**Southern Railway Co. Vs. United States**

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**Court** : US Supreme Court

**Decided On :** Oct-30-1911

**Appeal No.** : 222 U.S. 20

**Appellant** : Southern Railway Co.

**Respondent** : United States

**Judgement** :

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U.S. Supreme Court Southern Railway Co. v. United States, 222 U.S. 20 (1911)

**Southern Railway Company v. United States**

**No. 28**

**Argued March 9, 10, 1911**

**Decided October 30, 1911**

**222 U.S. 20**

*ERROR TO THE DISTRICT COURT OF THE UNITED STATES*

*FOR THE NORTHERN DISTRICT OF ALABAMA*

## SYLLABUS

The Safety Appliance Act of March 2, 1893, 27 Stat. 531, c. 196, as amended March 2, 1903, 32 Stat. 943, c. 976, embraces all locomotives, cars, and similar vehicles used on any railway that is a highway of interstate commerce, and is not confined exclusively to vehicles engaged in such commerce.

The power of Congress under the commerce clause of the Constitution is plenary and competent to protect persons and property moving in interstate commerce from all danger, no matter what the source may be; to that end, Congress may require all vehicles moving on highways of interstate commerce to be so equipped as to avoid danger to persons and property moving in interstate commerce.

As between opposing views in regard to the construction of a statute, the Court in this case accepts the one in accord with the manifest purpose of Congress.

It is of common knowledge that interstate and intrastate commerce are commingled in transportation over highways of interstate commerce, that trains and cars on the same railroad, whether engaged

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in one form of traffic or the other, are interdependent, and that absence of safety appliances from any part of a train is a menace not only to that train but to others.

164 F. 347 affirmed.

The facts, which involve the construction and constitutionality of certain sections of the Safety Appliance Acts, are stated in the opinion.

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MR. JUSTICE VAN DEVANTER delivered the opinion of the Court.

This was a civil action to recover penalties for the violation in specified instances of the Safety Appliance Acts of Congress. 27 Stat. 531, c. 196, 32 Stat. 943, c.

976. The government prevailed in the district court, and the defendant sued out this direct writ of error.

Briefly stated, the case is this: the defendant, while operating a railroad which was "a part of a through highway" over which traffic was continually being moved from one state to another, hauled over a part of its railroad, during the month of February, 1907, five cars the couplers upon which were defective and inoperative. Two of the cars were used at the time in moving interstate traffic and the other three in moving intrastate traffic, but it

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does not appear that the use of the three was in connection with any car or cars used in interstate commerce. The defendant particularly objected to the assessment of any penalty for the hauling of the three cars, and insisted first that such a hauling in intrastate commerce although upon a railroad over which traffic was continually being moved from one state to another was not within the prohibition of the safety appliance acts of Congress, and second that if it was, those acts should be pronounced invalid as being in excess of the power of Congress under the commerce clause of the Constitution. But the objection was overruled, 164 F. 347, and error is assigned upon that ruling.

The original Act of March 2, 1893, 27 Stat. 531, c. 196, imposed upon every common carrier "engaged in interstate commerce by railroad" the duty of equipping all trains, locomotives, and cars used on its line of railroad in moving interstate traffic with designated appliances calculated to promote the safety of that traffic and of the employees engaged in its movement, and the second section of that act made it unlawful for "any such common carrier" to haul or permit to be hauled or used on its line of railroad any car "used in moving interstate traffic" not equipped with automatic couplers capable of being coupled and uncoupled without the necessity of a man's going between the ends of the cars. The Act of March 2, 1903, 32 Stat. 943, c. 976, amended the earlier one and enlarged its scope by declaring, *inter alia,* that its provisions and requirements should

"apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith."

Both acts contained some minor exceptions, but they have no bearing here.

