

A RAILROAD RATE COURT.

THE LATEST PLAN. Congressmen Earnestly Considering the President's Recommendation.

Washington, Dec. 12.—The earnest work of the President in behalf of his recommendation that the Interstate Commerce Commission be authorized to fix railroad rates when it finds them unjust is bearing fruit, as is shown by the effort of prominent members of the Senate to devise a satisfactory method of correcting existing evils. As announced in these dispatches of December 9, some of the best minds in Congress are being devoted to this subject, and the probability that some form of legislation will be devised which will carry into effect the President's purpose, while avoiding certain objections to clothing a branch of the executive with judicial powers, becomes daily more evident. The latest scheme under discussion consists of the creation of a railway rate court, to consist of one judge from each of the nine judicial districts of the country, this court to be authorized to fix railroad rates after full and fair consideration of the arguments presented on both sides. While this proposition is being discussed, it is still in the formative period, and may be subjected to considerable change as the discussion proceeds. The fact, however, that it is being seriously considered and that influential members of the Senate committee on commerce have expressed tentative approval of the suggestion demonstrates the correctness of the assertion that leading Senators are in earnest in their desire to co-operate with the President and provide a remedy for existing evils, and that the likelihood that no legislation of this character will be enacted at the short session is due "not to the opposition of the railroads or of their friends in Congress, but to the magnitude of the subject and to the complications it presents."

ACTION AT THIS SESSION POSSIBLE. While it still appears improbable that legislation of this importance can be enacted at the present session, it is, of course, possible that something may be accomplished. Should the men who are at work on the problem succeed in framing a not too complicated measure which will at once serve the desired end and avoid the objections raised to the suggestions thus far put forth, there would be little difficulty in securing favorable action by the Senate, and probably by the House.

In proposing a court to consist of representatives of each of the judicial districts of the country, it is argued that the view of the court would be broadened far beyond that of the Interstate Commerce Commission as now constituted, and that this broadening of the court's view would insure more intelligent consideration of railroad problems. With regard to the complications involved in the determination of equitable railway tariffs by a federal court, it is pointed out that a multiplicity of rates now exists, even within a single State. For instance, there is the "milling in transit" rate, which enables the railroads to transport raw material to the mill or factory, leave it to be manufactured, and then transport it to its destination, for a less rate than would be charged for the transportation of two lots of freight the same distance as separate and disconnected shipments. Again, there is the "commodity rate," whereby railroads are empowered to transport raw material at a reduced rate for the purpose of building up a manufacturing or milling industry in a particular section. Other special rates which have been regarded as proper modifications of the equitable tariff on all long and short haul shipments might be cited, most of them depending on the particular conditions in specific localities.

It is the existence of these special rates and diversified conditions which renders comprehensive railway rate legislation so complicated that thoughtful legislators insist on making haste slowly, lest they merely place on the statute book laws which will prove the occasion of protracted and costly litigation, to end ultimately in a decision by the Supreme Court declaring it unconstitutional.

A RAILROAD RATE BILL.

Measure in Line with the President's Views Introduced.

Washington, Dec. 12.—Representative Steenerson, of Minnesota, introduced a bill in the House today to amend the Interstate Commerce act. It provides that on the complaint of any shipper that any rate, charge or classification made by a common carrier is unreasonable, the commission shall forward such complaint to the carrier, who shall be called on to satisfy the complaint or answer in writing. Provision is made for a hearing, and authority is given to the commission to require the attendance of witnesses and the production of books and papers relating to the subject of investigation.

If the commission finds the rates, fares, charges or classifications complained of unequal and unreasonable, it shall state wherein they are unequal and unreasonable and shall make a tariff which shall be substituted for that of the railroad, and shall be taken in all the courts of the United States as prima facie evidence that the tariff of rates, fares, charges and classifications so made is equal and reasonable, and such tariff so made shall be in full force and effect during the pendency of any appeal that may be taken to the courts. Should a common carrier neglect or refuse after the time for appeal has expired, to adopt such tariff so made by the commission, the latter shall publish such tariff as it has declared to be equal and reasonable, and thereafter it shall be unlawful for any common carrier to make a higher or lower rate, fare or classification.

