

**Prevents Clash in Constitutional Commission Over Gifts** to Charities

### PLANS FOR STATE AID

By a Staff Corresponden

Harrisburg, Dec. 18, .-Through the pacificatory remedy applied by George Wharton Pepper, of Ehiladelphia, a threatened resurrection of that legis-lative bugbear, "denominational insti-tutions" was a second to be a second to be a second buttom to be a second t tutions," was successfully laid at to-day's session of the constitutional re-vision commission in the State Capitol

As reported by the committee, the metion permitting appropriations for charitable purposes was to be extended to as to exclude institutions "in which there is denominational or sectarian instruction given." or which are "not open for the admission of any persons without distinction as to denominational or sectarian beliefs." Continued From Page One day and night. The college presidents have haunted the Senate office building, the mild reservationsts on both sides have kept at it. But without result.

## Pepper Voices Criticism

said Mr. Pepper, "as if we has to the poor people supporting these hospitals and orphanages, 'we appre-clate the religious insuration that im-pels you to give your money and serv-ces to aid unfortunates and sufferers of whatever creed, yet we cannot reward the service you are rendering to the the service you are rendering to the state, because you openly practice that religion which is the well-spring of your useful endeavor." Motion by former Judge Gordon and City Solicitor Connelly to refer the Pepper substitute motion to the com-mittee was adopted unanimously. Mr. Pepper's "pacifying" amend-

Mr. Pepper's "pacifying" amend-ment reads:

"Appropriations for charitable, reli-gious, educational or benevolent pur-pose may be made to a corporation or gious, association not under the control of the commonwealth, but engaged in work or service deemed by the General Assembly to be for the public good, provided that to be for the public good, provided that such work or service conforms to stand-ards of excellence, presented by the general law, or by an executive agency established by general law, and provided further that the benefits of such work or service are in no way dependent upon religious belief or denominational corfurther that the benefits of such work or service are in no way dependent upon religious belief or denominational cor-rection, and provided further that every such appropriation shall be made by a rote of two-thirds of the members elect-ed to each house. Does Not Affect Veterans Does Not Affect Veterans Some of Senator Underwood's friends were outspoken in criticizing Senator Hitchcock's call for a cancus Satur-aday to select a Democratic leader in the Senate, and intimated they might en-deavor to postpone a vote until after the holidays. "It's an outrage," said Senator Har-Corteon Cortes and the sector of the state's witness. Senate, and of ill-con-celed anger for the state's witness.

"No such appropriation shall be made to any person or community, but this prohibition shall not affect appro-priations for pensions or rewards for military service, or for the retirement of judges or of employes of the state, of a state institution or of the public school system.

A section of the constitution dealing with registration and insurance of land

with registration and insurance of land titles, hitherto unassigned, was turned o committee No. 1. Mr. Gordon, in by far the most bril-liant oratorical effort shown before the commission, attacked the proposed re-moval of the single term restriction from the governorship. Chairman Alter, of the committee fathering the recommendation, argued that the limitation tended to show a "distrust" of high officials. Teplying, Mr. Gordon moved the re-tention of the constitutional section as at present, and after remarks by former Judge Fox, of Easton, the motion pre-vailed. The commission adjourned until noon

The commission adjourned until noon on January 6. It has finished preliminary action on the first four articles a number of sections having been referred back, while several recommended to be changed will remain as they

# connection with the position of director of transit, though it is of equal if not greater importance, under existing con-ditions, than that of public works. Jurors Who Will Decide Ransley Holding Support

town, Pa., retired.

two

years, married, two children, Doylestown, laborer.

years, married, one child, Doyles-

Come Early to Trial

teamster.

ontinued From Page One

lown.

farmer.

against her.