The real controversy is over the true significance of

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the words "on any railroad engaged" in the first clause of the amendatory provision. But for them, the true test of the application of that clause to a locomotive, car, or similar vehicle would be, as it was under the original act, the use of the vehicle in moving interstate traffic. On the other hand, when they are given their natural signification, as presumptively they should be, the scope of the clause is such that the true test of its application is the use of the vehicle on a railroad which is a highway of interstate commerce, and not its use in moving interstate traffic. And so certain is this that we think there would be no contention to the contrary were it not for the presence in the amendatory provision of the third clause -- "and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith." In this there is a suggestion that what precedes does not cover the entire field; but at most it is only a suggestion, and gives no warrant for disregarding the plain words, "on any railroad engaged" in the first clause. True, if they were rejected, the two clauses, in the instance of a train composed of many cars, some moving interstate traffic and others moving intrastate traffic, would, by their concurrent operation, bring the entire train within the statute. But it is not necessary to reject them to accomplish this result, for the first clause, with those words in it, does even more -- that is to say, it embraces every train on a railroad which is a highway of interstate commerce, without regard to the class of traffic which the cars are moving. The two clauses are in no wise antagonistic, but, at most, only redundant, and we perceive no reason for believing that Congress intended that less than full effect should be given to the more comprehensive one, but, on the contrary, good reason for believing otherwise. As between the two

opposing views, one rejecting the words "on any railroad engaged" in the first clause and the other treating the third clause as redundant, the latter is to be preferred, first because it is

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in accord with the manifest purpose, shown throughout the amendatory act, to enlarge the scope of the earlier one and to make it more effective, and second because the words which it would be necessary to reject to give effect to the other view were not originally in the amendatory act, but were inserted in it by way of amendment while it was in process of adoption (Cong.Rec. 57th Cong., 1st Sess., vol. 35, pt. 7, p. 7300; *id.,* 2d Sess., vol. 36, pt. 3, p. 2268), thus making it certain that, without them, the act would not express the will of Congress.

For these reasons, it must be held that the original act, as enlarged by the amendatory one, is intended to embrace all locomotives, cars, and similar vehicles used on any railroad which is a highway of interstate commerce.

We come, then, to the question whether these acts are within the power of Congress under the commerce clause of the Constitution, considering that they are not confined to vehicles used in moving interstate traffic, but embrace vehicles used in moving intrastate traffic. The answer to this question depends upon another, which is, is there a real or substantial relation or connection between what is required by these acts in respect of vehicles used in moving intrastate traffic and the object which the acts obviously are designed to attain -- namely, the safety of interstate commerce and of those who are employed in its movement? Or, stating it in another way, is there such a close or direct relation or connection between the two classes of traffic, when moving over the same railroad, as to make it certain that the safety of the interstate traffic and of those who are employed in its movement will be promoted in a real or substantial sense by applying the requirements of these acts to vehicles used in moving the traffic which is intrastate as well as to those used in moving that which is interstate? If the answer to this question, as doubly stated, be in the affirmative, then the principal question must be answered in the same way. And this is

so not because Congress possesses any power to regulate intrastate commerce as such, but because its power to regulate interstate commerce is plenary, and competently may be exerted to secure the safety of the persons and property transported therein and of those who are employed in such transportation, no matter what may be the source of the dangers which threaten it. That is to say, it is no objection to such an exertion of this power that the dangers intended to be avoided arise, in whole or in part, out of matters connected with intrastate commerce.

Speaking only of railroads which are highways of both interstate and intrastate commerce, these things are of common knowledge: both classes of traffic are at times carried in the same car, and when this is not the case, the cars in which they are carried are frequently commingled in the same train and in the switching and other movements at terminals. Cars are seldom set apart for exclusive use in moving either class of traffic, but generally are used interchangeably in moving both, and the situation is much the same with trainmen, switchmen, and like employees, for they usually, if not necessarily, have to do with both classes of traffic. Besides, the several trains on the same railroad are not independent in point of movement and safety, but are interdependent, for whatever brings delay or disaster to one, or results in disabling one of its operatives, is calculated to impede the progress and imperil the safety of other trains. And so the absence of appropriate safety appliances from any part of any train is a menace not only to that train, but to others.

These practical considerations make it plain, as we think, that the questions before stated must be answered in the affirmative.

*Affirmed.*