The bill provides for an appeal from the final order of the commission as to the reasonableness of any rate, fare, charge or classification, which may be made, or modified, or the order of publication, to the circuit courts of the United States, the modified order to stand as a substitute for the original order of the commission. When the court is of opinion that manifest justice requires it, a stay of enforcement of the commission's order may be made pending appeal.

RAILWAYS AND THEIR RATES.

The President's Proposals Helpful Rather Than Injurious.

Sir: Manipulators of railroad securities have been trying hard to persuade Wall Street speculators, and with some success, that the President's recommendation in his Message to Congress concerning an increase in the powers of the Interstate Commerce Commission is exceedingly radical and will result in great damage to railroad interests. If the speculative public were not so ignorant of traffic matters, it would not be fooled by this kind of talk. As a matter of fact, the "bear" operators who laid so much stress on the words of Mr. Roosevelt know little more of traffic affairs than the people they fooled, but it so happened that the President's Message and the vicious attack of the frenzied financier of Boston came at a time when the stock market was in a topsy-turvy condition, and so the bear element was able to make most effective use of the President's suggestions.

As is well known among students of the proposed legislation, the railroads have fought tooth and nail against increasing the supervision of the government, as exercised through the Interstate Commerce Commission, and have opposed every bill which has been introduced in the national legislature having for its object the extension, as it might be called, of the powers of the Interstate Commerce Commission which it was supposed to possess under the act to regulate commerce, passed in 1887.

The railroads, as a whole, naturally object to having their enormous powers restricted in any degree. These powers are far greater than those

average man imagines. The common carriers in this country are permitted under the law to charge practically any rate they please for the transportation of freight, and when it is remembered that the cost of practically every commodity dealt in must necessarily be based to a large extent on the rate of freight which the commodity must pay to be transported from the source of production to the markets, it can be readily seen how important and indeed vital the question of freight rates is to the entire business of the country. What is termed the transportation tax—that is, railroad earnings from freights—in 1903 amounted to \$1,338,020,026, while the total receipts of the government in the same year footed up \$694,621,118. So it will be seen that the receipts of the railroads from freight transportation are more than twice as much as the entire revenue of the government, and yet the people, from whom the railroads received their incalculably valuable charters and privileges, have practically nothing to say about the amount of the "tax" they are called upon to pay.

The only recourse they have under the act to regulate commerce is that when a shipper feels that the rate of freight which he is charged by his railroad is exorbitant or unjust, he can appeal to the Interstate Commerce Commission, and after the commission has held a hearing on the case it has power to do nothing more than to express the opinion that the rate complained of is unfair, if it so finds, and to order it changed. If the railroad refuses to make any change, the only course left for the commission is to submit its ruling to a Circuit Court of the United States, and hitherto it has taken an average of from five to seven years before a decision was handed down; and in the interval there is nothing to prevent the railroad from keeping in force the unjust rate, and the shipper is forced to pay it.

A careful reading of the President's recommendations on the subject will disclose that there is nothing radical in his ideas; that the legislation he indorses provides simply that when the commission, after a full hearing, has found a rate to be unjust, it may have power to put a rate it considers fair into effect immediately, while the railroad has the privilege of contesting the decision in the courts, instead of the shipper. One objection to the proposed legislation brought forth by the railroad interests is that if the court should find that the rate put into effect by the commission was unjust, it would be practically impossible to recover the loss sustained by the carrier while the rate obtained. The shipper at present is in that position. As a matter of fact, there have been few or practically no cases in which a complaining shipper has attempted to recover losses sustained by an unfair railroad rate, and, as the advocates of the proposed legislation point out, provision is made in the measure for the speediest hearing in the courts of all cases involving traffic matters, so that, even assuming that the commission should fix an unjust rate (which is unlikely) the loss sustained by the railroad would be small. Meantime, its interest would be to expedite, not as at present to delay, the litigation.