9-Isaac Leatherman, fifty-two

Ransley Holding Support In the Third Congressional district Sheriff Harry C. Ransley, who is un-questionably the favorite with the Varce lenders, seems to have the regular city committeemen of the district pretty well lashed to his boom. Indeed, it would not be surprising if they were not already pledged to his support. The Independents have not settled mon a candidate: indeed, no names low a been definitely suggested to sue-ceed Congressman Moore. The inde-prodent manufacturers of the district, these who are most vitally interested in 1-Harvey K. Strouse, forty even years, married, two children, Plumstead township, farmer, 2-Wilmer W. Cornell, sixtytwo years, ex-county treasurer married, Doylestown, retired. 3-Clement , Eberhardt. \ sixtythree years, unmarried, Spinsters-

peudent manufacturers of the district, those who are most vitally interested in the question, have given no indication of a choice. It is probable that noth-ing will be done until the new admin-istration enters upon its duties. Any-how the date of the special election to fill the vacancy will not be set by Gov-ernor Sproul until Mr. Moore gives the word. years, married.

# **Democrats** to Pick Leader on Saturday

without distinction as to denominational or sectarian beliefs." In this form, it was pointed out, the mendment defeated its purpose. The clause "sectarian instruction" was held to bar from state appropriation such worthy institutions as hospitals con-ducted under religious control, in which are chapels for religious services where services according to denominational ritual are held. sides have kept at the result. The peace efforts now are being ad-campaign for the leadership on his hands, has shouted from the houstops about what he was doing. Following to talk. A little while ago men went about in black masks gunshoeing their way to a compromise. Now they are way to a compromise. Now t

# MAY TRY TO FORCE KNOX PLAN THROUGH

Washington, Dec. 18 .- (By A. P. -Possibility that the Senate peace trenty fight might be resumed actively before the holiday receas developed to day, when the foreign relations com-mittee was called to meet Saturday morning. The purpose of the meeting was not announced, but leaders indi-cated that an effort probably would be made to get committee action on the resolution of Senator Knox to declare a state of peace. from their outlying farms, so as to be ready for the first moment of the pro-

Senate managers hoped to adjourn

for the holidays Saturday night, by which time, it was generally conceded, there would be little possibility of beinging the Knox measure to a vote. there would be little possibility of bringing the Knox measure to a vote. Some members of the committee expect Democratic opposition to be so stub-born that even committee action will be impossible at Saturday's meeting. Some of Senator Underwood's friends

the holidays. "It's an outrage," said Senator Har-rison, of Mississippi. "Up to now Hitchcock forces have been urging that the conference be postponed until after the treaty is settled and also until more Democratic senators are in town. There are half a dozen of Mr. Underwood's friends absent now who cannot get back in time." A compromise was suggested in some

A compromise was suggested in some quarters today, proposing that Senator Hitchcock be made leader and Mr. Underwood vice chairman or assistant leader of the Democratic conference, a position which would give Mr. Under-wood management of many important measures.

The Alabama senator's supporters The Alabama senator's supporters were said to desire disposition of the treaty before the leadership election, so that the question of incorsing Senator Hitchcock's management of the treaty might not be an issue. Some senators said the Democratic leadership contest might have considered and buried her face in her handkership

might not be an issue. Some senators said the Democratic leadership contest might have consid-erable bearing on the immediate out-come of the treaty controversy. Sena-tors Hitchcock and Underwood have former opposing and the latter agree-ing to accept as a last alternative the ran of Senator Knox. It has been said at the White House that, irrespective of the outcome of the leadership contest. Senator Hitchcock will continue as the administration leader in the treaty fight.

Fate of Clara Bartel

4-Edward K. Haldeman, fiftyeven years, married, four children. New Britain, Pa., farmer, 5-Herman L. Becker, sixty three years, married, one child, Bensalem township, Pa., farmer.

tions." Through the morning hearing, Mrs. Bartel, Clara's mother, sat with Mrs. Nightengale, the probation officer who has had Clara in charge, and Miss Elizabeth Bachr, Mrs. Eartel's sister, They were directly behind Clara, who sat beside her counsel, and the girl could not see them 6-William Soden, fifty-three years, married, four children, Wrightstown, Pa., farmer, 7-John C. Davis, fifty-seven children, Doylestown, caretaker. S-Edgar Wilgus, forty-three

sat beside her counsel, and the girl could not see them. When court adjourned mother and daughter, while most of the spectators filing out of the court room watched them with moist eyes, bugged and kissed, and cried a little. Clara handed her aunt a little holly-covered box, which the girl had held all during the session. Miss Bachr opened it, and when she found it con-tained a pink crocheted voke which the

tained a pink crocheted yoke which the girl had made for her during the days of waiting for the trial to begin, the

saw the father lying dead upon the floor. When he told of "another wom-an's letters" he sprang a sensation.

