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No 7

The Dickinson-Speer Bill Hearing.

On last Monday night before joint session of the senate and house committees on railroads a hearing was given to representatives of the railroads and shippers interested. The roads were represented as follows: The Missouri Pacific by Wm H. Phelps; A. G. Cochran, general solicitor; J. O. Lincoln, general freight agent; A. C. Bird, vice-president and traffic director of the Mo P and Wabash; The Burlington by Judge O. M. Spencer, general solicitor; Geo. A. Crosby, freight and traffic manager; and W. C. Maxwell, assistant general freight agent; The M. K. & T. by F. A. Leland, assistant general freight agent.

Representative Speer introduced the subject by saying that the bill had been printed and furnished to the railroads and to shippers several weeks ago; that he believed the bill to be just and its enactment necessary to guard the interests of interior towns in the state; that it was constitutional and chiefly designed to prevent the charging of higher rates for short hauls than for long. He asked the representatives of the railroads to show cause, if any, why the bill should not become a law.

Wm. H. Phelps said that he did not know that anybody in Missouri was complaining of freight rates and insisted strongly that complaints against the existing rates he heard first. The chairman ruled that Representative Speer had charge of the bill and that it was for him to declare the order of procedure. Speer said that the bill had been in the possession of the railroad representatives for the past two weeks; that it was either a good bill and ought to pass, or else a bad bill and ought to be defeated; that whether or not there was a complaining shipper in the state made no difference. He insisted on the order of procedure first outlined. Phelps said that it was an astonishing, outrageous procedure to require them to answer complaints which they had never heard, to defend their freight schedule when they did not know what part of it was attacked, to try to satisfy objectors when they did not know who the objectors were. Judge Spencer and Judge Cochran agreed with Phelps exactly, and warmly they did not see how they could think of anything to say unless somebody could be found who would express definite objections to the present railroad tariffs. The chairman rather sarcastically said that unless some shipper in the audience should see fit to afford these gentlemen a subject to talk about, they would have to proceed to talk about the bill. J. C. McGrew, of Lexington, said that since the gentlemen insisted upon a complaint for a text, that he as a citizen and as a shipper complained of the present freight rates; as a citizen, in that these rates were in violation of the statutes and the constitution; and as a shipper, in that they were in many instances both, inequitable and excessive.

The railroad attorneys then introduced their freight experts who talked for three hours. They were abundantly equipped in the matter of information upon the subject in hand but seemed wholly unaccustomed to argumentation. Their remarks were diffuse and inconsecutive, but seemed to drift toward the following general conclusions: That railroad rates are and must be evolutionary, especially since the same road may run through many states where conditions are constantly changing; that no satisfactory freight schedule can ever be framed along the line of a simple principle like that which governs passenger rates; that the proposed bill would reduce the total freight revenues of the roads by from thirty to forty per cent—much below the cost of operating the roads; that 86 per cent of the freight revenues of the roads is derived from inter-state hauls and 14 per cent from intra-state hauls; that the proposed bill since it would (as they alleged) reduce the rate in Missouri on inter-state hauls, could bring about no other results than to divert inter-state traffic from Missouri; that all the profit of the freight business was in the inter-state

business, and that the intra state freight was wholly unremunerative.

At the conclusion of these testimonies, Judge Cochran made a speech in which he said that the subject of freight rates was so immense and complex that the legislature could not understand it. He said that he had tried to master the subject and had to give it up. He read from a supreme court report in which Justice Harlan said that more than three hundred elements entered into the determination of an equitable rate. He insisted that the rates in Missouri were as low as the lowest in the United States where anything like similar freight conditions existed, and that the roads were laboring unceasingly to correct inequalities and reduce charges. He warned the legislature against striking down the greatest enterprise in the state by whimsical legislation and urged that the people refer their complaints to the state railroad and warehouse commission. He drew a picture of Missouri forsaken, its trans state traffic all diverted to lines running through other states, its factories all moved just outside our borders.

It was after 11 o'clock when Judge Cochran concluded. Mr. McGrew spoke about half an hour in criticism of the present freight rates. When upon motion of a member, the hearing was continued to Tuesday night. Mr. McGrew asked Judge Cochran if he meant to make a comprehensive denial of the charges he (McGrew) made before the beginning of the discussion. Judge Cochran said that he did. Mr. McGrew then read the section of the constitution forbidding a higher charge for a shorter haul than for a longer one. He quoted published rates in which this provision is violated. He read decisions in two cases in which he had recovered overcharges upon the ground of such violation. But he said that this was not the only way in which the law is violated by the railroads. He declared that in the statutory classification coal, brick, sand, railroad ties, stone, cordwood and other heavy articles were specifically included in the same class. He said that he held in his hand freight bills for a car load of coal shipped from Lexington to Marshall at 40 cents per ton and for a car load of brick shipped from the same starting point and to the same destination at \$1.20 per ton. He quoted published rates in which the charges were greater for hauling freight a given distance in one direction than in the other direction on the same road, and he read a supreme court decision in which this was pronounced unlawful.

