

IT HAS NO POWER.

OFFICIAL STATEMENT OF INTER-STATE COMMERCE COMMISSION.

The Body Cannot Fix Freight or Passenger Charges Without Further Authority from Congress—What the Commission Says About It.

The Supreme Court of the United States decided in May last, in what is known as the Freight Bureau cases, "that under the interstate commerce act the commission has no power to prescribe the tariff of rates which shall control in the future," and "that Congress has not conferred upon the commission the legislative power of prescribing rates either maximum or minimum or absolute."

This decision was rendered in cases where the commission had held the rates complained of to be unreasonable and unjust in violation of the interstate commerce law, had found what rates would be reasonable and just, and had ordered the carriers to cease and desist from charging more than the reasonable rates so determined. That the commission was authorized to require carriers not to make higher charges than those shown and found to be reasonable in cases investigated by it had been generally believed, and the commission had in that way enforced the provision in the law for "reasonable and just rates" since its organization.

The commission has recently, in an opinion by Chairman Morrison, rendered a decision in a case against the Eureka Springs Ry. Co., involving the reasonableness of rates complained of. In the concluding portion of this decision the ruling of the Supreme Court in the Freight Bureau Cases is discussed, and mention is there made also of a prior Supreme Court decision in the "Social Circle Case," which referred in an ambiguous way to the power of the commission in respect to future rates. The commission says:

"While thus deciding that under the Interstate Commerce Act, power to prescribe rates which shall control in the future has in no case been given to the commission, it is conceded that the act has given the commission power to determine what in reference to the past was reasonable and just, whether as maximum or minimum or absolute rates. How this power to say what was reasonable and just in the past will benefit the public, correct any abuse, be of any advantage or afford any relief to shippers who are made to pay whatever unreasonable rates and charges the carriers may in the future establish or continue to exact, is a matter about which the court gives no information." In the "Social Circle case" the court said: "The reasonableness of the rate in a given case depends on the facts, and the function of the commission is to consider the facts and give them their proper weight. What is their proper weight which can be given them as to the past? For what purpose is the commission to consider them? How can the fact that the rates were unreasonable and unjust in the past be given or have any weight while like unreasonable and unjust rates are, and may continue to be, exacted in the future? In this case the court adopted the view of the late Justice Jackson that 'subject to the two leading prohibitions that their charges shall not be unjust or unreasonable, and that they shall not unjustly discriminate so as to give undue preference or advantage or subject to undue prejudice or disadvantage persons or traffic similarly circumstanced, the Act to Regulate Commerce leaves common carriers as they were at common law.'"

"We are here advised that the act to regulate commerce subjected common carriers to two leading prohibitions to which they were not subject at common law, one of which is that their charges shall not be unjust or unreasonable. Until the court decided to the contrary in the Freight Bureau cases it was believed that this prohibition meant that the charges of common carriers shall not be unreasonable and unjust in the future or after the time the act was passed. In these latter cases the court says: 'The fact that the carrier is given the power to establish rates in the first instance, and the right to change, and the conditions of such change specified, is irresistible evidence that this action on the part of the carrier is not subordinate to and dependent upon the judgment of the commission.' But it is nowhere decided or claimed that under the interstate commerce or other act the right of the carrier to establish and to change its rates is subordinate to or dependent upon the judgment or action of any other tribunal; and freed from the judgment and made independent of the commission, interstate carriers are not subject to any provision of law requiring their rates and charges to be just or reasonable."

"The first section of the act to regulate commerce provides that all charges made for any transportation service shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful." Under the decision of the Supreme Court no charge for such service is prohibited. Reasonable and just rates are contemplated, not required."

"Under the law so construed, the commission has power to say what in respect to the past was unreasonable and unjust; but as to rates complained of as unreasonable, unjust and unlawful, and so found to be in the case under consideration, the commission can make no provision or order for their reduction which the courts are required to enforce or the

carriers are obliged to obey. Having, in the light of these decisions, given the facts due consideration, we ascertained, found and reported the rates which would be reasonable from and to St. Louis, Springfield and Seligman, Mo., and from Eureka Springs, Ark., and have recommended that the carriers reduce and conform their charges to the facts so found and reported. This recommendation may impress the carriers only as may seem to accord with their own interests, since in the present state of the law, as declared by the court, common carriers have the power to establish, change and exact rates independent of the judgment of the commission."

"The court concedes to the commission power under the interstate commerce act to determine what, in reference to the past, was reasonable and just." In the case under consideration, the commission has determined that the rates complained of and which are now charged by the defendants, were in the past and are now unjust, unreasonable and in violation of the statute. The duty of notifying and requiring the defendants to cease and desist from such violations is enjoined upon the commission by the act."