The doctor when called rose to his feet, shoved his chair back and with considerable noise made his way into the witness chair. He glanced over to-

Daily, during the Adams murder case which preceded the opening of Clara' trial yesterday, they have sat in a grin **Buy Your** Christmas tives. Mrs. Steinmueller's bitter testimony Phonograph so voluble at times that the common wealth's attorney had to check the flor From a **Music House** 

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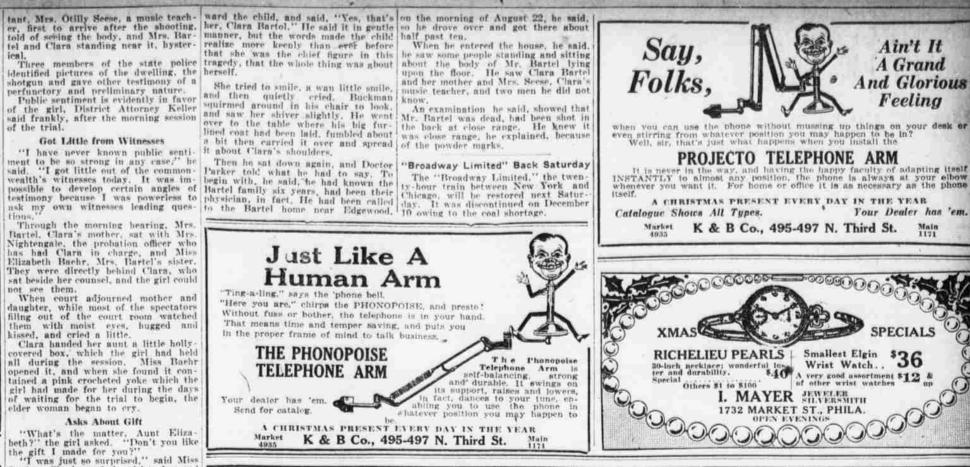
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# **A STATEMENT TO THE PUBLIC**

THE SENATE COMMITTEE on Interstate Commerce held hearings on the railroad problem held hearings on the railroad problem practically with-out intermission from January until October 23, 1919, when a Bill (S-3288) was reported favorably by that Committee to the Senate.

Adequate and prompt legislation has been urged by the President. The result of the Committee's efforts is a Bill which is non-partisan and is responsive to that necessity for remedial legislation which is recognized by the President, by both political parties and by the American public. This Bill is known as the Cummins Bill.

The House Committee on Interstate and Foreign Commerce also reported a bill dealing with certain features of railroad regulation, which passed the House with sundry amendments. This is known as the Esch Bill. It does not deal with certain underlying problems such as definite instruc-tions for rate making, without which private ownership and operation will be imperiled through the old warfare between the manages of the realized and comparison of chimese the managers of the railroads and organizations of shippers and as the result of distrust on the part of the general public and the unworkable basis of old laws,

Advocates of government ownership oppose both bills advocate substantial extensions of the period of federal control, with that end in view.

#### DELAY ENDANGERS RESUMPTION OF PRIVATE OPERATION

The railway properties and the traffic machinery are sufforing from the delay in the return of these properties to those responsible directly and solely for the preservation and efficiency of individual systems. We do not suggest that this is the fault of the personnel of the Railroad Administration. It is the unavoidable consequence of consolidated operation by a temporary governmental agency, the first duty of which is to the public treasury and which is not and can not be organized from the standpoint of permanent ownership and conservation.

Extension of federal control longer than necessary to secure the adoption of indispensable remedial legislation would further prejudice and demoralize the established agencies of transportation and make resumption of private operation on a sound basis increasingly difficult. The drive towards government ownership, which would constitute a blight upon American policies, restrict development, and enormously increase the complexity and friction of federal government, can be effectively checked only through prompt and decisive action by Congress.

This action must be through legislation which will put an end to the attitude of suspicion entertained by the public or artificially stimulated toward the American railroads. It must also put an end to the profound apprehension on the part of the railroads and the investing public as to the attitude of the rate-making authorities toward these properties.

