

THIS LAW A FAILURE

Commissioners Cannot Enforce Interstate Commerce Act.

RAILROADS ARE DEFIANT

FLAGRANT AND PERSISTENT VIOLATION OF THE LAW.

No Way to Prevent Rate Discriminations in Favor of the Trusts and Combines—Government Regulation of Rates Suggested—Restricted Competition is the Rule.

Washington, Jan. 13.—The annual report of the Interstate commerce commission was given out today. In it the commission says:

In previous reports to congress attention has been called to the vital respects in which the act has proved defective and inadequate. Some of its provisions were early seen to be imperfect, while others were so uncertain or ambiguous as to give rise to protracted litigation, resulting finally in authoritative decisions by the supreme court of the United States. The commission has taken much pains to explain the various questions that have thus been decided and the effect of these adjudications in defeating the purposes of the act. To state that the law in its present condition cannot be enforced is only to repeat what has already been said. Until further and important legislation is enacted the best efforts at regulation must be feeble and disappointing. In our last annual report we not only pointed out the defects of the law, but also suggested the necessary amendments which appear to be the only way to give effect to the purposes of the act. Without the removal of these defects the duty of the commission in this regard remains undischarged.

Meanwhile the situation has become intolerable, both from the standpoint of the public and the carriers. Tariffs are disregarded, discriminations constantly occur, the price at which transportation can be obtained is fluctuating and uncertain, and shippers are distrustful of each other and of the law in its present condition. The volume of traffic has increased so frequently beyond the capacity of equipment, yet the contest for tonnage seems never relaxed. Enormous sums are spent in purchasing business, and secret rates are below the standard of published charges. The general public gets little benefit from these reductions, for concessions are mainly confined to the larger shippers. All this augments the advantages of large capital and tends to the injury and moral to the ruin of smaller dealers.

MORALITY AND BUSINESS.

"These are not only matters of grave consequence to the business and welfare of the country, but they concern in no less degree the higher interests of public morality. It is perfectly clear that the observance of public morality is directly within the power of the railway managers and that it would be vastly for the advantage of the railways as a whole. It would, however, be difficult and often known for a railway to maintain rates while its competitor makes secret concessions, and it is also to be admitted that, justified or not, the public has a right to expect that the railway business is now transacted upon illegal rates and in certain quarters charging the published rate is the exception. The results are gross discriminations between individuals and gross preferences between localities, which most always favor the strong and powerful at the expense of the weak. Probably no one thing today does so much to force out the smaller operator and build up those trusts and monopolies, against which the public opinion alike here in vain, as discriminations in freight rates. A further result is that railroad business is carried on largely in concealed violation of law. This condition of the present law is not only a source of embarrassment to the public, but it is also a source of embarrassment to the carriers. The criminal remedies have been applied and some convictions have been had, but no substantial effect has been produced and no satisfactory results can be obtained from that course. The fact may be morally certain, but the name, the date the amount cannot be shown with the particularity and certainty required by criminal law.

REGULATION OF RATES.

"If unrestricted competition produces discrimination, one obvious way to prevent such discrimination is to restrict competition. Whether existing conditions would be improved by local railway contracts, would depend upon the extent to which the agreements were made and actually enforced by the carriers. So far as the commission is concerned, there is at present no other great nation which endeavors to enforce competition between railroads, although in many countries the railroads are tried and abandoned. But just as no other great nation today enforces competition between railroads, so there is no great nation today which does not regulate and control the rates of this country is to change its theory of railway regulation, it should adopt the new theory in its entirety. Carriers seek authority to combine in order to fix and maintain reasonable rates. But who shall decide what rates are reasonable? Shall it be left to the carriers to fix their own rates, or should the people who grant this extraordinary privilege reserve to themselves the right to determine this question?

It does not necessarily follow, therefore, that permission should be given to carriers to make these rates. The evils attendant upon restricted competition might be greater than benefits derived from it. The rates should be removable, as well as stable and uniform, and hitherto competition has been mainly relied upon for that purpose. Now, if competition is to be moved, what is to take its place? The conclusion of the commission in reference to the agreement of this sort and the degree of control over rates which should be exercised by public authority is substantially as announced in its last annual report. The amendments there recommended would not invest the commission with any greater or less authority than it was long supposed to possess; they would simply enable the commission to carry out the purposes of the act, as declared in its last annual report. The present commission is not qualified to discharge their trust, then a more competent tribunal should be created.

GENERAL OBSERVATIONS.

"If commissions in restraint of competition are to be permitted, the following additional observations should be born in mind: First—To permit only a limited and feeble restraint would be to doom the experiment to failure before it was tried; but it might be well to provide that the provision granting the privilege should expire after a certain number of years by its limitations. Second—The contract itself and everything done under it should be open to public inspection.

Third—It would probably be to the advantage of both the public and the railway if the public had some voice or representation in some organization of the kind under consideration. If the public appointed one or more of the board of managers, to whom the shippers would feel free to submit his complaint, and who would bring the shippers views before the association, it might do much to promote just conduct

and harmonious relations between the railroads and the public and thus prove materially beneficial in a high degree. Whatever view may be taken of this phase of the subject the necessity for a thorough revision of the act cannot be overestimated. The principles of this law, as set forth in its first three sections, are conceded to be sound and beneficial, but at present they amount to little more than declaration of a sentiment. Some of the minor features of the statute are fairly sufficient, but the machinery for enforcing its substantive provisions is fatally defective. Even a consideration of private justice and public welfare demands that the railroad rates shall be reasonably uniform to all shippers and equitable between all communities. Until useful legislation is enacted that demand must remain unsatisfied and the commission must continue to rest under the responsibility of a duty which it is powerless to discharge.

A CLASS FOR MISSIONARIES

TO BE ESTABLISHED BY THE MORMON CHURCH.

