

were also "transit" rates, "concentration" rates, "local" rates, and "terminal" rates—altogether a bewildering variety of peculiar rates not amenable to the mechanical classification and inelastic schedules which a public body was assumed to be bound by. The governor had recommended that the commission be given power to make commodity rates, and to vary them with the requirements of any situation, "assigning upon their records the reasons for any special exception made." In the final outcome the law definitely states that "nothing in this act shall be construed to prevent concentration commodity, transit, and other special contract rates, by such rates must be open to shippers for a like kind of traffic under similar circumstances and conditions. . . provide such rates be under the supervision and regulation of the commission." Thus, by leaving the initiative to the roads, they are free, as before, to adapt their rates to industrial conditions, but the commission is at hand to check their acts if they are unjustly discriminatory. The roads can even make non-compensatory rates in order to stimulate business and increase other forms of traffic if they see fit to do so—an act which if ordered by a State commission, would be overruled by the courts. One feature of the law which, however, is the same as that in sixteen of the twenty States, that regulate rates is the power of the commission to fix an absolute rate rather than to declare what must be a maximum rate. It thus is made unlawful for the company to charge less than the commission rate as to charge more than that rate. This follows from the intention to prevent unjust discrimination between shippers and communities—an object equally important with that of preventing excessive charges.

The theory of the new law seems to be that the railroads have their experts with years of experience in making rates and handling traffic; but that no body of men, however expert, can be trusted in every case to use their uncontrolled power, upon which the wealth and prosperity of the State depends, in a manner fair and reasonable. On the other hand, no body of

men selected by the State can have the expert qualifications and detailed information that come from daily contact with the problems. On this account the rates made by the railroads are in effect held to be, prima facie, reasonable and lawful. This is a radical distinction from the laws in those States which require the commission to fix a complete schedule of rates, the evident assumption there being that the road's rates are, prima facie, unlawful and unreasonable.

These rates in Wisconsin, however, may be challenged, but the burden of proof is upon the complainant to show that they are unreasonable. The railroad commission is the board of review to investigate the complaint, with powers over witnesses books and testimony entrusted to a court of record. It gives the railroad company and the complainant ten days' notice of a hearing; upon which, if it find proof that the rate is "unreasonable or unjustly discriminatory" fixes a reasonable rate, and its order takes effect of its own force in twenty days after service on the railway officer. Thenceforth, the legal situation is reversed. The rates fixed by the commission now in turn become prima facie, lawful and reasonable, and the burden of proof is upon the railway company if it goes into court and asks that they be overruled. Upon the several steps involved in these provisions the contest in the Senate committee, where the principal struggle occurred, was prolonged and intense, and it is most remarkable that, starting with opposing views, that committee reported a bill unanimously which then was unanimously adopted by both houses and signed by the governor. The first step in the controversy related to the source of complaint against the rates or regulations of the roads. The companies contended that only shippers were affected, and that they only should be entitled to enter complaint. But it was shown that public interests were involved, and that localities might be injuriously affected. Consequently, the law entertains complaints "of any person, firm, corporation, or association, or of any mercantile, agricultural, or manufacturing society, or of any body politic