It is evident from this official statement by the commission that shippers and travelers are deprived under the ruling of the Supreme Court of their supposed right to compel through the commission the adoption by railroad carriers of ascertained reasonable charges, and that they can only recover such right by securing favorable action in Congress.

VACATION SCHOOLS IN CITIES.

A few years ago it would have seemed odd to choose the close of summer for a review of educational progress. But the summer schools have changed all that. Nowadays much of the best work in education is done in summer. Moreover, a new kind of summer school, very interesting in many ways, has lately come into notice.

In the summer of 1891 The New York Association for Improving the Condition of the Poor began on a large scale the experiment of vacation schools for the children of the tenements. Education was not the sole purpose of the enterprise, which was, in fact, closely akin to fresh air funds and other schemes for brightening the lives of the boys and girls crowded in the narrow streets and stifling houses of the poorer quarters of the city.

The Department of Schools and Education granted the use of three cool, roomy schoolhouses, and the managers undertook the task of coaxing the children into them.

Books were discarded. The children were invited to come and play. Gradually the play was made work, but work of such a sort as to keep the pupils interested and pleased. All the devices of the kindergarten were employed. There were singing, dancing and gymnastics. The children were taught to play at sewing, at carpentering, at drawing and clay-modeling. Some of them learned something useful; and all were comfortably and cleanly housed during the school hours, and kept off the hot streets and away from vicious associations.

There has been no trouble about getting the children to come since they have found out what the vacation schools are like. The average daily attendance during the first summer was nearly one thousand. The second summer it was more than three times as great. During the session just closing eleven schoolhouses were used, and the average attendance during the first week was more than six thousand.

The cost per day for each child was about eleven cents and a half in 1894; in 1896, by better management, it was reduced to less than five cents.

The officers of the association maintain that the vacation schools are no longer an experiment, and accordingly they ask the city to make the system a part of its educational work. Other cities have done something in the same direction, but nowhere else has the plan been worked out so fully as in New York.

Remember the Children.

"Don't ride roughshod over the children's tastes and preferences," says a motherly woman, writing of dress. "It is an old time notion that a little consultation and yielding here panders to vanity. Our tastes do not come upon us like a birthday gift at sixteen. It is attention and skillful pruning, not a snip at every turn, that develops the little girl's crudities into a woman's delicate tastes. Don't drive the little girl into self-conscious awkwardness by compelling her to wear something that some twist of childish fancy renders hateful."—St. Louis Globe-Democrat.

Where Sails Are Made.

Baltimore supplies the shops of all nations with sails. That city is the center of the cotton duck industry of the world, and not only furnishes sails for foreign navies, but tents for foreign armies, the production of its twelve factories being greater than the product of all other factories in the world combined.

It is a strict rule with the big transatlantic steamship companies that the wife of the captain shall not travel in his ship. The supposition is that if anything should happen to the ship, the captain, instead of attending to his public duty, would devote his attention mainly to the safety of his wife.

ILLINOIS NEWSLETS.

RECORD OF MINOR DOINGS OF THE WEEK.

Seven Days' Happenings Condensed—Social, Religious, Political, Criminal, Obituary and Miscellaneous Events from Every Section of the State.

Danville.—James Wolf, a farmer of Muscatine, Iowa, took his wife, who eloped some time ago, back home with him Wednesday.

Quincy.—Miss Eva Distin, daughter of Col. W. L. Distin, recently appointed surveyor of Alaska, was married Wednesday night to Lawrence E. Emmons, Jr.

Waukegan.—It is reported that the McCormick harvester works may be removed to this city. The rumor is given credence on account of the fact that the McCormick company owns a large tract of land just north of here, adjacent to the harbor.

Muriatic acid ended the life of Annie Berray in a room at 98 N. Clark street, Chicago. The suicide came to Chicago several months ago from Spring Lake, Mich., where her mother resides. Her father is a telegraph operator at Benton Harbor. She is said to have been married to Peter Bertrand, a saloon-keeper at Lake street and Ashland avenue, and was separated from him a short time ago. Lack of funds is said to have caused despondency.

Springfield.—Adjt.-Gen. Reece has issued an order accepting the resignation of George Lickes as first lieutenant of Company M, Sixth Infantry, Galena. Honorable discharges are granted Privates Clark M. Carr, Emil F. West, John W. Spaulding, Company C, Sixth Infantry, Galesburg; Sergeants John G. Leekly and Wilson Tinker and Privates John Palmer, A. Bohweth, Joseph Wearmuth, Louis Henning and Harry Wheeler, Company M, Sixth Infantry, Galena.

Carthage.—The Hancock county grand jury found fifteen indictments for embezzlement against W. E. Manford and Dr. Robert Kirkpatrick, formerly bankers of La Harpe. After the failure of their bank Manford became the traveling representative of a commission house in Chicago and Kirkpatrick a practicing physician in Peoria. Manford was elected state senator from the twenty-eighth district and was subsequently ousted from his seat by Senator O. F. Berry on the ground of illegal elections. The two men are under \$1,000 bonds each to appear before the March term of court.