Such legislation must prevent the possibility of exploiting security issues and like possible causes of public distrust. ut an end to the warfure between shipper and rails management over rates, by subjecting rate levels to a work-

The most elementary good faith repudiates the insistence being made in sundry guarters that the Government should consult primarily its own financial interest or should experi-ment, with a view to ultimate seizure, in respect to a property which it holds in trust for restoration to the owners in as good condition as when received and as soon after the ter-mination of the emergency, ended November 11, 1918, as that can be done with due regard of the integrity of the property.

19

Ain't It

A Grand

And Glorious

Section 6 reduces the rate problem to a simple matter of adjustment to maintain the proper relation of rates. This marked simplification is by the use of a statutory measure applied to the aggregate operation incomes of the railroads applied to the aggregate operation momission in the random set that rates produce  $53\pm\%$  (plus  $3\pm$  of 1%, optional with Commission) on the aggregate value of all roads in the group, leaving each road in the group free to earn as much as it can under competitive conditions, but limiting the interest of each individual carrier in individual rates to a fair and responsible return upon the value of its property, plus a stated proportion of any excess it may earn which is allowed as a stimulation to continued energy and efficiency.

## RETURN IS ON PROPERTY VALUE-NOT ON SECURITIES

The protest against this provision proceeds partly from those who, like the advocates of the Plumb theory, assert that the provision will vitalize watered securities. It has nothing whatever to do with stocks, bonds or securities. The ratio of return is to be estimated on the value of the property as de termined by public authority (the Commission). Section ( Section 6 of the Cummins Bill and the Fifth Amendment to the Con stitution apply the same test: A reasonable return on the value of the property. The only difference is that Section 6 defines the rate of return at  $5\frac{14}{2}$ % on value, with one-half of 1% optional with the Commission for unproductive improve ments, such as grade crossings, whereas the Constitution left that figure open for legislative or judicial definition. Section 6 supplies the definition.

Other provisions of Section 6 regulate excess earnings by requiring a portion of any excess over 6% to be paid into a public fund for expenditure by the Board of Transportation in the public interest in railway transportation. Protest has been made against this provision as confiscating the earnings of those roads which, by reason of their strategic situation or dense traffic, are able to earn what may be termed excessive or unnecessarily large returns. The application of the provisions of Section 6 to the roads which have made that protest discloses nothing to impair their sound future.

The only thing "confiscated" is the opportunity for what may fairly be termed excessive return on the value of the investment.

There is nothing novel or unexpected in applying a statutory limitation upon earnings to enterprises long since subject to rate regulation and now under strict governmental control in all of their functions.

Aunt Annie?" asked the girl of her and "Did you hear her? Did you hear Aunt Annie?" asked the girl of her mother, referring to Mrs. Steinmueller. "It isn't right for people to say things whe she and "!" like she said." Dr. G. A. Parker was the first wit-ness called. He told just how he found

ing from swollen and tear-brimmed things upon the morning of August 22 eyes at the angry woman testifying when he entered the Bartel home and

It was the first chance for a mem-

ber of the dead man's family to take the stand against the girl. Daily, for almost a week before the trial, members of the Bartel family have come to town

years, Doylestown, manufacturer, 12-William Penrose, Sr., fifty elder woman began to cry. two years, Warrington, retired Asks About Gift Girl Says She Didn't

## 10-Mahlon H. Dungan, seventythree years, married, three children, retired painter. 11-Joseph A. Ruos, fifty-eight

"What's the matter, Aunt Eliza-heth?" the girl asked. "Don't you like the gift I made for you?" "I was just so surprised." said Miss Bachr. She hugged the girl to her and bread here. Mean to Kill Father

shoulder, her body shaken with sobs. He patted her bright hair and whispered her

words of comfort to her until her breath came more quietly, and she was able to raise her herd once more, look-ing from swollen and tear-brimmed

Independent Split

#### Continued From Page One

Mr. Moore and his colleagues whole hearted support

#### No Outside Directors

But it can be put down on the tablets of prophecy, and underscored at that, that there will be no outside dictators under the Moore regime. The councilmanic minority slaughter.

under the Moore regime. The councilmanic minority, other-wise known, as the Vare following, are standing firm. It is what might be ex-pected. It is, under all considerations, the logical thing for them to do. They have centered their hopes on Mr. Hall as their candidate for president of that body. The majority choice rests be-tween present Common Councilman Francis F. Burch and Select Council-man Richard Weglein. It is wholly improbable that, under any conceived condition, the fruits of recent victory would be thrown to the winds and the posed today. would be thrown to the winds and the success of the new charter be jeopar-dized by a personal and disgraceful wrangle over the presidency of wrangle Council.

