

No. 1198.

THORNTON & CHESTER MILLING COMPANY

v.

DELAWARE, LACKAWANNA & WESTERN RAILROAD  
COMPANY AND NEW YORK, NEW HAVEN & HARTFORD RAIL-  
ROAD COMPANY.

---

*Submitted December 3, 1907. Decided December 16, 1907.*

---

Decision in Banner Milling Co. v. N. Y. C. & H. R. R. Co., ante, 31, cited and applied.

*Shire & Jellinek* for complainant.  
*J. L. Seager* for defendants.

REPORT OF THE COMMISSION.

PROUTY, *Commissioner*:

The complainant, which operates a flour mill at Buffalo, made shipment of a carload of flour over the lines of the defendants from Buffalo, N. Y., to Providence, R. I. The rate applicable to the movement of this shipment was a joint rate, duly established by the defendants, of 13 cents per 100 pounds. The complainant insists that this rate was unjust and unreasonable and asks that it be so declared.

This case was heard with Banner Milling Company v. New York Central & Hudson River Railroad Co. ante, 31, and is controlled by that. Providence takes the Boston rate, and no question is made but that whatever rate is proper to Boston should also be applied to Providence. We are of the opinion that the rate of 13 cents was and is unreasonable and that the rate for the future should not exceed 12 cents under conditions now existing. For reasons stated in the principal case, no order will be made before February 15, 1908.

13 I. C. C. Rep.