its stockholders by this one act.

And right here in this nerve center of Chicago the Northwestern road, with its stock quoted at about 250 per cent on the market, indicating interest earnings of 25 per cent last year, according to the Wall Street Journal, and also according to other excellent authority—that road declared a stock dividend in June last of \$10,000,000 at par to its stockholders when the stock was worth \$20,000,000 on the market. Here again is a gift of \$10,000,000 to favored stockholders.

And the Milwaukee road and other roads which could be mentioned are constantly making these enormous gifts to their stockholders, notwithstanding the rule of law that only reasonable earnings, shall be charged. And this is the situation, gentlemen, which today confronts you, and a problem which is of vital importance to the railway policy holders of the country. Why does not Congress give you the remedy you have been asking? You have been knocking at the door for years. A thing that impressed me very much in this recent investigation of insurance matter was that \$50,000 has been given to campaign expenses last year, and that a large amount of money has been sent up to Albany for the purpose of opposition legislation, and bribing the New York legislature. Why, it even shocked the distinguished Senator Clark away down in Italy, and he wrote an article denouncing a legislature that could be bribed—that an attempt should be made to bribe it in that fashion. (Laughter.)

I hold here in my hands a paper published in the city of Chicago, a paper which has one of the best standings of any paper of the United States, that within two weeks made the statement that the railroads of this country had contributed a million and a half dollars annually to fight what you are working for. In the last campaign in Wisconsin they contributed over \$100,000, as was reported in that campaign.

How was that money spent? First by buying newspapers where they could be bought. Next, by seeking in every little community wherever it might be possible, to defeat members of the legislature who were elected for a certain purpose. And finally, getting down to the capital with what surplus was left to use as only railroads know how, and by methods which have been considered up to the present time, legitimate.

Now comes an illustration. There were 300 shippers in the session of 1903, who were brought there by the railroads of the State to help defeat the legislation. We were after a State railroad commission. They had been there for two or three years opposing what we wanted. They came down and surrounded the railroad attorneys and the lobbyists, and applauded every act. Not only that, but in 1903, they went into

the Senate chamber under the lead of Mr. E. L. Phillip, the celebrated Washington lobbyist, and there passed a resolution denouncing the Governor of Wisconsin because he had predicted they would come and because he had declared they were receiving rebates from the roads, and that influence had brought them to Madison.

Your distinguished chairman, Mr. Bacon, was the only gentleman practically who appeared in behalf of the people. In 1905, within the past six months, the same question was up in that legislature, and not a single one of those 300 jobbers were there, not one. Mr. Bacon was there to help in the victory. Why were they not there? And this is important. The railroad commissioner of the State of Wisconsin in 1903 had been authorized to make an investigation of the railroad companies wherever transportation was issued in the State of Wisconsin, and he came to Chicago, St. Paul and elsewhere to ascertain what rebates had been given by the railroads and why they had failed for that reason to account for the full amount of earnings on which the state of Wisconsin was entitled to a gross earning, at that time.

In making that investigation he found and so reported, that over five million dollars had been paid in rebates within the preceding five years and that many of those 300 jobbers who had been there for all those different sessions had been receiving those rebates. This is taken from the report of his investigation, and you could not have pulled those shippers down there to the 1905 session with a logging chain, and the first time they have ever dared to show up, as I understand, is today. And they are not here. (Laughter and applause.)

The gentlemen who are conducting this contest on the other side profess to fear that there will be danger if the government takes control of rates and regulates them. They have made the declaration that there are politicians here, and they have apparently forgotten for the moment that the railroads have been in politics for forty years and they are at the bottom of all this trouble. (Applause.)

It is apparent to all that there is no fear of rate regulation in the United States. You could not injure a railroad in this country if you wanted to, and no one wants to. The Supreme Court has declared that unless they are operated in a wasteful manner, they are entitled to reasonable rates, and the court will immediately step in and enjoin the enforcement of unreasonable and confiscatory rates, and that has been the experience wherever it has been tried. The President of the United States has been making this fight, and this organization has helped him, for many years. Your chairman, sick at home today, and his collaborators in this body, all are entitled to the respect and gratitude of the people. You have been making a great fight, but if you would be of service today, you must see to it, that you control those influences which today are controlling you through the influence which they exercise at Washington, and see to it today that you accept no half-hearted measures, if you can help it, and demand the Government's right to control and demand a commission with the right to fix rates. A million and a half dollars have been invested by the railroad companies

a year, and it is being used for a purpose, and they claim today that no vital bill can be passed through Congress. Why, if that were said to a lawyer about a jury, he would say that the jury is fixed.

But I do not believe they are right in saying that. I do not believe it is possible, and I want to say to you gentlemen, I want to tell you of the magnificent victory which we won in Wisconsin. We are going to bring to you and give to you a Senator from there who is right on everything that concerns this question and will stand side by side with President Roosevelt (applause). He is announcing the doctrine all over the country today, as you know. He will give you a fair hearing if he can do it. He will give you everything you are entitled to so far as he is able to do so. For years he has been weighed in Wisconsin and never yet found wanting, and never will be (applause).

While speaking on this subject I am reminded of my distinguished friend, to whom I am under personal obligations, Gov. Van Sant. He has brought his influence to bear, by his voice and by his work, and I want to say to you that single-handed he struck down the great merger in the Northwest and is deserving of the thanks of the American people. (Applause.) He stated in his discussion this morning that he believed we would have the entire delegation from that State, and I trust we will have it, notwithstanding that it is known as the home of the Jim Hill railroad machine organizations. And from this place, the home of President Lincoln and of Douglass, and forty years afterwards the home of a Lorimer machine, what have we to hope for? We have had good tidings as to what we may expect from here. But there is one thing I want to say—and I digress for a moment. Your distinguished chairman, I believe, is acknowledged to be one of the best informed men on the subject of railway rates in the United States. He is a man I have frequently heard before committees, and I have never yet heard him speak disrespectfully or discourteously of an opponent on any occasion. You gentlemen were present at St. Louis last year. I was not; but that grand old man, whose gray hairs entitle him to a dignity which he has borne for years, at the last session of Congress, before the house committee, was brow-beaten, insulted and humiliated, and through him your organization was insulted by a man who came as a misrepresentative from this city.

A VOICE: From the second district. Name him.

SENATOR FREAR: No, I will not, but in the words of Portia, when she was speaking of the French lord, she said, "God made him; let him stand for a man." (Laughter.)

I would say a word further in regard to Ohio—and I want to speak to you because these are practical questions which you have to face. The distinguished senior Senator from that State declared himself in a speech within the last few days, and I will read several lines from Senator Foraker's speech in the State of Ohio upon this railway rate question.

"A better way may be found of making these rates than we have now in effect, but I do not believe it will be best for Congress to provide it. To take control of the rate making power

is to take charge of the revenues of the roads. If the government is to determine how much money it shall be allowed to make, it must determine what expenditures shall be permitted. None of that can be done by the government as well as it is now being done by the companies themselves."

That is his response to the President's request. He ignores the work of every state commission; he ignores the work of the Interstate Commerce Commission in the past; he ignores the work that has been done in Canada and in Great Britain, and, further than that, he ignores the decision of the United States Supreme Court, and, if you will permit me, I will read from the decision of Judge Brewer in which he speaks of that very proposition which Mr. Foraker laid down. The court said in the 143d U. S. report:

"Of what do these operating expenses consist? Are they made up partially of extravagant salaries of fifty and a hundred thousand dollars to the President, and in like proportion to subordinate officers? Surely before the courts are called upon to judge of the rate, it should be fully advised as to what is done with the receipts and earnings of the company, and, if it is so advised, it might clearly appear that a prudent and honest management would secure a reasonable dividend. While the protection of vested rights of property is a paramount duty, it has not come to this, that the legislative power rests subservient to the discretion of any railroad corporation on which they may, by exorbitant and unreasonable salaries and other expenditures transfer those earnings into what it is pleased to call operating expenses."

That is not populist doctrine, my friends. If so, it has been uttered by the United States Supreme Court, founded upon the Constitution.

Iowa and Indiana and all the other Great Western States, nearly every one of which has a railway political machine—what of them? I believe that it is the sentiment of this body, that you are going to meet with fair hearings before the committee, and I believe that the Senate will give you that which belongs to you—good and fair railway legislation. You may not get all that you want, but make your demands in tones that will reach the ears of the men who today occupy seats in the United States Senate, who in the past have been receiving twenty-thousand-dollar retainers from insurance companies, and who are reported to receive retainers from the railroad companies as large as the salary of the president himself. Make your demands so loud as to reach the political machine, and let the men know that only by square dealing will they have a chance for re-election. You have not a million and a half dollars to spend, but you have eighty millions of people to whom you can appeal today. According to these reports which have been given us, these people are contributing over one hundred million dollars annually to the railways above reasonable rates. Once awakened them, and all the millions of the railway companies will go for naught.

On this day, gentlemen, the President of the United States is traveling over this country, with his speeches, and writing his messages, seeking to electrify the people so that they

will know the true situation. You, gentlemen, who have held up his hands again, for his victory is ours and ours is the people's. (Applause.)

CHAIRMAN HUGHES: The chair is informed that one of your committees desires to report. It is the last committee appointed. Are you ready for the report?

A VOICE: Give us the report.

MR. BUELL (Chicago): You understand that Mr. Cowan was the chairman of this committee, but he had to go elsewhere, and he imposed upon me the making of this report. We met the gentlemen consisting of five members from another convention. They made the proposition to us, that they had been accredited to come and say to us that they were the convention, and that they asked us to come and join hands with them. (Laughter.) Our chairman, Mr. Cowan, said to them that our instructions were to simply receive from them in writing any proposition that they wanted to submit to this body. They had in writing a resolution, I would infer, which, by the instructions of our chairman, I will read, as follows:

*"Be it further resolved*, that inasmuch as there is an overwhelming majority of the duly accredited delegates here present, we declare this to be the duly called convention.

*"Be it further resolved*, That a committee of five be appointed by the chair to so notify the minority delegates now in session in Steinway Hall and invite them to be present."

Your committee simply have discharged the duty imposed on it, and makes this report without recommendation.

MR. KERN (of Indiana): I ask the unanimous consent for the passage of this communication.

*Resolved*. That the so-called convention assembled in Studebaker Hall for the purpose of aiding the railroad companies to defeat the efforts of President Roosevelt in behalf of the people, has assembled without authority of this association, but fairly represents the corporate forces under the direction of which it is in session.

*Second*. That its statement to the effect that any duly accredited delegates to this convention are in attendance upon the Studebaker Hall railroad convention, is absurd and false. The delegates to this convention are here in session, enthusiastic in their support of President Roosevelt's declared policy, and do not propose to make any alliance or compromise with the enemies of the people.

I move the adoption of the resolution.

CHAIRMAN HUGHES: Under the rule adopted for resolutions, this resolution must go to the committee on resolutions.

MR. SHUTTLEWORTH (Indiana): I move the suspension of the rules and the adoption of these resolutions.

The motion was duly seconded by Gov. Van Sont.

CHAIRMAN HUGHES: You have heard the motion. All in favor of the motion signify it by saying aye; contrary, no. The motion is carried.

The chair requests that all who have resolutions present them in writing, and they will be referred to the committee on resolutions without discussion with the exception of this last resolution.

R. H. WEST: How about the resolutions?

CHAIRMAN HUGHES: They were carried.

MR. WEST: The motion which was carried was to suspend the rules.

CHAIRMAN HUGHES: The motion is made to suspend the rules and adopt the resolutions. All in favor of the motion will signify it by saying aye; contrary, no. The motion is carried.

W. B. STILWELL: No.

MR. COWAN (Texas): I want to request the chair to announce to the delegates that the resolutions committee will undertake to pass on any resolutions tonight, and they will probably have some important resolutions to report by 10:30 tomorrow morning, and to request that the chair urge upon the members to be present at 10:30, in order that they will pass upon the material matters that will come before this convention, as expressive of its judgment, and its sentiment on the points for which we are called here.

Having made that request, I desire now to call the chair's attention to the fact that the report of the committee on permanent organization recommends the appointment of a finance committee for the purpose of providing ways and means and money.

MR. HIGBIE: Mr. Chairman, your temporary chairman was directed to send a telegram of sympathy and condolence to Mr. Bacon of Milwaukee. I sent such a telegram, and I received his reply, which I will read, as follows:

"R. W. Higbie, Temporary Chairman, Interstate Law Convention, Steinway Hall, Chicago: Your greetings and expressions of confidence are greatly appreciated. My inability to be present is a hard trial. I have full confidence in the energy and determination of the convention, to support President Roosevelt in his wise policy on rate legislation.

(Signed) "E. P. BACON."

CHAIRMAN HUGHES: The Chair is requested to announce that the committee on resolutions will meet at the Auditorium at 7:30 to-night.

MR. FARLEY (Texas): I move that the convention stand adjourned to 9:30 o'clock tomorrow morning.

Motion seconded and carried.

#### MORNING SESSION.

October 27th, 1905.

The meeting was called to order shortly after 10 o'clock a. m.

CHAIRMAN HUGHES: Mr. McKenzie, come up to the platform, we want to hear you. Gentlemen, Mr. McKenzie is a member of the executive committee and was unavoidably absent yesterday. He is the best worker we have in the whole West. He has this honest, direct Scotch way of saying and doing things. Mr. McKenzie, the gentlemen want to hear from you. Please come up on the platform.

Mr. McKenzie accepted the invitation to the platform, and spoke as follows:

MR. McKENZIE: Mr. Chairman, you flatter me. Gentlemen, I can only say that I am proud to be with you. I was not asked



this morning to subscribe to the requirements for coming in here, and it was not necessary to ask me to subscribe to anything of the kind, when I meet a lot of people who are in favor of such a measure as this. You all know how I stand. The only thing that I regret is that I was not with you so I could help in making the other fellows go faster than they did. If my foot could be used in any way to help them on their way, they certainly would get the use of it. Now, gentlemen, we are in a great fight. Yesterday's proceedings will give you an idea of what we have to stand up against. We have the money powers of the East and the money powers of Wall Street against us, and it is for you gentlemen to stand up and make one of the most gallant fights ever made in this country. I do not think I have to ask you to do this, because I see before me gentlemen who have been with me and my friend, the chairman, in this fight.

Now your opportunity is here, and all we have to do is to take advantage of it. Let us not go home and say that all the work is done. It is only commencing.

I had a letter from a friend a short time ago who had received a letter from a railroad official. This railroad man seemed to be very much hurt at some of the allusions that were made to the Interstate Commerce Commission. I wrote to this man and told him that I presumed that if the railroad officials were as sensitive as that to what we had done in the past, that they would have very good reason to be sensitive as to what we were going to do in the future.

Now, gentlemen, all we want is the support of the country, and we will have it if we can only make the country fully aware in earnest of what we have undertaken and what we have behind us and in front of us. We want something for the whole country, not for one individual only, not for one industry alone, but for the whole people at large. That is what we are after, that is the kind of a bill we want. We don't want a bill to benefit one single community, we don't want a bill to benefit one single industry; we don't want a bill that will help New England, or a bill that will help manufacturers; we want a bill that will protect the producer and consumer of this country. He is the man we are here to support, not the people who have more money than they know what to do with. They are the ones that are fighting us with our own money.

I ask you, gentlemen, I ask every man here, every delegate to this convention, to go home and try to get as many converts to our cause as he can. The only thing you have to do is to explain our position. You don't have to put your hands in your pockets to pay fares here to Chicago to fight us; all he has to do is to explain to the producer and the consumer that we are here to support them, that we are here to get a square deal for them. Whenever you show them that the entire country will sweep around in favor of our grand President, and we shall get a bill when Congress meets that will bring all this about.

I thank you for listening to me.

MR. CAMPBELL (of Ohio): I rise to a personal explanation this morning. The Chicago press has generally treated this convention very fairly in their reports, for which this convention is thankful. They want nothing but a fair report.

A VOICE: Louder.

MR. CAMPBELL: I say, we are indebted to the Chicago press generally for a favorable report, a fair report of the proceedings of this convention. But the Chicago Post of last night in an article which is inspired from railroad sources evidently throughout, has branded Col. John W. Kern of Indiana, and your humble, servant, Mr. Campbell of Ohio—not ex-Governor Campbell, as some of the papers here have reported. I beg the pardon of ex-Governor Campbell, but I do not want to be put in the position of being here as a Democratic representative from the State of Ohio. I am a Republican, and my name is Campbell, and I was lieutenant-governor of the State of Iowa for several terms, and they have got us a little bit mixed along that line. I want to get started right in this fight, gentlemen, because I have been in this fight since 1870, and I would be in it until 1970, if I could live that long (applause), and I do not want to be written down by a newspaper man and started here as a Socialist and branded as a Socialist in this convention; when I stood upon this platform yesterday and said to the mayor of this city that I was not in sympathy with him on his Socialistic ideas of government ownership.

The Chicago Post of yesterday said: "Among those who spoke and insinuated that all those in the other meeting were being paid by the railroads were John W. Kern of Indiana, and Deputy Campbell, formerly railroad commissioner of Iowa. Each was earnest in describing the need of rate legislation, and Mr. Campbell asserted that Socialism would control the next election if rates were not placed in the hands of a new Interstate Commerce Commission."

Mr. Campbell did not say anything of that kind. Mr. Campbell has no sympathy with Socialism. Mr. Campbell wears a button that is testimony enough of him to the people of this country (applause), that he is not in sympathy with Socialism or Anarchism. You have got two kinds of Anarchists in this country, gentlemen, among those who are in high places, they are no better than those who were down in the gutters, when it comes to a disobedience and setting in defiance the law.

I say this, and I want to be understood as being against these discriminating practices and in favor of rate legislation and the position of the President, and I am going ahead to take up that fight for the future. I have been in correspondence with Mr. Bacon for years on this question, and I realize the magnitude of the fight that we have on our hands. I do not want to be written down as a Socialist for the purpose of destroying my influence, and I want the press to state where I stand on this question.

I am for the President and the position he occupies in favor of reasonable legislation, such as was recognized as the law of the land for twelve years incontrovertibly until the court set it aside. We want to get right back to that place where we were. That is where I stand, gentlemen. I have no sympathy with Socialism; but I do say—and I said it then, that if the kind of rate regulation that we are advocating here is Socialism, we are all Socialists. That is not Socialism. We have been branded by the railroads along that line, and there is where that remark

came from. I have no sympathy with Socialism, and I want to be set right on that question. (Applause.)

CHAIRMAN HUGHES: Gentlemen, the report of the order of business presented yesterday made it the duty of the chair to appoint a finance committee. The chair makes the following appointment of a finance committee:

R. S. Lyons, of Chicago.  
 Judge Mason, of Virginia.  
 Col. J. T. McHugh, of Ohio.  
 Murdo McKenzie, of Colorado.  
 F. Q. Story, of California.

Gentlemen, I am informed that the resolutions committee will very soon be ready to report. That is one of the first things we want to get before the convention this morning. That report is due here at 10:30. I am advised that it will be here now in five or ten minutes—in the meantime—

MR. KINDEL (of Chicago): If you have five minutes to spare could I relate some of the experiences with Colodaro freight rates during that time?

CHAIRMAN HUGHES: What is the name?

MR. KINDEL: George K. Kindler of Denver.

CHAIRMAN HUGHES: Mr. Kindler, we would be pleased to hear from you.

MR. KINDEL (of Denver): Mr. Chairman and gentlemen of the convention, I presume as a layman I have had more experience with the Interstate Commerce Commission, both in Washington and in Denver, my home, than any one citizen. I hold in my hand a brief of the last case, that of cotton piece goods. The facts in this briefly stated are as follows: The cotton piece goods are shipped by freight from the Atlantic coast to the Pacific coast at 90 cents a hundred in car lots. This is simply cotton piece goods which enters into my business, and I have to pay \$2.24 a hundred to drop it off at Denver. In McClure's Magazine of this month is an article in which a reference is made to a merchant in Denver, which I am, and I gave the facts to them, and that article conservatively stated that Denver is a thousand miles shorter haul. The fact is, we are 1500 miles shorter haul. They also stated that the other rate is one dollar; it is 90 cents. They mentioned classification. The things that we want to do here, among them is, we want to get a universal classification. The classification in the eastern portion is 15 per cent less than the southern. Chicago pays from here to Omaha 20 mills per ton per mile, and from Denver to Omaha it is 50 mills per ton per mile, and from Denver to Cheyenne it is 110 mills. I never was a contender of low rates. I am on record as saying that the rates are generously low from the Atlantic to the Pacific; that if they would raise them 50 per cent they would still be plenty low. I said that, and they took the hint, and the rates have advanced 50 per cent, and nobody has made any kick. We are not to preach for low rates, or the confiscation of railroads, but we are in favor of fair play.

Somebody, I notice, made a remark in the paper yesterday that if the rates of President Roosevelt or his suggestions were enforced in the New England States, that those States would be fit for nothing but educational institutes and seaside resorts. I

know that if the present conditions prevail that Colorado will continue to be simply a one lung hospital and a globe trotter station. (Laughter and applause.)

I am surprised at the Kansas City delegation that attended the other meeting. Kansas City does not know evidently that they are not in it when it comes to shipping to the Orient or to South Australia. When a week ago I had occasion—a week or ten days ago—to ship from Colorado to Sydney, Australia, they charged us \$3.50 a hundred. In order to get the low rate we were compelled to ship back to Chicago and Chicago through Denver to the coast and on to Sydney in order to get the \$1.75 rate.

I see that our chairman has offered to debate the question with any of the men on the other side. I will be glad to second him with such figures that I have, and I know that we can knock them out. If Kansas City wanted to ship to Sydney, Australia, they would have to pay \$2.50 to the Pacific coast, and 60 cents by ship, which would make it \$3.10, and they would do better to ship it back to Chicago in order to get the low rate. Is there any sense or logic in such a rate?

They told us at the commission, Mr. Biddle, of the Santa Fe, now of the Rock Island, he was asked what it is that constitutes a reasonable rate. He said a reasonable rate is a rate for a reason. (Laughter and applause.)

Mr. Monroe is on record as having answered that question that rates are made by instinct. The judge wanted to know how he would decide, and what his line of thought would be if he could go by instinct.

Gentlemen, I would recommend that you read McClure's this month. That article is very conservative. Talk about the short haul within the long haul; that is a fundamental principle of the interstate commerce law.

In our State of Colorado, where Mr. McKenzie comes from, if he wanted to ship to Cheyenne, he would have to pay more than he would if he were to ship from Omaha. These are the kind of things we are encountering.

The raw materials in many cases are much higher than the manufactured goods. When the Brown Palace Hotel was supplied with hair goods, they were supplied from the East, and it was at a disadvantage of \$370, which I had to pay, more than the Eastern people. Of course, I was not in it.

That is one of the many examples. They say that we should not ask for more power. Thirteen months have elapsed since the hearing on the cotton goods case, and we have not got a verdict or a ruling by the commission. I want to see that commission act and given power to see whether or not \$2.24 is right. It has not acted as yet, and it has not that power. I want to see if it would not be fair to drop it off at Denver. That is the point.

Mr. N. B. Kelly (Secretary of Trades League of Philadelphia): Are not cotton piece goods manufactured in Denver?

MR. KINDEL: They used to be.

MR. KELLY: Are they not manufactured there now?

MR. KINDEL: No, they are not.

MR. KELLY: Do you know why the railroad rate from New

York to California are as low as they are from Chicago to on transportation.

MR. KINDEL: What is that? I did not understand you. Repeat the question.

MR. KELLY: Do you know why the railroad rates from New York to California are as low as they are from Chicago to California?

MR. KINDEL: They do not make a rate—oh, yes, they do, to California.

MR. KELLY: Do you know why they do?

MR. KINDEL: Because of the water competition, they say, and other things.

I would say right now that I have had Mr. Smur on the stand. He is one of the greatest railroad rate men there is, and he made the statement that if it was raised one and a half per cent per mile it would not be extortionate. I made him an expert witness.

MR. HORTON: I would ask the Chair to request the gentleman who asked the question what official connection he has with the other convention, and also state by what means he got in the convention here.

A VOICE: Oh, he is all right.

MR. KINDEL: I want to say that we have no evidence there from Mr. Smur, and Mr. Smur having established that a fair and reasonable rate, what it is, I put him on as an expert to establish what a reasonable rate would be on Colorado and Utah traffic.

MR. FARLEY (Texas): Mr. Chairman, isn't the committee on resolutions ready to report?

A VOICE: Let him go on.

MR. KINDEL: I asked him if a hundred per cent higher would be a reasonable rate. He evaded the question. I asked him as an expert whether 200 per cent would be a fair and reasonable rate. He made no answer. I then asked him if 300 per cent would be a fair and reasonable rate, and I ran him up like an auctioneer to a thousand per cent. He looked like a man hunting a hole to crawl into. We are not paying 1,000 per cent greater, but we are paying 2,000 per cent greater.

Now, I am no lawyer, but I am a layman. I just want to read from something which the school boys have. I just want to read a part of the constitution of the United States:

"We, the people of the United States, in order to form a more perfect Union, to establish and insure domestic tranquility, to provide for the common defense, promote the general welfare"—

General welfare, commercial as well as otherwise.

"—to secure the blessings of liberty to ourselves and posterity, to ordain and establish this constitution of the United States."

That is the constitution of the United States. I wish to add that Chief Justice Jay is on record as having said that that embraced all the powers that were necessary to make the people happy. They say that it is unconstitutional for us to make the rates and to give the powers to the Interstate Commerce Commission.

I have here the opinion of an eminent constitutional lawyer, Mr.

H. B. Riley of Denver, and I will not take up the time to read it.

CHAIRMAN HUGHES: The committee on resolutions is ready to report.

A DELEGATE: There is a gentleman here from Kansas looking for the members of his delegation. He says he can only find those who quit the regular convention on the adoption of the resolution in favor of President Roosevelt's policy. He would like to find his colleagues. He says he has only been able to find those who went to the other convention.

MR. CALL: On behalf of the Committee on Resolutions, I desire to state that we shall not require more than 20 minutes in speaking to these resolutions. The subject under discussion has been before the country for 20 years. One of our criticisms of the Senate of the United States is on account of their deliberateness. During the present recess of Congress they are taking further testimony on what we claim is shown by the history of our country. I desire to say that I am in favor of the resolution.

MR. CHAIRMAN: Gentlemen, you have heard the question, that all informal discussion on resolutions be confined to five minutes and addresses upon invitations to 20 minutes.

The motion was then put and carried.

MR. CALL: Mr. Chairman and Gentlemen of the Convention: On behalf of the Committee on Resolutions I have the honor to submit the following report:

The Committee on Resolutions of the Interstate Commerce Law Convention held at Chicago October 26th, 1905, has the honor to report as follows:

*Resolved*, 1st. We, the delegates assembled in convention at Chicago under a call issued to these commercial, producing and manufacturing organizations that sustain the President of the United States in his publicly expressed views as to the Interstate Commerce Law amendment, congratulate the country that Theodore Roosevelt, as President of the United States, has shown his wisdom and patriotism in presenting to Congress constitutional, effective and just measures for the regulation of Interstate Commerce that shall provide for the people a national tribunal with power to substitute a reasonable and just rate of classification for one proven to be unreasonable and unjust, and yet, that shall preserve for the railroad just and reasonable control over their property and revenue.

We also commend the House of Representatives for having shown a spirit of earnest co-operation with the President in his efforts to thus remedy transportation needs.

2nd. We specifically agreed with the President that the only constitutional and effective methods for the supervision of rates, classifications and practices is by amending the Interstate Commerce Act so as to provide that: "The Interstate Commerce Commission should be vested with the power where a given rate has been challenged and after a full hearing found to be unreasonable to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the Court of Review."

3rd. The amendment of the Interstate Commerce Act should

be sufficiently broad to cover all Interstate transportation services, including all charges, regulations and exactions in connection therewith, whether provided by railroads themselves or through arrangements with others.

Duly signed.

MR. CALL: Gentlemen of the convention, I read in the constitution of the United States that the supreme and absolute power to control interstate transportation has been vested in the Congress of the United States. I read in the decisions of our Supreme Court running through a period of half a century that the regulation of Congress includes as one of its chief factors and functions the control of rates for transportation. I read in the reports of bureaus and departments of this Government, in the testimony filed and taken before committees of the Senate and of the House, that the actual control of interstate commerce is not in the hands of Congress today; that is, not in the hands of any bureau, department or officer of the United States; that two-thirds of the mileage of the railways of the United States is in the immediate control of less than half a dozen corporations, and that the whole of it is in their indirect control; that these half dozen corporations are manipulated and controlled by less than a dozen men; that these less than twelve men today control the vast power to regulate the commerce of the United States which was conferred upon Congress by the makers of the Constitution, a political power, a governmental power that never was intended to be vested in individuals or private corporations.