Council. The chairmanship of the important finance committee is not. I think, a matter of doubt. The present efficient chairman. Joseph P. Gaffner, will scarcely succeed himself, in spite of his ability and his exceptionally intimate knowledge of municipal finances. It is because the factional lines of fracture will widen, and the lineup be more tense on the basis of Council's organization. At the same time the county office At the same time the county office are going to prove a harbor of refuge to hundreds of regulars, or Vare men. There are about 2000 of these places There are about 2000 of these parces and it is pretty generally recognized that Senator Vare will control certainly the majority of them. The Vares are not out in the cold by any means. Besides these county offices do not come under the civil service rules and penalties that control in the case of municipal jobs.

#### **Old Lines Still Intact**

Old Lines Still Intact Attogether it is an interesting situa-tion. In a way it still leaves the old pre-election factional lines intact. There are those who profess to see in the appointment of James T. Cor-felyou to be director of public safety the shadow of elever national polities. It would not be surprising if such were the fact. The appointment of Mr. Cor-telyou undoubtedly has a wider signifi-cance than appears on its face. George B. Cortelyou, of New York, brother of the new director. a prominent figure in national polities, a political legatee of Theodore Rosevelt, and with an un-instructed delegation to the Republican instructed delegation to the Republican national convention from Pennsylvania the combinations that might be effected certain contingencies are a rar-

inder certain contingencies are a rare subject for speculation. The selection by the Mayor-elect of a director of public works is still hung up. It will not be, I am convinced, a lecal man. If he comes from the out-side the choice will fail on one who will bring to the position unquestioned ability and high reputation. Like the root of the Mayor-elect's appointments it will mest with the radorsement of the public.

othing is heard as set of names in



You see, I am the

Tran

time and temper saving.

A Dog Day

Slayer of Constable Convicted of Manslaughter at Doylestown

Doylestown, Dec. 18.—The jury in the Harry Adams murder case returned at 8:30 o'clock last night, after being out six bours, and returned a verdict that Adams is guilty of voluntary man-shughter.

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results

management over rates, by subjecting rate levels to a work-able statutory test and adapting these rates, as suggested by the United States Supreme Court over forty years ago, "to the circumstances of the different roads" so that necessary units in the competitive system will not be starved to death. This result is to be expected under the old laws because of the disposition of the rate-making authority to depress the rate levels unduly in order to prevent what would be re-garded as an excessive return upon the value of the property of individual roads in the several competitive groups on which unusual density of traffic might otherwise produce excessive

#### BOTH BILLS GREATLY EXTEND REGULATION

Both Senate and House bills evidence the inflexible pur-pose to extend the system of federal regulation of interstate carriers, begun in 1887, to the limit deemed consistent with private enterprise. We do not stop to oppose or commend that purpose. It is fixed and unavoidable and is responsive to the weight of opinion expressed at the hearings before the two committees. Any bill which passes will undoubtedly control security issues, new construction, car supplies, facilities, and, to some extent, service and operation.

