

TWENTY-FIRST ANNUAL REPORT

OF THE

RAILROAD AND WAREHOUSE COMMISSION

OF ILLINOIS.

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RAILROADS, FOR THE YEAR ENDING JUNE 30, 1891, GRAIN
INSPECTION DEPARTMENT, OCTOBER 31, 1891,
OFFICE EXPENSES, DECEMBER 1, 1891.

COMMISSIONERS:

ISAAC N. PHILLIPS, BLOOMINGTON, *Chairman.*
JOHN R. WHEELER, CHICAGO. J. C. WILLIS, METROPOLIS.
J. H. PADDOCK, SPRINGFIELD, *Secretary.*

SPRINGFIELD, ILL.:
H. W. ROKKER, STATE PRINTER AND BINDER.
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TWENTY-FIRST ANNUAL REPORT.

STATE OF ILLINOIS,
RAILROAD AND WAREHOUSE COMMISSION,
SPRINGFIELD, December 1, 1891.

To His Excellency, HONORABLE JOSEPH W. FIFER, Governor of Illinois:

We have the honor to submit to you the twenty-first annual report of the Railroad and Warehouse Commission of this State. The very full summary of statistics which we have caused to be prepared to accompany the full tables, leaves little to be said in the way of general remarks. The statistics of this report will be found very interesting and instructive.

We think better averages have been obtained in the summary of statistics this year, than have been arrived at in former reports; and this renders the observation proper, just here, that what may appear in this report as an increase or decrease in averages, may be only the result of fuller reports obtained from the roads, by which we have been enabled, in our deductions, to make the averages nearer correct, and do not necessarily prove, for instance, that roads are charging materially different rates for freight or passengers from what they did last year.

While sufficiently accurate results have been arrived at in railway accounting and reporting to make the results obtained instructive, yet much remains to be done to bring railway statistics into such shape that perfectly reliable deductions may be made from them.

Attention is called to the table and the summary thereof, upon the question of railway accidents in Illinois. These show a material increase in the numbers killed and injured, of employés, passengers and others, over the showing made by last year's report. This is, doubtless, in a large part, accounted for by the fact that the railways have conducted more traffic during the year than they did the year previous; and the further fact should be noted, in this connection, that a great proportion

of the casualties have arisen at highway crossings in the city of Chicago, in which class of accidents there seems to have been an increase during the last year.

The statute of 1871 requires every railroad company doing business in this State to file its report with the Commission by September 1st of each year. Blank forms for these reports are mailed to the roads not later than the first week in July, thus giving the railroad companies about two months in which to make up and complete their reports before the statutory time for filing them with the Commission. A few, only, of the roads have filed their reports by the first of September, as the law requires. Most of them are not filed until November first, or after; and, during the present year, the failure of a few roads to file their reports with the Commission has resulted in great annoyance to the Commission, and that fact is responsible for the great delay in presenting this report to your Excellency. While we believe that railroad managers generally attempt to comply with the law, and are ready to aid the Commission in discharging its duties, the delinquency of a few companies in the matter of presenting their reports has grown to be a positive abuse, which it will be necessary for the Commission to resort to harsh measures to correct, if the practice continues.

The very instructive reports, accompanied by full tables, of the Chief Inspector of Grain and the Registrar of Warehouses, which will be found printed herewith, are, in the main, self-explanatory, and need not be remarked upon at any length here.

Our last annual report showed the most prosperous year in the Department of Inspection in the then history of the Department. This report shows a still greater volume of grain inspected. It is to be remembered, too, that the Chief Inspector's report closes with the 31st of October, and for that reason it includes only a portion of the movement of the phenomenal crop of 1891. The influence of that unusually productive season may be expected to continue and be still further seen in the report of next year.

The Commission took the liberty of recommending to your Excellency in the last annual report, certain legislation deemed to be needed for the proper protection of the public at railway crossings. An act was accordingly passed by the last General Assembly, providing a way to compel the protection, by interlocking and signals, of grade crossings of railway tracks. This act, together with other acts passed relating to the duties of the Commission, will be found printed in the appendix to this report. It is gratifying to be able to say here, that the managers of railways are manifesting a disposition to protect their grade crossings under the late act; and we sincerely hope and believe the good influence of this reform will soon be seen in the statistics of railway casualties, as well as in increased economy to the companies themselves.