It may be said without hesitation that if the President's recommendations are enacted into law they will be of benefit rather than a detriment to railroad interests. It is a matter of record, and some conservative and broadminded railroad men themselves point out, that the railroads were prosperous for the ten years after the act to regulate commerce was passed and while the supposed power of the Interstate Commerce Commission to correct rates was undisturbed. Conservative railroad men also acknowledge that if some such legislation as is proposed by Mr. Roosevelt is not enacted, much more radical legislation will be pressed; that the socialistic idea of governmental ownership will gain wide currency and that chaos may result. Possibly, only persons who are in close touch with the feelings in the West realize the danger that confronts the country. Complaints from all that part of the Union against the railroads, charges for car service at terminals, exorbitant and inexcusable delays in the settlement of claims, etc., are of the bitterest character. There are upward of five hundred thousand intelligent and influential business men banded together in this movement to regulate freight rates throughout the country, and this movement in the last six months has gained an impetus which has been reflected finally in the President's recommendations to Congress. The alleged fear expressed by railroad interests that the commission will attempt to fix rates for the entire country has gone on record as saying that this would be impracticable, if not absolutely impossible. Even in Texas, where the State commission exercises more power than any other commission established by State laws, the rates are made originally by the railroads. In fact, all that advocates of this legislation ask is that the railroads be placed under governmental supervision similar to that of the national banks. The bank has prospered under such supervision, and there is no reason to believe that the railroads would suffer in any possible way; indeed, it is my belief that the result would be highly beneficial to stockholders.

T. M. New-York, Dec. 11, 1904.

INSURANCE SUPERVISION.

Bill to Carry Out President's Suggestions Introduced in House.

Washington, Dec. 12.—After a review of the bill introduced by Representative Morrell, of Pennsylvania, with a view to carrying out the suggestion made by the President in his Message to Congress concerning the subject of insurance supervision, to-day introduced a bill covering the question. The bill defines the business of insurance and specifies the different branches of it, as life, fire, marine, fidelity, guarantee and title insurance, reinsurance, etc. It then provides that on or before January 1, 1906, the Secretary of Commerce and Labor shall appoint a Superintendent of Insurance, to be subordinate to the Commissioner of Corporations, and that the superintendent shall make and enforce all necessary and proper rules for the regulation of the business of insurance in all its branches whenever such business involves interstate or foreign transactions. It requires the Superintendent of Insurance to advise and assist the Superintendent of Corporations in framing and enforcing such rules. Whenever a penalty is necessary for the enforcement of a rule it provides that the Secretary of Commerce and Labor shall, for the preceding twelve months, the companies failing to make such reports be disqualified to transact business in any State or Territory, except that in which the principal office of the offending company is located, and, if such company has no principal office in the United States, it is to be debarred from use of the mails.

The bill further provides that all persons, firms or corporations, foreign or domestic, shall file with the Superintendent of Insurance annual reports of their business, and that all such persons or firms or corporations engaged in interstate or foreign business shall also file a duly authenticated certificate of their right to carry on business in the State or country of their domicile. Penalties are provided for violations of these requirements. The Superintendent of Insurance is required to report annually to the Secretary of Commerce and Labor, and the latter is required to annex such reports to his own annual report.

OTHER SUPREME COURT DECISIONS.

Debt Created by Fraud Cannot Be Discharged by Bankruptcy Proceedings.

Washington, Dec. 12.—That no debt created by fraud may be discharged by proceedings in bankruptcy was decided to-day in the case of Spencer

CZAR'S RULE MENACED.

AGITATION SPREADING. Capital's Papers Openly Voice Demand for Parliament.

St. Petersburg, Dec. 12.—Another slight student affair took place at the Palace Bridge this afternoon. The students were crossing the bridge in a body, and the police, thinking they contemplated a renewal of yesterday's demonstration, first sought to interfere, but, when convinced that there would be no trouble, allowed the students to proceed.

The papers print only a brief official account of the demonstration in front of the Kazan Cathedral. Nevertheless, they are full of articles breathing demands for reforms, "the 'Russ' especially declaring that there can be no retreat and openly advocating a parliamentary system in which the upper house shall consist of members of the Senate, the Council of the Empire and the Council of Ministers, and the lower house of elected representatives of the zemstvos.

Proclamations have been issued calling for a demonstration outside the Law Courts to-morrow at the opening of the trial of Sasonoff, the assassin of M. Plehve. The demonstrators have been instructed to come armed.

