

**TWENTY-EIGHTH REPORT  
OF THE  
RAILROAD COMMISSION  
OF GEORGIA**

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Twenty-Eighth Report of the Railroad Commission of Georgia by Various

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**VARIOUS**

**TWENTY-EIGHTH REPORT  
OF THE  
RAILROAD COMMISSION  
OF GEORGIA**



T. C. CRENSHAW, Chairman.

SPENGER R. ATKINSON.

J. POPE BROWN.

COMMISSIONERS.

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J. D. MASSEY, Secretary.

JUN 27 1917

# REPORT.

OFFICE OF THE RAILROAD COMMISSION OF GEORGIA.

ATLANTA, GA., October 15, 1900.

*To His Excellency, A. D. Candler, Governor.*

SIR:—Under the Act creating the Railroad Commission of Georgia it is made the duty of that Board to make a report annually to Your Excellency, and from time to time to recommend for your consideration such legislation as in its opinion is necessary to the adequate regulation of the business of the railway carriers engaged in the transportation of passengers and freight for hire within the State of Georgia, to the end that the public may receive a proper service from those engaged in that business, and such a service as they are entitled to expect from such carrier companies throughout the State.

## REGULATION OF PUBLIC CARRIERS BY STATE AUTHORITY.

Experience has demonstrated the practical value to the public of the Railroad Commission. Its utility is no longer problematical. The wise public policy which suggested its organization has been vindicated by the experience of the people of Georgia in their dealings with the railway companies within the last twenty years. It may be truthfully said that under its administration of the powers conferred upon it by the Act creating it and by those Acts which have from time to time been passed amending the original law, the people of Georgia are better served by the carrier companies and at less cost to themselves than are the people of any other section of the country, similarly situated. This is due largely to the fact that there is a responsible body, charged by law with the constant duty of supervising the operations of the railway companies throughout the State, and seeing to it that they render to the public the best possible service and exact from the public no more than a reasonable compensation for the service which they perform.

The power of the State to so regulate the business of the common-car-

riers has come to be recognized as one of the attributes of its sovereign power. The authority of the State with respect to such matters is no longer open to judicial controversy. The carriers of the State have adapted themselves to the system which the Legislature in its wisdom has seen proper to devise for their control. The details of rate-making are being constantly wrought out with infinite pains, with the result that in so far as intra-state traffic is concerned there is no cause for complaint; and such complaints as are made, and remain unredressed, relate to such matters only as pertain to interstate traffic, and are, for this reason, beyond the control of this Commission.

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#### PHYSICAL CONDITION OF RAILROADS.

The Commission has made it its particular business to examine, from time to time, the physical condition of the various railroads operated throughout the State; and we are gratified to report that in point of equipment and service the railroads of Georgia will compare favorably with those of even the most densely populated sections of the country. The class of rail and ballast which is being used in the reconstruction of tracks is of the best; and this is particularly true of the trunk lines, over which the greater volume of the traffic is handled.

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#### PROCEDURE BEFORE THE COMMISSION.

¶ The system adopted by this Commission for hearing complaints enables it to pass speedily upon all questions that are presented for its consideration. It is not a technical system of pleading, such as prevails in the ordinary courts of the land. If a citizen of Georgia feels that he has been aggrieved by the conduct of any railway company doing business within the borders of the State, he files a simple complaint, frequently by letter, stating the cause of his grievance. Immediately the attention of the company complained against is called to the cause of complaint, and if the matter be such as cannot be settled by correspondence alone, the authorities of the company complained against are cited to appear. This simple

process of adjusting differences between the public and the carriers has enabled the Commission to dispose of a great variety of minor complaints, to say nothing of others of greater consequence, to the entire satisfaction of the parties concerned, and in such manner as to afford to the public the character of service which it had the right to expect and demand.

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### REGULATION OF INTERSTATE TRAFFIC.

Not infrequently, however, complaints are made of matters involving interstate traffic; and the want of power in the Commission of this State to deal with that class of questions emphasizes in the minds of the Commissioners the importance of having such federal legislation upon the subject as would enable the Interstate Commerce Commission to grant appropriate relief. In furtherance of this idea, at a general convention of railroad commissioners throughout the Union, which convened in Milwaukee, Wisconsin, in the early part of June last, Commissioner Atkinson, representing the Railroad Commission of Georgia, introduced and secured the passage of a resolution, a copy of which was as follows:

*Resolved*, That we recommend that the Federal Congress do, by appropriate legislation, confer upon the Interstate Commerce Commission the power to prescribe reasonable maximum rates for the transportation of freights and passengers by persons and corporations engaged in interstate commerce, and as well authority to make such rules and regulations as may be necessary to carry such power to make rates into execution."

We know of no measure which would contribute more toward the protection of the public against unjust discriminations on the part of the public carriers in the matter of rates and the methods of transportation, than the passage by the Federal Congress of legislation upon the lines suggested by this resolution. We recommend to Your Excellency that you suggest to the General Assembly the propriety of giving the principle of this resolution its endorsement, and that the members of Congress and Senators from Georgia be requested to co-operate in securing the passage of such a law.

