

No. 2439.

SPRING HILL COAL COMPANY  
v.  
ERIE RAILROAD COMPANY ET AL.

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*Submitted April 8, 1910. Decided June 2, 1910.*

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Complaint for the establishment of through route and joint rate over certain lines dismissed because of the existence over other lines of a "reasonable through route."

*David N. Heller* for complainant.

*H. A. Taylor* for Erie Railroad Company.

*Lewis E. Carr* for Delaware & Hudson Company.

*George Stuart Patterson* for Pennsylvania Railroad Company.

REPORT OF THE COMMISSION.

COCKRELL, *Commissioner*:

This complaint was filed May 3, 1909. The complainant has coal mines at Jermyn, Pa., on the lines of defendants, Delaware & Hudson and New York, Ontario & Western railroads, and desires to ship coal to points in New York via Carbondale, Pa. It avers that there is no through route and joint rate from Jermyn to the desired points in New York state, and that defendants refuse to establish a through route and joint rate. The prayer is for an order compelling the defendants to establish such a through route and joint rate.

Each of the three defendants filed separate answers denying the material averments of the complaint and asserting that there is a through route and joint rate from complainant's mines to the desired points in New York over the lines of defendants, the Delaware & Hudson to Wilkesbarre and thence by the Pennsylvania Railroad.

The attorney for the complainant, on May 28, 1909, wrote the Commission referring to the answers of defendants showing a through route and joint rate by another route than the one asked for by complainant, and inquired if it was necessary to reply to that defense. The chief examiner promptly advised him with a copy of the rules of practice. On July 3, 1909, complainant was advised fully in regard

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to the through route and joint rate named by the defendants, that our jurisdiction to establish a through route and joint rate existed only when no reasonable or satisfactory through route exists and was asked what further action was desired. The subsequent correspondence culminated in a letter from complainant expressing a desire to have the case dismissed.

An order will be entered accordingly.



No. 2865.

W. W. RUTLAND AND E. L. RUTLAND, PARTNERS, DOING  
BUSINESS AS THE CANADIAN VALLEY GRAIN COMPANY,  
v.  
CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY  
ET AL.

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*Submitted March 11, 1910. Decided June 2, 1910.*

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In the absence of a joint rate from a local station on the line of one carrier to a point on the line of another carrier, it is not incumbent upon initial carrier to post at point of origin tariffs showing combination of local rates applicable to the shipment. Reparation, claimed because of failure so to post, denied.

*L. F. Bird* for complainants.

*M. L. Bell* and *Wallace T. Hughes* for Chicago, Rock Island & Pacific Railway Company.

*K. M. Wharry* for St. Louis, Iron Mountain & Southern Railway Company.

REPORT OF THE COMMISSION.

**COCKRELL, Commissioner:**

The complainants are partners doing business under the name of the Canadian Valley Grain Company, at Calvin, Okla., a station on the line of defendant, the Chicago, Rock Island & Pacific Railway Company, hereinafter designated the Rock Island. They allege that about May 5, 1908, the said defendant had no tariff on file at said station showing rate on snapped corn to Arkadelphia, Ark., over the lines

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