What we demand is that that power to regulate commerce, that political power, shall be resumed by the Government of the United States and restored to the Government for the protection of its people. (Applause.)

It is a remarkable coincidence that these dozen men who manipulate and control the commerce of the United States have names which are familiar in other organizations. These same names we read in connection with the infamy perpetrated through the life insurance companies of this country. Those same names appear in the directory and among the officers of the great trusts of this country. That is not a coincidence, gentlemen, but it is a fact that the same persons control all those instrumentalities, and they all have been built up through the same methods of manipulation.

These gentlemen are not to be disparaged by me. I am not here for saying aught against them in their personal characteristics or traits. They are industrious men, and they are said to be good men. Part of the time they have at their command they spend in Sunday School praying to God to make them good, a part of the time they spend in playing golf, and part of the time they spend in establishing libraries and other institutions where their names shall be engraved in enduring granite and handed down the centuries. But the greater part of the time of these gentlemen, I undertake to say, is spent in devising new ways and methods for increasing the cost of the necessities of life in the United States, to increase the cost of food, of clothing, of transportation, and thereby food products, and to make it dearer for the vast population of poverty stricken people in the cities of this country to make out an existence.

No man can say what has been the increase in the death rate of the cities of the United States by reason of the increase in the cost of fuel, of clothing, of food, and of necessaries which has been brought about by the manipulation of these trusts and organizations which owe their existence solely to the manipulation of railroad rates.

Gentlemen of the convention, the first great act intended to govern interstate commerce was passed by Congress in 1887. It was amended in the two years following, and that act as thus amended provided among its essential features that all rates for transportation should be just and reasonable. The Interstate Commerce Commission, composed of five men, was created to administer that act, and the commission was specifically empowered to enforce all of the provisions of that act.

The commission supposed and the country supposed that the power to enforce all the provisions of that act included the power to prevent unreasonable and excessive charges prohibited by that act, and they acted upon that theory for more than nine years. Hundreds of cases decided by them in which they controlled rates have been certified and filed with the select committee on interstate commerce as illustrating the power which the commission assumed and exercised for more than nine years without question from any part of the country.

In March, 1896, the Cincinnati railway case came before the Supreme Court of the United States, involving directly or indirectly the question of the power of the commission to fix rates, and there for the first time in March, 1896, the Supreme Court of the United States said that they did not find in the interstate commerce act any provision empowering the Interstate Commerce Commission, directly or indirectly, to fix a rate for transportation.

At the next session of the Supreme Court another case came before the commission involving the power of the commission to prescribe a maximum rate where the existing rate was found to be unreasonable, and the court there assumed that it had already decided in March, 1896, in the 162 U. S. reports, that the commission had no such authority or power.

I much prefer to read the dissenting opinion of Judge Harlan in that case, as showing the sound law governing that subject, and the proper construction of the laws than the opinion of the majority of that court. I am not here to say that any decision of the Supreme Court of the United States once rendered, whether by a divided or by a whole court, is not the law of the land. It is the law, whatever that decision may be, and I am not here to dispute it. (Applause.)

But a decision of the Supreme Court of the United States performs two offices. It is a decision upon the right of the parties involved in that particular case, and it is authority in other litigations only so far as it is well founded in law and reason; and I prefer as a precedent and as an authority the dissenting opinion of Justice Harlan to that of a majority of the court.

But be that as it may, the court has declared that the commission does not have the power to prescribe maximum rates, although the court said in those very cases that if Congress had conferred that power upon the Interstate Commerce Commission,



that it would have been a constitutional exercise of power by Congress. (Applause.)

The court cited numerous decisions, one of that court and of other courts, showing that it had been well established and thoroughly sustained as constitutional law that the power to supervise railway rates and determine in particular cases maximum rates, was a lawful exercise of power which could be delegated to a commission or administrative body. The court claimed and decided solely that Congress had not specifically given that power to the Interstate Commerce Commission.

What we now ask is that that power be restored to the Interstate Commerce Commission which the whole country supposed for nearly ten years that they possessed, and which they actually exercised for the greatest benefit of the entire country and without question from the railway interests.

A most remarkable, in my opinion, result followed from that decision of the Supreme Court. I think that no decision since the Dred Scott case has had greater influence upon the affairs of this country than that decision of the Supreme Court which I have just referred to. There had long been and still is a cardinal principle in the interpretation of laws, and the construction of statutes, that corporate powers, powers claimed by corporations against the sovereignty, against the state, and against a nation were to be strictly construed, and in case of ambiguity or doubt, that all such power should be withheld, and the construction should be favorable to the nation or to the state.

Now, consider for a moment what the question was before the Supreme Court in those cases. The Interstate Commerce Commission, a great administrative body of the United States, claimed the power to control railway rates, and to deny them that power operated immediately and by indirection to confer that power upon the railways, a power which was not given by the Interstate commerce act.

You will read the interstate commerce act in vain to find any provision in that act specifically empowering the railway companies to fix and determine a tariff of railway rates. Yet the effect of the decision was to take this power away from the one or to confer it upon the other, and thereby the court by indirection conferred that power upon the railways where it has since been vested and has ever since been exercised.

I am not criticising the court for the effect of that decision, because it was a necessary result of what they decided as a matter of law, and Congress has had ten years in which to correct the wrong and to remedy the evil, but has not done so.

In the year of 1896 the railways of the country were not in a fairly unprosperous condition. In the following fiscal year ending June 30, 1897, the net income of all the railways of the United States averaged per mile of road \$3,700. The net income per mile was \$2,700. In the seven years succeeding the decision of the Supreme Court denying governmental supervision over rates, the net income of the railways of the United States had increased on an average to \$4,137 per mile. (Applause.) That was the immediate effect of denying a public control over interstate commerce to the Interstate Commerce Commission. It enabled them to bind and to fix any rates they wanted to fix.

I would like to impress upon you gentlemen of the convention that there does not exist in the United States today any power in the law to restrict a railway rate. There is an erroneous impression that the Interstate Commerce Commission may by some indirect method reduce railway rates. I want to state to you that there is no such power in the law. No difference what a railroad rate may be, it cannot be reduced by the Interstate Commerce Commission. It cannot be reduced by the commission and by the courts together, nor can it be reduced by any authority in the United States Government. That power is absolutely vested in the railways today, and the only recourse which the people of this country have is to recover excessive overcharges.

The fifth amendment of the constitution of the United States, which provides that no person shall be deprived of life, liberty or property without due process of law or without compensation, applies to the Government of the United States and to all its instrumentalities, including railways exercising franchises and powers under the United States.

The provision of the fifth amendment was taken bodily from the great charter of King John, and it has been in existence in this country for three quarters of a century before the 14th amendment was ever passed. The 15th amendment to the constitution of the United States applied to the states, and it prohibited the states from denying to any person life, liberty or property without due process of law.

I rely upon the fifth amendment to the constitution of the United States for the protection of my clients from excessive overcharges by railway companies. I know that they have no other remedy and no other right under the laws today but that contained in the charter of liberties of the English people.

It has been the favor in past times of the railways in this country for twenty years to go before the courts of the United States under the 14th amendment, and to say that the state through their boards of commissioners have deprived the railways of their property without due process of law, because through those commissioners rates have been fixed that did not yield the railways a profit upon the investment; and the courts have uniformly held that where rates have been fixed too low to give a return upon railway property, that such a rate is a denial of property without due process of law, in violation of the 14th amendment.

But how about the 5th amendment to the constitution of the United States operating upon this? It is under the provisions of the constitution that the people of this country will obtain their sole protection unless and until they can secure through Congress a law which resumes to the United States the regulation of commerce. (Applause.)

**CHAIRMAN HUGHES:** Gentlemen of the convention, the committee on finance is requested to meet at once in one of the rooms in front, as they probably will have work to do immediately before the convention adjourns. The committee are requested to hold their meeting at once.

**MR. VAN SANT:** Mr. Chairman, I desire to second the motion for the adoption of the resolutions just read.

We have come to the parting of the ways. We stand here for

a principle deep-rooted and firmly settled in the hearts of the American people. There must be a separation of the sheep and the goats. We claim to be the sheep. The goats have held a convention in another hall. What is the main object of the goat in life? It is to buck, and they are bucking the President of the United States and the American people. (Applause.)

These resolutions are terms and to the point. They are our platform and we stand upon it and proclaim it to the world. We will fight it out on this line, and I am glad they are so short and so brief.

I see another good evidence in this meeting. I come from the North Star State and I am glad to meet the men from the Lone Star State of Texas. Minnesota and Texas can shake hands on this proposition, and it means something when an old Confederate soldier and a life-long democrat can stand upon this platform and say that he stands with the President of the United States for rate regulation. It means something when men come here from Florida and Georgia and other states in the South and join with us. It means to me a Union, a new proposition, a new platform wide enough for every man in America, north or south, to stand upon. (Applause.)

Let us go from this meeting resolved that we will not only resolve, but that we will earnestly labor for what we believe in.

This is a fighting age, the greatest age and the greatest era the world has ever known, and if you want a thing you must not only ask for it, but you must fight for it and fight hard until you get it. We know what we want, and we are here for that purpose. Do not be deceived and think that this will be an easy fight. It will not.

No less a person than a traffic manager told me last night that it was their purpose to organize every voting precinct in this country as business men to oppose this wild scheme of ours to give to a certain commission selected by Congress the right to change a rate when it is unreasonable. We are ready for the fight. Let us buckle on our armor and enter the contest like men, and not be deceived, because the odds are great. Remember this, gentlemen, that the greatest victory comes after the hardest fighting; that everything we have won in America has been against hard conditions. It makes men, and let us be men. (Applause.)

MR. DOUGHERTY (Texas): I wish to offer an amendment to the resolution that we insert before the word "rate" "maximum rate." (Cries of "No.") Gentlemen, when we take into consideration the question of the thirteen billions of dollars that are to be effected by—

CHAIRMAN HUGHES: Mr. Dougherty is out of order. There is no motion before the house. The chair heard no motion to adopt the report of the committee on resolutions. We had a second, but was there a motion to adopt it?

MR. DOUGHERTY: Governor Van Sant—

A DELEGATE: I second the motion.

CHAIRMAN HUGHES: You can speak to the motion, Mr. Dougherty, to adopt the report of the Committee on Resolutions.

MR. DOUGHERTY: Gentlemen, as I have stated we want

to place ourselves in the strongest possible position to make this fight. A maximum rate as has been stated, is satisfactory provided the bill enacted by Congress grant to the Commission that power. The President of the United States does not do things by indirection. He comes squarely to the front. No gentlemen, the United States government has expended at Galveston about two million dollars in deepening a harbor there. Prior to that time, to the time of that work, the rate on grain from Kansas City to Galveston was 45 cents a hundred pounds. To-day the export rate on grain from Kansas City to Galveston is 18 cents a hundred pounds.

A VOICE: What is the freight rate?

A VOICE: Twenty-seven and a half cents.

MR. DOUGHERTY: There is one other feature that has not been presented to this convention, and that is, that American citizens have got to compete in foreign markets. The American wheat grower has got to compete in European markets with the wheat grower of Russia and the wheat grower of Argentine. If by deepening our channels and improving the transportation facilities the wheat growers west of the Mississippi are enabled to export their grain and sell it in foreign markets, that leaves to the farmers east of the Mississippi river, Chicago, Cleveland, Buffalo, New York and Boston, as their market.

(Cries of time.)

MR. DOUGHERTY: Suppose we make it in this way, and these gentlemen who raise grain west of the Mississippi river would have to be taken to this market, the wheat would have to be taken and it would damage every industry in the country.

(Cries of time.)

MR. DOUGHERTY: Gentlemen, there is not time enough to discuss this question.

(Cries of time.)

MR. COWAN (Texas): Mr. Chairman and Gentlemen of the Convention: I have avoided in every possible way the consuming of your time. I would like to save myself somewhat but I have been too busy to come before this convention.

Mr. Dougherty misapprehends the sense of this resolution, I believe. This resolution only provides for the establishment of a just rate, one that is fair, one that is correct, and that must be left to the judgment of somebody. We think it cannot be left to the judgment of those who get the money. It would not be fair to leave it to the judgment of the men who pay the money. Hence, it must be left to the judgment of some tribunal who can fairly arbitrate it between the man who gets the money and the man who pays the money.

Now, with respect to the maximum rate proposition. I want to call the attention of the convention to some point wherein you will see that it will not do for this convention to undertake to prescribe the exact term of it. The President has said in his last speech, as I understand it at Raleigh, that the commission ought to be empowered to fix a just and reasonable maximum rate. Whether the President said that or not I do not know, but I believe he did. The newspapers so reported it. This is as much as the Commission ought to do, where it is simply to pass upon the rate itself, alone.

Now let me put a case before you to illustrate wherein the law cannot be enforced simply by the establishment of a maximum rate. The Interstate Commerce Commission held that the railroads ought not to charge a greater sum for the transportation of livestock than the transportation of the products of livestock between the Missouri river and Chicago. The Commission made this ruling throughout the country. Their ruling is that rates should be higher for the goods that are more valuable. They have all complied with the ruling of the Commission that was given in 1890.

Now, the difficulty lies in the fact that the commission cannot fix just what the rate will be. It cannot name the rate. It can only say, "You shall not charge the particular rate you are now charging," but the law does not permit them to indulge in the conclusion. "But you shall charge a rate that is a particular one." Suppose there is a just relation between the products of the livestock and the livestock itself and suppose this tribunal finds what it ought to be? If it simply fixes the maximum on it you can see that the roads would be less free to change that relation of rate and yet disobey the order of the Commission.

Let me suppose another case. Take a case at Wichita, Kansas, and Omaha, Nebraska, and take the shipment from St. Louis and say that the charge is that the Missouri Pacific Railroad discriminates between those places by charging a higher rate to Wichita than to Omaha, and the merchants at each place are competing for business situated half way between the south line of Nebraska and the north line of Kansas. How would it be possible for the Commission to fix a just rate which would not amount to a discrimination unless it fixes what the rate shall be? It would not suffice to fix the maximum rate for the roads could comply with the order of the Commission and keep up the discrimination.

There are many of these difficulties which we cannot here decide. Now, then, you must leave to Congress all these powers, and it can take time and carefully consider it and provide the precise language of the law.

The Attorney-General of the United States, on being called upon by the Senate Committee to do so, gave an elaborate opinion with respect to the power of Congress over the discrimination of rates and he limited the power to fix a maximum rate. He claims that it is a correct decision. That would not, however, affect the right of Congress to fix the exact rate where it is necessary in order to prevent a discrimination.

It seems to this Committee, which has made this report, to be wise for this convention to simply stand by the general principle announced by the President that Congress should provide the method for fixing the just, fair and equitable rates, and leave the precise language and method of it to Congress to provide, because you cannot yourselves, now, prepare a bill and present it. We believe the action of this Committee ought to be adopted so that it will go before the country that you have exactly endorsed the general expressions of the President and stand ready to help him out and that your Executive Committee

stand ready to aid in the detail of making the proper law in order to fix the rate.

MR. DOUGHERTY (Texas): I would like to get the members of the Finance Committee together, and I would like to ask the other members of the Committee to meet in some room close by here so that we can get to work.

MR. MCKENZIE (Ohio): Mr. Chairman, it is reported that the President is to be wired by the other Convention that it does not want the powers of the Interstate Commerce Commission changed as we are trying to do it. I am here as a representative of the Ohio State Grange, with a membership of 40,000, and I say to you, I assure you that our membership is a unit in its demand and desire to stand by the President. I believe that every farmer in Ohio will do so. I am also a member of the executive committee of the National Grange Association and we will meet in Atlantic City next month, and the first resolution to be introduced will be a resolution endorsing the President in this same rate fight. That will be the resolution adopted first to stand by the President in the demand that this Commission be given power to fix rates.

MR. KEEL (Texas): I believe there have been one or two gentlemen from Texas that have already spoken, but Texas is big enough to have three or four speak. I want to reply to a few words of the Governor in his beautiful speech. I come from the greatest Democratic State in the Union. I come from a State that loves the President of the United States. (Applause.) I say, like Marc Antony said at the grave of Cæsar: "If I had the tongue of a Brutus I could move you to mutiny." I say to the gentlemen of this convention that Texas stands ready and willing to march with you in this conflict, and I say to you to-day that there is not a Congressman in the State of Texas that can raise his voice against the President in this mighty move. If he does he will wither at the next election like an aspen leaf in a simoon. I desire to say to the Governor and to the delegates of this convention that the two senators from Texas stand beside the President of the United States. (Applause.)

We voted against you, but we are now with you in greater issues than we ever had before. See to it, Governor, that your Senators go as ours. (Applause.)

See to it, you men of the Northwest that made him President, that you stand by him. That is what we will do and if you even put him up again I think if his present ideals and preferences are carried out he will find Texas throwing off the collar of Democracy.

MR. HOILE (New York): Mr. Chairman, I understand it is unnecessary in order to be recognized that one give his name. At great expense, personal and otherwise, I took the train from the town of Oyster Bay, the summer residence of the President of the United States; I come from the State of New York. I represent the Manufacturers' Association, and my name is James T. Hoyle, with a large "H." I want to give my testimony here. While riding on the Southern Pacific in the State of Texas a native said to me: "There are only three things that can be raised here. We can get out and raise hell, or you can raise an umbrella, or you can raise a window." I want to testify that

they raise patriots down there and we have got some of them right here. I want to remove from the mind of this convention a possibility of error. There is an error in connection with this other convention that is being held opposite. One of the gentlemen who is prominent in connection with that convention I am personally acquainted with, in fact, several of them. They are representatives of associations that are very large bodies, as much perhaps or larger than this, but I want to say without fear of contradiction that these gentlemen do not represent the entire membership of those bodies, with which they are personally connected, but they do represent a certain railroad company, and that railroad company is being represented today heroically by its vice-president. The National Association that he is connected with is not being represented by him, and he does not voice the sentiments of that association.

A DELEGATE: Give his name.

MR. HOILE: I understand it is out of order to become personal. It is not my good fortune to be an orator, but there is great temptation here to make a stab at it. My doctor has ordered me to avoid excitement, but I think I am strictly in the swim of excitement here. Now, I want to say to you gentlemen, which you know to be a fact, that as far as the people of the United States are concerned they are a unit for Theodore Roosevelt and you cannot get them away from him. I want to say to you furthermore that the members of Congress have had their ears to the ground; they have heard from the people, and whatever their motives have been they have voted as the people directed them. What you will have to do will be to go after your Senators. We have to go back to our State and let our legislators tell the United States Senators the goods that they must deliver or get down and out. We have taken the lead on the insurance question already, and we have turned the picture of one of our Senators to the wall. That is one of the things that this convention can do. We can go home and tell our Senators through our legislators what we want them to do and they will have to deliver it or get down and out.

MR. FARLEY (Texas): Mr. Chairman and gentlemen, I believe I represent more votes than any man here. I am traffic manager of the Farmers' Union, with authority to act for them according to my judgment, and they represent 300,000 votes. It looks to me like we got a heap of business to do, and think we had better do it and go.

MR. BALLARD (Missouri): Our delegation represents a merchants' exchange with a membership of 1,800. When the president first made his announcement in favor of freight regulation we were the first organization to send a message congratulating him on his stand and later a delegation from our exchange called upon the president and presented him the support of our organization, which, by the way, is the largest organization and the most influential of its kind in the Mississippi Valley. We still stand for the president's declaration. In regard to the delegates who have gone to the other convention, we believe they are misled and eventually they will come back to the fold; they will see the error of their ways. If they do

not they will receive a very cold reception when they get back to Missouri, where they have to be shown.

MR. BASH (Indiana): Mr. Chairman and gentlemen: Indiana comes here to join heartily in this movement. I have the honor to be appointed from the Thirteenth district by our governor, and I want to say we have never had a governor before who was so heartily in sympathy with the purpose of this meeting as you have here now. I want to say that the criticism of the vice-president of this meeting has been unjust and uncalled for, and an insult to our intelligence. Everybody in Indiana knows that the criticisms of Mr. Kern have been unjust. The gentleman over here a few moments ago attempted to defend the rates of the railroad company, as made in favor of the Pacific coast by bringing in water navigation. Let me call your attention, gentlemen, to the fact that the demurrage charges at Fall River, Mass., right on the very verge of the Atlantic Ocean—they give exactly double the price for loading and unloading there that they do in Indiana and I have been very anxious ever since I heard that statement to know what water navigation had to do with that. I furthermore am advised by a gentleman from Fall River that at the end of the year when they send in their bill for charges that have been made they get a beautiful refunder upon that. The whole trouble with the railroad business is that they are not fair, that they are not impartial; from one end of the country to the other they show partiality for one over another. I came here loaded with so many data on this subject that I would tire the audience if I should attempt to relate them. Everybody here is so full of this subject that it is useless for me to get up and tantalize them with it. This meeting is for the purpose of protecting the ordinary laborer, the business man, the mechanic of the country, from this kind of imposition.

It should have been corrected long ago, and if the Interstate Commerce Commission had had the power given them at that time, it would have been corrected five years ago. Gentlemen, I thank you.

(Cries of "Question.")

MR. ITTNER (Missouri): Mr. President and gentlemen of this convention: I won't take up five minutes of the time that is allotted to me, I assure you of that; but you can see, Mr. President, what a great calamity it would have been had we passed, seconded and passed, the motion for the previous question. We would have lost some enthusiastic speeches from Texas. (Laughter.)

What I want to say is this: I am a member of the executive council of the Manufacturers' Association of the City of St. Louis. I have here my credentials from Mr. L. D. Kingsland, the president of the St. Louis Manufacturers' Association, and in these credentials I am enjoined to sustain and support the policy advanced by the President of the United States. I am going to say further, Mr. President, that if it would be convenient for you to have the credentials read on this occasion, I would like to have it done, because my colleague has landed in the convention across the way (laughter), and I am satisfied that he received a similar letter testifying to his credentials and his right



to meet here, and it could be proven by that letter which of us is in the right place. Mr. President, I have never rode on a railroad pass (applause and cries of "Good").

When I was a member of Congress I refused a railroad pass. (Applause.) Still, I am not saying that my colleague had a pass. I want that distinctly understood, because I have the greatest admiration for the man, and I would not want to utter a word here that would reflect upon his character, and that was the one reason that if it could be done I would like to have that letter from L. D. Kingsland, the president of the St. Louis Manufacturers' Association, entitling me to sit on the floor of this convention, read, so that it can be seen which of us is in the right place. (Cries of "Out of order.")

MR. W. B. STILLWELL (Georgia): Mr. Chairman, I represent in this convention four different organizations—the Georgia Interstate Sawmill Association, the Board of Trade and the Chamber of Commerce of Savannah, and the National Lumber Manufacturers' Association. And in that connection, gentlemen, an industry that represents approximately 30 per cent of the tonnage handled by the railroads of the United States.

I have been angered recently by hearing on all hands that in this movement we are enemies of the railroads. I deny it. I claim to be a friend of the railroads. I have fought against the railroads, but also I have fought for them at one time and another for years. I am second only to the president of our Interstate Association in this now nationally known fight of the Lumbermen's Association, and the railroads—the two cent advance in lumber rates—one of the most iniquitous and vicious things that ever was done. We are now laboring through the intricacies of the courts, and I firmly and positively believe that if that is decided on a strictly equitable basis, we will get the decision of the Supreme Court of the United States in our favor. We have already had it before the Interstate Commerce Commission and the Circuit Court and obtained favorable decisions, and it is now pending in the Court of Appeals. What legal technicalities about the matter there may be, I am not a lawyer and cannot tell you.

I was also the instigator about two years ago of one of the most just fights that has ever been started in the United States, and that, gentlemen, was to compel the railroads to do away with the discriminative and burdensome practice they then had or the usage that they were then, and are now, following of compelling lumber cars to be equipped with car stakes, binders, etc., by the shippers.

About two years ago I addressed a letter (Cries of "Question")—to the presidents and general managers of the railroads, protesting against this practice that I had the honor to have denominated by the lumbermen as being an example of modern diplomacy—polite but positive. Day before yesterday I aided in organizing a fight on that line that I think will result so I believe, in our favor.

A Georgian has uttered the phrase that this rate movement is tending to "commercial lynch law." Gentlemen, where does the phrase come from—from what does the iniquitous practice of lynching come? The man must know that the cause of the move-

ment is where the lynch law comes from. He must know that it has originated from the cause. What is the cause of it? Where has it come from? The railroads have brought the thing upon themselves.

Now, gentlemen, while the framing of the resolutions are not just to my notion, still I cannot set myself up against this convention, for I am here to carry out the action of it, whatever it may, but I regret two things most heartily. I regret the resolution passed yesterday, because I think it is un-American in making an enmasse condemnation of our fellow citizens.

I know personally some men that are in the other convention from good motives; I regret that for one thing, and I regret for another thing—(Cries of "Question," and "Time is up.")

CHAIRMAN HUGHES: The gentleman makes the point that the time is up. It is with great pleasure that I introduce to you Ex-Governor Larrabee of Iowa, but whom I think needs no introduction. (Applause.)

MR. LARRABEE (Iowa): On behalf of the executive committee, I desire to congratulate you upon the fact that this is the largest convention ever held. There are more delegates present, and they seem to be more completely in unity as to the object to be obtained.

Five years ago the business organizations of the country sent men to St. Louis and formed this organization. They sent their executive committee to Washington and they have attended every session of Congress from that time to this. For several years our committee could hardly get a hearing before Congress. A large majority of the members of both houses were utterly opposed to giving us a hearing. The committees of both the Senate and the House were opposed to the measures advocated by this convention.

Until the meeting at St. Louis one year ago our executive committee was disheartened and almost inclined to give up, but the enthusiastic support given to the committee at that meeting gave new courage, and when Mr. Bacon and his associates went to Washington to confer with the president, they found him ready to co-operate with the committee, and his message in December following was like a blast of a bugle; it was equivalent to ten thousand men at least.

Do you know the history of the hearing before the Interstate Commerce, or before the Senate and House committees at the last session of Congress? Our chairman, as Senator Freer said yesterday, was browbeaten; he was insulted. It was declared by a representative in Congress in Illinois that not until Congress was filled with anarchists would such a measure as we had advocated be adopted by Congress; but this committee had got in its work. With the assistance of the president, the people became aroused, and this Congressman voted for the measure that was finally reported by the committee of the House. I want to say in attending the convention at St. Louis one year ago our Texas friend's speech, from a Texas man, pledged that every member of Congress and all the Senators from Texas would support the measure that we introduced. I could not make such a pledge for Iowa at that time, but I am happy to do it today. And I feel that I run no risk in saying it that both Sen-

ators and every member of the House from Iowa will in the next Congress support the measure advocated by this convention. (Continued applause.)

The remedy we have sought to encourage, the object of this convention, has been to encourage the people to arouse themselves and make a demand upon their Congressmen and Senators to favor the measure which we have advocated, and so long as we keep up that position, I have no fear whatever of the result.

Now, those who are in attendance on the rump convention intended to meet with us and control our convention, and not until they learned that we had determined to place policemen at our doors and not admit them unless they were in sympathy with the call did they give up that intention to break up the meeting. After they learned this they gave up.

Now, what this convention desires, the object of it, has always been to encourage the adoption of proper legislation, to encourage the adoption of proper resolutions. The resolution committee could not give attention to all the details. I suppose we had probably 25 to 50 different resolutions presented. We concluded that we could not give attention to all the details that the members desired us, but we decided we would endorse in a general way the spirit. We desire to have the endorsement of President Roosevelt for his recommendations. It makes a public officer strong to feel that the people are at his back; that they are supporting him. Is not that so, Governor Van Sant?

MR. VAN SANT: Yes, I agree with everything you say.

MR. LARRABEE: Well, a public officer, when he feels that the people are back of him, he feels that he has courage, and he is willing to go forward.

What we need more than anything else is to endorse President Roosevelt in this contest between the railway managers and the people. Now, there is not a man present in this convention that is an enemy to the railways. We all know that. No one is going to disturb the value of that property, but the greatest enemy to the railways and their stockholders is the company of men that have got control of them at the present time. (Applause.)

(Cries of "Question.")

CHAIRMAN HUGHES: The Chair recognizes Mr. Rosewater of Omaha.

When I accepted the invitation of the chairman of your executive committee I felt highly honored because it afforded me an opportunity to meet the pioneers in the movement for the government regulation and control of railways. (Applause.)

I rejoice at the positive stand that has been taken by this convention to uphold the hands of President Roosevelt. Two weeks ago I had a conference with the President on this very subject, and he expressed very great anxiety that this convention do aright. He expressed himself as thoroughly convinced that the course he had outlined for himself was in the interest of the American people and he proposed to stand on that line until the object for which we are all battling has been achieved. (Applause.)