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### CHANGES IN TARIFFS, RULES, ETC.

This Commission, in the exercise of its power to regulate rates, finds it necessary, from time to time, in order to prevent unjust discriminations,



and as well to adjust the rates to new conditions of traffic which arise, to make changes in the rules, regulations and tariffs which it prescribes for the government of railroad traffic in this State, and the various changes and amendments which have been so made during the past year will be found in the schedules hereto attached.

### DEPOTS.

No serious controversy has arisen since the date of our last report in bringing about compliance on the part of the railways with the orders of the Railroad Commission with respect to the construction, repair and proper maintenance of their depot buildings. Many of these have, under orders from the Commission, been constructed at various places throughout the State; and wherever the public has been wanting in proper facilities in that respect, the Commission has caused proper buildings to be erected and such as would meet the requirements of the public comfort and convenience.

There are now pending a number of applications for the building of depots in different parts of the State, and many depot buildings heretofore passed upon by the Commission, are now in process of construction.

#### ATLANTA DEPOT.

The most notable exception to this grows out of the conditions existing at this time in the city of Atlanta. It so happens that the State of Georgia owns the terminals in that city, over which passes a very large proportion of the passenger traffic of the whole Southern country. The depot building now upon the State's property is confessedly inadequate to the comfortable accommodation of the great volume of passenger traffic which passes through Atlanta over the various lines of railway which converge at that point.

It will be remembered that an application was made to the Railroad Commission by the Mayor and Council of the City of Atlanta, asking that the various railroads terminating in that city be required to furnish proper and adequate accommodations for their passengers.

In view of the great interest which the State necessarily had in the

maintenance of its present controlling position as the owner of the terminals in the heart of the city, and which all the railroads converging at that point would be bound to use for their own profit and convenience, the Commission has not deemed it advisable to exercise its power to compel these companies to construct separate stations.

This state of affairs was brought to the attention of the last General Assembly, and a special commission was appointed by that body, of which Your Excellency is the Chairman, which commission was charged with the duty of advising or suggesting to the General Assembly some solution of this delicate and difficult problem. While it is of the greatest importance that the interest of the State in the maintenance of the integrity of its terminals should be fully protected, we beg to call attention to the fact that in the meantime no adequate provision has been or can be made under existing conditions for the comfortable and convenient accommodation of the public. Quoting from our last report on this subject, we beg to say:

“The difficulty of arriving at a solution of this problem is only equalled by its importance. Leaving aside the question of depot facilities at Atlanta, a problem of the gravest importance to the entire State is presented, viz.: that of causing such improvements to be made upon the State’s property as the case demands, in order to permanently insure the supremacy and value of the State’s terminal property in the City of Atlanta, upon which will depend to a vital degree the permanency and increase in the value of the State road, which is of importance, not to any particular town or community, but to the State at large.”

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#### SOUTHERN EXPRESS COMPANY.

No complaints of such importance as to attract general interest have been lodged against the Southern Express Company during the past year. Those filed related almost exclusively to shipments between local points, and those cases have been adjusted to the satisfaction of the parties complaining.

#### WAR REVENUE STAMPS.

It will be remembered that soon after the passage by the Federal Congress of what is known as the War Revenue Act, this Commission chal-

lenged the right of the Express Company to charge the shipper with the expense of the revenue stamp which that Act required to be placed upon each bill of lading or receipt issued by the Company. Upon hearing before the Commission it was ruled that the burden of this tax should fall upon the Company; and in accordance with the suggestions of the Commission, the Southern Express Company acquiesced in this ruling. Sometime thereafter certain non-resident holders of some of the stock of the Southern Express Company filed in the Federal Court a bill to enjoin the Express Company from complying with this order, and to enjoin the Railroad Commission from enforcing by suit compliance with its directions. In this bill it was alleged that the loss to the Southern Express Company from the enforcement of this order would amount annually to the sum of \$42,000.00; or, in other words, the order of the Commission made in the premises resulted in a saving to the people of Georgia of \$42,000.00 annually by relieving them of this tax and imposing it where it belonged; upon the Express Company.

Upon the hearing of this case in the Circuit Court, an injunction was granted against the Railroad Commission to enjoin it from enforcing obedience to its order; but no injunction was granted against the Express Company, and it has steadily complied with this direction of the Commission pending the litigation.

From the order granting an injunction against the Commission an appeal was taken to the Circuit Court of Appeals, and recently a judgment in that court was obtained, reversing the order of the Circuit Court, and directing that the injunction be dissolved and the bill dismissed. Application has been made to the United States Supreme Court for a writ of certiorari from this judgment, and this cause will soon come up to be heard before that tribunal.

Attention is directed specially to this matter as it involves questions of great importance, and of great general interest to the public. In other states which have no Railroad Commissions, or which, having Railroad Commissions, have not conferred upon them the power to make rates, this tax has been imposed upon the public and the express companies have borne no part of the burden.

The railroads operating in this State, on the contrary, voluntarily assumed the burden of this tax, and even on interstate traffic have paid it.