No. 1.

ILLINOIS INTERLOCKING ACT, APPROVED JUNE 2, 1891.

AN ACT to protect persons and property from danger at the crossings and junctions of railroads, by providing a method to compel the protection of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in every case where the main tracks of two or more railroads cross at a grade in this State, any company owning or operating any one of such tracks, whose managers may desire to unite with others by protecting such crossings with interlocking or other safety devices, may file with the Railroad and Warehouse Commission a petition stating the facts of the situation, and asking said Railroad and Warehouse Commission to order such crossing to be protected by interlocking signals, devices and switches, or other safety appliances. Said petition shall be accompanied by a plat showing the location of all tracks; and upon the filing thereof, notice shall be given to each other company or person owning or operating any track involved in such crossing, and the said Railroad and Warehouse Commission shall thereupon view the site of such crossing, and shall, as soon as practicable, appoint a time and place for the hearing of such petition.

§ 2. If the said Railroad and Warehouse Commission shall, from information obtained in any manner, have cause to believe that any such grade crossing, as described in section one of this act, is dangerous to the public or to persons operating trains, and requires protection, then it shall be the duty of the said Commission, without any petition, and of its own motion, to cite the several companies or persons owning or operating the railway tracks forming such crossing, to come before said Commission at such time and place as may be named, and show cause why they should not be required to provide such crossing with interlocking or other safety appliances.

§ 3. At the time and place named for hearing under any petition filed in pursuance of section two thereof, unless the hearing is for good cause continued, said Railroad and Warehouse Commission shall proceed to try the question whether or not the crossing shall be protected by interlocking, or otherwise, and shall give to all companies and parties interested an opportunity to be fully heard, and said Commission shall, after such hearing, enter an order upon a record book or docket, to be kept for the purpose, denying the petition or discharging the citation if the protection of such crossing as proposed is deemed unnecessary, or, if said Commission shall be of opinion, from the evidence and facts produced, that the public good requires that such crossing be protected, then the Commission shall enter an order prescribing an interlocking device or equipment for such crossing, in case the companies interested cannot agree upon a device, in which order shall be specified the kind of machine to be used, the switches, signals and other devices or appliances to be put in, and the location

thereof, and all other matters which may be deemed proper for the efficient protection of such crossing, and said Commission shall further designate, in such order, the proportion of the cost of the construction of such plant, and of the expense of maintaining and operating the same, which each of the companies or persons concerned shall pay. In case, however, one railroad company shall hereafter seek to cross at grade with its track or tracks, the track or tracks of another railroad company, and the Railroad and Warehouse Commission shall determine that interlocking or other safety appliances, shall be put in, the railroad company seeking to cross at grade shall be compelled to pay all cost of such appliances, together with the expense of putting them in and the future maintenance thereof.

§ 4. It shall be the duty of every railroad company or person owning or operating any track involved in any such crossing to comply with and carry out fully, or unite with the others in doing so, any order of the said Railroad and Warehouse Commission made in pursuance of any proceeding instituted or had under this act, such work to be completed within ninety days after such order is made unless the Railroad and Warehouse Commission shall for good cause shown extend the time: and when any such plant shall have been completed and made ready for use, it shall be the duty of the companies or persons concerned to notify the said Railroad and Warehouse Commission thereof, whereupon said Commission shall inspect or cause to be inspected the said completed plant in the same manner as is now provided in the act upon that subject, approved June 3, 1887: and if, upon such inspection, the said plant is deemed to be well constructed and suitable and sufficient for the purpose, the said Railroad and Warehouse Commission shall issue a permit empowering the several companies or persons owning or operating the tracks involved therein to run such crossing without stopping, under such rules and regulations as may be in force, or may thereafter be adopted, by the said Commission, any law now in force upon the subject of stopping trains at railway crossings to the contrary notwithstanding.