It is a common adage that those whom the gods wish to destroy they first make mad, and it does seem that the railway

corporations in undertaking to pack this convention in order to break it up have made the most colossal blunder they have ever made in the great contest that has been going on in the past thirty years. (Applause.)

I have been through this all since its inception, and I have never seen them commit a greater blunder. This convention has successfully parried the blows and bluffs of the Parry organization (laughter), and it is capable of carrying out its intention, no matter what the consequences may be. Individually or collectively, we may draw upon ourselves the ill-will and enmity of the railroad corporations, but I feel sure the time will come eventually when the railroads will realize that they have been their own greatest enemies in opposing this movement.

They held up the bugbear of government ownership. The railroad managers try to frighten their employes and threaten to injure their patrons by the withdrawal of transportation facilities, but they are operating railroads for the money there is in it. They are going to continue to pay good wages so long as good wages prevail in America, and they are going to furnish facilities to their patrons unless they want to bankrupt themselves. Nobody in this convention, so far as I know, favors government ownership and operation of railroads, but we favor the supervision and regulation of the railroads of the United States by the people who delegated their sovereign power over public highways to the corporations who own them. (Applause.)

In this irrepensible conflict there is no such word as "retreat." The contest will go on until it is settled right. The President has simply done what the American people have long wished for. It is not a question affecting shippers merely. There are millions of other people interested in this great movement. Every man, woman and child in this country is interested in it and, above all things, we are interested in popular self-government without the corrupting intervention of giant corporations.

Mr. Parry has given it out that this is a reactionary movement toward populism and free silver. Now, so far as I am concerned, I have never been charged with being partial to free silver, but I want to remind you that there is something worse than populism and that is railroad rule. (Applause.) We of Nebraska have gone through that for twenty-five or thirty years. Back in the seventies we had Jay Gould and Sidney Dillon, the president of the Union Pacific, came to the state capital to dominate the Republican state convention, a large majority of whose delegates was against them when it convened, but after four days of siege they had to capitulate to the magnetic influence of boodle. I would rather submit to anything, and am willing even to be called a populist and advocate of free silver, than to submit to the tyrannical and demoralizing domination of railroads. (Applause.)

A VOICE: Can I ask a question?

MR. ROSEWATER: Yes.

THE VOICE: Is not government of railroads far preferable to the government being controlled by the railroads?

MR. ROSEWATER: Yes. We are presumed to have a government for the people, by the people, but popular self-govern-

ment is a farce so long as the government machinery is controlled by the corporations. It is simply a providential incident that the White House is occupied by an American through and through. He is of the people and for the people, and we have it in our power, so long as we have him in the White House, to resist the pressure brought by giant corporations.

The railroad managers say they do not want a special tribunal established for adjudicating interstate commerce questions, or questions that come before the Interstate Commerce Commission. What do the railroad magnates want? They are satisfied with most of the gentlemen who now occupy the federal bench because they have graduated from railroad headquarters. What the American people must have is a tribunal that will have exclusive jurisdiction over interstate commerce litigation so that a uniform code may be established.

Not many years ago, for example, we had a decision from the federal judge in our own state declaring an act of the legislature regulating stock yards charges as unconstitutional, while in Kansas the same law was declared constitutional by the federal judge. Thus we are driven from pillar to post. We have to go to the lowest federal court and if you are beaten you have to go to the court of appeals, and in the course of years you may reach a decision from the highest court in the land.

What we want is to give the Interstate Commerce Commission the power that was intended to be given to it when the law creating the commission was first enacted. I was before the committees of both houses of Congress in 1885 and 1886, urging the enactment of an interstate commerce law, but we have only had partial success by reason of the fact that everything has been done to prevent the commission from carrying out in good faith the object for which the law was enacted.

I do not pretend to represent any organization, but I think I can safely speak for all the people of Nebraska, barring a few beneficiaries of the railroads and their officials, when I say that the people of Nebraska are with you in this movement. But you must organize as the railroads are organizing. You must meet their advocates face to face. You must go to the school districts, go to any and every place where they are going, and fight them on their own grounds. Individual work will not accomplish the result, but united organization is what is required to win the battle.

They talk about populism being generated by this movement. Only about eight years ago in talking with Marvin Hewitt, the president of the Northwestern Railroad, he said that populism in Nebraska had been fermented more by the policy pursued by another competing railroad manager than by any other cause and all causes combined. What caused the populist uprising? The railroads had undertaken to control the nomination of every public official from constable up to governor, and from governor to senator, and they never will let go until they are compelled to do so by the tidal wave of popular sentiment.

Let me add right here before closing, that there is another issue that must be met incidentally and that is the election of United States Senators by the people of the United States. (Applause.)

I beg your pardon. I want to apologize for taking up so much of your time. I want to see these resolutions adopted. (Applause.) I will avail myself of the privilege of filing with the secretary the main portion of the address that I have been prevented from delivering owing to a lack of time.

CHAIRMAN HUGHES: Gentlemen, we have got some reports of committees and committees to be appointed as yet. Are you ready for the question? (Cries of "Yes.")

The resolutions were then adopted unanimously.

MR. McKENZIE: As Chairman of the Finance Committee I beg to submit the following report:

Chicago, Ill., Oct. 27th, 1905.

To the Interstate Commerce Law Convention.

The Finance Committee of this organization respectfully presents the following report:

At the last convention in St. Louis, one year ago, a large amount of funds was subscribed and contributed for the purposes of conducting the work of the convention. The subscriptions of the various organizations were generous and it was only by these that the work could have been conducted. The funds have been expended in a conservative manner by your executive committee. Your committee has been to considerable expense in addition to the amount subscribed, and we earnestly urge upon this convention the raising of a sum commensurate with the purposes of the convention and the importance of the work in which it is engaged.

We have to recommend the passage of the following resolution:

"WHEREAS, it is necessary in order to carry on the expense of the executive committee and to further the object and purposes of this convention; therefore, be it

*Resolved*, That this convention solicit from its membership contributions to an amount not less than \$10,000, which we deem to be absolutely necessary for the purpose for the ensuing year.

Respectfully submitted,

R. S. LYON,  
J. M. MASON,  
R. P. GILLBAUM,  
MURDO McKENZIE,  
F. Q. STORY,  
Committee.

CHAIRMAN HUGHES: Gentlemen, it is made the duty of the Chair to announce a committee, or two. I take this occasion, if you please, to announce the Executive Committee:

E. P. Bacon, of Wisconsin.  
C. H. Seybt, of Missouri.  
S. H. Cowan, of Texas.  
J. E. Howard, of Kansas.  
Gov. Wm. Larrabee, of Iowa.  
R. W. Higbie, of New York.  
Murdo McKenzie, of Colorado.  
Geo. S. Gardiner, of Mississippi.  
R. S. Lyon, of Illinois.  
Adolph Mueller, of Illinois.  
J. M. Mason, of West Virginia.  
John W. Kern, of Indiana.

L. C. Slade, of Michigan.  
 Jos. H. Call, of California.  
 W. B. Stillwell, of Georgia.

MR. HOLMES (Kansas): The committee on resolutions have another resolution to present. I will read it:

"We hereby extend our sincere thanks to this convention, to the able and efficient chairman of this executive, Mr. E. P. Bacon, Milwaukee, for his laborious, energetic and able services in presenting the necessity of efficient control by the government, of interstate commerce, and in pointing out and demonstrating the error of measures pressed by railroad interests."

The motion was duly seconded and carried.

MR. KERN (Indiana): Mr. Chairman, I move that the executive committee be authorized and directed to appoint one vice-president from each State who shall be charged with the work of organization in his State under the supervision of the executive committee.

The motion was duly seconded and carried.

GOV. LARRABEE: The executive committee propose to have the proceedings of this convention published. I have in my hands the address by Judge Call, who was invited by Chairman Bacon to deliver an address. He does not feel disposed to take up the time of the convention, and I ask leave to file it and have it printed in the minutes of the proceedings.

#### AFTERNOON SESSION.

October 27th, 1905.

MR. COWAN: Mr. Chairman, there has been a great deal of misapprehension in the public mind with respect to the probable jurisdiction of the courts over these railroad rate questions. I would like to say that I have prepared for the purpose of presenting to this convention some thoughts upon the subject which will serve in a measure as an answer to the position which has been taken, that the subject of railroad rate legislation may be relegated to the courts.

I would like to say in connection with presenting it with a request that it be made part of the proceedings of this meeting and published, that there are two or three principles, which, if they would be observed, would enable the mind of the laity to come to a correct conclusion just as well as the best lawyers. One is that the legislative department of the government cannot invade the judicial department. Another is that the judicial department cannot perform the office of the administrative or legislative department. A third is that the Supreme Court has decided that under our constitution the making of a rate for the future is a legislative and not a judicial act.

The conclusion from those three propositions is that the court may determine what the reasonable rate has been for the past and is for the present, in order to enable it to deserve some judicial relief like a recovery for damages. But it cannot do that in order to enable it to fix by injunction or otherwise what shall be the rate for the future, maximum, minimum or otherwise.

One other proposition that the Supreme Court of the United States has held definitely—and in this article you will find

a quotation—that where a legislative authority or agent or the legislature itself has fixed a rate, if it has fixed it at a point where it would not afford a reasonable return upon the money invested in the property employed in the public service, that is a deprivation of the constitutional rights of property, to protect which the courts have the full machinery, and just as full as it could possibly be enacted, in the most carefully drawn legislative enactment. Hence there is no danger whatever that when the commission fixes a rate the railroad will have the right to invoke the jurisdiction of the court, either state or federal, to determine whether that rate is at such a figure that it does not afford a fair and just compensation to the railroads as well as to the public for the services performed.

I commend this article to you, gentlemen, and ask leave to have it printed as part of your proceedings. (Applause.)

CHAIRMAN HUGHES: Gentlemen, you have heard the request. If there is no objection it will be granted.

MR. REED (Iowa): Mr. Chairman—

THE CHAIRMAN: Let me dispose of this. This is part of the record of the convention; is there no objection?

MR. REED: Mr. Chairman, I rise only for a moment, not wishing to occupy the few minutes of unexpected time before adjournment, because I am impressed with the idea of the vast amount of valuable information that has been given during this convention. And while our executive Committee I believe to be the best, and will exercise all the care and prudence that any executive committee could, it is simply this suggestion, that the proceedings of this convention with the valuable articles that are to be incorporated in the proceedings, that they be printed as speedily as possible so we will be able to get the benefit of them as soon as possible. With that end in view I make this motion, that the proceedings of this convention as soon as printed, a copy be mailed to each delegate on record in this convention.

CHAIRMAN HUGHES: Is there a second to the motion?

The motion was then seconded, put by the chairman, and carried.

CHAIRMAN HUGHES: Gentlemen of the convention, Mr. Higbie sends this dispatch to the chair to be read:

Spokane, Wash., October 27.

R. W. Higbie, Chairman Interstate Commerce Law Commission:

Spokane Chamber of Commerce sends greetings and consent of a half million people in Columbia River Basin to represent them in your fight for regulation of freight rates as advocated by President Roosevelt. This association is entitled to three votes. If proxies are allowed, vote for us. Congratulations on your stand against railroad domination. The people pity misguided and abhor hirelings.

F. E. GOODALL, President.

L. C. MOORE, Secretary.

CHAIRMAN HIGBIE: I wish to say that I have just received the following from San Francisco, California:

"Chairman of the Interstate Commerce Law Convention, Steinway Hall:

"We desire to inform you that our only representative is Mr.



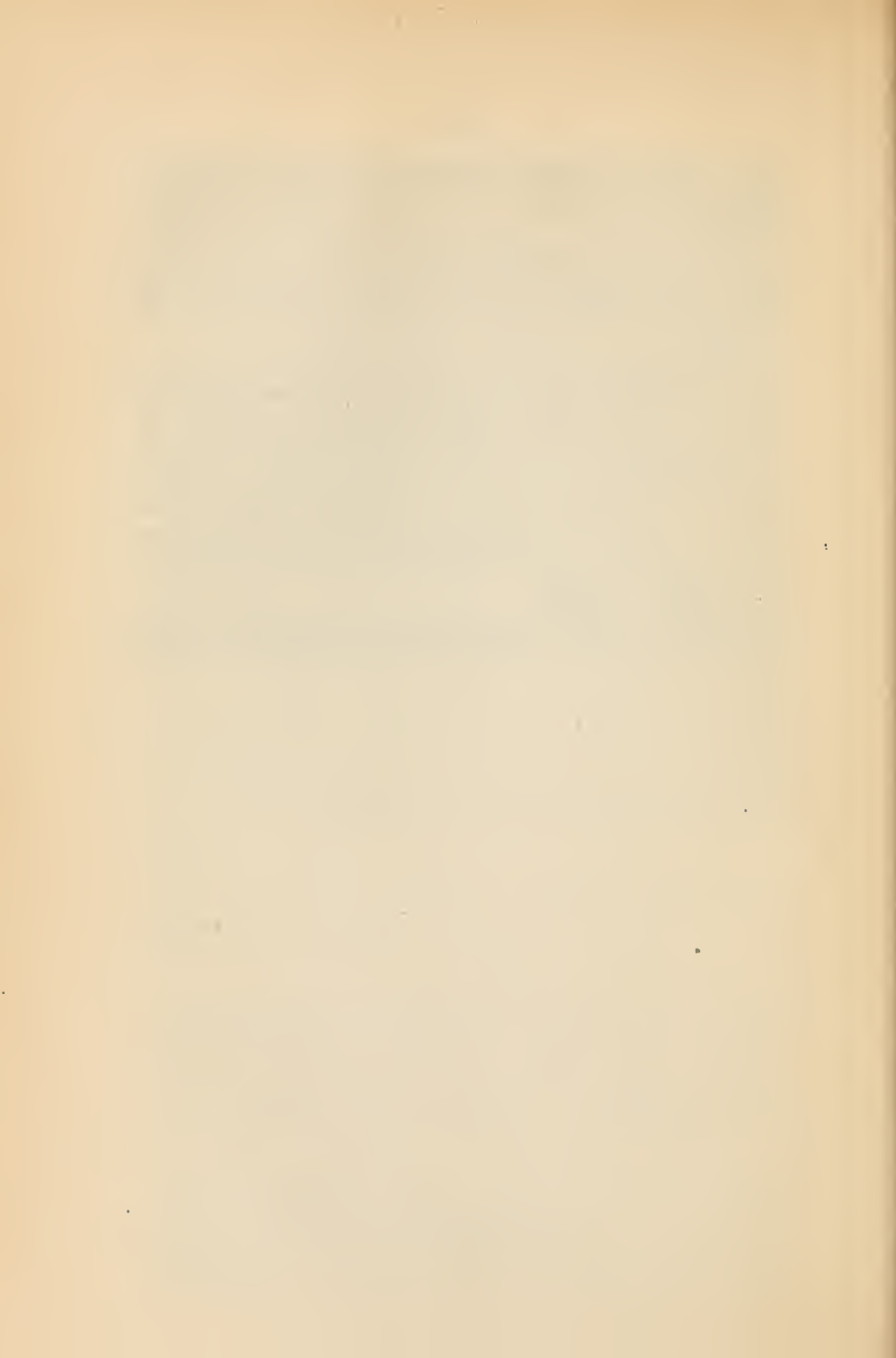
Wm. R. Wheeler, who has forwarded his credentials to Mr. E. P. Bacon. The statement in the Daily Press that other parties are representing the Chamber of Commerce of San Francisco is not so.  
A. A. ENOLD, President.

MR. COWAN: As a closing means of thanks to the public, I move that it is the sense of this convention that the press of this city is entitled to the thanks of the convention for the fair and faithful manner in which they have reported these proceedings.

The motion was thereupon put and carried.

MR. FARLEY: If passengers are on a ship and find the ship going into troubled waters and storms and breakers ahead, if they have a captain who is a man of experience and ability and coolness and determination, they feel greatly encouraged thereby. When we arrived here last Wednesday and the Executive Committee met and we saw that we were going into troubled waters and storms and lee shores, it became most important to find our temporary chairman and permanent chairman of this convention men who were experienced and cool and determined, and we consider ourselves fortunate that we have found the man in the United States who is best fitted for the position of permanent chairman.

CHAIRMAN HUGHES: Gentlemen, the hour for adjournment has arrived. There is nothing further to go before the convention and I therefore declare this convention adjourned sine die.



## ...AN ANALYSIS...

### Interstate Commerce Law Convention

### Federal Rate Regulation Association

CHICAGO, OCTOBER 26-27, 1905.

On page 139 of the printed transcript of the stenographers' notes of the Interstate Commerce Law Conventions, issued immediately after the conventions, the report of the Committee on Credentials reads as follows:

"3. The Secretary of the Convention has a list of the delegates entitled to seats as per above recommendations."

About a month after adjournment the published proceedings of the Interstate Commerce Law Convention were published by Mr. Bacon, and this clause was made to read (page 25):

"3. The following persons have presented credentials as delegates representing the several organizations and congressional districts named and have subscribed to the following declaration of principles:

"We, the undersigned delegates, for ourselves and for the association or organization which we represent, endorse the principles of the foregoing call for the Interstate Commerce Law Convention, and endorse and agree to support the legislation as outlined in the President's last annual message to Congress, to so amend the Interstate Commerce Law that the Interstate Commerce Commission shall be given power, where a given rate has been challenged and after full hearing found to have been unlawful, to prescribe what shall be a lawful and proper rate to take its place, the ruling of the Commission to take effect immediately."

In the proceedings of the Interstate Commerce Law Convention published by Mr. Bacon he claims that there were represented at the convention, exclusive of the political delegates, 369 persons. Mr. Bacon does not claim that the delegates named as appointed by governors were present, but as these names are given and assuming they were present, his claims would be that there were 411 persons represented, including proxies and visitors.

On page 41 Mr. Bacon states:

"Number of individual delegates present..... 353

Taking Mr. Bacon's detailed report as the basis of information there were only 249 individual delegates present. The total

number of names given and for which representation is claimed are 411. As follows:

Delegates .....	249
Political appointees (not claimed present) .....	42
Proxies .....	31
Visitors .....	31
Duplication of names.....	36
Persons claimed but were not present.....	22
<hr/>	
Total .....	411

It will be noted that Mr. Bacon claims 353 individual delegates present. The analysis shows that the 353 were probably made up as follows:

Delegates .....	249
Political .....	42
Proxies .....	31
Visitors .....	31
<hr/>	
Total .....	353

or if he did not use the proxies and visitors as being individually present as delegates, he must have used the duplicate names which he shows in his list, viz: 36, and the following names which he shows presented credentials and who signed the roll: Page 26.

- R. J. Wilbur, Waukesha, Wis., representing Ills. & Wis. Ret. Coal Dealers' Ass'n.
- J. W. Ryder, Kalamazoo, Mich., representing Mich. & Ind. Ret. Coal Dealers' Ass'n.
- A. J. Kraft, Battle Creek, representing Mich. & Ind. Ret. Coal Dealers' Ass'n.

These gentlemen did not attend the Bacon Convention but were present as delegates and were in full accord with the purpose and proceedings of the Federal Rate Regulation Association.

- H. E. Halliday, Cairo, Ill., representing the National Hay Association.

Mr. Halliday did not represent the National Hay Association at Mr. Bacon's Interstate Commerce Law Convention as he was not appointed a delegate by that organization.

- R. C. Menefee, Kansas City, representing the National Hay Association.

Mr. Menefee was not and is not now in sympathy with the methods or views of the Bacon Convention.

- W. Lee Pinney, Boston, Mass., representing the New England Export Association.

There is no such organization known in Boston or elsewhere, nor any one by the name of W. Lee Pinney in Boston.

Page 27.

- Earl Palmer, Paducah, Ky., representing the T. P. A.

Mr. Palmer was not a T. P. A. delegate to Mr. Bacon's Convention, but was a delegate from the National Hardwood Lumber Association to the Federal Rate Regula-

tion and was in accord with the resolutions of that Association.

- J. P. Scanlon, Lindsay, Cal., representing the two Fruit Associations.

Letters addressed to Mr. Scanlon at Lindsay have been returned unclaimed.

- G. W. Felts, Santa Barbara, Cal., representing the Porterville Citrus Association.

Letters addressed to Mr. Felts at Santa Barbara have been returned unclaimed.

- George A. Pharters, Irwindale, Cal., representing two Fruit Associations.

Letters addressed to this gentleman at Irwindale have been returned unclaimed.

- T. P. Banta, Imperial, Cal., representing the Imperial Valley Fruit and Produce Association.

Mr. Banta was not a delegate to Mr. Bacon's Convention, but was present at the Federal Rate Regulation Association meetings.

Page 28

- Walter R. Farley, of Riverside, Cal., representing the Riverside Fruit Exchange.

Letters addressed to this gentleman at Riverside have been returned unclaimed.

Page 29.

- R. J. Morris, of Denver, Colo., representing the Denver Retail Grocers' Ass'n.

This gentleman was present as a delegate to the meetings of the Federal Rate Regulation Association.

- James S. Raeburn, of Washington, D. C., representing the Washington Coal Exchange.

This gentleman was present as a delegate to the meeting at Studebaker Hall, and was thoroughly in accord with its purpose and procedure.

Page 30.

- H. H. Gibson, as representing the Illinois Lumber Dealers' Association.

Mr. Gibson is not a member of that association, nor was he a delegate therefrom.

- E. L. Glaser, of Chicago, Ill., as representing the Chicago Board of Trade.

Mr. Glaser was not present at Mr. Bacon's Convention as a delegate from the Chicago Board of Trade.

C. F. Wiehe and B. W. Stadden, both of Chicago, as representing the Chicago Lumber Dealers' Association.

Neither of these gentlemen were delegates from the Chicago Lumber Dealers' Association to Mr. Bacon's Convention, nor were they in sympathy with its purpose.

Page 31.

- E. C. Atkins, of Indianapolis, Ind., as representing the Indianapolis Commercial Club.

Mr. E. C. Atkins, of Indianapolis, died about five years ago.

W. L. Sanford, Indianapolis, Ind., representing the Indianapolis Commercial Club.

Was present at Mr. Bacon's Convention only a few moments as a spectator. He attended as a delegate the meeting of the Federal Rate Regulation Association at Studebaker Hall, and is not in sympathy with Mr. Bacon's methods or movement.

Page 32.

Samuel Howes, of Battle Creek, Mich., as representing the Retail Commercial Exchange of that city.

This gentleman was present as a delegate at the Federal Rate Regulation Association meeting at Studebaker Hall.

Page 34.

B. Critchfield, of Lincoln, Neb., as representing the Nebraska Lumber Dealers' Association.

This gentleman was not a delegate from that association, nor did he "represent anything at Mr. Bacon's Convention, being simply present as a spectator."

W. A. Hunter, of Omaha, Neb., as representing the Arlington Heights Fruit Exchange.

Letters addressed to this gentleman at Omaha have been returned with the statement that he is unknown.

O. J. Mendall and C. D. Bartlett, both of Cincinnati, as representing the Southern Ohio Export Association.

There is no such association known, therefore these gentlemen, if they were actually present, could hardly have represented it.

Frank H. Shaffer, of Cincinnati, O., as representing the Cincinnati Business Men's Club.

Letters addressed to this gentleman at Cincinnati have been returned unclaimed.

Page 35.

A. J. Plunkard, of Canton, Ohio, as representing the Sunset Fruit Co.

Letters sent to this address have been returned unclaimed, and the question might be raised as to the right of the Sunset Fruit Co., if any such Company is in existence, to appoint delegates to Mr. Bacon's Convention.

Daniel C. Ripley, of Pittsburg, Pa., representing the Flint & Lime Glass Manufacturers' Association.

On page 48 of the printed copy of the proceedings of Mr. Bacon's Convention, Mr. Ripley is shown as one of a committee of five from the Federal Rate Regulation Association who presented to the Bacon Convention the following resolutions:

"Resolved, That we, delegates representing all sections of the country, who have been denied admission thereto for the reasons stated, do hereby enter our emphatic protest against the un-American methods adopted by the management of said convention; and be it further

"Resolved, That we indignantly refuse to par-

ticipate in any convention where the question or questions at issue cannot be brought into the field of free and open discussion; be it further

"Resolved, That inasmuch as there is an overwhelming majority of duly accredited delegates here present, we declare this to be the duly called convention; be it further

"Resolved, That a committee of five be appointed by the Chair to so notify the minority delegates now in session in Steinway Hall, and invite them to be present."

- A. P. Burchfield, of Pittsburg, as representing the Pittsburg Board of Trade.

This gentleman was present at both conventions and does "not wish to be enrolled as a delegate to Mr. Bacon's Convention as he is not in sympathy with its methods or purpose."

Page 36.

- Elliott Durand, of Chicago, is represented as a delegate.

This gentleman was not a delegate to Mr. Bacon's convention.

- II. H. Gibson, of Chicago, under the heading of delegates who registered without stating the organization represented by them.

By reference to page 39, under the head of Ills. Lumber Dealers' Association, will be noted that Mr. H. H. Gibson, of Chicago, is represented as a delegate from that association, which, as we have shown above, he was not.

- Ackley Hubbard, of Spencer, Iowa, who was not a delegate to Mr. Bacon's Convention, but on the contrary was an active member of the Federal Rate Regulation Association.

Page 39.

- Under Missouri appears the name of E. C. Robinson, of St. Louis, Mo., represented by Mr. Bacon as having been appointed by the Governor of Missouri.

Neither Mr. E. C. Robinson nor any other gentleman was appointed by the Governor of Missouri as a delegate to the Interstate Commerce Law Convention.

- G. E. Parker, Sloux City, Ia., representing the National Wholesale Lumber Dealers' Association.

There is no one in Sloux City, Iowa, by the name of G. E. Parker, and there is no member of the National Wholesale Lumber Dealers' Association by that name; therefore Mr. G. E. Parker, if he is in existence, did not represent that body at Mr. Bacon's Convention.

Page 40.

- II. W. Huttig, of Muscatine, Iowa, representing the Iowa State Mfrs. Assn.

Mr. Huttig was not a delegate to the Bacon Convention, but on the contrary was at the Federal Rate Regulation Association meetings, and was in accord with its purpose.

C. H. Chisam, of Council Bluffs, Ia., and  
 J. C. Ing, Sacramento, Cal., and  
 William Irvine, of Chippewa Falls, Wis.

These gentlemen were delegates to the Federal Rate Regulation Association and were in accord with its purpose and proceedings. Mr. Chisam represented the Iowa and Nebraska Coal Dealers' Association, Mr. Ing the Sacramento Chamber of Commerce, and Mr. Irvine the Mississippi Valley Lumbermen's Association.

Eliminating dead men, duplications and names of men claimed by Mr. Bacon in his list, but who were not present, the following were the delegates according to Mr. Bacon's list:

Figures following names indicate number of carloads per annum of freight that the delegates personally represent:

### STEINWAY HALL.

#### A

Adams, H. S.....90  
 Union Assn. Lbr. Dealers.....Chillicothe, O.  
 Adkins, Chas.....Ills. Farmers' & Grain Assn.....Bement, Ill.  
 Altsheler, Edw.....500  
 T. P. A. of America.....Louisville, Ky.  
 Ames, A. L. ....Buckingham Com'l. Club.....Buckingham, Ia.  
 Anderson, Jas.....600  
 Union Assn. Lbr. Dealers.....Sidney, O.  
 Ayers, C. B.....Natl. League of Com. Mchts....Chicago, Ill.

#### B

Babcock, F. R.....13400  
 Natl. Wholesale Lbr. D. Assn..Pittsburg, Pa.  
 Baker, C. W.....Chicago Live Stock Assn.....Chicago, Ill.  
 Ballard, T. R.....St. Louis Mchts. Exchange....St. Louis, Mo.  
 Barnard, A. H.....1000  
 N. W. Hdw. Lbr. Men's Assn....Minneapolis, Minn.  
 Bartlett, W. H....N. Y. Cotton Exchange.....New York City.  
 Bash, C. S.....1570  
 Ind. Grain Dealers' Assn.....Ft. Wayne, Ind.  
 Bell, Wallace M....Cham. of C., Santa Barbara Co.Milwaukee, Wis.  
 Bode, Frederick...Millinery Jobbers' Assn.....Chicago, Ill.  
 Bogert, W. B.....4750  
 Chicago Board of Trade.....Chicago, Ill.  
 Boston, W. T.....600  
 Ills. Lbr. Dealers' Assn.....Yorkville, Ill.  
 Branch, E. B.....Western Fruit Jobbers' Assn..Omaha, Neb.  
 Bridge, Geo. S....National Hay Assn.....Chicago, Ill.  
 Buel, M. P.....Cattle Raisers' Assn. of Tex..Ft. Worth, Tex.  
 Chicago Live Stock Assn.....Chicago, Ill.  
 Burkholder, E. R....1000  
 S. W. Lbr. Men's Assn.....McPherson, Kan.  
 Burnett, S. B.....Grain Dealers' Assn. of N. Tex.  
 Cattle Raisers' Assn. of Tex..Ft. Worth, Tex.  
 Butterworth, Wm.4791  
 Ills. Mnfrs. Assn.....Moline, Ill.

