

**NATIONAL
OWNERSHIP
OF RAILWAYS**

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National Ownership of Railways by Charles H. Vail

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CHARLES H. VAIL

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BY
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UNIVERSITY OF
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CONTENTS.

CHAPTER I. Public Highways,	6
II. Analogy,	7
III. Accumulation of Wealth,	8
IV. Corruption of Politics,	11
V. Discriminations,	15
VI. The Remedy,	21
VII. Method of Purchase,	22
VIII. The Cost,	23
IX. Economy of Public Ownership,	25
X. Experience,	33
XI. Public Safety Demands Government Ownership,	36
XII. Objections Considered,	37

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INTRODUCTION.

Society is an organism and as such is constantly evolving new relations and bringing into the foreground new duties. There is nothing in all past history to correspond with the rapid changes now going on in the civilized world. These new conditions have brought us problems that command our most earnest attention.

Perhaps no greater question has appeared above the horizon of the industrial world than the relation of the government to the railways of the country. Shall the railroads be owned and operated as private or as public property? This is the point at issue. Believing with many others that public ownership is the only solution of the railroad problem, I offer in evidence of this position the following reasons for the faith which is in us.

I. PUBLIC HIGHWAYS.

The Railways are Public Highways and as such, being necessary to transportation as a means of exchange, they should be owned and operated by Society in the interest of Society.

Highways are not private but public institutions, and when government lets out the construction of its highways, giving to corporate bodies the privilege of taxing those who use them, there is always retained a superintending power, a right to regulate the charges imposed upon the public. That the government has a right to prescribe rates has been so well established by judicial decisions that it is no longer a question for discussion. It is the duty of the State to provide inter-communication, and the chartering of a railroad by a private company is for the purpose of performing said duty for the State. Says Chief Justice Black:— "A railway is a public highway for the public benefit, and the right of the corporation to exact a uniform, reasonable, stipulated toll from those who pass over it, does not make its main use a private one. The public have an interest in such a road when it belongs to a corporation as clearly as they would if it were free, or if the tolls were payable to the State."

This fact is well stated by Mr. Stickney in the following language:—"Whoever builds or operates a railroad performs the functions of the government under a license or authority from the government." To quote an eminent Judge:—"Railway companies must be considered as trustees or agents of the State, entrusted with certain of its powers for the purpose of effecting particular objects coming within the legi-

timate ends of government. Upon no other theory is it possible to justify the imposition of taxes to forward the enterprise in which they are engaged, or the exercise by them of the right of 'eminent domain'."

This doctrine has been affirmed by the Supreme Courts of many states as well as by the United States Supreme Court, and may now be regarded as settled.* Such being the Nation's prerogative, why should not the Nation assume its duty directly, especially if its agents are found to be oppressing the people whom the government is bound to protect?

II. ANALOGY.

Every civilized country has found it necessary to own its own highways. Experience has shown that interests of such vast importance cannot safely be entrusted to private parties. The owners of property are quite inclined to use it to subserve their own interest. If the people would secure the benefits they must own the property. All the arguments in favor of placing other highways under public control, are as valid when applied to highways of iron.

James A. Garfield once said in Congress: "Since the dawn of history, the great thoroughfares have belonged to the people, have been known as the king's highways, or the public highways, and have been open to the free use of all, on payment of a small uniform tax or toll, to keep them in repair. But now the most perfect, and by far the most important roads known to mankind, are owned and managed as private property by a comparatively small number of private citizens." These "Corporations have become conscious of their strength, and have entered upon the work of controll-

* "The Railway Problem," A. B. Stickney, Ch., XVII. Appendix.

"Railways of Europe and America," Mrs. Todd, Ch., IX.