§ 5. Any company, person or corporation refusing or neglecting to comply with any order made by the said Railroad and Warehouse Commission in pursuance of this act shall forfeit and pay a penalty of \$200 for each week of such refusal and neglect, the same to be recovered in an action of debt in the name of the People of the State of Illinois, and to be paid, when collected, into the county treasury of any county where any such suit may be tried.

§ 6. All expenses incurred in any proceeding under this act shall be paid by the railway companies concerned, in equal portions, upon bills to be rendered by the secretary of said Commission.

§ 7. Every junction of two or more railroad tracks, whether the tracks joining each other are owned by different companies or by the same company, shall be taken and deemed to be a crossing within the meaning of this act: *Provided*, that this section shall not apply to switch, spur or side tracks.

No. 2.

CROSSINGS AND DRAW-BRIDGES.

AN ACT to amend section one of an act entitled "An act in regard to the dangers incident to railroad crossings on the same level," approved June 3, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an act entitled "An act in regard to the dangers incident to railroad crossings on the same level," approved June 3, 1887, be amended so as to read as follows:

Section 1. That when and in case two or more railroads crossing each other on a common grade, or any railroad crossing any stream or harbor by swing or draw-bridge, shall, by a system of interlocking and automatic signals, or by other works, fixtures and machinery to be erected by them, or either of them, render it safe for engines and trains to pass over such crossing or bridge without stopping, and such system of interlocking and signals, works or fixtures, shall first be approved by the Railroad and Warehouse Commissioners, or any two of them, the plan of such interlocking and signals, works and fixtures, for such crossing designating the plan of crossing, shall have been filed with such Railroad and Warehouse Commissioners, then and in that case it is hereby lawful for the engines and trains of any such railroad or railroads to pass over said crossing or bridge without stopping, any law, or the provisions of any law now in force, to the contrary notwithstanding: and all such other provisions of laws contrary thereto are hereby declared not to be applicable in such case: *Provided*, that the said Railroad and Warehouse Commissioners shall have power in case such interlocking system, in their judgment, shall by experience, prove to be unsafe or impracticable, to order the same to be discontinued.

APPROVED May 28, 1891.

No. 5.

RULES OF PRACTICE IN CROSSING AND INTERLOCKING
CASES.

I.

For the hearing of cases arising under the act approved May 27, 1889, concerning crossings, and the act approved June 2, 1891, concerning interlocking, there shall be held at the office of the Commission, in the State House, in Springfield, a regular meeting of the Commission, on the Tuesday after the first Monday in each month, and continuing from day to day thereafter, if necessary, until the business of such meeting is finished; but if the day above designated for such meeting shall at any time fall upon a general election day or a legal holiday, then the meeting shall be held upon the day following.

II.

If no quorum of the Commission shall be present on any day named in these rules for any regular meeting of the Commission, and there are causes on the docket ready for hearing, the secretary of the Commission shall adjourn such meeting from day to day (noting the same upon the record), until a quorum is present for the transaction of business, at which time the hearings shall be proceeded with in the same manner as they would had a quorum been present on the day named in the rules for said meeting. When the secretary shall be aware in advance that for any reason a quorum will not be present for the transaction of business on the day named for a regular meeting, he shall, so far as practicable, advise all interested parties by letter or otherwise of the fact, and also let them know on what day a quorum is expected.

III.

Upon the filing of any petition in pursuance of any of the provisions of either of such acts, the secretary of the Commission shall at once issue and cause to be served upon or delivered to the defendant in such petition, such notice as the law requires, or as may be prescribed by the Commission: and the secretary shall also, for the better information of such defendant, mail to its president or general manager a copy of the petition: but a failure by defendant to receive the letter shall not be taken as a failure of notice.

IV.

If the notice provided for in the last rule shall be served upon or received by the defendant ten days before the next regular meeting of the Commission as above established, the case shall stand for hearing at that meeting: but if such notice shall be served or received less than ten days before such next regular monthly meeting, then such petition shall stand for hearing at the next regular monthly meeting succeeding that one.

V.