#### C

Two Fruit Assns.....  
 Call, Jos. H.....Corona Board of Trade.....  
 Los Angeles Cham. of Com....  
 Redlands Board of Trade.....Los Angeles, Cal.  
 Campbell, Frank T.Lima Business Men's Assn....Lima, O.  
 Carey, Emerson....6000  
 HutchInson Com'l. Club. HutchInson, Kan.



Carlisle, C. A. .... Natl. Assn. of Mnfrs. of Am. .... So. Bend, Ind.  
 Carter, T. C. .... Meridian Board of Trade .....  
 Boosters' Club of Meridian ..... Meridian, Miss.  
 Chadwick, Wm. H. .... Amer. Stock Growers' Assn. .... Chicago, Ill.  
 Chamberlain, W. I. 3  
 Ohio State Grange P. of H. .... Hudson, O.  
 Chatfield, C. B. .... 1100  
 Mich State Millers' Assn. .... Bay City, Mich.  
 Comstock, W. G. .... Neb. Stock Growers' Assn. .... Ellsworth, Neb.  
 Conger, E. D. .... Grand Rapids Board of Trade ..... Grand Rpd., Mich.  
 Cooper, Frank. .... Natl. Live Stock Assn. .... Chicago, Ill.  
 Courcier, Jno. E. .... Grain Dealers' Natl. Assn. .... Toledo, O.  
 National Hay Association ..... Toledo, O.  
 Cowan, S. H. .... Amer. Stock Growers' Assn. ....  
 Cattle Raisers' Assn. of Tex. .... Ft. Worth, Tex.  
 Cowden, D. W. .... Kan. Fed. of Com'l. Ints. .... Salina, Kan.  
 Salina Com'l. Club. .... Salina, Kan.  
 Cox, A. G. .... Natl. Paint, Oil & Varn. Assn. .... Chicago, Ill.  
 Crandall, F. W. .... T. P. A. of America. .... St. Louis, Mo.  
 Crary, J. D. .... N. Y. Lbr. Trade Assn. .... New York City.

## D

Dalsh, Jno. B. .... Grain Dealers' Natl. Assn. ....  
 National Hay Assn. .... Washington, D. C.  
 Danforth, W. H. .... St. Louis Mchts. Exchange. .... St. Louis, Mo.  
 Daniels, P. C. .... Represent'g Four Fruit Assns. .... Azusa, Cal.  
 Davidson, C. L. .... Wichita Cham. of Com. .... Wichita, Kan.  
 Wichita Com'l. Club. .... Wichita, Kan.  
 Davisson, J. O. .... Kan. Fed of Com'l. Ints. .... Wichita, Kan.  
 Davies, E. G. .... Anna Fruit Growers' Assn. .... Chicago, Ill.  
 Davis, Geo. A. .... Grand Rapids Board of Trade ..... Grand Rpd., Mich.  
 Davis, M. H. .... Winter Wheat Miller's League. .... Shelby, O.  
 Dean, J. E. .... Kaw Valley Com'l. Club. .... Kansas City, Mo.  
 Dlel, Lewis. .... Baltimore Lbr. Exchange. .... Baltimore, Md.  
 Dirksen, Henry A. .... Springfield Bus. Men's Assn. .... Springfield, Ill.  
 Donnette, Jno. Jr. .... Queen City Furniture Club. .... Cincinnati, O.  
 Dougherty, J. S. .... Houston Business League. .... Houston, Tex.  
 Douglass, Geo. L. .... Proprietary Assn. of Amer. .... Chicago, Ill.  
 Dreher, P. J. .... Six Fruit Assns. ....  
 Pomona Board of Trade. .... Pomona, Cal.

## E

Eaglesfield, Jas. T. 275  
 Shippers' Prot. Leag. of Ind. .... Indianapolis, Ind.  
 Eaton, Jno. J. .... K. C. Kan. Merc. Club. .... Kansas City, Kan.  
 Eaton, Robt. .... Ills. State Grange. .... Elwood, Ill.  
 Eckhart, B. A. .... Chicago Board of Trade ..... Chicago, Ill.  
 Ills. Mnfrs. Assn. .... Chicago, Ill.  
 Eckhart, Wm. N. .... Chicago Board of Trade ..... Chicago, Ill.  
 Edwards, J. S. .... Six Fruit Assns. ....  
 Redlands Board of Trade ..... Redlands, Cal.  
 Esbjornson, J. .... Minn. Munic. & Com'l. League. .... Litchfield, Minn.  
 Evans, J. E. .... S. W. Lumbermen's Assn. .... Emporia, Kan.

## F

Foley, J. .... Dallas Com Club & Freight Bu. .... Dallas, Tex.  
 Finley, Walter R. .... Riverside Fruit Exchange. .... Riverside, Cal.  
 Fitts, G. W. .... Porterville Citrus Assn. .... Santa Barbara, Cal.  
 Ferguson, E. M. .... Minn. Ret. Gro. & Gen'l. Mchts.  
 Association ..... Duluth, Minn.  
 Duluth Com. Club. .... Duluth, Minn.  
 Field, Chas. E. .... Natl. Paint, Oil & Varn. Assn. .... Chicago, Ill.  
 Finley, S. S. .... Santiago Orange Grow. Assn. .... Chicago, Ill.  
 Foster, O. S. .... Utica Cham. of Com. .... Utica, N. Y.  
 Fox, Geo. M. .... Represent'g Two Fruit Assns. .... No. Pomona, Cal.  
 Francis, C. F. .... Western Fruit Jobbers' Assn. .... Davenport, Ia.  
 Frederick, J. E. .... 5000  
 Kokomo Com. Club. .... Kokomo, Ind.

## G

Gambrill, Rich....Chicago Board of Trade .....Chicago, Ill.  
 Gardiner, S. W....Laurel Board of Trade.....  
                   Central Yellow Pine Assn.....Laurel, Miss.  
 George, J. S.....Kan. Fed. of Com'l. Ints.....Hutchinson, Kan.  
 Gill, Edw. P.....3000  
                   Baltimore Lbr. Exchange.....Baltimore, Md.  
 Gillham, E. P.....Cin. Receivers & Shp. Assn....  
 Goodrich, P. E.....1150  
                   National Hay Assn.....Winchester, Ind.  
 Gorsuch, Harry A. S. W. Lbr. Men's Assn.....Kansas City, Mo.  
 Green, Merritt.....1500  
                   Marshalltown Com'l. Club.....Marshalltown, Ia.  
 Griffin, C. S.....Kaw Valley Com'l. Club.....Kansas City, Mo.  
 Griffin, Geo. C.....Indianapolis Com'l. Club.....Indianapolis, Ind.  
 Guild, J. M. ....So. Omaha Live Stock Ex.....So. Omaha, Neb.  
 Gushurst, P. A.....50  
                   Lead Com'l. Club.....Lead, S. D.

## H

Hall, Lucian B....Cleveland Cham. of Com.....Cleveland, O.  
 Halliday, F. E....Grain Dealers' Natl. Assn.....  
                   National Hay Assn.....  
                   Cairo Board of Trade.....Cairo, Ill.  
 Harris, W. A.....Natl. Live Stock Assn.....Chicago, Ill.  
 Hartman, E. A.....T. P. A. of America.....New Albany, Ind.  
 Higbie, R. W.....Natl. Wholesale Lbr. D. Assn..  
                   N. Y. Lbr. Trade Assn.....New York City.  
 Hill, Geo. C.....Wis. Live Stock Breed. Assn.....Rosendale, Wis.  
 Hoile, Jas. T.....N. Y. Mnfrs. Assn.....Brooklyn, N. Y.  
 Holmes, Hugh A....Amer. Mchts. & Mnfrs. Assn.....Ottawa, Kan.  
 Hooker, Jas. J....Cin. Carriage Makers' Club.....Cincinnati, O.  
                   Cin. Receivers & Shlp. Assn.....  
                   Mnfrs. Club of Cincinnati.....  
 Hotchkiss, Geo. W.Ills. Lbr. Dealers' Assn.....Chicago, Ill.  
 Howard, J. E.....2000  
                   Wichita Cham. of Com.....Wichita, Kan.  
 Howe, Thad. T....T. P. A. of America.....Chicago, Ill.  
 Howes, Samuel....Ret. Coal Exchange.....Battle Creek, Mich.  
 Hubbard, C. F....Minn. Ship. Receivers' Assn.....Minneapolis, Minn.  
 Hughes, W. E....Cattle Raisers' Assn. of Tex...Denver, Col.  
                   Amer. Stock Growers' Assn.....Denver, Col.  
 Hugo, T. W.....Duluth Com'l. Club.....Duluth, Minn.  
 Humphrey, H. C....Wis. Hardwood Lbr. Assn.....Milwaukee, Wis.  
 Humphrey, I. M....425  
                   Amer. Stock Growers' Assn...Rapid City, S. D.  
 Hunter, W. A....Arlington Hts. Fruit Ex.....Omaha, Neb.  
 Hunter, W. H....Ill. Lbr. Dealers' Assn. ....La Salle, Ill.

## I

Iltner, Anthony...2925  
                   St. Louis Mnfrs. Assn.....St. Louis, Mo.

## J

Jenkins, C. B....Ohio Millers' Assn.....Marion, O.  
 Jennison, S. P....Represent'g Seven Fruit Assns.Covina, Cal.  
 Johnson, G. H....Com'l. Club of Beatrice.....Beatrice, Neb.  
 Johnston, J. H....30  
                   Okla. City Cham. of Com.....  
                   Okla. Traffic Assn.....Okla. City, O. T.

## K

Kahle, J. W.....Mnfrs. Assn. of Seattle.....Seattle, Wash.  
 Kapmire, Jno.....T. P. A. of America.....Milwaukee, Wis.  
 Keating, Edw....Denver Cham. of Com.....Denver, Col.  
 Keel, Jas. Z.....Tex. Grain Dealers' Assn.....Galveston, Tex.  
 Keys, F. H.....Council Bluffs Com'l. Club.....Council Bluffs, Ia.  
 Kenett, W. P....St. Louis Mchts. Exchange.....St. Louis, Mo.  
 Kenyon, C. A....Indianapolis Com'l. Club.....Indianapolis, Ind.  
 Keon, Cal. P....Hartford Com'l. Club.....Hartford, Ky.

Kern, Jno. W.....Indianapolis Com'l. Club.....Indianapolis, Ind.  
 Kernan, Jno. D.....Utica Cham. of Com.....Utica, N. Y.  
 Kiper, Chas.....175  
     Wholesale Saddlery Assn. of  
     U. S. ....Chicago, Ill.  
 Krotter, Wm.....Neb. Ret. Lbr. Dealers' Assn..Stuart, Neb.

## L

Lansing, J. A.....Scranton Board of Trade.....Scranton, Pa.  
 Lachmund, Paul...Wis. Ret. Lbr. Dealers' Assn..Sauk City, Wis.  
 Lamb, Dr. Chas. G.Col. Cattle & Horse Raisers'  
     Association .....Denver, Col.  
 Lange, L. A.....Natl. Wholesale Drug. Assn....Scranton, Pa.  
 Laverty, J. M.....So. Omaha Live Stock Ex.....So. Omaha, Neb.  
     Natl. Live Stock Assn.....Chicago, Ill.  
 Levering, Mortimer.Chicago Live Stock Assn.....Chicago, Ill.  
 Lind, Robt. C.....Rockford Mnfrs. & Shlp. Assn..Rockford, Ill.  
 Loftus, Geo. S.....Minn. Shlp. & Receivers' Assn..St. Paul, Minn.  
 Lyon, E. U.....800  
     Six Fruit Assns.....  
     Redlands Board of Trade.....Redlands, Cal.  
 Lyon, R. S.....Chicago Board of Trade.....Chicago, Ill.

## M

Mackenzie, Murdo .Amer. Stock Growers' Assn....  
     Cattle Growers' Assn. of Am..  
     Trinidad Cham. of Com.....  
     S. D. Live Stock Assn.....  
     Cattle Raisers' Assn. of Tex...Trinidad, Col.  
 Madgeburg, F. H.....Millers' Natl. Assn. of the U. S.  
     Milwaukee Cham. of Com.....Milwaukee, Wis.  
 Maroney, Jas.....Dallas Com'l Club & Freight Bu.Dallas, Tex.  
     St. Paul Ret. Fuel Deal. Assn...St. Paul, Minn.  
 McCord, J. W.....Ohio Grain Dealers' Assn.....Columbus, O.  
     Ohio Shippers' Assn.....Columbus, O.  
 McKenzie, A. E.....250  
     T. P. A. of America .....Denver, Col.  
 McLellan, W. W.....Denver Real Estate Ex.....Denver, Col.  
 Marshall, T. B.....7000  
     Ohio Grain Dealers' Assn.....Sidney, O.  
 Messerole, C. G.....Iowa Farmers' & Grain Deal-  
     ers' Assn. ....Mason City, Ia.  
 Mooney, W. J.....Natl. Wholesale Drug. Assn....Indianapolis, Ind.  
     Indianapolis Com'l. Club.....Indianapolis, Ind.  
 Mlsbach, Jos.....Algona Com'l. Club.....Algona, Ia.  
 Moore, J. W.....Chicago Live Stock Assn.....Chicago, Ill.  
 Moore, Scott W.....T. P. A. of America .....Louisville, Ky.  
 Morrison, R. A.....Denver Real Estate Ex.....Denver, Col.  
 Mudge, E. T.....200  
     San Diego Cham. of Com.....San Diego, Cal.  
 Mueller, Adolph...Decatur Cham. of Com.....Decatur, Ill.  
 Mueller, Geo. W...Decatur Cham. of Com.....Decatur, Ill.  
 Murphy, F. M.....Indianapolis Board of Trade.....Indianapolis, Ind.  
 Martin, W. B.....Dubuque Shippers' Assn.....Dubuque, Ia.

## N

Nelson, Swan ....Mchts. Assn. of Chicago.....Chicago, Ill.  
 Newell, Ernest....Wis. Ret. Lbr. Dealers' Assn..De Forest, Wis.  
 Newill, W. E.....So. Hdw. Jobbers' Assn.....  
     So. Hardwood Lbr. Assn.....  
     Atlanta Freight Bureau.....Atlanta, Ga.  
 Nogren, Frank E...Natl. League of Com. Mchts...Chicago, Ill.  
 Noyes, LaVerne W.Ills. Mnfrs. Assn.....Chicago, Ill.  
 Nusbaum, Leo.....415  
     Marion Com'l. Club.....Marion, Ind.

## O

Othmer, Henry....Wholesale Saddlery Assn. of  
U. S. ....Chicago, Ill.  
Ottman, J. L.....Laurel Board of Trade.....Laurel, Miss.  
Owen, D. G.....Milwaukee Cham. of Com.....Milwaukee, Wis.  
Osborn, F. W.....Quincy Cham. of Com.....Quincy, Ill.

## P

Parker, F. E.....Bay City Board of Trade.....Bay City, Mich.  
Saginaw Board of Trade.....Saginaw, Mich.  
Parker, G. E.....Natl. Wholesale Lbr. D. Assn...Sioux City, Ia.  
Patton, W. H.....St. Paul Produce Exchange...  
St. Paul Board of Trade.....St. Paul, Minn.  
Paul, Jas. L.....Represent'g Ten Fruit Assns..Chicago, Ill.  
Perry, E. F.....Natl. Wholesale Lbr. D. Assn..New York, N. Y.  
Perry, L. H.....1350  
Ills. Farmers' & Grain Assn...Ransom, Ill.  
Phartres, Geo. A...Represent'g Two Fruit Assns..Irwindale, Cal.  
Pike, Edw. B.....Natl. Assn. of Mnfrs. of Am...Pike, N. H.  
Powell, Geo. E...St. Louis Mchts. Exchange...St. Louis, Mo.  
Pritchard, J. M. ...Ind. Hdw. Lbr. Men's Assn...Indianapolis, Ind.  
Pritchett, E. K.....Grand Rapids Board of Trade...Grand Rpd, Mich.  
Purney, H.....Represent'g Two Fruit Assns..Lindsay, Cal.

## R

Ranny, J. A.....400  
Kan. Fed. of Com'l. Ints.....Arkansas City.  
Ray, Allen S.....Natl. Coopers' Assn.....Chicago, Ill.  
Reed, Edw. H.....Natl. Live Stock Assn. ....Wyncote, Wyo.  
Resling, H. L.....Kan. Fed. of Com'l. Ints. ....Wichita, Kan.  
Ridgeway, Chas. H.Kan. Fed. of Com. Ints. ....Kansas City, Kan.  
Robbins, W. C. B...Mass. Wholesale Lbr. Assn...Boston, Mass.  
Robinson, C. W...Boosters' Club.....  
Miss. Cotton Exchange.....  
Meridian Board of Trade.....Meridian, Miss.  
Robinson, E. C....S. W. Lbr. Men's Assn.....St. Louis, Mo.  
Robinson, Ed. C....One Assn. & Pomona B. of T..Pomona, Cal.  
Rosenkranz, A. C...250  
Evansville Mnfrs. Assn.....Evansville, Ind.  
Rumsey, I. P.....20000  
Chicago Board of Trade.....Chicago, Ill.  
Ryon, E. M.....2108  
Highgrove Fruit Exchange....Highgrove, Cal.

## S

Scales, Jno. C....Natl. League of Com. Mchts...Chicago, Ill.  
Scanlon, J. P.....Represent'g Two Fruit Assns..Lindsay, Cal.  
Schriele, Benj....K. C. Kan. Merc. Club.....Kansas City, Kan.  
Schroeder, Geo. A..Milwaukee Cham. of Com.....Milwaukee, Wis.  
Schoenecker, V. J..T. P. A. of America.....Milwaukee, Wis.  
Scott, J. E.....Three Fruit Assns.....  
San Bernardino B. of T. ....S. Bernardino, Cal.  
Scott, W. G.....Olmstead Co. Union A. S. F. E.Rochester, Minn.  
Schurtleff, W. C...Natl. Wholesale Drug Assn...Chicago, Ill.  
Shaffer, Frank H...Cin. Business Men's Club...Cincinnati, O.  
Shaver, Rolland...Cedar Rapids Com'l. Club...Cedar Rapids, Ia.  
Shipley, Murray...Cin. Branch Natl. Met. Trades  
Association .....Cincinnati, O.  
Short, Jas. T.....T. P. A. of America.....Louisville, Ky.  
Shuttleworth, J. J..520  
T. P. A. of America.....Terre Haute, Ind.  
Sickel, J. T.....Chicago Board of Trade.....Chicago, Ill.  
Simpson, D. W.....Fox River Valley Mnfrs. Assn...Aurora, Ill.  
Smith, C. H.....Ills. Mnfrs. Assn.....Aurora, Ill.  
Smith, Geo. P.....Mason City Com'l. Club.....Mason City, Ia.  
Sprague, A. A....Chicago Shippers' Assn.....Chicago, Ill.  
Stacey, W. C.....Chicago Shippers' Assn.....Chicago, Ill.  
Stanford, T. H.....750  
Independence Com'l. Club.....Independence, Kan.

Stillman, F. H.....600  
 N. Y. Mnfrs. Assn. .... Brooklyn, N. Y.  
 Stimson, J. V.....2600  
 Ind. Hdw. Lbr. Men's Assn....Huntingburg, Ind.  
 Story, F. Q.....Represent'g Eight Fruit Assns...Los Angeles, Cal.  
 Sigler, W. H.....Cleveland Cham. of Com....Cleveland, O.  
 Stillwell, W. B.....Savannah Board of Trade.....  
 Savannah Cham. of Com....Savannah, Ga.  
 Stubbs, Chas. C.....Denver Cham. of Com....Denver, Col.  
 Sundstrom, J. O.....1500  
 Lindsborg Com'l. Club.....Lindsborg, Kan.  
 Stewart, F.....Grecers' Assn. ....Rapid City, S. D.  
 Slade, Lewis C.....Mich. Hay Assn.....Saginaw, Mich.

## T

Tanner, Frank H.....2500  
 Mid. O. Grain Dealers' Assn...Mansfield, O.  
 Taylor, Edw. H.....Mchts. Assn. of Chicago.....Chicago, Ill.  
 Teague, C. C.....350  
 Ventura Board of Trade.....Ventura, Cal.  
 Temple, J. S.....Denver Cham. of Com....Denver, Col.  
 Thleme, R. T.....75  
 Ft. Wayne Com'l. Club.....Ft. Wayne, Ind.  
 Thomas, C. R.....Hereford Cattle Breed. Assn...Kansas City, Mo.  
 Turner, A. H.....2900  
 Pitts. Wholesale Lbr. D. Assn..Pittsburg, Pa.

## V

Van Asmus, H. D. C. Grand Rapids Board of Trade..Grand Rpd., Mich.  
 Van Hoose, J. A.....So. Wholesale Gro. Assn.....Birmingham, Ala.  
 Van Loven, E. F.....Three Fruit Assns.....  
 Colton Cham. of Com....Colton, Cal.  
 Van Sant, Grant...Minn. Ship. & Receivers' Assn..Minneapolis, Minn.  
 Verdery, E. F.....450  
 So. Hdw. Lbr. Assn.....Augusta, Ga.  
 Voris, F. D.....National Hay Assn.....Neoga, Ill.

## W

Wagner, E. W.....Chicago Board of Trade.....Chicago, Ill.  
 Wagner, F. E.....Natl. League of Com. Mchts...Chicago, Ill.  
 Waldron, E. P.....Saginaw Board of Trade.....Saginaw, Mich.  
 Warren, Geo. C.....Mich. Hay Assn.....Saginaw, Mich.  
 Watkins, C. G.....E. Buffalo Live Stock Assn...E. Buffalo, N. Y.  
 Watson, Geo. E.....Natl. Paint, Oil & Varn. Assn..Chicago, Ill.  
 Waymer, F. E.....Ga. Interstate Saw Mill Assn..Jacksonville, Fla.  
 Webber, W. C.....Minn. Munic. & Com'l. League..Rochester, Minn.  
 Wells, Geo. V.....Chicago Live Stock Assn.....Chicago, Ill.  
 Wells, J. W.....Natl. Assn. of Mnfrs. of Am...Menominee, Mich.  
 West, R. H.....Cin. Carriage Makers' Club....  
 Cin. Receivers & Ship. Assn...  
 Mnfrs. Club of Cincinnati.....Cincinnati, O.  
 Wessellus, S.....Grand Rapids Board of Trade..Grand Rpd., Mich.  
 Whitworth, G. A.....Grand Rapids Board of Trade..Grand Rpd., Mich.  
 Whitney, E. F.....10  
 E. Des Moines Com'l. Club....Des Moines, Ia.  
 Whitney, L. C.....Mchts. & Mnfrs. Assn.....Milwaukee, Wis.  
 Wilder, Jno. E.....Ills. Mnfrs. Assn.....Chicago, Ill.  
 Williams, E. E.....Steubenville Ret. Mchts. & B. T..Steubenville, O.  
 Williamson, E. E.....Ohio Shippers' Assn.....  
 Cin. Cham. of Com....  
 Cin. Receivers & Ship. Assn...  
 Mnfrs. Club of Cincinnati.....Cincinnati, O.  
 Wood, Frank C.....Wichita Com'l. Club.....Wichita, Kan.  
 Wright, E. O.....Concordia Com'l. Club.....Concordia, Kan.  
 Wulpl, M.....Natl. Dining Table Assn.....  
 T. P. A. of America.....Omaha, Neb.

## THE FEDERAL RATE REGULATION ASSOCIATION.

The following list of delegates who attended the Federal Rate Regulation Association at Chicago, October 26th and 27th, is made after eliminating all newspaper men, visitors, proxies and all delegates who have not confirmed in writing since the adjournment of the Convention their support of the following resolutions:

"We declare as a fundamental basis of our deliberations and of our purpose, an unquestioning faith in the wisdom, integrity and high purposes of President Theodore Roosevelt, our appreciation of his influence, which permeates every branch of government, every industry and all development, of the entire nation, and our confidence in his leadership. We recommend definite action by this convention looking to the establishment of a permanent organization which shall be representative of every State and Territory of the Union, and shall be the nucleus for all future work that shall become necessary hereafter to carry out the expressed will of this association. To that end we suggest the selection of a general committee which shall be charged with the duty of transmitting to Congressional committees on interstate and foreign commerce, during the next session of Congress, the action of this convention.

"We are unalterably opposed to conferring upon the Interstate Commerce Commission, or any other appointive agency, the power to prescribe rates for transportation, believing that such action would prove a dangerous experiment inimical to the best interests of commerce and the continued development of this country.

"Recognizing existing evils connected with the transportation interests of the country, viz: all forms of rebate or favoritism extended to one individual or locality to the disadvantage and detriment of others or effected through private car lines, industrial, terminal or switching lines, manipulation of freight classification, unfair and unequal distribution of freight equipment, or by any other or different means, we demand the most rigid enforcement of the law, which, if found to be inadequate, should be so amended as to provide speedy, efficient and permanent relief.

"We recognize the great and almost universal dissatisfaction with the interstate commerce law as now administered or enforced is due to the delay in reaching a determination of questions demanding early and final settlement, and we urge upon Congress the imperative necessity for providing the necessary machinery for relief."

LIST OF DELEGATES TO FEDERAL RATE REGULATION  
ASSOCIATION, CHICAGO, OCTOBER 26 AND 27, 1905.

The figures following each name shows the number of carloads of freight per annum that the respective delegates personally represent:

STUDEBAKER HALL.

A

Abbott, W. R.	20500	Ft. Smith Commercial Club....	
		Ft. Smith 100,000 Club .....	Ft. Smith, Ark.
Ainsworth, A. S.	575	Mich. & Ind. Retail Coal Assn..	Grand Rpd. Mich.
Akers, G. W.	2	Grocers', Btchs. & Bkrs'. Assn.	St. Joseph, Mo.
Aldrich, Geo. A.	300	Mich. & Ind. Retail Coal Assn..	Hillsdale, Mich.
Aldridge, T. B.		Denver Retail Grocers' Assn....	Denver, Colo.
Allen, J. M.		Mfrs. & Shippers' Assn.....	Rockford, Ill.
Anderson, Geo. H.	300	Chamber of Commerce .....	Pittsburg, Pa.
Anderson, Nell P.	9900	Board of Trade .....	Ft. Worth, Tex.
Atwood, Lewis R.	8000	Louisville Paint, Oil & Varnish	Club .....
			Louisville, Ky.

B

Balley, I.	15450	Commercial Club .....	Madisonville, Ky.
Balrd, J. H.		Nashville Lbrmen's Assn.....	Nashville, Tenn.
Baker, A. J.	750	Stove Mfrs. Assn. ....	Belleville, Ill.
Baker, D. M.	600	Mich. & Ind. Retail Coal Assn..	Adrian, Mich.
Baker, Geo.	200	Frankfort Bus. Men's Club....	Frankfort, Ky.
Baker, L. K.	5000	Wis. Val. Lbrmen's Assn.....	Odanah, Wis.
Baldwin, J. S.	8000	N. Y. & Pa. Retail Coal Assn..	Elmira, N. Y.
Ball, Frank C.		Commercial Club .....	Muncie, Ind.
Ball, G. A.		Commercial Club .....	Muncie, Ind.
Banta, T. P.	50	Imperial Fruit & Veg. Assn....	Imperial, Cal.
Barber, C. W.		Mfrs. & Producers' Assn.....	Knoxville, Tenn.
Barber, J. T.	7000	Natl. Lbr. Mfrs.' Assn.....	Eau Claire, Wis.
Barker, W. P.	600	Ills. & Wis. Retl. Coal D. Assn.	Batavia, Ill.
Barnett, A.	1100	Commercial Club .....	McCook, Neb.
Batchelder, W. R.		New Eng. Retail C. D. Assn....	Boston, Mass.
Bayless, F. C.	150	Holtville Cham. of Com.....	Holtville, Cal.
Becker, Jno. H.		Real Estate Exchange.....	Plattsmouth, Neb.
Beek, Jos. H.		St. Paul Job. & Mfrs.' Assn....	St. Paul, Minn.
Bentley, F. A.		National Assn. of Mfrs.....	Chicago, Ill.
Beretta, I. A.	5	Oakland Board of Trade.....	Oakland, Cal.
Bernardin, F. M.	300	Mfrs. & Merchants' Assn.....	Kansas City, Mo.
Bertolet, W. M.		Internl. Council of C. Mchts....	Reading, Pa.
Bertschy, C. J.	30000	Milwaukee Brewers' Assn....	Milwaukee, Wis.
Bettenendorff, J. W.	800	Iowa State Mfrs.' Assn.....	Davenport, Ia.
Black, W. F.	425	Commercial & Indus. Assn .....	Montgomery, Ala.