It Will Be Under the Auspices of the Latter-day Saints' College—Missionaries to Be Increased to 3,000.

It has been decided to conduct a missionary class at 233 West First North street, under the auspices of the Latter-day Saints' College, especially for the benefit of young men who have received or are expecting missionary calls. This decision was arrived at in response to an urgent request from numerous young men of the class mentioned. The sessions will be held on Tuesday and Thursday of each week at 2:30 p. m., and will be held in the hall cordially invited, ladies as well as gentlemen. Professor Done will conduct the class. This is somewhat of an innovation, and is in accordance with the official statement made at Logan by Elder McMurrin at a public meeting to the effect that the church intended to increase the number of missionaries from the field from 1,500 to 3,000, shows that there is renewed activity in the missionary work.

EUGENE YOUNG IN THE CITY

IN THE INTEREST OF THE NEW YORK HERALD.

Fight Is Not On Roberts Personally, But On "the System Which He Is Supposed to Represent."

Eugene Young, the brilliant young journalist, formerly on the staff of this paper and now of the New York Herald, who has made a wide reputation by his incisive and facile pen, is in the city in the interest of James Gordon Bennett's paper. It is about four years since he left Salt Lake, and his friends are more than pleased to welcome him back. When asked as to the reason for his visit to Salt Lake and his plans, Mr. Young said: "I am simply a staff man sent to write temporarily a news center." "Is the Roberts campaign really receiving any serious attention in the east, outside of a few preachers and church society women?" the Herald reporter asked. "Yes, it is attracting the notice of our politicians and business men," said Mr. Young. "Newspapers in the east do not take up questions unless they are of general interest, and the fact that they are devoting so much attention to Mr. Roberts shows that the question he presents is considered important. I have not had any connection with the movement against Mr. Roberts, except in making one address before the Presbyterian Women's Board of Zion Mission, and so cannot tell what progress is being made in the campaign in each congressional district. The general demand for matter on the Mormons and for information, however, is a general indication of the effectiveness of their work."

"What do the church people intend to do in the absence of their president?" the Herald inquired. "The contest idea has been abandoned for some time," he said. "The leaders in the anti-Roberts movement consulted with Senator Edmunds and other well-known constitutional lawyers and decided that it was questionable whether the attack could be made on the man. Equally doubtful was the proposition to put forward the charge that Mr. Roberts was debarred from his seat by disfranchisement under the Edmunds-Tucker act. The line on which to make a fight was decided, and he was expelled after he takes his seat in congress by a two-thirds vote. This method is preferred, because there is a desire to avoid making the fight a personal one on Mr. Roberts and to make general war on polygamy."

"What position do you take in this matter?" he was asked. "I made a public statement in the address before the Presbyterian women that I was not attacking Mr. Roberts personally. I once had a great deal of regard for him, and would not care to take a position that would injure him personally without benefiting anybody. Besides, it would be undignified for the nation to interest itself in the morality of one man. But every evidence seems to indicate that he is in accord with his church leaders, and as his church leaders have been sustained unanimously at every conference—with a single exception—there is no evidence that they are not in entire accord with the whole Mormon people. Therefore, in his present position as a church officer, he is the representative of Utah, as we have presented to us the plain defiance of an entire people. The present policy of the Mormon leaders, both in the matter of polygamy and church and state, seems to be contrary to American principles. There is no evidence of any intention to correct these from the inside, and therefore many of us think proper pressure should be brought from the outside."

The U. S. Gov't Reports

show Royal Baking Powder superior to all others.

GILLETT IS ANGRY.

Abandoning Cattle King Threatens to Make More Trouble.

Kansas City, Jan. 12.—A special to the Star from Abilene, Kan., says the brother of Mrs. G. C. Gillett, Charles H. Baumhaugh, returned from Chihuahua, Mex., where he went with his sister, she joining her husband there. He says he is the bearer of no compromise offers, though some compromise offers might be arranged later, adding: "Mr. Gillett is very restless in his present location and says he will return soon, probably in a few months. He does not fear prosecution, but prefers to wait until the matter is adjusted. He is making no attempt at concealment, but is very angry at some reports concerning him which have been published. He promises to make personal at every conference when he comes back. Mrs. Gillett will return early in February to contest the attachments on her property which are, she says, illegal."

SAMPSON OR SCHLEY? PROOF OF THIS ENEMY

Great Naval Issue Revived By Congressmen Berry. Wall Street Capitalists Loaning Their Money To Europe.

THINKS IT WAS SCHLEY ALSO GAMBLE IN STOCKS

NAVAL PERSONNEL BILL DISCUSSED IN THE HOUSE. WHICH SHOWS THAT THE COUNTRY IS PROSPEROUS.

Important Measure Will Be Passed Without Serious Opposition—Bailley Objects to the Abolition of the Rank of Commodore—Need of More Officers For New Ships.

Idle Capital Is Being Sent Abroad, Or Used For Speculation In Stocks and Bonds—Iron Industry Booms, and Agricultural Exports Are Heavy—Wall Street Review.

Washington, Jan. 12.—The house today entered upon the consideration of the naval personnel bill. It developed much less opposition than was anticipated, and the passage is now in place upon its passage tomorrow. The last vestige of opposition to the measure from the line officers of the navy was removed today when the committee also asserted their purpose to offer an amendment tomorrow to repeal the law giving prize money to the navy, and this amendment met with a large majority when it is placed upon its passage tomorrow. The measure was adopted designed to prohibit staff officers, upon whom the bill conferred positive rank, from exercising command in their own corps. The committee also asserted their purpose to offer an amendment tomorrow to repeal the law giving prize money to the navy, and this amendment met with a large majority when it is placed upon its passage tomorrow. 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