A business thus regulated must have public confidence and is entitled to reasonable statutory protection. To return these properties without adequate legislation is to destroy them

If this protection is assured, the investors in railway se-curities can well afford to relinquish speculative or excessive returns. They are today no longer dealing with a speculative possibility. But they must be assured of a fair chance to receive a reasonable return if they produce the energy and efficiency to earn it under rates found to be adequate for the

efficiency to earn it under rates found to be adequate for the average condition in each group. The House Bill goes to the limit of regulation without any provision remotely tending to recognize the corresponding obligation of Congress for protection from its own elaborate machinery. The Senate Bill as reported (S-3288) contains fair recognition of that obligation in Section 6. As new matter is not added in conference under the usual parliamentary procedure, it is plain that the Senate Bill should be passed by the Senate and sent to conference with Section 6 unimmaired the Senate and sent to conference with Section 6 unimpaired

#### **PROVISIONS OF SECTION 6 INDISPENSABLE**

Section 6 is fundamental. It is so indispensable in the existing crisis that we trust that Senators and Representa-tives desirous of a sound system of competitive American transportation may not, upon the floor of the Senate or in con-ference or upon the question of concurrence, delay or en-danger the passage of a bill containing its provisions.

This Bill is not in all respects as the Association of Se-curity Owners would desire, but we recognize that legislation is a practical process, the result of the action of many minds, and that this Bill is the result of prolonged, patient, cour-ageous, well-informed and non-partisan action on the part of the Committee which reported it. As such we trust that it will be substantially accepted by the Senate and sent to con-ference, where such differences as may arise as to other features of the bill will be reconciled.

December 17, 1919.

ERRONEOUS STATEMENTS BY THE WALL STREET JOURNAL.

Among the most active spokesmen for those opposing Sec-tion 6 is "The Wall Street Journal," which has repeatedly as-serted that the Cummins Bill embraces a Socialistic scheme for leveling profits of competently managed roads for the benefit of so-called weak roads.

The committees of the Association of Security Owners long since reached the conclusion that a definite rate of return on the aggregate railway investment was more desirable than a chance for speculative returns to a few railroads unlikely to be realized even by them under existing conditions.

It was also recognized that Congress would never concede reasonably definite assurance, unless accompanied by a limitation upon possible excessive earnings. The accuracy of this thought has been doubly demonstrated. The Esch Bill pro-vides for no limitation on earnings and therefore gives no reasonable assurance, no definition, no instruction. The Cummins Bill, on the other hand, proposes in Section 6 a fairly definite assurance and regulates carnings to a fair return.

Section 6 permits carriers to retain 6%, upon the fair value of their property, if they can earn that much from com-petitive rates established for the group, plus a portion of any excess they may earn. What is discernible in the present out-look to justify hope for greater return? Certainly nothing justify the wager of the whole transportation system on the chance.

#### EARNINGS OF ONE ROAD NOT GIVEN TO ANOTHER

The Cummins Bill creates a Board of Transportation, to which it gives absolute jurisdiction over the general railway fund to be "employed or invested or expended by the Board in furtherance of the public interest in transportation by car-riers subject to the Act to Regulate Commerce in avoiding congestions, interruptions or hindrances to the railway servetc.

The primary purpose of the fund as shown by Section 6 is the purchase of equipment or facilities to be used "wherever the public interest may require." While loans to carriers are permitted on terms to be fixed by the Board, the fundamental consideration is the public interest, and there is no warrant whatever for the assertion that the Cummins Bill provides for

whatever for the assertion that the Cummins Bill provides for revenue to be taken from one road to be given to another. The public will get the service and the excess earnings paid into the fund will not be pyramided for the purposes of rate making or "given" to any road or employed on any favored class of roads. The percentage return fixed by Section 6 is not upon stocks or bonds or even upon the value of individual railway-property, but upon the actual value of the entire transporta-tion machine in each rate group, as determined by the Com-mission; and the ratio of aggregate return on the value so ascertained is fixed at a figure at which no one can justly com-plain. Nor can any road attain that ratio of return upon its own value without earning it on a competitive basis. There is neither extortion nor stagnation in that process. Desirous only of a sound and wholesome future for the railroads based on deserved public confidence, we desire to emphasize the necessity for prompt and definite legislation.

emphasize the necessity for prompt and definite legislation.

DARWIN P. KINGSLEY, New York HALEY FISK, New York. JOHN J. PULLEYN, New York. W. D. VAN DYKE, Milwaukee, Wis. LOUIS F. BUTLER, Hartford, Conn. GEORGE K. JOHNSON, Philadelphia, Pa.

> SUB-COMMITTEE, NATIONAL ASSOCIATION OF OWNERS **OF RAILROAD SECURITIES**