In the case of any proceeding begun under the said interlocking act of 1891, by a citation issued by order of the Commission instead of by petition, the secretary shall make such citation returnable at the next regular monthly meeting of the Commission, if the same shall take place ten days or more after the time of issuing such citation: but if such citation shall not be served upon any defendant therein named ten days or more prior to the first day of the next meeting, then such citation shall stand for hearing at the next regular meeting succeeding.

VI.

Such answer as any defendant may desire to make to any petition, or such return as any company may desire to make to any citation which may be issued, shall be filed in the office of the Commission not later than the morning of the day upon which said petition or citation stands for hearing upon the docket in accordance with these rules: and such answer or return shall close the written pleadings in the case.

VII.

Cases shall stand for hearing at such regular meetings in the order of their numbers unless the Commission shall for good cause vary such order: and in the general manner of conducting hearings, producing testimony, etc., the Commission will be governed by the general system of practice which obtains in the Circuit Courts of Illinois, so far as the same is applicable to these proceedings.

VIII.

All evidence offered on any such hearing shall be reported in full by the stenographer of the Commission, who shall write the same out correctly in type-writing, and file the same for reference with the papers in the case in which the same is taken.

IX.

Every case which may for any reason remain upon the docket, not finally disposed of at the conclusion of any such regular meeting of the Commission, shall stand continued to the next regular meeting, and the secretary will enter an order to that effect, in such case, without specific action or instructions by the Commission.

X.

The secretary of the Commission is hereby empowered, without further specific order, to issue from time to time, under his hand and the seal of the Commission, such subpoenas for witnesses in any cause arising under either of said acts as any party thereto may request to be issued. Said secretary shall advance no fees for the service of any such subpoenas, but leave the party calling for the same to serve it or procure it to be served as he shall think fit.

XI.

In every trial had under these rules, the petitioner will open and close the case. Each party to the hearing will be allowed to introduce such evidence as to the facts and expert questions as may be thought necessary, provided the same is admissible under the common law rules of evidence: and each party will be fully heard in argument upon all points of the case by counsel or other representative: but no petition for rehearing will be entertained in any such case, unless the right to present the same is expressly reserved in the final decree or order of the Commission.

XII.

The petition mentioned in section 1 of the act of 1891, concerning interlocking, will be deemed sufficient if in substantially the following form:

To the Railroad and Warehouse Commission of the State of Illinois:

The.....Rail.....Company represents that it owns and operates a certain railroad extending from.....towithin the State of Illinois; that the main track of said railroad crosses at grade the main track of the.....Rail.....Company.....in the County of; that petitioner desires to unite with the said.....Rail.....Company in protecting said crossing with proper devices and appliances, thus securing greater safety to persons and property, and enabling trains to pass said crossing without stopping, but is unable to agree with said company upon a plan of the same; that the public good requires that said crossing be so protected; and petitioner files herewith a plat showing the location of the tracks involved in said crossing, and makes said plat a part of this petition.....

In consideration of the premises, petitioner prays this Commission to give notice to the said.....Rail.....Company, which is made defendant to this petition, and to proceed to view the site of said crossing, and appoint a time and place for a hearing of this petition, and that upon such hearing the Commission will enter an order prescribing a proper device and machinery for the protection of said crossing in pursuance of an act of the General Assembly, entitled "An act to protect persons and property from danger at the crossings and junctions of railroads," etc., approved June 2, 1891; and petitioner further prays that the Commission will fix in such order the proportion of the cost for the construction, maintenance and operation of such device which each of the parties hereto shall pay; and prays generally for such other relief as may be appropriate to the case.

.....
Petitioner.

By

Its Solicitor.

XIII.

The notice to be given in pursuance of section 1 of said act of 1891, may be in substance as follows:

Office of the Railroad and Warehouse Commission of the State of Illinois:

To the Rail Company.