Mr. McGrew said that the last statutory tariff rate enacted by the legislature was enacted in 1872, and that the rates in it were much higher than the railroads now charge or had ever charged. He said that the new rates promulgated in March, 1904, by the state railroad commissioners, acting under authority of a bill passed by the legislature in 1903, were unlawful from the beginning. He said that in the very title of the tariff sheet published by the commissioners there was announced an arbitrary division of the state into two parts, one lying north and the other south of the main line of the Missouri Pacific railroad and that the commissioners had established different maximum rates in these two arbitrary divisions. He called attention to the fact that two great freight roads the C. & A. and the M. K. & T. He part in one of these divisions of Missouri and part in the other, and that they are thus authorized by this schedule to charge one set of rates along one part of their lines and another set along the other. Thus, he said, there was no legality, uniformity nor equity either in the states' maximum rates or in the railroad commissioners' experimental rates.

On Tuesday night the hearing was continued. The railroad representatives had left, except Col Phelps and Mr. Stith, general traffic manager Mo. P. Ry. Mr. McGrew resumed his argument directing his remarks chiefly to the matter of reasonableness of the rates prescribed in the bill.

OLD BOB WHITE,

AUSTIN ARNOLD.

I am living the old days over again; the boy I had forgot
In the run of the years is here, within, and I, the man, am not.
Back to the land of youth I have come, heart-deep in memory's stream,
And the present I leave behind me seems only a shifting dream.

And he who unbars the way,
This gloom of an autumn day,
Is only a mottled quail
A perch on a broken rail,
Calling "Old Bob White!"
To the level light;

While up from some reed-hidden, calamus marsh
Floats "knee deep" from out watery, green throats harsh

Oh magical bird! you give me once more the eventide at home,
On the old farm with its wooded hills and deep, rich valley loam.
Now there's shouting in the meadows, ringing laughter all abroad
As the hands, at sunset, tramping come through th' rustling cornfield road.

And aloft of a purpling corner
That reckless old sojourner,
A ruddy autumn quail
A-tilt on a rider-rail,
Whistles "Old Bob White"
To the coming night;

While up from the ponds in the yonopsis marsh
Comes "knee-deep, knee-deep," from the wide throats harsh.

Now Red, and Crump, and Brindle are splashing through the ford,
And whitening the water where the branch runs 'cross the road.
And sheep is madly barking from the stile-block to the sky,
For joy alone, unless the air is phantomied to his eye.

And a milky fragrance warm,
A blending attared barn
Mixes with the scent of flowers
In the dew-wet border's bowers;
With the sweet-briar's odorous clamber,
With the trumpet's honeyed amber;

And Betsy takes the piggin from the sunny outside wall
And goes to do night milking with a low, soft cuck-oo call.

And Jim up in the walnut tree is skinning a high cat,
And dreamy Ned prone on the grass has face hid by his hat,
While I take a last "let her die" before me go a-field
To exultingly return upon the generous fallows' yield.

And mother speaks from out the door,
Midst aureole of sun,
To bid us home with Father;
Then waits to watch us run
Through rusty stems of clover,
That whips our rioting, bare feet over;

And threading all a dov's low call comes up from stubble of wheat,
While a chipmuck over the wood pile logs makes journey, cautious and fleet.

And the shadows of the evening on the place at set of sun!
They come again like faces sweet-remembered, one by one.
The gable lengthened on the grass, the chimney reaching far
With its wheeling flight of swallows on the ground as in the air;

And the double of the well-sweep
Stretches long upon the sward,
And the garden paths reach to where
The gnarled oak stands at guard;
And the hitch-post at the path
Statures tall as he of Gath,

While my double is a giant, chasing, running as I run
With a stick across my shoulder to make th' shadow giants' gun.

I see the maple's yellow, and the russet on the corn,
The sumac blazing scarlet on the hill behind the barn;
And the thinning foliage of the elms is misted in dim haze
Where migrant flocks are gathering for a flight from coming days.

