

hastened, upon the application of the shipper, to remedy its mistake, and this no more for its own protection against prosecution under the law than out of a desire to do justice to its patrons. It is not too strong a statement of the fact to say that certain carriers seem a times willfully bent upon withholding for as long a period as may be possible moneys to which they are not entitled. The Commission has a mass of correspondence carrying such complaints. The law expressly makes it illegal for a carrier to exact more than the lawful rate, and the Commission will regard it as its duty henceforward to enforce this provision by indictment in cases where the carrier appears willfully to have required payment of an illegal amount or refuses to make restitution immediately upon its attention being called to its improper and unlawful action."

### Carrier's Advice as to Routing Not Ground for Reparation

Opinion No. 1460. Independent Supply Company v. Cumberland & Pennsylvania Railroad Company et al. Complainant seeks reparation on four carloads of blacksmith coal shipped from West Virginia points to Los Angeles, Cal., on the ground that the shipments were misrouted; Held, That as the shipments were routed in accordance with specific instructions, the fact that one of the defendants advised the routing can not be the basis on which to order reparation. Poor Grain Co. v. C., B. & Q. R.R. Co., 12 I. C. C. Rep. 545. cited and followed.

### Reparation Denied

Opinion No. 1461. O'Brien Commercial Company v. Chicago & Northwestern Railway Company et al. 1. Complainant asks reparation on a shipment of furniture and framed wall looking-glasses, shipped in one car, from Rockford, Ill., to San Francisco, Cal. Charges were collected on the furniture on the minimum weight and on the looking-glasses at the actual weight, whereas complainant alleges that the charges should have been made on the actual weight of the entire shipment; Held, That as the looking-glasses were not to be used in connection with the furniture, the provisions in the tariffs were properly applied, and that the complaint should be dismissed. 2. No opinion is expressed as to whether the assignee of a claim for reparation can maintain proceedings in his own name before the Commission.

### Reparation Denied

Opinion No. 1462. William K. Noble v. Grand Trunk Western Railway Company et al. Complainant asks reparation on shipment of coiled elm hoops from Mount Clemens, Mich., via Norfolk, Va., to Ripplemead, Va., on a combination rate of 26 cents per 100 pounds. Subsequently a specific rate from Mount Clemens to Norfolk was published. Reparation is demanded on the basis of the resulting Ripplemead rate of 21½ cents; Held, That as the later tariffs could not be used until the Commission's tariff rules had been complied with, there is no basis for an order of reparation. Such order should be made upon affirmative evidence that the rate complained of is unreasonable or unjustly discriminatory, which does not appear in this case.

### Minimum Weight of Car Furnished Regulates

Opinion No. 1463. William K. Noble v. Baltimore & Ohio Railroad Company et al. Tariff of defendants should have provided that when a car of the capacity ordered by the shipper could not be promptly furnished and a car of a different capacity was furnished, such car might be used

upon the basis of the minimum fixed for the car which was ordered. Such a rule should be established by defendants for the future. Reparation awarded because of failure of defendants to establish and apply the above rule.

### Per Ton Earnings of Short Lines

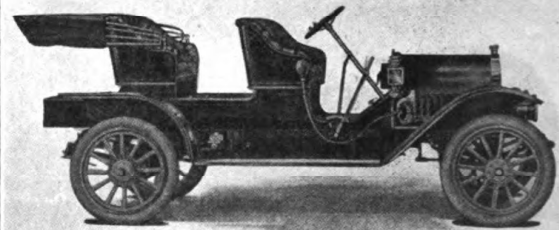
Opinion No. 1464. Frank W. Burton v. Unadilla Valley Railway Company et al. 1. Defendants ordered to establish a through route and joint rate of 16 cents per 100 pounds on lumber from West Edmeston, N. Y., to New Britain, Conn., unless a separately established rate between New Berlin, N. Y., and New Britain of 13 cents per 100 pounds is put in. 2. The per-ton-mile earnings of a small carrier, having only short hauls and light business, may properly exceed the per-ton-mile earnings of stronger lines participating in heavy traffic which moves for considerable distances.

### A Proper Discrimination

A line of demarcation between a "revenue passenger" and a "deadhead passenger" travelling on its lines has been established in an order just issued by the Long Island Railroad whereby persons travelling on passes will be compelled to make known their identity if the train is crowded and give up their seats to the fare-paying passenger. Passes issued for free transportation now bear this paragraph:

"This pass is issued with the distinct understanding that its holder is not permitted to occupy a seat in a crowded train to the exclusion of a revenue passenger. Failure to observe this rule will result in recall of the pass."

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