Stembok Fernor, the only zemstvo president who refused to sign the reform memorial, has resigned because of the criticism of his colleagues.

It is now said that the Grand Duke Sergius has abandoned his intention of resigning the post of Governor General of Moscow, and that he is yielding to the opinion of the Emperor regarding the Minister of the Interior.

Moscow, Dec. 12.—The students assembled to-day in front of the residence of Professor Timiriazoff and cheered him for his article entitled "Academic Freedom." The students then marched in procession through the principal streets, singing the "Marsellaise." The police did not interfere.

The Prefect of Police has forbidden the police to expel foreignly Jew merchants who are not entitled to come to Moscow.

Riga, Dec. 12.—Inflammatory proclamations were distributed yesterday to the congregations leaving the churches. The culprits were arrested. No disturbances occurred.

Ekastrinoslav, Dec. 12.—A group of workmen entered the Town Hall to-day at a session of the Municipal Council, and attempted to address the councillors on the present condition of the country and the aims of the working classes. Much excitement followed, and the president adjourned the meeting, but the spokesman of the group continued, his words being cheered by his comrades. A number of arrests were made.

ARMIES NOT IN ACTION.

More Skirmishes—Japanese Prepared for Winter.

Tokio, Dec. 12.—A dispatch from the headquarters of the Japanese army in Manchuria says:

At 2 in the morning of December 11 a body of the enemy's infantry attacked Pel-Tai-Tai, but at dawn was completely repulsed northward.

In the afternoon of December 11 the enemy's artillery holding a position west of Manpao Mountain, opened a cannonade against Yau-tsun and Tang-chia-pao-tsu, and the enemy's artillery posted west of Da Mountain shelled Puzhao-Wu. Neither caused damage. Manu-Chieh on the right bank of the Hun River was attacked by the enemy's cavalry. The Russians were driven westward, losing a number of men. The Japanese sustained no casualties.

General Oku's Headquarters, Dec. 11.—The Russian army at the front of General Oku's army are continuing an artillery and rifle fire day and night. The Japanese are not replying. A Russian move southward is not anticipated immediately. The Russian plan for a winter campaign has not developed.

Last night the thermometer reached 7 degrees below zero, which is unusually cold for December.

The Japanese preparations for the winter are practically complete.

St. Petersburg, Dec. 12.—The general staff has no information to confirm the reports of a Japanese advance below Moulken. According to the official reports no fighting on a large scale is going on or is imminent.

Moulken, Dec. 12.—On Friday night the Japanese several times attacked the trenches of the Russian right, but in each case they were repulsed.

TO FIX LIMITS TO USE OF MINES.

Rome, Dec. 12.—In the Chamber of Deputies today Signor Santini asked the Foreign Minister, Signor Tittoni, about the advisability of Italy proposing an international conference to regulate the use of mines and submarine weapons in warfare. Signor Tittoni pledged himself to have the matter considered in the programme of the conference called by President Roosevelt.

RUSSIA DENIES MOVE IN PERSIA.

St. Petersburg, Dec. 12.—The report that Russia has sent a new expedition to southern Persia is denied.

MOVEMENTS OF THE BALTIC FLEET.

Suda Bay, Crete, Dec. 12.—The Russian cruisers Oleg and Dnieper, the latter formerly of the St. Petersburg, and the destroyer Gromy arrived here last night.

Cape Town, Dec. 12.—The Russian hospital ship Olga arrived here to-day to take on supplies. Two large Russian warships passed Cape Point early this morning.

ST. MARK'S CRUMBLING.

Immediate Repairs Needed on the Entire Basilica at Venice.

Venice, Dec. 12.—Manfredi and Marangolo, the engineers who have had the care of the basilica of St. Mark's since the fall of the Campanile, have presented their official report. It sets forth that the condition of the basilica is most alarming. The whole building shows weakness. The foundations are bending and cracking, the walls are sinking and the ceilings of two of the vaults threaten to give way. If they fall it may cause most of the basilica to give way. The engineers recommend the immediate erection of scaffolding and a thorough restoration of the whole building.

FIGHT FOR HIBERNIA COAL COMPANY.

Company Formed to Checkmate Plans of Prussian Government.