Blakeney, W. J.	4000	National Assn. of Mfrs.	Dayton, O.
Bloss, S. M.	4000	Southern Cypress Mfrs.' Assn.	
		Natl. Lbr. Mfrs.' Assn.	Garyville, La.
Born, C. C.		Board of Trade	Columbus, O.
Bott, Peter J.	200	Board of Trade	La Crosse, Wis.
Bradley, Frank J.	15	Haverhill Shoe Mfrs.' Assn.	Haverhill, Mass.
Bradley, Herbert	50000	N. Y. Produce Exchange	New York City.
Bradshaw, A. E.	2000	Internl. Council of Coal Mchts.	Indianapolis, Ind.
Bradshaw, Jas. B.	200	Commercial Club	Minneapolis, Minn.
Brady, E. S.		Baltimore Coal Exchange	Baltimore, Md.
Briggs, Arthur R.		Board of Trade	San Francisco, Cal.
Brown, F. E.		Bridgeport Bus. Men's Assn.	Bridgeport, Conn.
Browne, M. W.	150	Wholesale Gro's Club of N. M.	Las Vegas, N. M.
Brownfield, F. J.		Lexington Commercial Club	
		Dawson Co. Board of Trade	Lincoln, Neb.
Bullard, W. C.	1500	Omaha Builders Exchange	Omaha, Neb.
Burks, J. W., Jr.		Chamber of Commerce	Clarksville, Tenn.
Buschow, Chas.		Colby Commercial Club	Colby, Kan.

## C

Caldwell, F. H.	550	Chattanooga Mfgs. Ass'n.	Chattanooga, Tenn.
Calvert, Geo. T.	2500	Intern'l Council of Coal Mchts.	Detroit, Mich.
Carpenter, E. J.		Cal. Box & Lbr. Ass'n.	San Francisco, Cal.
Carkner, G. S.	5000	Board of Trade	Kansas City, Mo.
Carson, Wm.	7000	Commercial Club	Burlington, Ia.
Case, J. B.	1000	Commercial Club	Abilene, Kan.
Castle, C. H.	2500	Quincy Freight Bureau	
		Quincy Jobbers' Assn.	Quincy, Ill.
Cather, Z. S.	8000	San Joaquin Valley Retail Lbr. Dealers' Ass'n.	San Francisco, Cal.
Chambers, W. A.	330	Chamber of Commerce	Clarksville, Tenn.
Chlsam, C. H.	1700	Ia. & Neb. Coal Dealers' Ass'n.	Council Bluffs, Ia.
Clark, Jno. A.		N. W. Imperial Club, Mchts. & Mfrs. Ass'n.	Stockton, Cal.
Clark, L. A.	7000	Commercial Club	Muncie, Ind.
Clendening, E. M.		Commercial Club	Kansas City, Mo.
Coles, A. P.		Chamber of Commerce	El Paso, Tex.
Collins, H. G.		Jackson Coal Exchange	Jackson, Mich.
Colpetzer, F.	2375	Commercial Club	Omaha, Neb.
Comerford, Jno. J.		Mich. Retail Lbr. Dirs. Assn.	Detroit, Mich.
Cook, C. W., Jr.		Commercial Club	Albuquerque, N. M.
Cooper, J. W.	5000	Jobbers' Mfrs. Assn.	St. Paul, Minn.
Copenhaver, G. C.	5	Carriage Builders' Assn.	Denver, Colo.
Cornelius, W. R. Jr.	405	Nashville Grn. Dealers' Ex.	Nashville, Tenn.
Cornforth, H.	1000	Marysville Cham. of Com.	Marysville, Cal.
Cownle, J. H.	12	Commercial Club	Des Moines, Ia.
Craft, Jno.		Commercial Club	Mobile, Ala.



Grandall, F. E.....N. W. Retail Coal D. Assn....Mankato, Minn.  
 Crowell, S. B.....2800  
 Pa. Retail Coal Mer. Assn.....Philadelphia, Pa.  
 Cutler, F. E.....200  
 Board of Trade .....  
 Commercial Club .....Waterloo, Ia.

## D

Dain, Jos. ....2394  
 Commercial Assn. ....Ottumwa, Ia.  
 Davenport, Daniel.State Bd. of Trade of Conn....  
 Bridgeport Bus. Men's Assn....Bridgeport, Conn.  
 Dean, W. B.....Jobbers & Mfrs.' Assn.....St. Paul, Minn.  
 Defebaugh, E. H.....Eastern Cigar B. Mfrs.' Assn...  
 Int. Slack Coopg. Assn.....Louisville, Ky.  
 Detrick, E. J.....50  
 Builders' Exchange League....  
 Pa. State Assn. of Bldrs.' Ex.  
 Leagues .....Pittsburg, Pa.  
 Dietrich, C. H.....Commercial Club .....Hastings, Neb.  
 Dixon, W. G.....85  
 Fullerton Board of Trade.....Fullerton, Cal.  
 Dodge, O. V.....1500  
 Commercial Club .....Kansas City, Mo.  
 Donovan, Jno. ....100000  
 So. St. Joe Livestock Ex.....St. Joseph, Mo.  
 Dorgan, J. T.....5000  
 Int. Council Coal Mchts.....Lincoln, Neb.  
 Doster, A. T.....2500  
 Coal Exchange .....Bethlehem, Pa.  
 Douglas, Samuel G.4550  
 Grain Dealers' Exchange.....Nashville, Tenn.  
 Drake, H. G.....100  
 N. W. Mfrs.' Assn.....St. Paul, Minn.  
 Dudley, R. H., Jr.1800  
 Chamber of Commerce.....Nashville, Tenn.  
 Dugane, W. A.....1500  
 Business Men's Assn.....Cedar Falls, Ia.  
 Dunlap, G. T.....200  
 San Jose Cham. of Com.....  
 Gilroy Promotion Society.....Gilroy, Cal.  
 Dunlap, J. P.....1900  
 Chamber of Commerce .....Clarksville, Tenn.  
 Durkee, J. H.....3000  
 S. W. Interstate C. O. Assn....Kansas City, Mo.

## E

Eastman, I. P.....250  
 Lebanon Co. Retail C. D. Assn..Lebanon, Pa.  
 Egloff, M. C.....2000  
 Business Men's Assn.....Cedar Falls, Ia.  
 Elcheberger, G. A.Cleveland Garmt. Mfrs.' Assn..Cleveland, O.  
 Elliott, Jas. ....670  
 I. T. Coal Oprs.' Assn .....Halleyville, I. T.  
 Elwood, H. C.....750  
 Chamber of Commerce.....Buffalo, N. Y.  
 Endress, W. F.....500  
 N. Y. & Pa. Retail Coal Assn..Jamestown, N. Y.  
 Estes, P. M.....Chamber of Commerce.....Nashville, Tenn.  
 Evans, L. J.....10  
 Chamber of Commerce.....Napa, Cal.

## F

Fahey, W. H.....Commercial Club of Perry.... Perry, Ia.  
 Field, W. M.....300  
 Cannery's League of Cal.....San Francisco, Cal.  
 Fleming, F. W.....Mfrs.' & Mchts.' Assn.....Kansas City, Mo.  
 Flotron, J. R.....5000  
 Dayton Receivers' & Shippers'  
 Assn. ....Dayton, O.  
 Foote, A. R.....Board of Trade .....Columbus, O.

Foster, E. W.	20	
		Retail Merchants' Assn.....Nashville, Tenn.
Fowler, F. J.	1550	
		Waterloo Board of Trade.....
		Commercial Club .....Waterloo, Ia.
Frizzell, C. F.		Retail Merchants' Assn.....Nashville, Tenn.
Fuller, H. B.		N. W. Mfrs.' Assn.....St. Paul, Minn.

## G

Garrabrant, L. C.		Retail Merchants' Assn.....Nashville, Tenn.
Garvin, H. C.	6000	
		Minneapolis Cham. of Com....Winona, Minn.
Gates, J. E.	500	
		Ills. & Wis. Retl. Coal D. Assn.Jacksonville, Ill.
Gelott, R. B.	12	
		Merchants' Protec. Assn.....LaCrosse, Wis.
Gish, S. J.	2500	
		Commercial Club .....Central City, Ky.
Gladding, N. A.	986	
		Am. Hdw. Mfrs.' Assn.....Indianapolis, Ind.
Glass, W. M.	1500	
		Commercial Club .....Omaha, Neb.
Goldstein, Geo.	75	
		Black Diamond Club, 418 Eddy St. ....South Bend, Ind.
Goodman, W. M.		Commercial Club .....Knoxville, Tenn.
Goodyear, C. W.	25000	
		Chamber of Commerce .....Buffalo, N. Y.
Gordon, I. S.	24	
		Board of Trade .....Indianapolis, Ind.
Greef, C. E.	80	
		N. W. Lumbermen's Assn.....Eldora, Ia.
Green, H. J.	5	
		Business Men's Assn.....Decorah, Ia.
Gregory, Geo.	1000	
		Coal Dealers' Assn. of Iowa & Nebraska .....Marshalltown, Ia.

## H

Hall, J. S.	600	
		Commercial League .....Monticello, Ia.
Hall, Robt. W.		Dr.Sanborn Commercial Club.....Sanborn, Ia.
Halstead, C. E.	400	
		N. E. Retail Coal D. Assn.....Springfield, Mass.
Hamacher, L. D.		National Hay Assn.....Kansas City, Mo.
Hamilton, S. M.		Int. Council of Coal Mchts.....Dunkirk, N. Y.
Hammer, G. L.	115	
		Commercial Club ..... Omaha, Neb.
Hammond, J. M.	350	
		Flint Coal Exchange.....Flint, Mich.
Hare, C. H.		Oskaloosa Commercial Club...Oskaloosa, Ia.
Harl, F. F.		Grocers' Butchers' & Bakers' Assn. ....St. Joseph, Mo.
Harlan, J. M.	800	
		Commercial Exchange .....Indianola, Ia.
Harris, R. E.		Coal Dealers' Assn. of Iowa & Nebraska .....Omaha, Neb.
Hayes, C. B.		Mo. River Wholesale Grocers' Assn. ....Kansas City, Mo.
Heather, H. C.		Business Men's Assn. ....Palmyra, Mo.
Hellen, C. D.		Commercial League .....Webster City, Ia.
Henry, F. H.	85	
		N. W. Lumbermen's Assn. of Minneapolis .....Belle Plains, Ia.
Hinkle, C. D.		Board of Trade .....Santa Cruz, Cal.
Hobbs, Fred A.	800	
		Mich. & Ind. Retail Coal Assn..Bent'n Harbor, Mh.
Hodges, J. R.	300	
		Covina Mchts.' & Mfrs.' Assn..Covina, Cal.
Hogan, Hugh.	1500	
		Board of Trade .....Oakland, Cal.
Hollis, W. G.		N. W. Lumbermen's Assn.....Minneapolis, Minn.

- Holmes, A. L. .... 500  
 Mich. Retail Lbr. Dealers' Assn. .... Detroit, Mich.
- Hood, Calvin .... Business Men's Assn. .... Emporia, Kan.
- Hopkins, W. M. .... Minneapolis Cham. of Com. .... Minneapolis, Minn.
- Hovey, S. B. .... 12  
 Ft. Worth Board of Trade. .... Ft. Worth, Tex.
- Hovley, Peter P. .... 100  
 Brawley Farming & Experimental Company .... Brawley, Cal.
- Howes, Samuel A. .... Battle Creek Coal Exchange. ....  
 Mich. & Ind. Retail Coal Assn. .... Battle Creek, Mich.
- Hubbard, A. .... Spencer Imp. Club. .... Spencer, Ia.
- Hughes, J. A. .... 250  
 N. Y. & Pa. Retail Coal Assn. .... Jamestown, N. Y.
- Hughes, Jas. D. .... Coal Exchange .... Baltimore, Md.
- Hull, D. .... 1500  
 Int. Council Coal Mchts. .... Oak Park, Ill.
- Hume, L. .... 2000  
 Chamber of Commerce. .... Nashville, Tenn.
- Humphrey, F. G. .... 1000  
 Retail Coal Dealers' Assn. of New England .... Waterbury, Conn.
- Hutchins, R. G. .... Board of Trade .... Columbus, O.
- Huttig, H. W. .... 1000  
 Ia. State Mfrs.' Assn. .... Muscatine, Ia.
- I.
- Ing, J. C. .... Sacramento Cham. of Com. .... Sacramento, Cal.
- Ingram, G. C. .... 125  
 N. W. Lumbermen's Assn. .... Sauk Center, Minn.
- Irvine, Wm. .... 4000  
 Miss. Val. Lbrmen's Assn. .... Chip'wa Falls, Wis.
- J
- James, J. C. .... Kansas City Commercial Club. .... Kansas City, Mo.
- Jamison, Jas. H. .... 85  
 Commercial Club .... Osceola, Ia.
- Jamme, L. T. .... Chamber of Commerce. .... Minneapolis, Minn.
- Johnson, E. G. .... 5  
 Inwood Commercial Club. .... Inwood, Ia.
- Jones, J. H. .... 2500  
 Chamber of Commerce. .... Chico, Cal.
- Jones, Wm. T. .... 200  
 Mich. Retail Dirs.' Assn. .... Big Rapids, Mich.
- Junkin, C. M. .... 5  
 Jefferson Commercial Club. .... Fairfield, Ia.
- K
- Kaough, Wm. .... 450  
 Ft. Wayne Coal Dealers' Assn. .... Ft. Wayne, Ind.
- Keller, Will E. .... 8000  
 Cal. Millers' Assn. .... San Francisco, Cal.
- Kelly, H. M. .... 625  
 Harrisburg Coal Exchange .... Harrisburg, Pa.
- Kelly, Thos. W. .... 25  
 Board of Trade .... Santa Cruz, Cal.
- Kierstead, Geo. W. .... 1100  
 Long Wall Coal Opr's Assn. .... Higginville, Mo.
- Kiesel, Fred J. .... 226  
 Weber Club & Bus. Men's Assn. .... Ogden, Utah.
- Kirk, R. A. .... St. Paul Jobbers' & Mfrs' Assn. .... St. Paul, Minn.
- Kneas, W. H. .... 150  
 Norristown Coal Exchange. .... Norristown, Pa.
- Knight, F. M. .... Business Men's Club. .... Alliance, Neb.
- Knox, Jas. D. .... 75  
 Chamber of Commerce. .... Colton, Cal.
- Knox, Jas. W. .... Jacksboro Board of Trade. .... Jacksboro, Tex.
- Kraft, Arthur .... 675  
 Mich. & Ind. Retail Coal Dealers' Assn. .... Battle Creek, Mich.

Kreitz, F. P.	150	Lexington Commercial Club	Lexington, Neb.
Krudop, Geo. H.	8000	Mich. & Ind. Retail Coal Assn.	Ft. Wayne, Ind.
Kirby, J., Jr.	75	Dayton Board of Trade	Dayton, O.
		Dayton Employers' Assn.	Dayton, O.

## L

Lake, Robt.	600	Int. Council Coal Mchts.	Jackson, Mich.
Landrum, J. W.	125	Mich. & Ind. Retail Coal Dealers' Assn.	Terre Haute, Ind.
Lane, Chas. P.	125	Chamber of Commerce	Huntsville, Ala.
Laubach, J. M.	300	Pa. Retail Coal Mchts.' Assn.	Allentown, Pa.
Leopold, Carl	300	Ia. State Mfrs.' Assn.	Burlington, Ia.
Leslie, Jno.	550	Commercial Club	Minneapolis, Minn.
Lindsay, E. A.	400	Chamber of Commerce	Nashville, Tenn.
Lockwood, B. A.	400	Ia. & Neb. Coal Dirs.' Assn.	Des Moines, Ia.
Long, Jno. W.	27900	Commercial Club	Loup City, Neb.
Long, R. A.	27900	Southern Lbr. Mfrs.' Assn.	Kansas City, Mo.
Loughman, F. J.	1600	Black Diamond Club	South Bend, Ind.
Lovelace, F. L.	1600	Niagara Falls Employers' Assn.	Niagara Falls, N. Y.
Lucas, J. W.	1600	N. W. Lumbermen's Assn.	Winona, Minn.
Lukens, Frank E.	Ills.	Ills. & Wis. Retail Coal Dealers' Assn.	Chicago, Ill.
Lynch, Jno. H.	Int.	Int. Council Coal Merchants	Albany, N. Y.

## M

Manhard, E. E.	250	Commercial Club	Waterloo, Ia.
		Board of Trade	Waterloo, Ia.
Marsh, W. W.	2000	Waterloo Mfrs.' Assn.	Waterloo, Ia.
Martin, Euclid	500	Commercial Club	Omaha, Neb.
Mason, F. H.	2500	Chamber of Commerce	Buffalo, N. Y.
Masters, B. F.	2500	Nat'l Assn. Box Mfrs., Union & Lumber Sts.	Chicago, Ill.
Mather, C. B.	N. Y. & Pa.	Retail Coal Assn.	Elmira, N. Y.
Matson, Fred E.	Mfrs.' Assn. of Indianapolis, 618 State Life Bldg.		Indianapolis, Ind.
Maxwell, F. W.	12	Commercial Club	St. Joseph, Mo.
McCune, C. A.	332	Commercial Club	Des Moines, Ia.
McCully, W. E.	100	Commercial Club	Macon, Mo.
McDonald, M. L. Jr.	100	Sonoma Co. Board of Trade	Santa Rosa, Cal.
McIntyre, R. R.	1100	Merchants' Assn.	Hannibal, Mo.
McIntyre, W. H.	1100	Commercial Club	Auburn, Ind.
McLeod, N. W.	4000	Nat'l Lbr. Mfrs.' Assn.	St. Louis, Mo.
McMillan, B. F.	5000	Nat'l Lbr. Mfrs.' Assn.	McMillan, Wis.
McRaven, A. D.	20	Boosters' Club	Meridian, Miss.
McVey, A.	20	Commercial Club	Chillicothe, Mo.
Meade, S. C.	345	Merchants' Assn.	345 Broadway, New York City.
Meese, W. A.	Ill.	Moline Bus. Men's Assn.	Moline, Ill.
Meissner, G. L.	Crete	Commercial Club	Crete, Neb.

Merriam, C. W.	Commercial Club	Topeka, Kan.
Merritt, Edson C.	250 Sonoma Co. Board of Trade	Santa Rosa, Cal.
Merz, E. G.	50 Western Cigar Box Mfrs.' Assn.	Chicago, Ill.
Meyer, Nathan	Nat'l Assn. of Mfrs.	Wabash, Ind.
Miller, C. W.	175 Commercial Club	Vinton, Ia.
Miller, C. W.	Waverly Industrial Assn.	Waverly, Ia.
Miller, L. M.	3000 Commercial Club	Kansas City, Mo.
Miller, Walter C.	400 Int. Council Coal Mchts.	South Bend, Ind.
Mitchell, Geo. H.	55 N. Y. & Pa. Retail Coal Assn.	Mill Village, Pa.
Mix, M. W.	2500 Am. Supply & Machy. Mfrs.' Assn.	Mishawaka, Ind.
Moellering, C. E.	180 Ft. Wayne Coal Exchange	Ft. Wayne, Ind.
Montgomery, G. B.	1556 Buffalo Merchants' Exchange	Buffalo, N. Y.
Moore, J. H.	Buffalo Lumber Exchange	Buffalo, N. Y.
Moore, M. A.	2500 Citizens' Alliance	Kankakee, Ill.
Morris, R. J.	3 Ia. & Neb. Coal Dealers' Assn.	LeMars, Ia.
More, C. M.	Denver Retail Grocers' Assn.	Denver, Colo.
Mosher, Frank	250 N. W. Retail Coal D. Assn.	Winona, Minn.
Moss, A. B.	Ills. & Wis. Retail Coal Dealers' Assn.	DeKalb, Ill.
Motter, Louis	1500 Commercial Club	Ida. Imp. & Hdw. Dealers' Assn.
Munck, C.	Commercial Club	St. Joseph, Mo.
Murfin, W. E.	15000 Lincoln Commercial Club	Lincoln, Kan.
	S. W. Interstate Coal Operators' Assn.	Huntsville, Mo.

## N

Nachman, G. H.	2000 Coal Exchange	Baltimore, Md.
Nash, Wallis	Board of Trade	Portland, Ore.
Nesbitt, H.	Midstate Coal Dealers' Assn. of Mo. & Kan.	Atchison, Kan.
Nunemacher, F. C.	Nat'l Assn. Mfrs.	Atchison, Kan.
	Louisville Board of Trade	Louisville, Ky.
	Louisville Employers' Assn.	Louisville, Ky.
Nutting, J. R.	1200 Louisville Bldg. Contr's Ex.	Louisville, Ky.
Nye, W. G.	Business Men's Assn.	Davenport, Ia.
	Commercial Club	Minneapolis, Minn.

## O

Olmstead, J. G.	35 Commercial Club	Des Moines, Ia.
Osborn, A. L.	70000 Nat'l Lbr. Mfrs.' Assn.	Oshkosh, Wis.

## P

Palne, Asa	2000 Commercial Club	Minneapolis, Minn.
Palmer, Earl	2500 Nat'l Hardwood Lbr. Assn.	Paducah, Ky.
Palmer, Jas.	Retail Merchants' Assn.	Nashville, Tenn.
Palmer, J. H.	175 International Council Retail Coal Merchants	Wallingford, Pa.
Parry, D. M.	4000 Nat'l Assn. of Mfrs.	Indianapolis, Ind.

Peatman, W. M.	500	Commercial Club	Centerville, Ia.
Penick, J. A.		Noxall Club	Chariton, Ia.
Penington, S. W.		Business Men's Assn.	Albia, Ia.
Penney, J. E.		Commercial Club	New Decatur, Ala.
Perry, W. C.	150,000	Nat'l Lumber Mfrs.' Assn.	Kansas City, Mo.
Peschman, C. B.		Business Men's League	Decatur, Ala.
Pickens, C. H.		Commercial Club	Omaha, Neb.
Pierce, F. H.		Commercial Club	Las Vegas, N. M.
Platt, J. I.	3	Board of Trade	Poughkeepsie, N. Y.
Plane, W. F.		Coal Exchange	
		S. E. Retail Coal. Mchts.' Assn.	Atlanta, Ga.
Purnell, W. F.	35000	Jobbers' Assn.	Sacramento, Cal.
Purcell, E. B.	184	Commercial Club	Manhattan, Kan.

## R

Radford, H. D.		Chamber of Commerce	San Jose, Cal.
Ræburn, J. S.	1200	Coal Exchange	Washington, D. C.
Ramsey, J. B.	4500	Business Men's Assn.	Sebree, Ky.
Reese, G. H.		N. W. Retail Coal Dirs.' Assn.	Minneapolis, Minn.
Rhodes, J. E.		Miss. Val. Lbrmen's Assn.	Minneapolis, Minn.
Rice, G. H.	1200	Business Men's Assn.	Green Bay, Wis.
Ripley, Daniel C.	3000	Nat'l Assn. of Mfrs.	Pittsburg, Pa.
Rode, E. J.	240	Placer Co. Imp. Devel. Assn.	E. Auburn, Cal.
Rogers, Geo. B. M.	9765	Mfrs.' Assn.	Belleville, Ill.
Roos, C. L.	1800	Kansas City Millers' Club	Kansas City, Mo.
Ross, C. J.	1800	N. W. Lbrmen's Assn.	Sioux Falls, S. D.
Rulofsen, A. C.	100000	San Francisco Board of Trade.	
		Mfrs.' & Prod. Assn.	San Francisco, Cal.
Rowland, C. A.	15	Tuscumbia Com'l Club	Tuscumbia, Ala.
Runyan, Justin A.		Mfrs.' & Merchants' Assn.	Kansas City, Mo.
Ryder, J. W.	1800	Mich. & Ind. Retail Coal Dealers' Assn.	Kalamazoo, Mich.

## S

Salisbury, F. R.	1100	Commercial Club	Minneapolis, Minn.
Sargent, Jno. A.		Mfrs.' & Mchts.' Assn. of K. C.	Kansas City, Mo.
Sarles, O. C.	600	N. W. Lbrmen's Assn.	Hillsboro, N. D.
Sanford, W. L.		Indianapolis Com'l. Club	Indianapolis, Ind.
Sawyer, C. M.		Commercial Club	Norton, Kan.
Sawyer, H. W.	2000	Lynn Shoe Mfrs.' Assn.	Lynn, Mass.
Scatcherd, J. N.	1200	Buffalo Lbr. Exchange	Buffalo, N. Y.
Schermerhorn, N. I.	300	Coal Merchants' Assn of	Schenectady, N. Y.
Schoonover, G. L.		Commercial Club	Anamosa, Ia.
Scott, G. W.	12500	Redwood Mfrs.' Assn.	San Francisco, Cal.
Scrifer, W. J.	408	N. W. Lumbermen's Assn.	Dennison, Ia.
Scull, C. K.	400	Int. Council Coal Mchts.	
		Phil. Coal Exchange	Philadelphia, Pa.
Sears, O. W.	1250	Int. Council Coal Mchts.	Binghampton, N. Y.

Sedgwick, J. E.	100	Chamber of Commerce	Waterloo, Ia.
Selbert, I. B.	300	Reading Retail Coal Dirs.' Assn.	Reading Pa.
Shannon, E. S.	10000	Chamber of Commerce	Nashville, Tenn.
Shaver, C. B.	10000	San Joaquin Val. Lbr. Mfrs.' Assn.	Clovis, Cal.
Sheldon, P.	1827	Commercial Club	Ames, Ia.
Shevlin, T. H.	14000	Nat'l Lbr. Mfrs.' Assn.	Minneapolis, Minn.
Sifford, F. J.	3500	Board of Trade	Ventura, Cal.
Simmons, F. W.	3500	Ia. Hdw. Jobbers' Assn.	Ottumwa, Ia.
Simmons, Z. G., Jr.	12000	Nat'l Assn. of Mfrs.	Kenosha, Wis.
Smith, C. L.	100	West End Alameda Imn. Assn.	Alameda, Cal.
Smith, E. C.	100	Jobbers, Transp'tn. Bureau	St. Joseph, Mo.
Smith, H. S.	3000	Natl. Assn. of Mfrs.	Menasha, Wis.
Smith, W. H.	350	Commercial Club	Marysville, Kan.
Smith, Ward M.	350	Pac. Coast Cereal Millers' Assn.	San Francisco, Cal.
Staats, C. B.	1674	Retail Coal Mchts.' Assn.	Albany, N. Y.
Staebler, E. W.	200	Ann Arbor Coal Exchange	Ann Arbor, Mich.
Stearns, Edwin	100	Oakland Board of Trade	Oakland, Cal.
Sterne, T.	35	Business Men's Assn.	Burlington, Ia.
Stevenson, W. C.	35	Commercial Club	Minneapolis, Minn.
Stickney, S. W.	437	Retail Coal Dealers' Assn.	Buffalo, N. Y.
Stine, D. O.	200	Ills. & Wis. Retail Coal Dealers' Assn.	Reedsburg, Wis.
Stivers, Thos.	15	Business Men's Assn.	Burlington, Ia.
Stone, B. L.	100	Commercial Club	Rosedale, Kan.
Stone, E. P.	40,000	Board of Trade	Saginaw, Mich.
Strathearn, R. P.	40,000	Board of Trade	Siml, Cal.
Strunk, J. A.	575	Int. Council of Retail Coal Merchants	Reading, Pa.
Stuart, C. M.	1500	Eastern & Central N. Y. Retail Coal Merchants	Albany, N. Y.
Suam, W. E.	50	Commercial Club	Hays City, Kan.
Sullivan, J. T.	50	Board of Trade	Waterloo, Ia.
Sweet, A. T.	900	Commercial Club	Denver, Colo.
Symmes, J. C.	900	Retail Grocers' Assn.	Nashville, Tenn.
		Chamber of Commerce	Nashville, Tenn.

## T

Taylor, B. U.	300	Int. Council Coal Merchants	Olean, N. Y.
Taylor, Chas. T.	55000	N. W. Retail Coal Dirs.' Assn.	Mankato, Minn.
Taylor, H. N.	9000	Ills. Coal Oprs.' Assn.	Chicago, Ill.
Tefft, Geo. F.	9000	Mfrs.' & Merchants' Assn.	Kansas City, Mo.
Thompson, Geo. P.	3000	N. W. Lbrmen's Assn.	Minneapolis, Minn.
Thompson, L. W.	500	Ills. & Wis. Coal Dirs.' Assn.	Beloit, Wis.
Thomson, W. A.	350	Commercial Club	Topeka, Kan.