You are hereby notified that on the day of 189.. the Rail.....Company filed in the office of the Railroad and Warehouse Commission of the State of Illinois a petition, praying for the protection by proper devices and machinery of a certain grade crossing of the main tracks of your railroad, and that of the said petitioner, situated..... in the county of in the State of Illinois, in pursuance of an act of the general assembly, approved June 2, 1891, entitled "An act to protect persons and property from danger at the crossings and junctions of railroads," etc.; and you are hereby further notified that under

the rules of said commission the said petition will stand for hearing at the office of said commission in the State House, in the city of Springfield, Illinois, on, the day of 189., at 9 o'clock A. M., at which time and place the said Commission will proceed to try the question whether or not the said crossing shall be protected by interlocking or other devices, and in case the said companies are unable to agree, to prescribe, if the public good is deemed to require it, what kind of device, equipment and machinery shall be put in by the companies concerned, and the proportion of the cost of construction, maintenance and operation thereof, which each of said companies shall pay; and you can, if you think proper, appear through your proper officers or counsel at the time and place above mentioned, and be fully heard by the Commission upon all the matters involved in said petition.

The Commission will, if practicable, advise you of the time when the site of said crossing will be viewed, so that you may be present if you desire.

Witness Secretary of said commission, and the seal thereof, at Springfield, Illinois, this day of A. D. 189....

Secretary.

XIV.

The citation provided for in section 2 of said act of 1891, may be in substantially the following form:

OFFICE OF THE RAILROAD AND WAREHOUSE COMMISSION
OF THE STATE OF ILLINOIS.

To the.....Rail.....Company:

WHEREAS, facts have come to the knowledge of the Railroad and Warehouse Commission of the State of Illinois, which give the said Commission cause to believe that the grade crossing between the main tracks of the.....Rail.....Company and the.....Rail.....Company, situated in the county of in the State of Illinois, is probably dangerous to the public, and to persons operating trains across and over the same, and that said crossing probably requires protection by proper devices, machinery and appliances, in accordance with an act of the General Assembly entitled "An act to protect persons and property from danger at the crossings and junctions of railroads," etc., approved June 2, 1891.

Now, therefore, you the said.....Rail..... Company, impleaded herein with the said.....Rail.....Company, are hereby notified and cited to come before the said Railroad and Warehouse Commission at on the.....day of..... 189., at the hour of.....o'clock...M., then and there to show cause why you should not be required to unite with said.....Rail.....Company in providing said crossing with such safety appliances, devices and machinery, as may, in the judgment of said Commission, after full hearing, be thought requisite for the proper protection thereof; and said Commission, in case the protection of said crossing is, after hearing, deemed necessary, will also, unless the companies agree thereon, prescribe and order proper devices, machinery and appliances for the protection of said crossing, and also fix the proportion of cost each

company concerned shall pay for the construction, maintenance and operation thereof; upon all which matters you will, through your proper officer or counsel, be fully heard at the time and place specified, if you see fit to appear.

Witness.....Secretary of said Commission, and the seal thereof at Springfield, Illinois, thisday of.....A. D. 189....

.....
Secretary.

XV.

The form of notification to be given in cases arising under the act of 1889, concerning crossings, may be in substantially the following form:

Office of the Railroad and Warehouse Commission of the State of Illinois.

To the.....Rail.....Company:

You are hereby notified that on the.....day of.....189.... the..... Rail.....Company filed in the office of the Railroad and Warehouse Commission of the State of Illinois, a petition praying the Commission for leave to cross with its tracks the main line of your railroad at.....in the county of.....in the State of Illinois, in pursuance of an act of the General Assembly approved May 27, 1889, entitled, "An act in relation to the crossing of one railway by another, and to prevent danger to life and property from grade crossings;" and you are further notified that under the rules of said Commission the said petition will stand for hearing at the office of said Commission, in the State House, in the city of Springfield, Illinois, on.....the..... day of.....189...., at 9 o'clock A. M., at which time and place you can appear through your proper officers or counsel and be heard upon the questions involved in said petition, if you see fit to do so.

The Commission will, if practicable, advise you of the time when the site of said crossing will be viewed, so that you may be present if you desire.

Witness.....Secretary of said Commission, and the seal thereof, at Springfield, Illinois, this.....day of.....A. D. 189....

.....
Secretary.