

quiring it to file a summary of its books and records pertaining to its rates was also held not to violate the Fifth Amendment.⁵⁰⁹

Congressional Regulation of Railroads.—Legislation and administrative orders pertaining to railroads have been challenged repeatedly under the Due Process Clause, but seldom with success. Orders of the Interstate Commerce Commission establishing through routes and joint rates have been sustained,⁵¹⁰ as has the Commission's division of joint rates to give a weaker group of carriers a greater share of such rates where the proportion allotted to the stronger group was adequate to avoid confiscation.⁵¹¹ The recapture of one-half of the earnings of railroads in excess of a fair net operating income, such recaptured earnings to be available as a revolving fund for loans to weaker roads, was held valid on the ground that any carrier earning an excess held it as trustee.⁵¹² An order enjoining certain steam railroads from discriminating against an electric railroad by denying it reciprocal switching privileges did not violate the Fifth Amendment even though its practical effect was to admit the electric road to a part of the business being adequately handled by the steam roads.⁵¹³ Similarly, the fact that a rule concerning the allotment of coal cars operated to restrict the use of private cars did not amount to a taking of property.⁵¹⁴ Railroad companies were not denied due process of law by a statute forbidding them to transport in interstate commerce commodities that they manufactured, mined, or produced.⁵¹⁵ An order approving a lease of one railroad by another, upon condition that displaced employees of the lessor should receive partial compensation for the loss suffered by reason of the lease,⁵¹⁶ is consonant with due process of law. A law prohibiting the issuance of free passes was held constitutional even as applied to abolish rights created by a prior agreement by which the carrier bound itself to issue such passes annually for life, in settlement of a claim for personal injuries.⁵¹⁷ A non-arbitrary Interstate Commerce Commission order establishing a non-compensatory rate for carriage of certain commodities does not violate the Due

⁵⁰⁹ *Isbrandtsen-Moller Co. v. United States*, 300 U.S. 146 (1937).

⁵¹⁰ *St. Louis S.W. Ry. v. United States*, 245 U.S. 136, 143 (1917).

⁵¹¹ *New England Divisions Case*, 261 U.S. 184 (1923).

⁵¹² *Dayton-Goose Creek Ry. v. United States*, 263 U.S. 456, 481, 483 (1924).

⁵¹³ *Chicago, I. & L. Ry. v. United States*, 270 U.S. 287 (1926). *Cf.* *Seaboard Air Line Ry. v. United States*, 254 U.S. 57 (1920).

⁵¹⁴ *Assigned Car Cases*, 274 U.S. 564, 575 (1927).

⁵¹⁵ *United States v. Delaware & Hudson Co.*, 213 U.S. 366, 405, 411, 415 (1909).

⁵¹⁶ *United States v. Lowden*, 308 U.S. 225 (1939).

⁵¹⁷ *Louisville & Nashville R.R. v. Mottley*, 219 U.S. 467 (1911).