Thurber, F. B.	U. S. Export Assn.	New York City.
Tibbs, Geo. M.	100	
	Jobbers' & Mfrs.' Assn.	St. Paul, Minn.
Toothaker, G. W.	Commercial Club	Argentine, Kan.
Torrey, Jas. H.	Scranton Board of Trade	Scranton, Pa.
Towle, F. I.	600	
	N. W. Mfrs.' Assn.	St. Paul, Minn.
Tracy, A. H.	250	
	Retail Coal Assn.	Buffalo, N. Y.
Traer, G. W.	24310	
	Ills. Coal Operators' Assn.	Chicago, Ill.
Traxler, C. J.	N. W. Lumbermen's Assn.	Minneapolis, Minn.
Trickett, W. P.	Commercial Club	
	K. C. Transportation Bureau	Kansas City, Mo.
Turner, F. F.	Wholesale Grocers' Assn.	Omaha, Neb.
Tuttle, W. F.	250	
	Imp. Vehicle & Hdw. Club	Kansas City, Mo.

## U

Upham, Fredk. W.	Natl. Business League	Chicago, Ill.
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## V

Van Cleave, J. W.	7500	
	St. Louis Mfrs.' Assn. & Natl.	
	Assn Mfrs.	St. Louis, Mo.
Vetter, F. W.	30000	
	Buffalo Lbr. Exchange	Buffalo, N. Y.

## W

Walker, Jas.	2500	
	Coal Exchange	Philadelphia, Pa.
Walker, Jno.	2250	
	Com'l & Industrial Assn.	Montgomery, Ala.
Washburn, C. G.	15000	
	Nat'l Tight Barrel Stave Mfrs.' Assn.	Chicago, Ill.
Watkins, John R.	2500	
	Commercial Club	So. Omaha, Neb.
Watson, W. W.	2650	
	Salina Commercial Club	Salina, Kan.
Watts, B. M.	500	
	Baltimore Coal Exchange	Baltimore, Md.
Webster, J. C.	150	
	Business Men's Assn.	Cresco, Ia.
Wellington, E. W.	Ellsworth Commercial Club	Ellsworth, Kan.
Wells, Geo. A.	Ia. Grain Dealers' Assn.	Des Moines, Ia.
Wendling, G. X.	8000	
	Cal. Sugar & White Pine Mfrs.' Assn.	San Francisco, Cal.
Weyerhauser, R. M.	28000	
	Miss. Valley Lbrmen's Assn.	Cloquet, Minn.
Whellams, C. J.	N. W. Mfrs.' Assn.	St. Paul, Minn.
White, B. F.	100	
	Beaverhead Commercial Club	Dillon, Mont.
Willbur, R. J.	2500	
	Ills. & Wis. Retail Coal Dealers' Assn	Waukesha, Wis.
Williams, E. B.	Boosters' Club	Meridian, Miss.
Williamson, C. F.	300	
	Penn. Retail Coal Mchts.' Assn.	Media, Pa.
Wilms, Wm.	14000	
	Nat'l Lbr. Mfrs.' Assn.	Chicago, Ill.
Wilson, J. P.	Commercial Club	Mobile, Ala.
Witter, Myron D.	Brawley Chamber of Com.	Brawley, Cal.
Woltmann, R.	100	
	Black Diamond Club	South Bend, Ind.
Worden, L. G.	Chamber of Commerce	Merced, Cal.
Wyatt, M. O.	Board of Trade	Winters, Cal.



## Y

- Yegge, Fred C. .... 14730  
 Nat'l Assn. Box Mfrs. .... Chicago, Ill.  
 Yerxa, H. R. .... Commercial Club. .... Minneapolis, Minn.  
 Young, Frank H. .... Commercial Club. .... Broken Bow, Neb.

## Z

- Zinn, Ell Z. .... 318  
 Retail Coal Exchange. .... York, Pa.

## GOVERNOR'S DELEGATES.

- Arnot, Geo. .... Governor's Del. from N. M. .... Santa Fe, N. M.  
 Cocke, Lucian H. .... Governor's Del. from Va. .... Roanoke, Va.  
 Ethridge, W. N. .... Governor's Del. from Miss. .... Meridian, Miss.  
 Freeman, C. G. .... Governor's Del. from Mich. .... Pontiac, Mich.  
 Geoghegan, J. .... 11500  
 Governor's Del. from Utah. .... Salt Lake City, U.  
 Kelly, Jos. L. .... Governor's Del. from Va. .... Richmond, Va.

TRADE, INDUSTRIAL AND COMMERCIAL ORGANIZATIONS  
 REPRESENTED BY THE DELEGATES TO THE FED-  
 ERAL RATE REGULATION ASSOCIATION.

The number preceding the names of the organizations show the number of members, firms or individuals in the respective organizations.

## State and Local Organizations.

## ALABAMA.

- 75 Decatur Business Men's League. .... C. B. Peschmann, Decatur.  
 75 Huntsville Chamber of Commerce. .... Charles P. Lane, Huntsville.  
 300 Mobile Commercial Club. .... John Craft, Mobile.  
     J. P. Wilson, Mobile.  
 313 Montgomery Commercial & Indus-W. F. Black, Montgomery.  
     trial Association. .... John Walker, Montgomery.  
 45 New Decatur Commercial Club. .... J. E. Penney, New Decatur.  
 37 Tuscumbia Commercial Club. .... C. A. Rowland, Tuscumbia.

## ARKANSAS.

- 87 Fort Smith Commercial Club. .... W. R. Abbott, Fort Smith.  
 232 Fort Smith 100,000 Club. .... W. R. Abbott, Fort Smith.

## CALIFORNIA.

- 200 Alameda West End Imp. Assn. .... C. L. Smith, Alameda.  
 54 Brawley Chamber of Commerce. .... Myron D. Witter, Brawley.  
 31 Brawley Farming & Experimental  
     Company. .... Peter P. Hovley, Brawley.  
 51 Chico Chamber of Commerce. .... J. H. Jones, Chico.  
 60 Colton Chamber of Commerce. .... James D. Knox, Colton.  
 40 Covina Merchants & Mfrs. Assn. .... J. R. Hodges, Covina.  
 200 Fullerton Board of Trade. .... W. G. Dixon, Fullerton.  
 40 Gilroy Promotion Society. .... G. T. Dunlap, Gilroy.  
 35 Holtville Chamber of Commerce. .... F. C. Bayless, Holtville.  
 25 Imperial Fruit & Vegetable Assn. .... T. P. Banta, Imperial.  
 70 Marysville Commercial Club. .... W. H. Smith, Marysville.  
 88 Marysville Chamber of Commerce. .... H. Cornforth, Marysville.  
 100 Merced Chamber of Commerce. .... L. G. Worden, Merced.  
 129 Napa Chamber of Commerce. .... L. J. Evans, Napa.  
 600 Oakland Board of Trade. .... Edwin Stearns, Oakland.  
     I. A. Beretta, Oakland.  
     Hugh Hogan, Oakland.  
 45 Oxnard Board of Trade. .... R. B. Strathearn, Oxnard.  
 25 Sacramento Jobbers' Assn. .... W. F. Purnell, Sacramento.  
 840 Sacramento Chamber of Commerce. .... John C. Ing, Sacramento.

- 207 San Francisco Board of Trade.....A. C. Rulofsen, S. Francisco.  
Arthur R. Briggs, S. Fran.
- 290 San Jose Chamber of Commerce...J. D. Radford, San Jose.
- 350 Santa Cruz Board of Trade.....C. D. Hinkle, Santa Cruz.  
Thom. W. Kelly, Santa Cruz.
- 260 Stockton Mchts. & Mfrs. Assn.....John A. Clark, Stockton.
- 278 San Jose Chamber of Commerce...G. T. Dunlap, Gilroy.
- 22 Ventura Board of Trade.....F. J. Sifford, Ventura.
- 22 Winters Board of Trade.....M. O. Wyatt, Winters.
- 25 California Redwood Mfrs. Assn.....G. W. Scott, San Francisco.
- 21 California Sugar & White Pine  
Lumber Mfrs. Assn.....G. X. Wendling, S. Fran.
- California Box & Lbr. Assn.....E. J. Carpenter, San Fran.
- 29 Cannern League of California.....W. M. Field, San Francisco.
- 33 Flour Millers Assn. of California...Will E. Keller, S. Francisco.
- 500 Mfrs. & Producers' Assn. of Call...A. C. Rulofsen, S. Francisco.
- Northwest Imperial Club.....John A. Clark, Stockton.
- 64 Placer County Improvement & De-  
velopment Association .....E. T. Robie, East Auburn.
- 4 San Joaquin Val. Lbr. Mfrs. Assn...C. B. Shaver, Clovis.
- 24 San Joaquin Valley Retail Lum-  
ber Dealers' Assn.....Z. S. Cather, San Francisco.
- 225 Sonoma County Board of Trade....Mark L. McDonald, Jr.,  
Santa Rosa.  
Edson C. Merritt, Santa  
Rosa.

## COLORADO.

- 26 Denver Carriage Builders' Assn....Geo. C. Copenhaver, Denver.
- 400 Denver Retail Grocers' Assn.....T. B. Aldridge, Denver.  
R. J. Morris, Denver.  
A. T. Sweet, Denver.

## CONNECTICUT.

- 117 Bridgeport Business Men's Assn...D. Davenport, Bridgeport.  
F. E. Brown, Bridgeport.
- 287 State Board of Trade of Conn.....D. Davenport, Bridgeport.

## DISTRICT OF COLUMBIA.

- 125 Washington Coal Exchange.....J. S. Raeburn, Washington.

## GEORGIA.

- 30 Atlanta Coal Exchange.....W. F. Plane, Atlanta.

## IDAHO.

- 100 Payette Commercial Club.....A. B. Moss, Payette.
- Idaho Implement & Hardware Deal-  
ers' Association .....A. B. Moss, Payette.

## ILLINOIS.

- 27 Belleville Mfrs. Association.....G. B. M. Rogers, Belleville.
- 4 Belleville Stove Mfrs. Assn.....A. J. Baker, Belleville.
- 81 Kankakee Citizens' Alliance.....J. H. Moore, Kankakee.
- 125 Moline Business Men's Assn.....W. A. Meese, Moline.
- 40 Quincy Freight Bureau.....C. H. Castle.
- 35 Quincy Jobbers' Assn.....C. H. Castle, Quincy.
- 205 Coal Operators' Assn. of Illinois...H. N. Taylor, Chicago.  
G. W. Traer, Chicago.

## INDIANA.

- 85 Auburn Commercial Club.....W. H. McIntyre, Auburn.
- 20 Fort Wayne Coal Dealers' Assn....Wm. Kaough, Fort Wayne.
- 17 Fort Wayne Coal Exchange.....C. E. Moellerling, Ft. Wayne.
- 445 Indianapolis Board of Trade.....I. S. Gordon, Indianapolis.
- 1230 Indianapolis Com. Club.....W. L. Sanford, Indianapolis.
- 80 Mfrs. Assn. of Indianapolis.....F. E. Matson, Indianapolis.

- 300 Muncie Commercial Club.....L. A. Clark, Muncie.  
G. A. Ball, Muncie.  
F. C. Ball, Muncie.
- 24 South Bend Black Diamond Club...R. Woltman, South Bend.  
G. Goldstein, South Bend.  
F. J. Loughman, S. Bend.

## INDIAN TERRITORY.

- 31 I. T. Coal Operators' Assn.....James Elliott, Haileyville.

## IOWA.

- 50 Anamosa Commercial Club.....G. L. Schoonover, Anamosa.
- 200 Albia Business Men's Assn.....S. W. Pennington, Albia.
- 105 Ames Commercial Club.....P. Sheldon, Ames.
- 109 Burlington Commercial Exchange...Wm. Carson, Burlington.
- 150 Burlington Business Men's Club....T. Sterne, Burlington.  
Thomas Stivers, Burlington.
- 200 Cedar Falls Business Men's Assn..W. A. Dugane, Cedar Falls.  
M. C. Egloff, Cedar Falls.
- 108 Centerville Commercial Club.....W. M. Peatman, Centerville.
- 150 Charlot Noxall Club.....J. A. Penick, Charlton.
- 25 Cresco Business Men's Assn.....J. C. Webster, Cresco.
- 350 Davenport Business Men's Assn...J. R. Nutting, Davenport.
- 130 Decorah Business Men's Assn.....H. J. Green, Decorah.
- 633 Des Moines Commercial Club.....J. H. Cownle, Des Moines.  
C. A. McCune, Des Moines.  
J. G. Olmsted, Des Moines.
- 60 Indianola Commercial Exchange...J. M. Harlan, Indianola.
- 62 Inwood Commercial Club.....E. G. Johnson, Inwood.
- 100 Jefferson Commercial Club.....C. M. Junkin, Fairfield.
- 70 Monticello Commercial League....J. S. Hall, Monticello.
- 150 Osceola Commercial Club.....James H. Jamison, Osceola.
- 225 Oskaloosa Commercial Club.....C. H. Hare, Oskaloosa.
- 160 Ottumwa Commercial Assn.....Joseph Dain, Ottumwa.
- 60 Perry Commercial Club.....W. H. Fahey, Perry.
- 50 Sanborn Commercial Club.....Dr. R. W. Hall, Sanborn.
- 100 Spencer Improvement Club.....A. Hubbard, Spencer.
- 100 Vinton Commercial Club.....C. W. Miller, Vinton.
- 450 Waterloo Commercial Club.....F. J. Fowler, Waterloo.  
F. E. Cutler, Waterloo.  
E. E. Manhard, Waterloo.  
J. T. Sullivan, Waterloo.
- Waterloo Mfrs. Assn.....W. W. Marsh, Waterloo.
- Waterloo Chamber of Commerce...J. E. Sedgwich, Waterloo.
- 600 Waterloo Board of Trade.....J. T. Sullivan, Waterloo.  
E. E. Manhard, Waterloo.  
F. J. Fowler, Waterloo.  
F. E. Cutler, Waterloo.
- 40 Waverly Industrial Association...C. W. Miller, Waverly.
- 120 Webster City Commercial League..C. D. Hellen, Webster City.
- 17 Iowa Hardware Jobbers' Assn....F. W. Simmons, Ottumwa.
- 380 Iowa Grain Dealers' Assn.....George A. Wells, Des Moines.
- 400 Iowa State Mnfrs. Assn.....J. W. Bettendorff, Davenport  
H. W. Huttig, Muscatine.  
Carl Leopold, Burlington.

## KANSAS.

- 150 Abilene Commercial Club.....J. B. Case, Abilene.
- 133 Argentine Commercial Club.....G. W. Toothaker, Argentine.
- 50 Colby Commercial Club.....Charles Buschow, Colby.
- 105 Ellsworth Commercial Club.....W. W. Wellington, Ellsworth
- 260 Emporia Business Men's Assn....Calvin Hood, Emporia.
- 100 Hays City Commercial Club.....W. E. Saum, Hays City.
- 57 Lincoln Commercial Club.....C. Munch, Lincoln.
- 93 Manhattan Commercial Club.....E. B. Purcell, Manhattan.
- 70 Marysville Commercial Club.....W. H. Smith, Marysville.
- 60 Norton Commercial Club.....C. M. Sawyer, Norton.
- Rosedale Commercial Club.....B. L. Stone, Rosedale.
- 300 Salina Commercial Club.....W. W. Watson, Salina.
- 300 Topeka Commercial Club.....C. W. Merriam, Topeka.  
W. A. Thompson, Topeka.

## KENTUCKY.

- 67 Central City Commercial Club.....S. J. Gish, Central City.  
 125 Frankfort Business Men's Club....George Baker, Frankfort.  
 420 Louisville Board of Trade.....F. C. Nunemacher, Louis-  
     ville.  
     Louisville Employers' Assn.....F. C. Nunemacher, Louis-  
     ville.  
 9 Louisville Paint, Oil & Varnish Club.....Lewis R. Atwood, Louisville.  
 150 Madisonville Commercial Club.....I. Bailey, Madisonville.  
 6 Sebree Business Men's Assn.....J. B. Ramsey, Sebree.

## MARYLAND.

- 75 Baltimore Coal Exchange.....B. M. Watts, Baltimore.  
     G. H. Nachman, Baltimore.  
     E. S. Brady, Baltimore.  
     J. D. Hughes, Baltimore.

## MASSACHUSETTS.

- 10 Haverhill Shoe Mfrs. Assn.....F. J. Bradley, Haverhill.  
 60 Lynn Shoe Mfrs. Assn.....H. W. Sawyer, Lynn.

## MICHIGAN.

- 8 Ann Arbor Coal Dealers' Exchange.E. W. Staebler, Ann Arbor.  
 20 Battle Creek Coal Exchange.....S. A. Howes, Battle Creek.  
 6 Flint Coal Exchange.....J. M. Hammond, Flint.  
 17 Jackson Coal Exchange.....H. G. Collins, Jackson.  
 Saginaw Board of Trade.....E. P. Stone, Saginaw.  
 156 Michigan Retail Lbr. Dealers' Assn. John H. Comerford, Detroit.  
     A. L. Holmes, Detroit.  
     Wm. T. Jones, Big Rapids.

## MINNESOTA.

- 550 Minneapolis Chamber of Commerce.L. T. Jamme, Minneapolis.  
     W. M. Hopkins, Minneapolis.  
     A. C. Garvin, Winona.  
 1100 Minneapolis Commercial Club.....J. B. Bradshaw, Minneapolis.  
     John Leslie, Minneapolis.  
     H. R. Yerxa, Minneapolis.  
     F. R. Salisbury, Minneapolis.  
     W. G. Nye, Minneapolis.  
     W. C. Stevenson, Minne-  
     apolis.  
     Asa Paine, Minneapolis.  
 75 St. Paul Jobbers & Mfrs. Assn....J. W. Cooper, St. Paul.  
     Joseph H. Beek, St. Paul.  
     W. B. Doan, St. Paul.  
     R. A. Kirk, St. Paul.  
     Geo. M. Tibbs, St. Paul.

## MISSISSIPPI.

- 350 Meridian Boosters Club.....A. D. McRaven, Meridian.  
     E. B. Williams, Meridian.

## MISSOURI.

- 75 Chillicothe Commercial Club.....A. McVey, Chillicothe.  
 108 Hannibal Merchants' Assn.....R. R. McIntire, Hannibal.  
 200 Kansas City Board of Trade.....G. S. Carkener, Kansas City.  
 1020 Kansas City Commercial Club....O. V. Dodge, Kansas City.  
     E. M. Clendening, Kan. City.  
     J. C. James, Kansas City.  
     L. M. Miller, Kansas City.  
     W. P. Trickett, Kansas City.  
 100 K. City Imp., Veh. & Hdw. Club.. W. F. Tuttle, Kansas City.  
 15 Kansas City Millers' Club.....C. L. Roos, Kansas City.

- 580 Kansas City Mfrs. & Mchts. Assn... F. M. Bernardin, Kan. City.  
F. W. Fleming, Kansas City.  
J. A. Runyan, Kansas City.  
J. A. Sargeant, Kansas City.  
Geo. H. Tefft, Kansas City.
- 1000 K. C. Transportation Bureau..... W. P. Trickett, Kansas City.
- 42 Macon Commercial Club..... W. E. McCully, Macon.
- 269 St. Joseph Commercial Club..... F. W. Maxwell, St. Joseph.  
Louis Motter, St. Joseph.
- 220 St. Joseph Grocers', Butchers' & Bakers' Association ..... F. F. Harl, St. Joseph.  
G. W. Akers, St. Joseph.
- 32 St. Joseph Jobbers' Trans. Bureau... E. C. Smith, St. Joseph.
- 104 S. St. Joseph Livestock Exchange... John Donovan, St. Joseph.
- 225 St. Louis Mfrs. Assn..... J. W. Van Cleave, St. Louis.
- 15 Long Wall Coal Operators' Assn... Geo. W. Kierstead, Hig-  
ginsville.
- 20 Missouri River Wholesale Gro. Assn... C. B. Hayes, Kansas City.

## MONTANA.

- 70 Beaverhead Commercial Club..... B. F. White, Dillon.

## NEBRASKA.

- 38 Alliance Business Men's Club..... F. M. Knight, Alliance.
- 30 Broken Bow Commercial Club..... F. H. Young, Broken Bow.
- 125 Crete Commercial Club..... G. L. Meissner, Crete.
- 60 Hastings Commercial Club..... C. H. Detrich, Hastings.
- 30 Lexington Commercial Club..... F. P. Kreltz, Lexington.  
F. J. Brownfield, Lexington.
- 35 Loup City Commercial Club. .... John W. Long, Loup City.
- 65 McCook Commercial Club..... A. Barnett, McCook.
- 102 Omaha Builders' Exchange..... W. C. Bullard, Omaha.
- 225 Omaha Commercial Club..... G. L. Hammer, Omaha.  
F. Colpetzer, Omaha.  
W. M. Glass, Omaha.  
Euclid Martin, Omaha.  
C. H. Pickens, Omaha.
- Omaha Wholesale Grocers' Assn... F. F. Turner, Omaha.
- 150 South Omaha Commercial Club... John B. Watkins, South  
Omaha.
- 50 Dawson County Board of Trade... F. J. Brownfield, Lincoln.
- Real Estate Exchange..... Jno. H. Becker, Plattsmouth.

## NEW MEXICO.

- 203 Albuquerque Commercial Club..... C. W. Cook, Jr., Albuquerque
- 200 Las Vegas Commercial Club..... F. H. Pierce, Las Vegas.
- 8 Wholesale Grocers' Club of New  
Mexico ..... M. W. Browne, Las Vegas.

## NEW YORK.

- 60 Albany Retail Coal Mchts. Assn.... C. B. Staats, Albany.
- 1130 Buffalo Chamber of Commerce.... H. C. Elwood, Buffalo.  
F. Howard Mason, Buffalo.  
C. W. Goodyear, Buffalo.
- 31 Buffalo Lumber Exchange..... G. B. Montgomery, Buffalo.  
J. N. Scatcherd, Buffalo.  
F. W. Vetter, Buffalo.
- 18 Buffalo Merchants Exchange..... G. B. Montgomery, Buffalo.
- 207 Buffalo Retail Coal Dealers' Assn... A. H. Tracy, Jr., Buffalo.  
S. W. Stickney, Buffalo.
- 2500 New York Produce Exchange..... Herbert Bradley, N. Y. City.
- 1000 New York City Mchts. Assn..... S. C. Meade, N. Y. City.
- 39 Niagara Falls Employers' Assn.... F. L. Lovelace, Niagara Falls
- 200 Poughkeepsie Board of Trade... J. I. Platt, Poughkeepsie.
- 28 Schenectady Retail Coal Merchants... N. I. Schermerhorn, Schen-  
ectady.
- 125 Eastern & Central New York Re-  
tail Coal Merchants Assn..... C. M. Stuart, Albany.

## OHIO.

- 12 Cleveland Garment Mfrs. Assn.....Geo. A. Eichelberger, Cleve-  
land.  
160 Columbus Board of Trade.....R. G. Hutchins, Columbus.  
A. R. Foote, Columbus,  
C. C. Born, Columbus.  
220 Dayton Board of Trade.....J. Kirby, Jr., Dayton.  
102 Dayton Recelvers & Shippers Assn.J. R. Flotron, Dayton.  
530 Dayton Employers' Assn.....J. Kirby, Jr., Dayton.

## OREGON.

- 226 Portland Board of Trade.....Wallis Nash, Portland.

## PENNSYLVANIA.

- 12 Bethlehem Coal Exchange.....A. T. Doster, Bethlehem.  
22 Harrisburg Coal Exchange.....H. M. Kelley, Harrisburg.  
11 Norristown Coal Exchange.....W. H. Kneas, Norristown.  
64 Philadelphia Coal Exchange.....C. K. Scull, Philadelphia.  
James Walker, Philadelphia.  
714 Pittsburg Chamber of Commerce G. H. Anderson, Pittsburg.  
1154 Pittsburg Builders' Ex. League...E. J. Detrick, Pittsburg.  
43 Reading Retail Coal Dealers' Assn.I. B. Seibert, Reading.  
375 Scranton Board of Trade.....Jas. H. Torrey, Scranton.  
15 York Retail Coal Exchange.....Eli Z. Zinn, York.  
12 Lebanon County Retail Coal Assn..J. P. Eastman, Lebanon.  
280 Penn. Retail Coal Mchts. Assn.....S. B. Crowell, Philadelphia.  
M. J. Laubach, Allentown.  
C. F. Williamson, Media.  
2800 Pennsylvania State Association of  
Bullders Exchange Leagues.....E. J. Detrick, Pittsburg.

## TENNESSEE.

- 102 Chattanooga Mfrs. Assn.....F. H. Caldwell, Chattanooga.  
300 Clarksville Chamber of Commerce..J. P. Dunlap, Clarksville.  
W. A. Chambers, Clarksville.  
J. W. Burks, Jr., Clarksville.  
70 Knoxville Commercial Club.....W. M. Goodman, Knoxville.  
72 Knoxville Mfrs. & Producers Assn..C. W. Barber, Knoxville.  
650 Nashville Chamber of Commerce...R. H. Dudley, Jr., Nashville.  
P. M. Estes, Nashville.  
L. Hume, Nashville.  
J. C. Symmes, Nashville.  
E. A. Lindsay, Nashville.  
E. S. Shannon, Nashville.  
41 Nashville Grain Dealers' Exchange.S. G. Douglass, Nashville.  
W. R. Cornelius, Jr., Nash-  
ville.  
30 Nashville Lumbermen's Assn.....J. H. Baird, Nashville.  
399 Nashville Retail Mchts. Assn.....C. F. Frizzell, Nashville.  
E. W. Foster, Nashville.  
L. C. Garrabrant, Nashville.  
James Palmer, Nashville.

## TEXAS.

- 135 El Paso Chamber of Commerce.....A. P. Coles, El Paso.  
380 Fort Worth Board of Trade.....S. B. Hovey, Fort Worth.  
Neil P. Anderson, F. Worth.  
20 Jacksboro Board of Trade.....James W. Knox, Jacksboro.

## UTAH.

- 161 Weber Club .....Fred J. Klesel, Ogden.

## WISCONSIN.

- 200 Green Bay Business Men's Assn...G. H. Rice, Green Bay.  
297 LaCrosse Board of Trade.....Peter J. Bott, LaCrosse.  
60 LaCrosse Mchts. Protective Assn..R. B. Gelott, LaCrosse.  
8 Milwaukee Brewers' Assn.....C. J. Bertschy, Milwaukee.

## SECTIONAL AND NATIONAL ORGANIZATIONS.

- 240 American Hardware Mfrs. Assn... N. A. Gladding, Indianapolis, Ind.
- 125 Amer. Supply & Mchy. Mfrs. Assn. M. W. Mix, Mishawaka, Ind.
- 68 Eastern Cigar Box Manufacturers... E. H. Defebaugh, Louisville, Ky.
- 732 Illinois & Wisconsin Retail Coal Dealers' Association ..... L. W. Thompson, Beloit, Wis.  
 W. P. Barker, Batavia, Ill.  
 J. G. Gates, Jacksonville, Ill.  
 Delos Hull, Oak Park, Ill.  
 F. E. Lukens, Chicago, Ill.  
 Frank Mosher, DeKalb, Ill.  
 D. O. Stine, Reedsburg, Wis.  
 R. J. Wilbur, Waukesha, Wis.
- 9000 International Council of Coal Mchts. W. M. Bertolet, Reading, Pa.  
 A. E. Bradshaw, Indianapolis, Ind.  
 G. T. Calvert, Detroit, Mich.  
 J. T. Dorgan, Lincoln, Neb.  
 W. F. Endress, Jamestown, New York.  
 S. M. Hamilton, Dunkirk, New York.  
 Robert Lake, Jackson, Mich.  
 John Lynch, Albany, N. Y.  
 W. C. Miller, South Bend, Ind.  
 J. H. Palmer, Wallingford, Pa.  
 J. A. Strunk, Reading, Pa.  
 C. K. Scull, Philadelphia, Pa.  
 O. W. Sears, Binghamton, New York.  
 B. V. Taylor, Olean, N. Y.
- 65 International Slack Cooperage Assn. E. H. Defebaugh, Louisville, Ky.
- 719 Iowa & Neb. Coal Dealers' Assn... George Gregory, Marshalltown, Ia.  
 C. H. Chisam, Council Bluffs, Iowa.  
 R. F. Harris, Omaha, Neb.  
 B. A. Lockwood, Des Moines, Iowa.  
 M. A. Moore, Le Mars, Ia.
- 1004 Michigan & Indiana Retail Coal Dealers' Association ..... G. A. Aldrich, Hillsdale, Mich.  
 A. S. Ainsworth, Grand Rapids, Mich.  
 S. A. Howes, Battle Creek, Mich.  
 F. A. Hobbs, Benton Harbor, Mich.  
 Arthur Kraft, Battle Creek, Mich.  
 George H. Krudop, Fort Wayne, Ind.  
 J. W. Landrum, Terre Haute, Ind.  
 J. W. Ryder, Kalamazoo, Mich.  
 D. M. Baker, Adrian, Mich.
- 519 Midstate Coal Assn. of Missouri and Kansas ..... H. Nesbitt, Atchison, Kan.
- 117 Mississippi Valley Lbr. Mfrs. Assn. J. E. Rhodes, Minneapolis, Minn.  
 Wm. Irvine, Chippewa Falls, Wis.  
 R. M. Weyerhaeuser, Cloquet, Minn.