Across the reddening afterglow
A lated swallow dips him low;
And Tab, on early twilight prowl
Turns eager ear to a stirring owl;
One deep star sudden glows
Where the young moon wider grows,

While clearer from the rushes in the further meadow marsh
Comes up "knee-deep, knee-deep" from the watery, green throats harsh.

Life's choicest blessing on your head flute-throated Old Bob White!
May web and woof of fate for you be woven very bright,
May vagrant sportsman never still the reedy, vibrant note
Of joyousness at home within your mellow, ruffled throat.

Your magic will with me remain
Through busy hours, a balmied refrain,
And may it be we meet again.
I go a road of happier trend
For chancing on you, feathered friend:

The wine of life glows redder in the clear resurgent light
Of the charm that you have wrought me,
For th' lost boyhood you have brought me
Mantric Old Bob White.

He insisted that the constitution and statute of Missouri as decided by the supreme court of our state on November 17, 1903, plainly contemplated only a mileage basis of rates and that tariffs founded upon any other basis are plainly illegal as well as unjust. He said that even if the legislature were to accept the statement of the railroad representatives that the new bill would reduce rates 30 per cent, they would find that the maximum rates prescribed by the bill were not less than the railroad's joint tariff rates on interstate traffic, and since they had all testified that interstate traffic is 86 per cent of the whole, then the reduction, according to their own words, would apply to only the 14 per cent remaining, or the domestic

traffic, and that 80 per cent reduction upon only 14 per cent of the freight business of the roads would hardly be likely to produce the disastrous results predicted by Mr. Bird. But he said that even these figures were misleading since the 14 per cent domestic traffic included all freight having its origin in Missouri river points and its destination in Mississippi river points or vice versa; and since this trans-state traffic is done at rates in no case lower than the inter-state rates, it could hardly be pleaded that this traffic is unprofitable. What the bill proposed to do, he said, was to enforce the observance of the classification, and to fix a maximum rate so near the mean actual rates fixed by the roads themselves,

that it would be impossible for them to discriminate against interior towns and communities, destroying private business by excessive rates for short hauls, higher rates in one direction than in the other, higher rates for shorter distances, and various abuses which serve to make all kinds of shipping business precarious at small places where there is no railroad competition.

Mr. McGrew had tabulated a vast mass of freight statistics from which he showed that the rates established by the Speer-Dickinson bill instead of being ruinous to the roads, were higher by 25 per cent than the rates for the same distance on the Wabash, B. & O., the Illinois Central and the L. & N. and all railroads in Illinois. The conclusion seemed inevitable from Mr. McGrew's argument that the proposed bill would cause very little disturbance in the rates of that part of freight traffic from which the representatives of the roads said their chief remuneration came, but that it would serve to prevent the destruction of the business of shippers in small places. This was illustrated by numerous examples, one was that of the Lexington Brick Company which he said had paid rates of 70 cents, 80 cents, and \$1.20 on shipments to the same place, within the same year, while the rate to this place on coal, which belongs to the same classification under the law, was 40 cents.

Mr. McGrew was warmly congratulated by members of the House and Senate upon his presentation of the case. One senator, not a member of the committee, said to Mr. McGrew after the hearing: "You made it clear as day. The bill is right and will pass."

It is confidently believed that this bill will pass both House and Senate, though it is likely that the railroads will make a hard fight in the Senate.

County Court Proceedings.

Court met Monday, February 6, in regular monthly session with all of the court present.

S. N. Wilson authorized to write order in the drainage matter.

Bridge Commissioner B. D. Weedon ordered to examine and make necessary repairs on bridge near Chas. Oberhelman; also to examine roadbed near same place and widen road and report cost to court next meeting.

The treasurer ordered to transfer \$75.00 of the general road fund to each road district in the county.

Court ordered band stand moved out of the court house yard.

In the matter of the petition of Alvin Turman for dram shop at Dover, was not granted.

The petition of Jas. M. Smitherman et al was ordered dismissed; and in the petition of Alf Bishop et al vs. W. T. Richardson, cause continued to the March term.

In the matter of W. H. White et al for new road, road ordered opened. The attorneys for the Mo. Pac. Ry. Co. object to amount of damages allowed by the commissioners in the above road. Trial by jury set for March 9th.

Permission was granted the Page City Telephone Company to place their poles on the public highway, same not to obstruct said highway. Wm. Walker appeared before the court for the company.

The bond filed by John Truesdale, constable of Davis township, approved.

In the petition of Terry Connors et al for public road, the commissioner was ordered to view proposed road and report on same.

The road petitioned for by C. M. Brown et al was continued to March term.

In the matter of Robert M. Howe et al for change of road, the commissioner ordered to view and report on same.

