

No. 7882.

HENRY HOLVERSCHEID & COMPANY

v.

LEHIGH VALLEY RAILROAD COMPANY ET AL.

Submitted October 18, 1915. Decided March 16, 1916.

Charges collected for the transportation of a carload of coal from Coxtan, Pa., to Lizton, Ind., reconsigned to Chicago, Ill., not shown to have been unreasonable or unjustly discriminatory. Complaint dismissed.

H. J. Koeber for complainant.

E. S. Ballard for Cleveland, Cincinnati, Chicago & St. Louis Railway Company and New York Central Railroad Company.

REPORT OF THE COMMISSION.

BY THE COMMISSION:

Complainants are Henry Holverscheid and Henry J. Koeber, co-partners, engaged in the coal business at Chicago, Ill. By complaint, filed March 29, 1915, they allege that the charges collected by defendants for the transportation, in June, 1913, of a carload of anthracite coal from Coxtan, Pa., to Lizton, Ind., reconsigned to Chicago, were unreasonable and unjustly discriminatory, in violation of sections 1, 2, and 3 of the act. Reparation is asked.

The shipment weighed 100,352 pounds and moved: Lehigh Valley Railroad to Buffalo, N. Y.; New York Central Railroad to Cleveland, Ohio; Cleveland, Cincinnati, Chicago & St. Louis Railway, hereafter called the Big Four, through Indianapolis, Ind., to Lizton. The consignee at Lizton refused to receive the shipment and it was reconsigned to Chicago, moving back to Indianapolis, thence forward over the Big Four to Kankakee, Ill., and over the Illinois Central Railroad to destination. No joint rate applied to Chicago over the route of movement, and charges were collected at a combination rate composed of a rate of \$3.50 per gross ton from Coxtan through Indianapolis to Kankakee, a rate of \$1.16 per net ton from Kankakee to Chicago, and a rate of 20 cents per gross ton for the back haul from Lizton to Indianapolis.

Complainants contend that the charges collected were unreasonable and unjustly discriminatory to the extent that they exceeded the charges that would have accrued at a joint rate of \$3.50 per gross ton contemporaneously in effect over various other routes from Coxtan to Chicago, plus 20 cents per gross ton for the back haul from

Lizton. An agent of the Big Four informed complainants that the combination rate of \$3.70 per gross ton was applicable to the shipment, and reparation is asked on that basis.

The rate charged for the portion of the haul from Kankakee to Chicago was higher than the rate applicable on similar traffic in the opposite direction between those points. But, except for this and the existence of lower rates over other routes, complainants offered no evidence to support their allegations. Defendants show that the route of movement is markedly circuitous in comparison with the routes over which the lower through rate cited applies.

Neither the misquotation of the rate applicable nor the maintenance of a higher rate from Kankakee to Chicago than in the opposite direction between the same points nor the application of a lower rate over other routes warrants the condemnation of the rate charged, which we find is not shown to have been unreasonable or unjustly discriminatory.

An order will be entered dismissing the complaint.

38 I. C. C.