- 3000 National Assn. of Manufacturers.. J. W. Van Cleave, St. Louis.  
F. A. Bentley, Chicago, Ill.  
W. J. Blakeney, Dayton, O.  
D. M. Parry, Indianapolis,  
Ind.  
John Kirby, Jr., Dayton, O.  
F. C. Nunemacher, Louis-  
ville, Ky.  
D. C. Ripley, Pittsburg, Pa.  
H. S. Smith, Menasha, Wis.  
Z. G. Simmons, Jr., Kenos-  
sha, Wis.  
Nathan Meyer, Wabash, Ind.
- 200 National Assn. of Box Mfrs..... B. F. Masters, Chicago, Ill.  
C. F. Yegge, Chicago, Ill.
- 52 National Tight Barrel Stave Mfrs... C. G. Washburn, Chicago.
- 200 National Business League..... F. W. Upham, Chicago, Ill.
- 400 National Hardwood Lbr. Assn..... Earl Palmer, Paducah, Ky.
- 800 National Hay Association..... H. L. Hamacher, Kansas  
City, Mo.
- 970 National Lbr. Manufacturers' Assn. Wm. Wilms, Chicago, Ill.  
W. C. Perry, Kansas City.  
J. T. Barber, Eau Claire,  
Wis.  
S. M. Bloss, Garyville, La.  
B. F. McMillan, McMillan,  
Wis.  
G. K. Smith, St. Louis, Mo.  
N. W. McLeod, St. Louis.  
A. L. Osborn, Oshkosh, Wis.  
T. H. Shevlin, Minneapolis,  
Minn.
- 93 New England Retail Coal Dealers' F. G. Humphrey, Water-  
bury, Conn.  
C. E. Halstead, Springfield,  
Mass.  
W. R. Batchelder, Boston,  
Mass.
- 800 N. Y. & Penn. Coal Assn..... W. F. Endress, Jamestown,  
N. Y.  
J. S. Baldwin, Elmira, N. Y.  
C. B. Mather, Elmira, N. Y.  
J. A. Hughes, Jamestown,  
N. Y.  
G. H. Mitchell, Mill Village,  
Pa.
- 2898 Northwestern Lumbermen's Assn.. W. J. Scriver, Denison, Ia.  
C. J. Traxler, Minneapolis,  
Minn.  
C. H. Ross, Sioux Falls, S. D.  
Geo. P. Thompson, Minne-  
apolis, Minn.  
C. E. Greef, Eldora, Ia.  
W. G. Hollis, Minneapolis,  
Minn.  
F. H. Henry, Belle Plain, Ia.  
G. C. Ingram, Sauk Center,  
Minn.  
J. W. Lucas, Winona, Minn.  
O. C. Sarles, Hillsboro, N. D.
- 2100 Northwestern Retail Coal Dealers' F. E. Crandall, Mankato,  
Association ..... Minn.  
W. C. Lelferman, Minneap-  
olis, Minn.  
C. H. Reese, Minneapolis.  
C. M. Morse, Winona, Minn.  
Chas. T. Taylor, Mankato,  
Minn.
- 60 Northwestern Manufacturers Assn. H. C. Drake, St. Paul, Minn.  
H. B. Fuller, St. Paul, Minn.  
F. I. Towle, St. Paul, Minn.  
C. J. Whellams, St. Paul.



- 20 Pacific Coast Cereal Millers' Assn..W. M. Smith, San Francisco, Cal.  
 75 Southeastern Retail Coal Merchants' Association .....W. F. Plane, Atlanta, Ga.  
 181 Southwestern Interstate Coal Operators' Association .....W. F. Murlin, Huntsville, Mo.  
 43 Southern Cypress Mfrs. Assn.....S. M. Bloss, Garyville, La.  
 270 Southern Lumber Mfrs. Assn.....R. A. Long, Kansas City, Mo.  
 220 United States Export Assn.....F. B. Thurber, New York City, N. Y.  
 25 Wisconsin Val. Lumbermen's Assn.L. K. Baker, Odanah, Wis.  
 90 Western Cigar Box Mfrs. Assn.....E. G. Merz, Chicago, Ill.

## RECAPITULATION.

	Bacon Interstate Commerce Law Convention.	Federal Rate Regulation Association.
Delegates .....	249	370
National & Sectional Organizations	28	30
State and Local Organizations.....	192	210
Total number of members in State and Local Organizations represented at Studebaker Hall (F. R. R. A.)....		42,030
Total number of members in National and Sectional Organizations represented at Studebaker Hall .....		25,086

Exclusive of political delegates forty-five delegates to the Bacon Convention have responded to inquiries for tonnage statistics, 240 delegates to the Federal Rate Regulation Association have responded with the following result:

Bacon.....	45 Delegates	96962 cars per annum
F. R. R. A.....	240 Delegates	1,233,622 cars per annum
Bacon average per delegate .....		2,155
F. R. R. A. average per delegate .....		5,118

## CONCLUSIONS.

Notwithstanding the call for the Convention was for delegates representing the trade, industrial and producing interests of the country, there was only one test of eligibility to the Bacon Convention, viz: a commitment favoring the Interstate Commerce Commission being empowered to name rates and that the rates named by the Interstate Commerce Commission become effective immediately—regardless of whether the delegate represented any trade, industrial or producing interest or whether the delegate was himself a shipper or not.

Mr. Bacon had claimed for so long that the commercial interests of the country were in harmony with his views, he believed it; when he discovered that he was mistaken he felt obliged to resort to political delegates and gag rule.

Including as a delegate the name of a man who has been dead for a number of years indicates that old membership lists of commercial organizations may be used to show "the persistence of the demand" for legislation.

Mr. Bacon's "Statement" calls attention to the coal representation at the Federal Rate Regulation Association meeting, but does not call particular attention to the fruit representation from California at his own gathering.

At the Federal Rate Regulation Association meeting were represented twenty-six state and local coal organizations from ten different states, nine interstate associations, representing twenty-three different states, and one national organization, comprising all states. The greatest number of coal associations from any one state is eight from Pennsylvania, the greatest coal state in the Union. Contrast with these figures the sixty fruit associations shown on pages 27, 28 and 29 of Mr. Bacon's edition, from the one state of California, and the representative qualities of each convention is fairly well shown.

It may also be noted that while the Board of Trade of Pittsburg, Pa., a city of 325,000 population, originating more tonnage than any other city in the world, does not give Mr. Bacon one bona fide delegate, yet the Board of Trade of Grand Rapids, Mich., a city of 90,000, originating comparatively a small amount of tonnage, sends six delegates.

While the St. Paul Board of Trade sends only one bona fide delegate, sixty fruit and vegetable organizations of California are represented by more than twenty.

Only fourteen out of the sixty California fruit associations represented at Mr. Bacon's convention are shown in his own list of commercial, mercantile, manufacturing and agricultural associations issued May 15, 1905.

In the official list of the national, state and local agricultural associations, as compiled by the Interstate Commerce Commis-

sion and issued by the Government, only twenty out of these organizations are mentioned.

Of the 192 state and local organizations claimed to be represented in the Bacon Interstate Commerce Law Convention, seventy-two are credited to California, and are largely local fruit associations. For example, the C. W. Lettingwell, Jr., Association, shown on page 28 of Mr. Bacon's edition, is an organization composed of one member, presumably Mr. C. W. Lettingwell, Jr. The gross fruit tonnage of the United States is only 1.11 per cent of the entire tonnage. Coal and lumber represent 48.72 per cent of the entire tonnage of the country.

The acting chairman of the executive committee of the Bacon Interstate Commerce Law Convention, Mr. S. H. Cowan, is an attorney and is acting as special counsel for the Interstate Commerce Commission.

J. H. Call of California is an attorney and has acted as special counsel for the Interstate Commerce Commission.

Mr. Frank Barry, Secretary of the Executive Committee of Bacon's Interstate Commerce Law Convention, has been for the past eighteen months in the employ of the Interstate Commerce Commission.

A careful reading of the proceedings of the Interstate Commerce Law Convention as published by Mr. Bacon will show that practically all of the speeches made during the sessions of the convention were made by gentlemen who are closely identified with the Interstate Commerce Commission as its counsel, or by gentlemen who are actively engaged in political life, and not by shippers of freight.

The position occupied by these gentlemen either as counsel for the Interstate Commerce Commission, as employes of the Interstate Commerce Commission or as Governors and representatives of great states is highly commendatory as to their character as men and their ability in their chosen profession. There can be no possible impropriety in their expressing their views on the transportation issues, but, in determining the issue, due consideration should be given the environment of those advocating great commercial experiments and not overlook the real parties at interest.

1st. The producers, embracing every one who contributes to a finished product, from the man receiving the smallest wage to those who make the capital investment.

2nd. The carriers, embracing the stock and security holders, all employees, and those to whom transportation is necessary in conducting business, and

3rd. The consumer.

LETTER OF H. D. LOVELAND, FORMER PRESIDENT OF  
THE INTERSTATE COMMERCE LAW CONVENTION.

San Francisco, Cal., Sept. 5, 1905.

Dear Sir:

Acknowledging receipt of your esteemed favor of recent date, while I do not recognize any obligation to explain my reasons for resigning from the office of President of the Interstate Commerce Law Convention, I see no cause for not stating my reasons and as a matter of courtesy to you I will briefly recite the circumstances which led up to that action on my part.

Previous to the meeting of the Interstate Commerce Law Convention held in St. Louis in October, 1904, the Executive Committee of the organization met to consider, among other things, the endorsement of the Quarles-Cooper Bill.

Largely through my efforts the committee did not endorse said bill, not because it did not favor increasing the power of the Interstate Commerce Commission, but for the reason that it did not like some feature of the bill in question. At the meeting of the Law Convention immediately following that of the Executive Committee thereof, I was elected President and Mr. E. P. Bacon, of Milwaukee, Wis., was again chosen Chairman of the Executive Committee. Upon his return to Milwaukee after the meeting had adjourned, Mr. Bacon immediately began, by public utterances and by published expression, to favor the Quarles-Cooper Bill, although the Executive Committee has strongly expressed its preference for the present law rather than that proposed by the Quarles-Cooper Bill, while at the same time favoring some such legislation, as has since been urged by President Roosevelt. I called Mr. Bacon's attention to the fact that his actions were not in accord with the decision of the Executive Committee, and later at the suggestion of other members of the Committee, wrote him again and again, without receiving reply, although he wrote me on other subjects.

In the meantime a decided change in the sentiment of the commercial bodies of this city, whom I had represented at the meeting above referred to had taken place, and with one exception they had withdrawn their support of legislation looking to enlarging the powers of the Interstate Commerce Commission, and with the further exception of one, had passed resolutions against such legislation. Actuated by a desire to understand this important question, and spurred on in that desire by endeavoring to understand the change in sentiment referred to, I gave the whole matter exhaustive study, with the result that I found myself compelled to look with doubt and misgiving upon the idea of improving present conditions by what I became convinced was an impractical plan.

In the meantime, I had written the various members of the Executive Committee, referring to Mr. Bacon's unwarranted action and to the change in the sentiment of my constituents as expressed by the resolutions of the various commercial bodies, and had notified them of my resignation as President of the Interstate Commerce Law Convention. Mr. Bacon's statement that he represents various commercial organizations of this state and

city, is disproven by enclosed copies of resolutions passed by, and letters from said organizations.

As to my personal opinion on this important matter, it is that the sentiment now entertained by a majority of the shippers of this coast, and of the country at large found expression in the resolution passed by the Trans-Mississippi Commercial Congress at the recent session of that body in Portland, Oregon, to the passage of which I contributed.

While realizing that the present law may not be all that could be desired, a study of the matter forces the conviction on me that it is preferable to the legislation advocated by Mr. Bacon by which it is proposed to place a supervision of rates (which would practically amount to the authority to make all rates) in the hands of a few men, who, be they ever so intelligent and well-meaning, are necessarily subject to the influence of their environments and without accurate and specific knowledge of the conditions under which the present complex and interdependent system of the rate-making is of necessity carried out. Prompt action, now frequently taken by transportation companies to meet exigencies as they arise, and with such men could not hope or be expected to be familiar would be impossible, and the inevitable tendency would be toward the adoption of rules of general application, or in other words graded rates based on distance or mileage which would be disastrous not only to sections remote from the thickly populated portion of the country, but also to the transportation companies whose lines serve the remote sections and whose interests and prosperity depend upon the growth and development of such sections.

Further legislation looking to the correction of evils now arising from private car lines, division of rates with such lines and with "Belt Terminal" and other short lines some of them no doubt built for the purpose of securing rebates will probably result from the agitation and proper understanding of the matter, but not along the lines announced by Mr. Bacon. I am convinced that public sentiment is moving away from the idea of radical changes in the present law and speaking as one deeply interested in the welfare of the Pacific Coast I should view with misgivings and alarm the enactment of any law that would not only take the matter of rate-making out of the hands of those whose prosperity and success depends upon the growth and development of the coast, but place it in the hands of men surrounded by influence competitive with, if not antagonistic to our own.

Very truly yours,

(Signed)

H. D. LOVELAND,

## VIEWS OF MR. FRED J. KIESEL, OF OGDEN, UTAH.

Editor of Ogden Standard:

You have asked me the question: "On what grounds do I justify my opposition to the conferring of the rate making power to the Interstate Commerce Law Commission?"

First—L don't think the Commission has the necessary training to understand the making of rates, which is the result of a practical experience accumulated and extending over many years, amounting to what a high authority in rate making calls INSTINCT. I would call it INTUITION.

Second—I believe it is for the best interest, especially in our undeveloped section of the United States, to promote railroad building. Power conferred on the Commission to make rates would inevitably result in the intimidation of capital, to be used in railroad investments, because any experimenting on the part of the Commission would necessarily be done at the expense of the investors and not that of the Government. Should the rate making result in losses there would not be any compensation to the investor.

Third—Railroads are built for the purpose of doing business and the plant is theirs, the capital invested with its fixed charges, hence if no business is done fixed charges can not be paid; it therefore behooves railroad companies to encourage the settlement of the country adjacent to their roads, which results in local business.

The matter of rates must ever be an adjustment, or rather a matter of evolution, of a character taking into consideration not at how high a rate, but how low the business can be done, and yet leave enough to pay dividends.

Take away competition and you will probably have higher rates. Scare capital and there will be no more competition, present companies would have a monopoly.

Fourth—The Commission sitting in Washington, composed, as under our form of Government, it inevitably will be of politicians usually of the superannuated type, it is too ponderous a body, who are not conversant, even as the ordinary shipper is, to take in the scope and circumstances attending the making of rates. This is a body before whom the shipper would have to appear with expensive attorneys, themselves little better versed than the Commission; action would be slow, tedious and expensive. Circumlocution and red tape would take the place of the present expedition of business, which in emergencies such as continually arise in a new country, would be disastrous to business interests. Take for instance the burning down of the Sunnyside Plant, which but for the rapid intervention of the railroad company and their combined efforts, would cause the shutting down of the smelters for a period of at least six months, throwing out of employment thousands of employes, both at mines and smelters, with winter and all its discomforts at the door. Two years ago the long winter and late spring absorbed all the feed in this section of country. What did the railroads do? They immediately recognized the necessity of quick action to prevent the

destruction of large herds of sheep and cattle, sprang to the rescue, furnishing at nominal rates transportation to bring forage from distant points. Our railroads always take care, at nominal rates, of surplus and accumulation of fruits, potatoes, cereals, canned goods, hay, etc., whenever it is found that these commodities can not be marketed at home. I therefore say let us be just to these carriers, and give them due credit for the many favors our communities have had from them, and more to expect.

Fifth—The Commission in the repressing of rebates, for which ample power existed, both in the Interstate Commerce Law and the Elkins Bill, have proved entirely unable to cope with the situation; had that Commission exerted the same intelligence and industry as is displayed by the revenue and other departments of the Government, who is there not to admit that this greatest evil would now be a thing of the past?

Sixth—Out of a hopeless confusion into which the Commission would inevitably drift, the only refuge would tend towards rating on a mileage basis, what then would become of us in the interior of the United States? Would it not surely tend towards the building up at our expense, of the coasts, thus for many decades retarding development of the interior? How would the prices of products of the interior fare as compared with products of the section of country adjacent to export facilities, say, Eastern products within five hundred miles, versus Western, one thousand and twenty-five hundred, as in Utah?

We in the great interior should be willing to make any reasonable concession to maintain our present status, which taking cognizance of our geographical position, concedes to us the carrying of our surplus products at low enough rates to compete with the Eastern producers. This producer does not desire our development, wants the markets of the world to himself. "*Hinc illae lacrymae*," and why rate making power is demanded for the Commission, it is the East versus the West. If you don't believe it read Ray Stanard Baker's article in the November McClure magazine, who gives the snap away.

GOVERNMENT REGULATION OF RAILROAD FREIGHT RATES—CORRESPONDENCE BETWEEN G. X. WENDING, OF SAN FRANCISCO, AND J. E. DEFEBAUGH, EDITOR OF THE AMERICAN LUMBERMAN, OF CHICAGO.

Weed Lumber Co., San Francisco, Cal., Sept. 22, 1905.

Mr. J. E. Defebaugh, Editor and Manager American Lumberman, Chicago, Illinois:

Dear Sir—I am handing you herewith a copy of a letter addressed to Mr. Barns, editor of the St. Louis Lumberman. From this letter you will gather the purport of my letter to you.

I do not know what views you entertain relative to the rate-making power of the United States being handed over to a commission, that cannot be other than a political body, liable and subject to continual changes. I believe that the railway companies of the United States are generally agreed as to a railway commission with power to review existing rates, and correct abuses, if any, on the part of the carrier, but none of them are willing to practically hand over their entire business to a political body, clothed with the power noted in the letter to Mr. Barns.

I will have at command in a few days a pamphlet, consisting of an address delivered before the Commonwealth Club of San Francisco, by Mr. William Sproule, freight traffic manager of the Southern Pacific Company, in which he has handled the subject herein referred to in a manner more able than anything I have ever seen in print on this important subject. I am writing you in advance of the receipt of this information to the end that I might have a line from you advising whether you would desire to give this subject wide publicity in the American Lumberman as it is a question of vital importance to every lumberman in the United States.

In this letter I am not presenting an argument on the question, but it may be possible that I could find time to attend the convention mentioned in my letter to Mr. Barns, the object being to meet, as far as possible, this wide and locoed stampede on the part of political agitators seeking to have Congress attend to the affairs of the public and private corporations of the country.

Situated as we are on the Pacific Slope of this Western Hemisphere, thousands of miles from the center of population, with vast resources, such as the products of the forest, orchard and field, we naturally feel that our enterprises may be seriously crippled, if not completely destroyed, should a rate per ton per mile—or any rate based even approximately on mileage as I conceive a rate formulated by government would be—be made generally effective, on account of the regions of the East being situated nearer to the center of population and having the advantage of the shorter haul and at the same time depriving the consumers of the East of our western products.

It is therefore oftentimes necessary that the carriers reach the teeming millions of the East, from the point of production in the West in a sparsely populated country struggling for existence, through the medium of low rates, as against the rates effective



for the short haul from the South and North on lumber products produced as against the products from the Coast.

A line from you expressing your views somewhat briefly, will be highly appreciated. Yours very truly,

G. X. WENDLING.

American Lumberman, Chicago, October 5, 1905.

Mr. George X. Wendling, San Francisco, Cal.:

My Dear Sir—I have your esteemed favor of September 22. The subject is of course one that most interests me, though in a purely impersonal way; for my interests are merely those of the lumbermen of the United States. I have been invited to discuss this subject by letter several times recently, and I now find it impossible to longer defer doing so.

I am anxious that whatever shall be done in the matter of railroad regulation shall be to the interest of the lumbermen, who are very heavy shippers. If the Esch-Townsend bill be to their interest I am in favor of it; if not to their interest I am opposed to it. And I should wish the lumbermen to decide the matter in their own minds and councils according to the facts and not according to an inadequate conception or misconception of them. I confess that as yet I do not know what the average sentiment of the lumber trade is on this matter. So far as I know most of those that have taken a pronounced stand against the Esch-Townsend bill have been lumbermen who are especially close to the railroads and who in fact stand for them in this matter.

Up to this time it seems to me there is a growing misconception of this subject on the part of lumbermen, due perhaps to the influence of the railroads themselves, who profess to expect dire results if the Esch-Townsend bill or anything closely resembling it be allowed to pass.

Pardon me for saying that I seem to detect some unnecessary assumptions in your letter. You speak of the bill as turning the rate-making power of the United States over to "a commission that cannot be other than a political body liable and subject to continual changes." I recognize no necessity for the Interstate Commerce Commission being a "political body" in any other sense than that every agency of government is political, including the Supreme Court of the United States. The present commission has not been a political body in the opprobrious sense and has not been subject to continual changes. There have been a few unwise and unfortunate appointments to that body, but they have been so few that they have not seriously, if at all, affected its work.

Furthermore, I see no reason why the Interstate Commerce Commission should not be as competent as any railroad rate-making organization in existence. There are several members of the commission as at present constituted who have a broader and yet more minute knowledge of the general theory and practice of rate-making than probably any railroad man of high position that you can name. Why should they not have? They are men who were appointed for special ability, who have served for years, devoting their entire time to these subjects—more time than any railroad official above the grade of clerk

has devoted to it. Why should such a body make rates as far as is necessary in the process of correcting rates proven unreasonable or unjustly discriminatory, along any different lines than any intelligent lot of railroad men would make them? If there be such a thing as a sound principle of rate-making they should be depended upon to discover and apply it, the only difference being they would apply it without the bias of personal or factional interest.

The history of the commission as shown in its decisions is reassuring so far as it goes. The commission has recognized blanket rates, higher rates for shorter distances when justified by competition or other considerations, the peculiar situation existing on the Pacific Coast, and in general has thought and acted along the lines adopted by the railroad managements of the country when those managements are considering the subject uninfluenced by what might be their peculiar individual interests.

The chief line of argument against the Esch-Townsend bill seems to be that, given the power to make rates of its own motion, the commission will immediately proceed to exercise that power to the utmost extent. The history of its decisions does not show any such tendency. As stated above, it has done in the main only what any sensible body of the most experienced railroad men would have done with the same subjects. It has not been anxious for trouble. It has not made a practice of initiating complaints, which authority was given by the act of 1887 and not by the Esch-Townsend bill. The larger power was given merely in order that a fresh injustice or discrimination might not be introduced by changing a single rate in a group of rates without power to adjust the group. That the commission would go beyond this plain intent of the law, I do not believe, and for the reasons stated above.

In the early days of the commission it assumed power under the act somewhat approaching the power proposed to be granted by the Esch-Townsend bill, but though its members were inexperienced then and might be supposed to manifest the usual tendency of a new broom they did nothing whatsoever of the iconoclastic sort dreaded and prophesied for them if they should be given the authority proposed.

The final argument of those opposed to the Esch-Townsend bill, which is put forward as a clincher, is that it would invariably lead to a distance tariff. I am open to argument on this point, but I confess for the life of me, I cannot see it. Why should they make any different kind of tariff than any body of equally intelligent men in the railroad business, except that they would make such rates as they found necessary to make in the interest of the public and of the railroads combined, instead of in the interest of the railroads merely.

I wired you today for the printed address of Mr. Sproule. I shall take pleasure in studying it with care, for my mind is entirely open on this subject, and I am ready for reason cheerfully to change my tentative opinion; but so far the opposition to the Esch-Townsend bill seems to be expressed in a bugaboo of ingeniously horrible construction rigged up by the railroads

and labeled "The Esch-Townsend Bill—its Dire Threat and its Horrible Result," to scare the business men of the United States. And it seems to have frightened a good many of them.

I think you understand my position as editor of this paper. It prospers as the lumber industry prospers, consequently the paper is on the side of the lumbermen on anything that is for their real interest, and opposed to anything that is opposed to their interest.

Further than that, it has a second duty to perform in seeking to develop the facts as to what the real interests of the lumber industry may be and presenting these facts to its readers. I do not presume to settle every question on earth for the lumber trade, but I like to feel that the paper and the trade are working together toward desirable ends; the motto of both should be the familiar one, "Be sure you are right, then go ahead." So far the Esch-Townsend bill, while not perfect perhaps, looks to me as being the most practicable and the wisest scheme yet devised for the settlement of this railroad rate problem; but as I myself am of open mind on the subject, so the paper is open to the arguments of both sides, or of either side, in an endeavor to discover what the interests of the lumber trade actually are. Therefore, you yourself are invited to make use of its columns. We have extended that invitation to our readers generally, but I should particularly appreciate communications from men of your experience and standing.

If you can find it possible to come to the convention it would not be amiss for you to do so. I assure you we would be very glad to welcome you to Chicago, and besides probably no recent assemblage of business men in this city has had as lively a time as we may expect at the Interstate Commerce Convention. Of course, contending factions may get together before the body meets, adjust their differences and agree upon a plan of action, but my impression is that the only thing that can be done satisfactorily is the practical endorsement of President Roosevelt on the question. The matter will then be left to Congress.

It makes no difference what the name of the bill is when Congress gets through with it, it will probably contain President Roosevelt's notions on the subject. I have avoided unnecessary discussion on the subject, but have been free to tell you what I thought and felt regarding the subject.

Hoping to see you soon, and with kind personal regards, very sincerely yours,

J. E. DEFEBAUGH,

Editor American Lumberman.

Weed Lumber Co., San Francisco, Cal., Oct. 20, 1905.

Mr. J. E. Defebaugh, Editor and Manager American Lumberman, Chicago, Illinois:

Dear Sir—I am pleased to acknowledge receipt of your favor of the 5th, responding to my W. M. 23464, and I am glad to note that your mind is open and free to accept facts and figures in connection with the important subject under consideration, namely, that of the Congress of the United States so legislating in the coming term that the rate-making power for interstate railway lines in the United States will be delegated by that body to an Interstate Commerce Commission. If Congress

had the right to delegate to a Commission its legislative functions, granted to it by the Constitution of the United States (which is a grave question and one which has not as yet been settled by any court, including the highest tribunal in the land) there might be some apparent justification on the part of those having charge of the political affairs of the country in so shaping the destinies of the nation that the United States would acquire all of the railroads. And in my opinion the ultimate destiny of the railways in this country will be the bog and quagmire of government ownership, if the rate making power is taken away from the railway companies, the rightful owners of the property.

For a complete digest of the legal phase of this question I am pleased to invite your attention to an article by Mr. Richard Olney, formerly attorney-general of the United States, appearing in the *North American Review* for October, 1905. The article is at considerable length, and it is not my desire to insert it here in its entirety, but will quote some of its points, due to the fact that I wish to be as brief as possible in presenting my own individual views, in harmony, I trust, however, with the legal phase of the question.

"The English Parliament, in 1888, took up the subject of railway freight rates by an act, one of whose principal objects was the establishment of such rates on a just, reasonable and non-discriminating basis. There followed a most prolonged and elaborate investigation by a commission, which gave hearings lasting for months to all parties interested and their counsel, and which finally reported classified schedules to the Board of Trade. These were carefully considered and passed upon by the Board, were by it reported to Parliament, and in 1891, three years after the initiation of the inquiry, were by that body enacted as laws of the land.

"It is believed that rate-making for American railroads—with their mileage of about 216,000 as against an English mileage of 23,000, and serving a territory of 3,600,000 square miles and a population of 80,000,000 as against the 120,000 square miles and the 42,000,000 population of the United Kingdom—is to be undertaken with at least as much intelligence, deliberation and patient consideration as characterized the like proceeding in England, and here as there must rest for its final adoption and sanction upon the authority of the national legislature itself, and not upon that of any subordinate or administrative tribunal.