Berlin, Dec. 12.—A limited liability company, named the Herze, was organized here to-day with a capital of 90,000,000, for the purpose of checkmating the Prussian government in getting control of the Hibernia Coal Mining Company. The organizers of the new company are the Rheinisch-Westphalian coal syndicate, the Deutsche Bank, the Allgemeine Transportbank, the Berliner Handels-Gesellschaft, the Darmstädter Bank and the Elbisch-Viertelbank. The concern is a holding company, modeled after the Northern Securities Company, and is a new departure in German company management. The plan is to acquire all the Hibernia stock now in the hands of the government and to issue bonds against the same.

POPE RECEIVES AMERICAN PILGRIMS.

Rome, Dec. 12.—The American pilgrims led by the Right Rev. Charles E. McDonnell, Bishop of Brooklyn, N. Y., were received this morning by the Pope in the Clementine Hall of the Vatican. McDonnell presented the Fourth and Fifth and the Monsignor John Buerki, the bishop's secretary, presented to him 20,000 of Peter's Pence.

FOR YEARS a constant goal before piano manufacturers has been the production of a small Grand piano which would have the characteristic tone quality of the Grand but which would not occupy materially greater space than an upright.

Many manufacturers have attempted to solve the problem,—some have given it up as an impossibility, while others have admitted in their announcements that they were unable to accomplish satisfactory results below a certain point.

The Weber Small Grand, however, is an absolute realization of this ideal. In view of the accomplished fact as presented in this instrument, the matter is no longer one for theory or speculation. The Weber Small Grand is here, it is on exhibition for the critical examination of the musical world, and it is admitted to be a thorough success from every possible point of view. Its length measures exactly five feet four inches.

Its lines are graceful, its proportions dainty and exquisite, meeting the fullest approval of persons of cultivated artistic tastes. It can be placed in a corner of a moderately-sized music room, where it seems to occupy scarcely more space than an ordinary upright. Yet there has been no sacrifice of the tonal beauty for which Weber Pianos have been famous for over half a century.

The consensus of opinion in the musical world is well expressed by Felix Mottl, the distinguished Wagnerian conductor and formerly General Musical Director of the Metropolitan Opera House, who writes:

Your small Grand piano is a revelation. I never thought it would be possible to encompass such marvellous tone in so small an instrument.

No person contemplating the purchase of a piano for holiday delivery should fail to see the collection of Weber Pianos, Grands and Uprights, now on exhibition at the main warerooms of the Weber Piano Co., in Aeolian Hall.

THE WEBER PIANO COMPANY, AEOLIAN HALL, 362 Fifth Avenue, near 34th Street, New York.

SENATOR KNOX GUEST.

PENN. SOCIETY HOST.

President's Policy Praised by Ex-Attorney General—His Letter.

In a speech to the Pennsylvania Society at its sixth annual dinner, held at the Waldorf-Astoria last night, Senator Knox, the guest of honor, declared that the American people were realizing the high place they held among the nations and were not approaching grave questions sectionally, but with breadth of view, tolerance, and wisdom.

Great questions were discussed with a view to their effect on the whole people, he said. In this view the President of the United States was taking the lead, for in the first conversation with the speaker after assuming his office he said:

"I would rather be a whole President, in the sense of being a servant to my country, for three years than half a President for seven years."

This, said Senator Knox, presaged a period of national good.

The dinner celebrated the recent change of the chief guest from Attorney General to the representative of the Keystone State in the higher branch of the national legislature. The menu contained a feast for Senator Knox's appointment and a letter from President Roosevelt which was read by Senator Knox. The "warm regard and affection which must necessarily come to one who has been so intimately associated with him for three years of harassing work, and to whom he has shown the most splendid loyalty of support."

The President declared that Senator Knox was one of the "ablest and most upright men now in public life," and rejoiced that he had entered on a term of service in the national legislature, feeling sure that this term would result in much substantial achievement in the way of constructive legislation.