Kankakee.—George M. Pullman is the greatest friend the colored men have ever had except Abraham Lincoln. We owe him a debt of gratitude." Henry Foust, secretary of the Kankakee Colored Literary Society, spoke the above words in an address delivered before the organization last night. Mr. Pullman, he went on to say, had furnished employment to thousands of negroes as porters on his rolling palaces. He had the courage to make no distinction as to the color of passengers on the Pullman cars, so they were clean and respectable. The literary society decided the press was more influential than the pulpit.

The federal grand jury at Chicago indicted Gaylord V. Newell, who attempted to get \$50 from the treasury department at Chicago and Washington by presenting at each place a package of charred \$5 bills. Comparison at Washington showed that the two packages were composed of halves of the same bills with the ends slightly burned. Leopold Irmer and Mrs. Katie Happe of South Chicago were indicted for making counterfeit dollars. Richard L. Alspach and Harry H. Rosenberg, clerks in the Chicago postoffice, detected last month pilfering letters, and John McNamara, who advertised for a cashier and attempted to extort deposits from applicants, were also indicted. A true bill was found against Vincenzo Marciana, one of the Garofalo gang of counterfeiters. The elder Garofalo, who was severely stabbed by Marciana two weeks ago, was under surveillance at his home until Wednesday. He has disappeared.

Adolph L. Luetgert paid a formal visit to Judge Chetlain's court last week, and a continuance of the case was taken with the understanding that it should be called next Monday morning. Attorney Vincent, who is at Wheaton, wrote a letter to Luetgert advising him to agree to a postponement, but he refused to consider such a course under any circumstances. Mr. Charles is raising a little cash from the sale of old stock and various other things around the factory so as to carry his former business partner through his second battle for life. A letter, stating that a woman answering the description of Mrs. Luetgert has been seen in the vicinity of Elma, Iowa, and is now near Cresco, in that state, was received by Attorney Phalen. The total expense to the state of the Luetgert trial, outside of the court costs, salaries of the bailiffs, etc., has been \$6,136. About \$4,400 has already been expended of the extra appropriation of \$5,000 made by the county board. It is feared that another appropriation will be very difficult to secure.

The \$50,000 damage suit of John F. Welsh against the World's Columbian Exposition company was dismissed at Chicago in Judge Gary's court. Welsh was a visitor at the world's fair on Sept. 3, 1893, when a horse in a stall near which he was standing kicked him in the head. Judge Gary said there was no evidence of negligence on the part of the exposition. Sterling.—Mayor James F. Platt of this city died suddenly on Monday morning at 8:30 o'clock from heart disease, and his funeral was one of the largest ever held in this city.

A Good Opportunity.

The Joseph Ladue Gold Mining and Development Company of New York have established offices at 1106 Chamber of Commerce Building, Chicago. This company owns the valuable mineral and other properties formerly owned and developed by Mr. Joseph Ladue of Dawson.

To those desiring an interest in these well known and wonderfully rich gold placer properties located in the heart of the gold bottom mining district of the Klondike, can have sent them, by addressing this company at 1106 Chamber of Commerce Building, Chicago, a prospectus giving full particulars in reference to these properties.

This company having acquired extensive holdings of productive Klondike property capable of earning large dividends on its stock, offers to investors advantages not possessed by any other existing company.

The company desires to add that it also contemplates the undertaking of transportation and other industrial enterprises under its Canadian charter which promise to be enormously profitable.

The gentlemen connected with this company are in every way reliable, and will do all they agree to.

Bad Cows Don't Pay.

In the Pennsylvania experimental agricultural station nine cows were fed exactly alike for 150 days. The value of the product from the best cow in that time was \$64.32. The poorest produced only \$28.06. The profit from the best cow was \$37.65, while the poorest gave a profit of only \$4.55.

Loring & Co.'s Big Medical Sanitarium.

(From The Chicago Times-Herald.) A representative of the Times-Herald recently visited Loring & Co.'s Medical Department of the Henry Medical Dispensary, in its new and enlarged quarters at 66-68 Wabash Avenue, the whole fourth floor of the big Parkland building. This is the strongest, most reliable concern of its kind in the United States and it is fitted up more elegantly and expensively than any other. Its physicians are the most skillful and its appliances for the successful treatment of all diseases are the most complete and embrace every recent worthy invention for the benefit of suffering humanity. Nervous prostration, locomotor ataxia, paralysis, weak back, spinal rheumatism, and rupture are successfully treated by new methods. Consultation and advice free by mail about any disease. Send for symptom blank, No. 1 for men, No. 2 for women, No. 3 for skin diseases, No. 4 for catarrhs or write fully about your case. If you have been given up by others, your case is the kind Loring & Co. want. Address: Loring & Co., Dept. 42, Nos. 56-62 Wabash Ave., Chicago, Ill.