"Can such a power in Congress as the right to dictate rates to the carriers of the country—a power never yet exercised either directly or indirectly through a Commission—be justly regarded as conferred by the Constitution? If it exist, it is limited to national business—the like power in respect of intra-State or local business, if it exist, being vested in each State. But a power which it is right and expedient for Congress to exercise over national business, it is presumably right and expedient for each State to exercise over local business, and when and where Congress leads State legislatures are prone to follow. It is to be expected, therefore, that railroad rate-making by the National Government within its sphere will be supple-

mented by railroad rate-making by the several States within their several spheres.

"The situation to be anticipated, then, is that railroads, private properties and representing private investments aggregating billions of dollars, will find themselves controlled in the vital matter of their charges, not by their private owners, but by two public boards, one representative of local interests and the other of national interests, and both antagonistic to the interests of the private owners concerned. The two boards will aim at the lowest possible rates, each in behalf of the particular business under its charge, and will therefore be in constant rivalry with each other in the endeavor to extort from the carrier the best service at the smallest cost. Under these conditions anything like skillful, just, reasonable or stable rate-making becomes impossible. A situation is created intolerable alike to the carriers and to the public, and the sure outcome—unless the whole scheme of Government rate-making be abandoned—is government ownership.

"Government ownership of all railroads is obviously the goal toward which some of the government rate-makers are striving, while others, if not welcoming it and not working for it, profess not to fear it, and claim that it would at all events be an improvement upon the present status. Both point to existing instances of government ownership of railroads—the one claiming that the results to the public are distinctly favorable, the other that they are at least not as detrimental as is sometimes declared. But when the government ownership of the railroads is seriously considered, our dual political system is at once seen to present problems of the gravest character. The few and comparatively unimportant railroads that are wholly intra-State may be properly ignored. Every railroad of consequence is engaged in both kinds of transportation—in transportation that begins and ends in a single State, and in transportation that passes beyond State lines. Hence, if government ownership of railroads be regarded as the inevitable sequence of government rate-making—the first question is, which government is it that is to own the railroads, the State or the United States? Manifestly, it must be one or the other, since any joint ownership is both legally and practically impossible.

"The claim and answer will no doubt be that the owner must be the United States; that, though the State is as a rule sovereign within State lines, yet the Constitution and laws of the United States are paramount; that under the commerce clause of the Constitution the United States has the power to acquire and operate railroads engaged in national transportation; and that the full and beneficial exercise of this power will not be prevented, because, in order to own and operate such railroads for national business, it is necessary for the United States to also operate them for intra-State business.

"Thus, government ownership being an inevitable sequence of government rate-making, and government ownership and operation of State railroads being an inevitable sequence of national ownership and operation of national railroads, the question at once presents itself whether the national conti-

tution authorizes such an extension of its functions by the National Government.

"The significance and importance of the inquiry are apparent if we remember that the railroad is only one species of highway, and that what is true of railroads must be true of ordinary highways. The jurisdiction of the National Government must be the same in both cases. If it is competent for the National Government under the commerce clause to own and operate all the great railroads of the country, it must be also competent for it to own or control and operate all the great highways of the country.

"Is it by any possibility true that the National Government has been granted any such powers—that as respects every road or street in the country which is a link in interstate communication the National Government may at its option take complete possession and control, may direct the mode of its construction, its grades, the sort of vehicles by which it may be used—may, in short, assume its entire management and operation in all the most minute details? Nothing could be more revolutionary in practice—nothing more contradictory of the views customarily held. It is necessary to consider most carefully, therefore, whether the powers in question are actually conferred on the National Government—it being conceded, as it must be, that the power can be deduced, if at all, only from the commerce clause of the constitution.

"(1). It is settled that the United States has no powers except those which are expressly granted to it and which include such minor and subordinate powers as are reasonably essential to the full and beneficial exercise and enjoyment of the grant.

"(2). The power to regulate national commerce is defined by Chief Justice Marshall as the power 'to prescribe the rule by which commerce is to be governed' (9 Wheat., pp. 189, 194) on the part of all persons subject to the authority of the National Government. It authorizes the United States to formulate such a rule for others, it does not authorize the United States to carry on such commerce itself. If the United States, for example, were to assume to engage in the business of importing teas, or in the business of raising and exporting grain, or in any other branch of commerce between the States or with foreign countries, its right so to do would at once be challenged and probably with entire success. The United States is a government, not a private business corporation, and is endowed with certain political powers to be used for certain political ends. From trade and commerce proper, it is excluded by the very law of its being.

"(3). But transportation is one branch of commerce, as the buying and selling of products is another. Both may be regulated by the National Government, but neither carried on by it.

"(4). It is true that opinions by Justices of the Supreme Court of the United States have in some instances contained expressions to the effect that, by virtue of the power to regulate commerce, interstate highways may be constructed and maintained by the National Government. See, for example, *California vs. Pacific R. Co.* (127 U. S., 1 p. 39). Such expres-

sions must, however, it is believed, be regarded as obiter dicta, and certainly do not sustain the proposition that it is competent for the National Government, under its power to regulate commerce, to undertake and carry on the business of interstate transportation. Such dicta, indeed, are quite irreconcilable with the language of the court in the comparatively recent case of *Louisv. — Nashv. R. Co. vs. Kentucky* (161 U. S., 677), in which it was contended that the right of a State to inhibit the consolidation of competing railroads was an interference with the power of Congress over interstate commerce. The court said:

“In the division of authority with respect to interstate railways, Congress reserves to itself the superior right to control their commerce and forbid interference therewith; while to the States remains the power to create and to regulate the instruments of such commerce, so far as necessary to the conservation of the public interests.”

“This distinction between the power of the National Government to regulate the movements of interstate commerce and its power to own and operate the instrumentalities of interstate commerce is, it is believed, sound in principle and is not in conflict with any adjudication of the national tribunal of last resort.

“(5). It was once suggested by a Massachusetts Railroad Commission that the Commonwealth might acquire and operate one of its principal railroads for the purpose of thereby regulating the operation of other railroads in respect of their charges and of their other public duties.

“(6). But Massachusetts—and the same is probably true of every other State of the nation—is unfettered by the organic limitations which restrict the functions of the United States. Further, even if the commerce clause might be so stretched as to justify the acquisition and operation of one or several railroads for purely regulative purposes, the United States would still be without constitutional authority to own and operate all the railroads of the country.

“(7) But if, for the reasons above given, the United States is constitutionally incapable of carrying on the railroad business and of acquiring for that purpose the railroads of the country, it would seem to follow that it is also constitutionally incapable of prescribing their charges for services.

“(a) It is an entirely well-settled doctrine of our national constitutional law that a constitutional limitation cannot be broken down or circumvented by the form in which a thing is done or attempted—that the judiciary will look through the form to the substance, and will invalidate any legislative or executive measure which in its substance is a breach of the constitutional prohibition. Thus, in the Income Tax cases, it was held that a tax upon the rents of real estate was a tax upon the real estate itself; that a tax upon the income of personalty was a tax upon the personalty itself; and that a

tax upon income generally was a tax upon all the property of whatever nature from which the income was derived.\*

"Other illustrations of the principle are given by the Court in the majority opinion in the Income Tax cases. Thus, to tax an importer's occupation is to tax the imports, and to tax the sale of an imported article is to tax the article itself(1); to tax the income of United States securities is to tax the securities themselves (2); to tax the income of an office is to tax the office (3); to tax a bill of lading is to tax the merchandise represented (4); to tax interest on a bond is to tax the bond, not the obligator (5); to tax an auctioneer's gross sales is to tax the articles sold;\*\* to tax income from interstate commerce is to tax the commerce itself. (6)

"(b) By parity of reasoning—because 'The substance and not the shadow determines the validity of the exercise of (the) power' (155 U. S., p. 698); because 'What, in fact, is property, but a fiction, without the beneficial use of it?' (158 U. S., p. 626)—a political organism which is not legally competent to own and carry on the business of national transportation is likewise legally incompetent to prescribe the charges for such transportation to the private parties who do own and carry it on.

"The rate-making power—the power to determine the charges for transportation—is the very essence of the ownership of the transportation business. Upon the exercise of this power depends the profits to get which the business is undertaken, and except for which it would not be undertaken at all. In this respect the transportation business is like any other, and the severance of the ownership of a business from the power to determine the returns from it, being impracticable in point of fact, is to be deemed also impossible in point of law.

"If it be urged that, as Congress is subject to the Constitution of the United States, any national rate-making for carriers cannot be confiscatory, the answer is plain. Rate-making for railroads is a from day-to-day affair. Their rates must vary with the varying conditions of business, which conditions are subject to rapid and wide fluctuations and may make rates which are reasonable today wholly unreasonable tomorrow. It is entirely conceivable that rates reported by a committee to one or both Houses of Congress and reasonable when so reported may become unreasonable by the time that they are acted upon by one or both Houses, or, if then reasonable, may be found unreasonable when a bill prescribing such rates is presented to the President for his signature.

"Further, whether Government rates as prescribed are or are not confiscatory and consequently illegal is a judicial question to be determined only by the judiciary. But rates reasonable

\*See 157 U.S., p. 581; 158 U. S., p. 618. (1) *Brown vs. Maryland*, 12 Wheat, 419, 444. (2) *Weston vs. Charleston*, 2 Pet. 449. (3) *Dobbins vs. Commissioners*, 16 Pet., 435. (4) *Almy vs. California*, 24 How., 169. (5) *Railroad Co. vs. Jackson*, 7 Wall., 262.

\*\**Cook vs. Pennsylvania*, 97 U. S., 566. (6) 122 U. S., 326; 127 U. S., 640.



when prescribed by the legislature may be found unreasonable when examined by the courts, or, if unreasonable when enacted, may be entirely reasonable by the time the courts are called upon to investigate them. Yet in either or any event the courts are limited to action upon rates already established or attempted to be, and are without power to decree what shall be the rates for the future.

"Further, as only the courts after hearing the parties can determine whether legislative rates are reasonable or unreasonable, if such rates are made effective upon enactment and the carrier adopts them and they are afterwards adjudged unreasonable, the result is that the property of the carrier is in effect taken from the carrier to bestow upon the shipper; if such legislative rates made effective upon enactment are not adopted by the carrier and are afterwards adjudged reasonable, the result is that property of the shipper is in effect taken from him to bestow upon the carrier. The same confiscatory result follows in each case, because in the one the carrier, and in the other the shipper, is without any legal redress for the wrong suffered.

"These considerations would seem to show that practical impossibility of separating the ownership of the transportation business from the power to fix the carrier's charges—of private persons being the proprietors of the business while government assumes and exercises the right to dictate their charges and their returns from the business.

"And, as in deciding the question of the violation of a constitutional limitation the substance of things and not the shadow is taken into account, the organic inability of the National Government to own and run the national railroads of the country includes the inability to prescribe their charges the right to fix which is an inseparable constituent of ownership."

Ours is a government in both State and nation by political parties, and to political rate-making for railroads—rate-making by politicians animated by partisan motives and working for partisan ends—the objections of an economic and business character and on the score of public policy generally are as obvious as they should prove insuperable. The purpose of the present paper is to point out that, beside such objections, railroad rate-making by the National Government presents legal and constitutional difficulties of the most serious character. It raises issues which concern the division of power between the several States and the United States; which have not been fully and finally passed upon by the national Supreme Court; and which, if submitted to that tribunal half or even a quarter of a century ago, would in all human probability have been determined adversely to the jurisdiction of the General Government."—Richard Olney.

In harmony with the quotations from Mr. Olney's pen, I am convinced that the power specifically limited, and clearly defined in the Constitution of the United States, never granted to Congress the right or authority to take property from one citizen and pass it over to another, which would certainly be the case if Congress or an Interstate Commerce Commission

sought to establish railway rates for the carriers. For, "the United States," as Mr. Olney truly says, "is a government and not a private business corporation and is endowed with certain political powers to be used for certain political ends. From trade and commerce proper, it is excluded by the very law of its being. Transportation is but one branch of commerce, as the buying and selling is another. Both may be regulated by the National Government, but neither carried on by it."

A railway corporation, whether it be for the operation of a five-mile line of road lying two and one-half miles in one State and two and one-half miles in another, and necessarily of small capital and no doubt inferior operation, which in all probability would never be sought out by the politicians of the country in an effort to regulate their affairs through the medium of a railway commission, or whether it be a road 5,000 miles in length, worth \$200,000,000, the fact still remains that the stock is in all probability generally held by a number of people, in some instances a large number and sometimes a smaller number, who have their money invested in the railway purely for the purpose of realizing a fair profit on their investment, in harmony with State and National law governing corporations generally.

It seems that the public mind has been shaping toward an attack on the larger corporations, rather than the smaller ones, probably on account of the accumulations of wealth—the result of a large number of individuals having invested their savings and capital. My contention is that the large corporations, in these modern times, are beneficial to the nation rather than detrimental, in that, through the medium of large capitalization, corporations are enabled to employ the most modern and effective machinery, and the natural forces of competition existing throughout the nation put all of the operators on their metal to produce the best article at the least possible price, providing a fair margin, and my observation of the commerce of the country, ranging over a period of a quarter of a century, convinces me that never before in our history, or in the history of any other country, has so much of the world's excellent goods been offered for sale at such extremely low prices.

In support of the statement that large corporations are beneficial to society, I submit the natural desire of our people generally to produce better and larger cattle, hogs, horses, or for that matter, potatoes, or other root plants, and flowers; and even man is seeking athletics to improve height and weight, and through our schools and educational advantages, to improve, expand and broaden in his mind. We have seen in the last few decades the locomotive grow from a small light machine, drawing a few cars on an inferior roadbed with light rails, to the modern steam giant of a quarter of a million pounds weight, annihilating time and distance, hauling long trains of hundred-thousand pound capacity cars, over superb roadbeds laid with massive steel. And likewise we see growth and expansion in all things, including the ships in the ocean-carrying trade, where we observe the modern steel ships of 30,000 tons displacement, so strongly built that life and property as a cargo are considered

as safe as if the transit were by land. Contrast this condition of modern improvements with the raft employed by primitive man and the problem is fully before you.

To my mind these evidences of growth are perfectly natural and mark as nothing else can, the mental, social and commercial progress of our race.

Relative to your statement that you see no good reason why an Interstate Commerce Commission would not be as competent as any of the railway rate-making organizations in existence, I desire to call your attention particularly to the fact that in order to receive an appointment as railway commissioner of the United States, the person seeking such appointment must of necessity not have one dollar invested in a railway company, on the ground that the Commissioner must be in position to do substantial justice to the shipper and the carrier; because if he were interested in any railway company in the nation he would naturally be disqualified.

Can it be possible that the people of the United States want seven, or in fact any number of well selected, able, conscientious and honest men to sit in Washington and undertake to do the work of making the railway rates for the United States? Do they realize that in this vast and herculean work there are today engaged a small army of traffic and freight men supported by thousands of subordinates, each and every one of them diligently engaged in studying the local conditions, as well as the conditions of communities more remotely situated, yet a part of their operations, and these also assisted, I may say, by the shippers throughout the country presenting subjects to them for consideration? Statistics show that rates have been modified successively, until at the present time, the railway tonnage of the United States is hauled by the carriers at something less than 50 per cent of the rates charged by lines in foreign countries, for similar service.

Of the Interstate Commerce Law becoming effective in 1887, Judge Thomas M. Cooley, Chairman of the Commission, in his first annual report, said:

"The Commission would in effect, be required to act as rate makers for all the roads and compelled to adjust the tariff to meet the exigencies of business, while at the same time endeavoring to protect relative rates and equities of rival carriers and rival localities. This, in any considerable State, would be an enormous task. In a country so large as ours and with so vast a mileage of roads, it would be superhuman and the construction of the statute which would require its performance would render the due administration of the law altogether impracticable, and that fact tends strongly to show that construction could not have been intended."

Judge Cooley evidently had in mind when he wrote that paragraph in his first annual report, that the rates of today are not the rates of tomorrow, and that the necessities for meeting conditions are largely local and that traffic officials operating in intimate harmony with the shippers on the ground (with whom the necessity for modifying rates is always discussed), are the only persons competent to handle questions of this complex nature.

In this same connection it must be observed that the products in one locality, on account of climatic conditions and distance from markets, may possibly give one carrier superb natural advantages, that enable them to carry products to adjacent markets at rates highly remunerative, whereas another line carries similar commodities greater distances and under less favored natural conditions under a low rate per ton per mile, and at the same time enjoys a fair degree of prosperity.

It can readily be seen that a Commerce Commission with headquarters at Washington, is totally unable to handle affairs of this character with that elasticity and promptness so necessary to successful commerce. In our western country it is oftentimes the condition, that vast regions suffer from prolonged periods of drought, at which times it is necessary for the carriers to transport several hundred thousand head of cattle from the stricken districts to the pasture fields in other favored localities. Under such conditions it would be necessary for our people from the west to visit the Interstate Commerce Commission at Washington and present the situation to them,—they having no direct interest in either the cattle or the transportation, would in all probability stand upon the rate per ton per mile as fixed, and if they sought to provide relief the minutiae necessary to the carrying out of the undertaking would in all probability be so hampered by Government red tape that before effective relief could be provided the cattle would have perished and the owners become bankrupt. This, of course, is only one of the innumerable cases that might be cited.

Granting the rate-making power to a political commission virtually means that the Government enters private property, prescribing the income without being responsible for expenses arising from innumerable sources and subject to wide variation. This right on the part of the Government to so enter private property and dictate earnings, we are told, is based on the claim that the railroads are quasi-public corporations to whom is granted the power of eminent domain. But eminent domain merely grants the right of condemnation to a narrow strip of property necessary to the creation of an artificial artery of commerce, and I submit that in nearly every case where the law has been invoked, in the damages as found by the judge and jury, the railway company has paid handsomely for the privileges granted. Hence all this agitation about eminent domain, is loose talk on a subject little understood by the general public. Instead, this is a limited right, capable of being enjoyed by any number of good and worthy citizens, who desire to hazard their private fortunes by organizing themselves into a railway company, and paying for property their line may traverse at rates fixed by the courts and juries.

I have heard it stated that rate regulation by the Government is absolutely necessary to the prosperity of the manufacturer, shipper, jobber and consumer. Would it not follow as a natural consequence if the carriers' income were fixed by those not personally interested in the cost of service, that shippers would seek the minimum of price for the maximum of service, thus bankrupting the railroads of the country. Pause and think a

moment of the vast wealth of the people of our country invested in our railroads, aggregating as it does about \$16,000,000,000, and that the securities arising from this gigantic investment are in turn the basis upon which the general public are carrying a financial load of perhaps \$14,000,000,000 in borrowed money.

Thus it will be seen that thirty billions of dollars of national wealth are invested in the most important industry of the country, and to so legislate that this vast community asset would be jeopardized, could only result in national distress.

Unless there is in the process of development at this time a new type of our race, who will be ready for immediate service, and capable of accomplishing superhuman results immaculately pure, we will not be safe in venturing on this dangerous experiment, for under present conditions the highest type of commercial intelligence may be found among the traffic men of the nation, and inefficiency on the part of a general freight agent is quickly followed by a new appointment of some capable man who has worked his way to the top by faithful and intelligent service.

No such penalties are visited on political life appointees who may blunder and yet share none of the responsibilities that follow in the wake of dilatory efforts.

Thus, the insolvency of a railroad does not deprive them of their incomes, or lose them their places, as they would be held accountable only for the honesty of the physical transactions coming directly under their respective daily routine.

But to the traffic official is presented the difficult task of seeking ample tonnage to employ equipment representing vast investments, at rates necessarily attractive to shippers, yet sufficiently remunerative to provide the cost lien of operation, general expense, interest on investment, a sinking fund for the redemption of bonded indebtedness, plus a fair revenue, such as is common to any other enterprise. And I submit that no railway commission however wisely chosen is competent to deal with these complex questions at long range for the various railway companies operating throughout the nation.

The manner of how governmental efforts work when applied to ordinary commercial transactions is conveniently observable in a brief and simple review of our efforts to build the Panama Canal. About seventeen months have now elapsed since Congress purchased the right to dig the canal, for which initial step we paid forty million dollars and took possession. "To date we have spent six to seven million dollars, had two commissions, two chief engineers, endless rows over the purchase of materials, and shippers, East and West, sorely disappointed on account of the overloading of a formerly efficient servant—the Panama railroad." Thus far, with all of the forceful energy of our able and fearless President, the policy under which the canal is to be built has not yet been defined, and in the absence of such definition, as far as the public knows, we have practically stopped active work. Such methods, though confessedly about the average for any Government, would destroy and bankrupt any ordinary enterprise conducted by private corporations.

After a general review of the question under consideration I am

unable to find a reason why an Interstate Commerce Commission would be made up of material differing much from any other commission, as in either case the ablest material for the place to be filled is sought, and let us hope, generally secured, but the problems are too vast and the commissioners lose themselves in the labyrinth of conflicting conditions. We might pursue governmental efforts in seeking to conduct commercial transactions into the Postal Department, where the best guess possible is made in the effort to fix an accurate appropriation covering the nation's requirements in handling the mails, yet showing up annually a deficit ranging up in the millions, and an abundant surplus of scandals and investigations. Or, like the Agricultural Department, spending vast sums gathering unreliable crop and weather reports, and piling up the deficit for the Postoffice Department by mailing a vast tonnage of reports that find their way into the waste baskets, and sending garden seeds through the mails to Rocky Mountain and desert regions where only the jack rabbit and train robber can survive. But in the densely populated regions of the East, things thrive. The Attorney General of the United States in his last report states that "under regulations prescribed by law, the District Attorney for the southern district of New York, during the last four years has received in fees, in addition to a large salary, the sum of two hundred and nineteen thousand dollars."

Is it a wonder therefore that the business interests of the country stand aghast and marvel that an effort is being made to fasten permanently on the commerce of a country, more highly prosperous than any other nation on the globe, a new form of political paralysis, inefficiency and incompetency. Private enterprise stands for thrift, and where the industrious are rewarded for their efforts fairly the successes achieved constitute a stimulus to further effort.

Another sample of Government inefficiency may be seen as applied to transactions affecting the individual having business with the Land Department. The Government appoints the ablest men available as Receiver of the Land Office for a given district, the citizen takes up a claim (so-called), complies with all the legal requirements under the direction of the Receiver, pays the full price and receives a Receiver's receipt; then if he (or she, as the case may be) are young and vigorous when final proof is made—the party may actually live to receive a United States Patent, from one to seventeen years later.

These citations are presented to indicate the endless and destructive delays attending governmental procedure, and this condition can perhaps not be materially altered by this or any other nation, hence governmental methods should not be applied to our daily transactions. What the commercial interests of the nation want and must have if they are to prosper is freedom of action, under the protection of a strong government, whose principal object is the enforcement of honest contracts between citizens, thus permitting the people to work out the great problems confronting them in harmony with sound and safe principles. Thus the question again forces itself to the top, will we progress? "Hope says yes, but reason says perhaps."

In the limited time at my command I am unable to find in the world's history a case where a nation has fixed by law, rigidly, rates for the transportation of persons and commodities on rivers and lakes, or where nations have sought to fix international freights and fares for corporations engaged in the ocean-carrying trade.

A case in point serving to illustrate the reverse view comes to my notice in the operations of the Oregon Railway & Navigation Company, operating a line of railway in northern and eastern Oregon to Portland, Oregon, thence transporting such tonnage as may be destined to cities situated on the seaboard, north or south, or for that matter off shore, in their own ships. The rate covering transit by rail is sought to be fixed by law, but when the same commodity enters the same company's ship, and the ship departs, she does so under terms made freely, and at rates agreeable to both carrier and shipper, and I submit that the natural competition existing between the carriers on rivers, lakes and oceans makes rates sufficiently attractive to warrant shippers in employing the service, and if not the natural remedy is the organization of another shipping convenience by the shippers.

The argument responsive to this view is freely made, that in the case of water transit competition is free and unrestricted, but that in the case of transportation by rail the railway companies control the road-bed in their own interest. This is unquestionably true, and should naturally be so, the owners having provided the necessary capital and, therefore, entitled to the results arising from their investments.

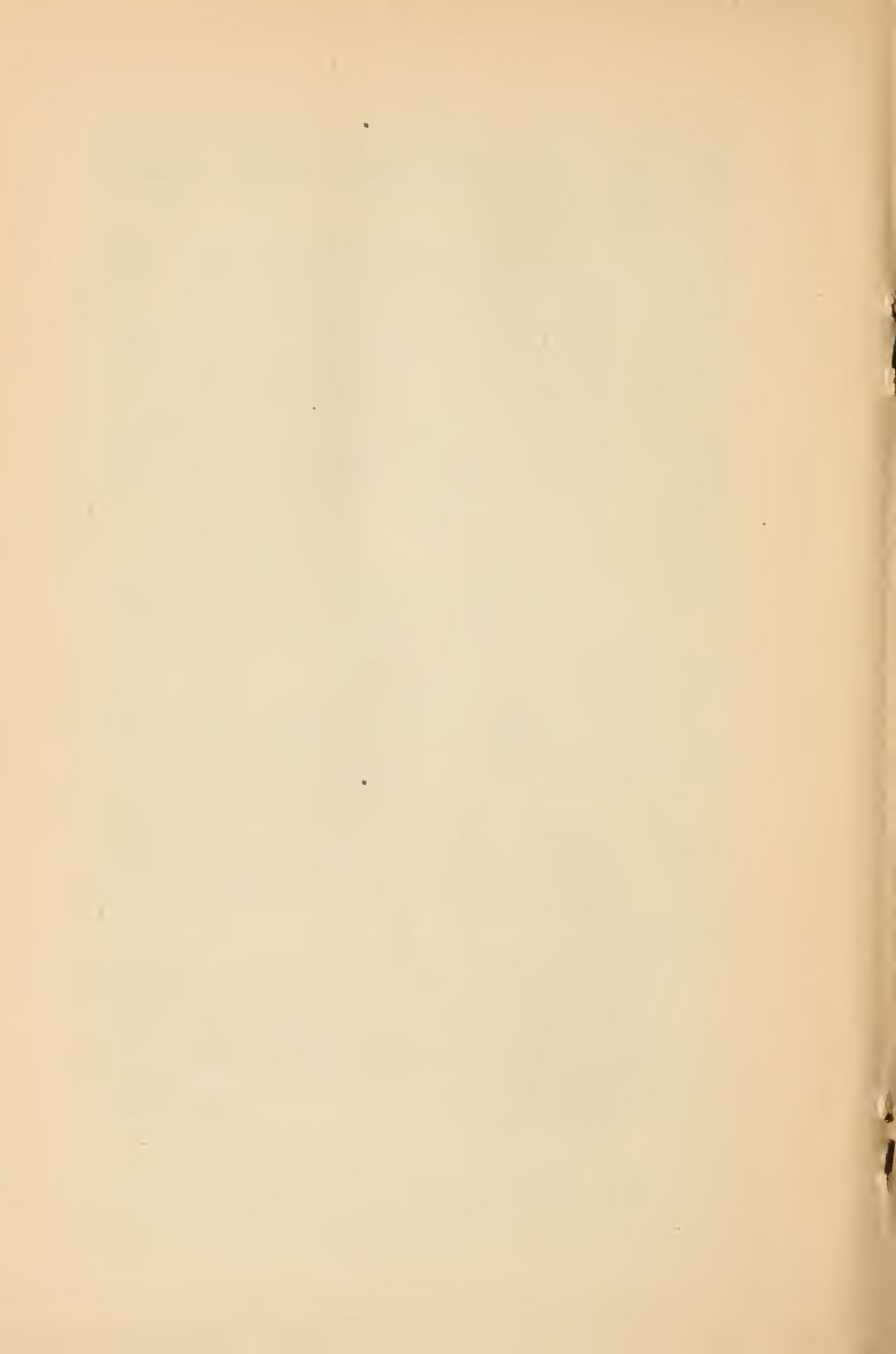
Would the same condition not apply to water transportation if a steamship company should build at their own cost and expense a canal of several hundred miles, paying for the right of way as fixed by the courts? Should they not have the exclusive use of it, and what law founded on equity and justice would deny their rights? It would not follow, however, that the public should employ such canal service unless found advantageous, and to my mind each method of transportation should enjoy full protection under the law on lines similar to those granted to other general corporations and individuals, without special favor to either. But on the "trackless ocean" all may sail ships with entire freedom, none having investments other than in the ships themselves.

I think we may safely stand upon the resolution passed by the Trans-Mississippi Congress at its session in Portland, August 16-19th, last, for a solution of the rate regulation problem:

"We insist upon the rigid enforcement of existing laws as the proper remedy for the unmixed evil of rebates, discrimination in freight and express rates, and special privileges to private car lines, by railway companies."

Yours very truly,

G. X. WENDLING.







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