Robert C. Ogden, president of the society, presided. At the table with him sat Senator Knox, Bishop Potter, Brigadier General Thomas J. Stewart, of the Pennsylvania National Guard, Martin W. Littleton, Borough President of Brooklyn, and Amos Parker Wilder, all of whom responded to toasts. Others present were Admiral Coghlan, Frederick Sanford Woodruff, of the Sons of the Revolution; Edward E. Brown, of the New-England Society; A. A. Van Brunt, of the Holland Society; Hugh Hastings, the Rev. Dr. William T. Manning, Bishop of Hagerstown; Colonel John J. McCook, of the Ohio Society; Walter Seth Logan, of the Empire State Society; Robert E. Tule, of the St. George's Society; Talbot Olyphant, of the Order of the Cincinnati; Robert Frater Munro, of the St. Andrew's Society; and Henry Grattan Colvin, of the Southern Society.

The large dining hall of the Waldorf was filled to overflowing with guests, who had gathered to hear Senator Knox, and the boxes were brilliant with the glittering dresses of women, who applauded him as he spoke of the broad national view which the American people were acquiring. The tables were decorated with a combination of red and green, while around the picture of William Penn and a collection of State banners were twined wreaths of smilax.

President Ogden, in introducing Senator Knox, proposed a toast to the President, which was drunk to the accompaniment of cheers. Mr. Ogden declared that the society honored their principal guest for his "great professional ability, his fidelity to national duty, his clean and upright character and his kindly and brotherly spirit."

Mr. Ogden read a letter from Andrew Carnegie regretting that he was unable to be present at the dinner and telling of the "immense political virtue" of the "good old Keystone State." "Because the Republican party of this State," Pennsylvania will keep the path of virtue without money and without price." Pennsylvania had been set aside and her claim to permanent honor, said Mr. Carnegie. He demanded that the loyal sons of Pennsylvania rally round Mr. Knox, as a young man when they could honor, a man capable and true.

Senator Knox said in part:

The eternal principles of common sense are plain and easily understood. They find their best expression in simple language. Their application requires accordingly simple situations to understand, and when they are applied they are not so far from being understood as they are made to seem by the exaggerated and unpractical theories of those who are not satisfied with the plain, and when they are executed promptly, fearlessly, and without discrimination.

I am convinced that the American people of this generation fully realize that they have been called to a higher place in the history of the world, and that the progress of the influences of the world, greater responsibilities are rapidly developing a new and more fitting and active spirit. We are more than ready to assume these responsibilities, not only for the benefit of all the people, but also for the benefit of the Nation.

I am for one of the defeat of the bill to locate the National Capital on the Susquehanna River, in Pennsylvania, which defeat was accom-



- Green Turtle Soup, with Madeira.
- Roast Chicken, with Truffle Sauce.
- Boiled Sole, with Hollandaise.
- Roast Piglet of Sals.
- Duchess Potatoes.
- Saddle of Mutton, with Horseradish Sauce.
- Filet of Beef, with Madeira.
- More & Charbon-Not.
- Imported Brandy.
- French Potatoes, with Ketchup.
- Apple of Fines, with Sherry.
- Quail, with Watercress.
- Salmon, with Tomato Sauce.
- Chateau Perigord.
- Calad Mayonnaise.
- Fancy Ice Cream.
- Assorted Cakes.
- Liquors.
- Pyramids.
- Fruit.
- Coffee.

FIGHT WORK AT F. R. R. TERMINAL.

Property Owners Get Injunction Against the Building of a Trestle Road.

W. W. Niles, counsel for property owners in West Thirty-second-st., between Ninth and Tenth aves., secured a temporary injunction yesterday to prevent the New-York Construction Company, of which John J. Murphy brother of the Tammany leader, and Albertus Coffey, are owners, from erecting a trestle road from the big terminal of the Pennsylvania Railroad to the North River. The trestle road is to be built to carry the dirt from the big hole in the ground to scows at the Thirty-second-st. pier on the North River.

The application to make the injunction permanent will be argued Friday. Counsel for the construction company said:

The Pennsylvania Railroad owns all the four blocks of the North and West Thirty-second-st. owned by the railroad, and will ultimately own, through condemnation proceedings, all the property between Tenth-ave. and the North River. The completion of this section will give the North side of the street, and if they succeed in their action to prevent the construction company from building a trestle to carry the big terminal, the effect will be to jam the two blocks in between—almost, day and night, until the work is completed. This will prolong the work, nobody knows how long.