Not All Bad.

She (reading)—"The governor of West Virginia plays the violin." He—"Oh, well! I suppose his official acts overbalance that."—Philadelphia North American.

Two Millions a Year.

When people buy, try, and buy again, it means they're satisfied. The people of the United States are now buying Cascarets Candy Cathartic at the rate of two million boxes a year and it will be three million before New Year's. It means merit proved, that Cascarets are the most delightful bowel regulator for everybody the year round. All druggists, 10c, 25c, 50c a box, cure guaranteed.

Willie Wax and Miss Jennie Gum

were recently married in Monroe county. They were very much "stuck" on each other.

Don't Tobacco Spit and Smoke Your Life Away.

To quit tobacco easily and forever, be magnetic, full of life, nerve and vigor, take No-To-Bac the wonder-worker, that makes weak men strong. All druggists, 50c or \$1. Cure guaranteed. Booklet and sample free. Address: Sterling Remedy Co., Chicago or New York.

There are 10,800 teachers in the diminutive kingdom of Belgium.

Advertisement for The Youth's Companion featuring a portrait of Rudyard Kipling and a list of distinguished contributors. Text includes: 'The Youth's Companion', 'Rudyard Kipling, the famous story-writer, is only one of many celebrated contributors engaged to write for the next volume of The Youth's Companion', and a list of contributors including W. E. Gladstone, W. D. Howells, Hon. Thomas B. Reed, Mrs. Lillian Nordica, Hon. Justin McCarthy, Mrs. Burton Harrison, Hon. George F. Hear, Octave Thanet, Lieut. Perry, Mary E. Wilkins, Max O'Rell, Margaret E. Sangster, Frank R. Stockton, and Harriet P. Spofford.

Advertisement for Candy Cathartic Cascarets, Cure Constipation. Text includes: 'CANDY CATHARTIC Cascarets CURE CONSTIPATION', 'REGULATE THE LIVER', and 'ALL DRUGGISTS'. It also features an advertisement for 'CURE YOURSELF!' and 'OUTPATIENT'S MEDICATED AIR INHALER'.

MRS. PETERSON'S STORY.

I have suffered with womb trouble over fifteen years. I had inflammation, enlargement and displacement of the womb. The doctor wanted me to take treatments, but I had just begun taking Mrs. Pinkham's Compound, and my husband said I had better wait and see how much good that would do me. I was so sick when I began with her medicine, I could hardly be on my feet. I had the backache constantly, also headache, and was so dizzy. I had heart trouble, it seemed as though my heart was in my throat at times choking me. I could not walk around and I could not lie down, for then my heart would beat so fast I would feel as though I was smothering. I had to sit up in bed nights in order to breathe. I was so weak I could not do anything.

I have now taken several bottles of Lydia E. Pinkham's Vegetable Compound, and used three packages of Sanative Wash, and can say I am perfectly cured. I do not think I could have lived long if Mrs. Pinkham's medicine had not helped me.—Mrs. JOSEPH PETERSON, 513 East 8th, Warren, Pa.



GROUP REMEDY. It has never failed to cure any kind of Croup, Sore Throat, Enlarged Tonsils of Child. Sample by mail, 10 cents. Box, 50 cents. -RUBIN FOREMAN & CO., JACON, N. Y. W. N. U. CHICAGO, NO. 45, 1897.

When Answering Advertisements Kindly Mention This Paper.

AN OPEN LETTER TO MOTHERS.

WE ARE ASSERTING IN THE COURTS OUR RIGHT TO THE EXCLUSIVE USE OF THE WORD "CASTORIA," AND "PITCHER'S CASTORIA," AS OUR TRADE MARK. I, DR. SAMUEL PITCHER, of Hyannis, Massachusetts, was the originator of "PITCHER'S CASTORIA," the same that has borne and does now bear the fac-simile signature of Chas. H. Pitcher on every bottle. This is the original "PITCHER'S CASTORIA," which has been used in the homes of the mothers of America for over thirty years. LOOK CAREFULLY at the wrapper and see that it is the kind you have always bought and has the signature of Chas. H. Pitcher on the wrapper. No one has authority from me to use my name except The Centaur Company of which Chas. H. Pitcher is President. March 8, 1897: Samuel Pitcher, Dr.

Do Not Be Deceived. Do not endanger the life of your child by accepting a cheap substitute which some druggist may offer you (because he makes a few more pennies on it), the ingredients of which even he does not know. "The Kind You Have Always Bought" BEARS THE FAC-SIMILE SIGNATURE OF Chas. H. Pitcher. Insist on Having The Kind That Never Failed You.

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