Petition of W. P. White et al to open new road was granted, petitioners to bear expense.

The road petitioned for by J. Q. Plattenburg, et al was continued to the March term.

The petition of J. P. DeMoss et al for new road was dismissed on account of imperfect description.

Court requests the state board of equalization to make the following

raises of valuation: The C. & A. depot at Odessa from \$400 to \$700. The stock yards at Alma, Corder, Higginsville, Mayview, Odessa and Bates City to \$100. The stock yards of the Mo. Pac. Ry. Co at Concordia from \$25 to \$50; the same raise at Anilville and Wellington; at Higginsville from nothing to \$50, Waterloo to \$25, Hall's Station \$25. Winton \$25 and Lexington from \$25 to \$100; the coal chutes at Myrick from \$300 to \$1,000; the Missouri and Kansas Telephone Co. from \$8,255.27 to \$15,000.

W. S. Peacock was appointed janitor of the court house at Higginsville.

The court authorized the clerk of the county court to sign petition to the council of the city of Lexington, representing the county property, requesting said council to grant franchise to the Lexington Suburban Railway Company for use of streets for construction and maintenance of street railway.

The following jury was drawn for the March term of circuit court at Higginsville.

Clay township—H. C. Kelly, J. F. Miller, Geo. Onsey.

Davis township—Shell Belt, Wm. Strader, C. Detmer.

Dover township—Geo. Hall, Wm. Keister, Chas. Mulharen.

Freedom township—H. A. Tebbenkamp, J. P. Greer, Geo. Heit.

Lexington township—Thos. Nelson, Arthur Young, Jas. Callaway.

Middleton township—Frank Becker, Paul Yatzey, H. E. Lewis.

Sal-bar township—Chas. Powers, J. S. Carroll, W. H. Aldred.

Washington township—Jas. W. Warren, T. D. Salyers, Mark Wilcox.

The following are the petit jurors drawn for the April term in Lexington:

Clay township—John Curse, E. M. Goodwin, W. A. Drysdale.

Davis township—John Sullivan, J. E. Wilks, Jacob Mariens.

Dover township—Henry Hinson, T. Thurman, E. Zeving.

Freedom township—Louis Evert, Al Blake, Henry Paterling.

Lexington township—J. T. Bell, F. T. Hix, Jerry Shinn.

Washington township—Geo. H. Plattenburg, Ward Ripley, A. F. Hill.

Middleton township—Frank Eitmaker, Nathan Jorder, P. H. Kuppenbrink.

Sal-bar township—J. S. Grosshardt, C. D. Newhardt, W. H. Hopper.

The following road commissioners were appointed:

District number 1, John B. Eppa;

2, Henry Knipmeyer; 3, John H. Dierker; 4, Henry Bokelmann; 5, Otto Evert; 6, Henry Heidorn; 7, Wm. B. Taggart; 8, H. F. Ferkling; 9, S. P. Beal; 10, Conrad Schmidt; 11, L. W. Groves; 12, W. Ernestmeyer; 13, Henry Corbin; 14, Gus Ritter; 15, Herman Fieth; 16, John F. Nail; 17, T. G. Ward; 18, E. H. Handley; 19, J. H. Anson; 20, E. B. Powell; 21, Max Lyons; 22, Chas. Mulharen; 23, Frank Willig; 24, W. H. White and F. C. Bruening; 25, J. T. Nelson; 26, F. W. Schaechter; 27, Anderson Stanley; 28, E. E. McBurney; 29, John Sander; 30, Martin Gosoroki; 31, Thomas Jones; 32, James Russell; 33, Joel Ewing; 34, Henry Struchttemeyer; 35, Eli Downs; 36, W. F. Douthitt; 37, J. C. Martin; 38, F. W. Gott; 39, C. Y. Ford; 40, E. M. Thomas; 41, Charles Hoffman; 42, John H. Hoehin; 43, R. L. Evans; 44, Joe Wilkinson; 45, T. L. Ferguson; 46, John Griffith; 47, J. Strodman.

The request for donation of strip outside courthouse yard on the south for location for new city hall was granted upon condition that the city remove the stone wall around the court house yard, grade and sod the edges of the yard, and lay granite sidewalk on the east and west sides of the square.

Notwithstanding the severe weather Thursday night the New Grand was filled to its capacity to witness "Twelfth Night." The play was well presented and enthusiastically received. The leading characters were faithfully portrayed and the support rendered most excellent. This was one of the best and most pleasing attractions of the season.

Dr. and Mrs. Riggs announce the birth of a son, Wednesday, Feb. 8.