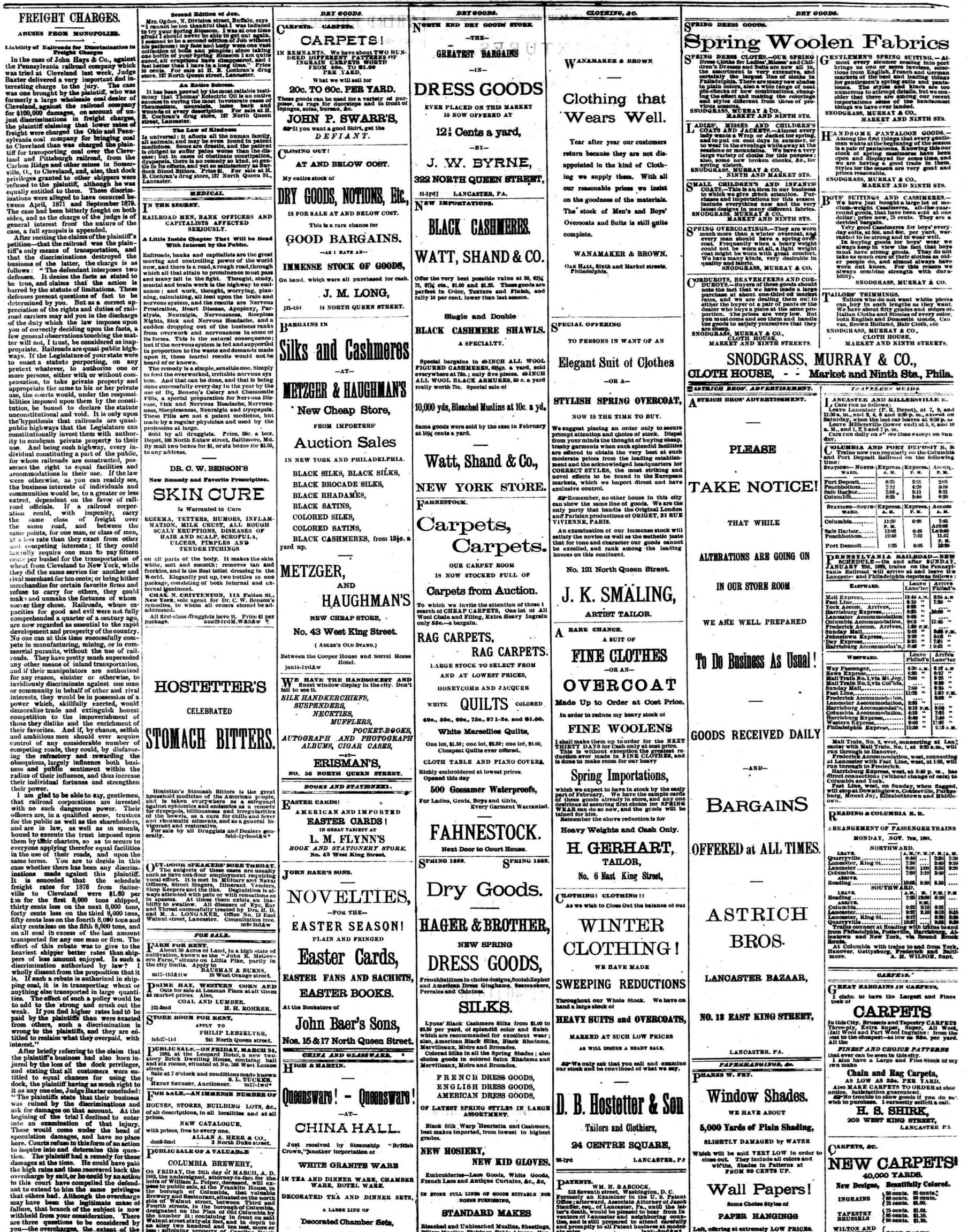
## LANCASTER DAILY INTELLIGENCER WEDNESDAY. MARCH 22, 1882.



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refuse to carry for others, they could mak ) and unmake the fortunes of whom soever they chose. Railroads, whose casoever they chose. Railroads, whose ca-pacities for good and evil were not fully comprehended a quarter of a century ago, are now regarded as essential to the rapid development and prosperity of the country. No one can at this time successfully com-pete in manufacturing, mining, or in com-mercial pursuits, without the use of rail-poods. They have putty much superseded roads. They have pretty much superseded any other means of inland transportation, and if their manipulators are authorized for any reason, sinister or otherwise, to invidiously discriminate against one man or community in behalf of other and rival interests, they would be in possession of a power which, skillfully exerted, would demoralize trade and extinguish honest competition to the impoverishment of those they dislike and the enrichment of their favorites. And if, by chance, selfish and ambitious men should ever acquire control of any considerable number of competing roads, they could, by disfavoring the refractory and rewarding the obsequious, largely influence both busi-ness and public sentiment within the radius of their influence, and thus increase their individual fortunes and strengthen their power.

for the public as well as the shareholders, and are in law, as well as in morals, bound to execute the trust imposed upon them by their charters, so as to secure to everyone applying therefor equal facilities in the use of their roads, and upon the same terms. You are to decide in this

inations made against this plaintiff. It is conceded that the freight rates for 1876 from Satineville to Cleveland were \$1.60 per ton for the first 8,000 tons shipped, thirty cents less on the next 8,000 tons, forty cents less on the third 8,000 tons, fifty cents less on the fourth 8,000 tons and sixty cents less on the fifth 8,000 tons, and on all coal in excess of the last amount transported for any one man or firm. The effect of this rebate was to give to the heaviest shipper better rates than shippers of less amount enjoyed. Is such a discrimination authorized by law? wholly dissent from the proposition that it is. If such a rebate is authorized in shipping coal, it is in transporting wheat or anything else transported in large quantities. The effect of such a policy would be to add to the strong and crush out the weak. If you find higher rates had to be paid by the plaintiffs than were exacted from others, such a discrimination is wrong to the plaintiffs, and they are en-titled to reclaim what they overpaid, with

After briefly referring to the claim that the plaintiff's business had also been injured by the loss of the dock privileges, and stating that all customers were entitled to equal chances for using the dock, the plaintiff having as much right to it as any one else, Judge Baxter concluded: "The plaintiffs state that their business was ruined by the discriminations and was ruined by the discriminations and ask for damages on that account. At the begining of the trial I declined to enter inte an examination of that injury. These would come under the head of speculation damages, and have no place here. Courts refuse in this form of an action to inquire into and determine this ques-tion. The plaintiff had a remedy for these damages at the time. He could have no id damages at the time. He could have paid the high rates and then recovered back the overcharge by suit or he could by an action

