

ENJOINS SIX RAILROADS.

Judge Grosscup's Decision Based on
New Elkins Law—Like Ruling in
Kansas City Court Promised.

CHICAGO, April 24.—Judge Grosscup to-day entered an order in the United States Circuit Court of Appeals, enjoining six railroad companies from discriminating against small shippers in the western territory. The decision is especially important as being the first under the new Elkins law.

The Government, according to the decision, is entitled to the injunction against the offending railroads, under the Inter-State Commerce act, as well as the Elkins law. The ruling applies to fourteen railroads which were covered by proceedings instituted in the Federal Court. Six of these companies were defendants in the local court; the others are under the jurisdiction of the Kansas City Federal Court. Judge Grosscup announced that he and Judge Phillips were of one mind relative to all the points involved, and that the latter would render a like decision.

The decision holds that the Government has the right to bring an action in equity to restrain railroad companies from discriminating either by furnishing lower rates or giving rebates to favored shippers. It further declares that while each injured citizen has a right to such relief in his own behalf, in cases like those under consideration the injured persons are so numerous and the injury to each is so small that it is the duty of the Government to act for them under the power specifically conferred by the statutes.

The railroad companies in the local court affected by the order are: Michigan Central; Pittsburg, Fort Wayne and Chicago; Pittsburg, Cincinnati, Chicago and St. Louis; Lake Shore and Michigan Southern; Illinois Central, and Chicago and Northwestern. Those in the jurisdiction of the Kansas City court are: Chicago and Alton; Chicago, Milwaukee and St. Paul; Atchison, Topeka and Santa Fé; Chicago, Burlington and Quincy; Missouri Pacific; Chicago, Rock Island and Pacific; Wabash and Chicago; Great Western.

The New York Times

Published: April 25, 1903

Copyright © The New York Times