

**STUDIES IN HISTORY, ECONOMICS  
AND PUBLIC LAW. VOLUME LXVII,  
NUMBER 2, WHOLE NUMBER 162;  
STATE REGULATION OF RAILROADS  
IN THE SOUTH, PP. 317-538**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649711697

Studies in History, Economics and Public Law. Volume LXVII, Number 2, Whole Number 162;  
State Regulation of Railroads in the South, pp. 317-538 by Maxwell Ferguson

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**MAXWELL FERGUSON**

**STUDIES IN HISTORY, ECONOMICS  
AND PUBLIC LAW. VOLUME LXVII,  
NUMBER 2, WHOLE NUMBER 162;  
STATE REGULATION OF RAILROADS  
IN THE SOUTH, PP. 317-538**



ECT  
353 s

**STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW**

EDITED BY THE FACULTY OF POLITICAL SCIENCE  
OF COLUMBIA UNIVERSITY

Volume LXVII]

[Number 2

Whole Number 162

**STATE REGULATION OF RAILROADS  
IN THE SOUTH**

BY

**MAXWELL FERGUSON, A. M., LL.B.**

*Sometime University Fellow in Political Science, Columbia University  
Instructor in Economics, Vassar College*



New York

**COLUMBIA UNIVERSITY**

LONGMANS, GREEN & CO., AGENTS,

LONDON: P. S. KING & SON, LTD.

1916

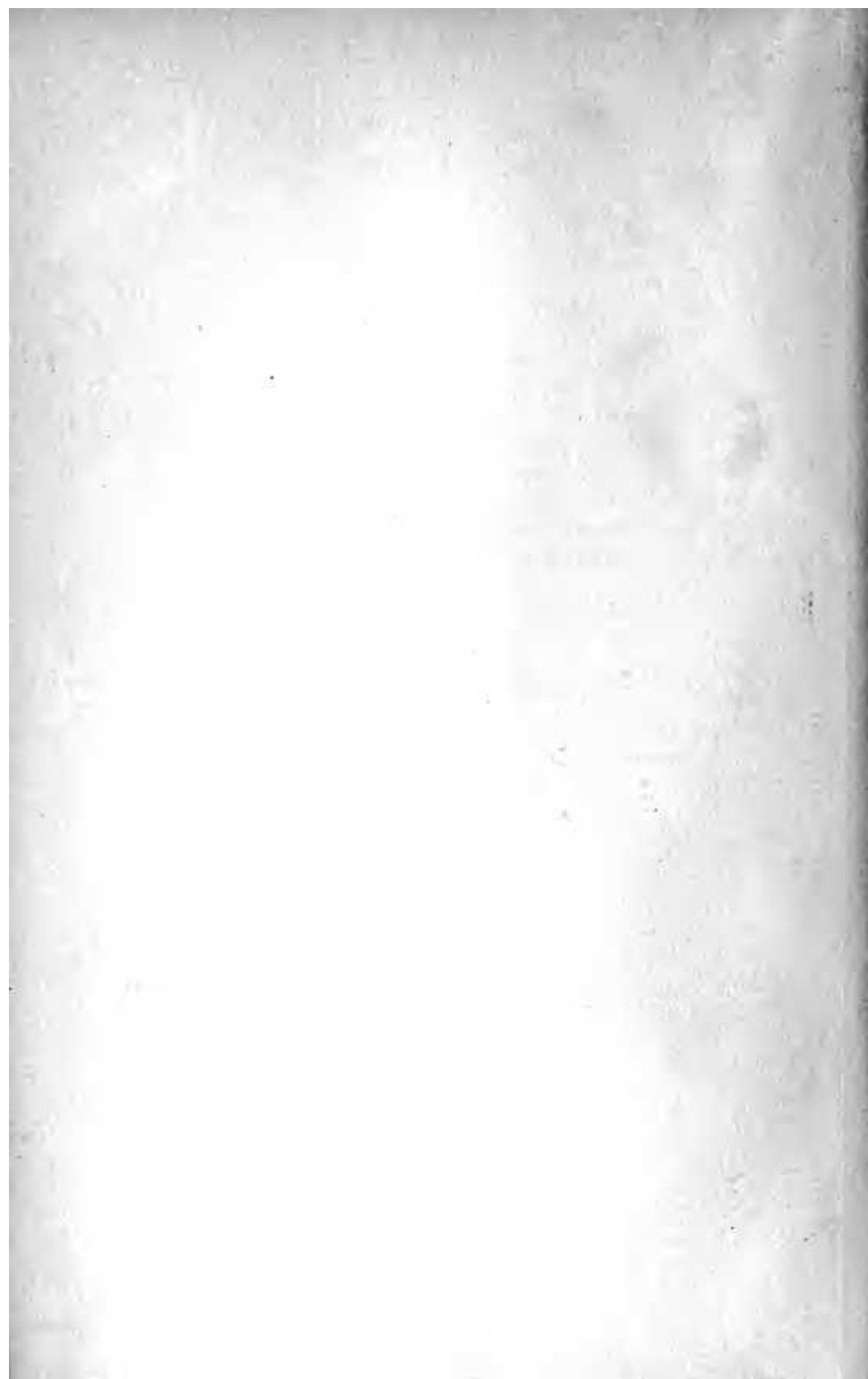
151032

10-6-19

1-100  
100-1

COPYRIGHT, 1916  
BY  
MAXWELL FERGUSON

TO  
MY FATHER AND MOTHER





## PREFACE

IN this study the author has endeavored to outline the development of state regulation of railroads in the South, with special reference to the growth and present status of regulation through the various state commissions. The chapters on Charters, Early Laws, Constitutions, and Recent General Railway Legislation are to be understood as introductory, merely, to the main body of the monograph.

That there is a need for some treatise upon the subject with which this one attempts to deal has for some time been recognized by southern scholars. But whether the publication of the pages here offered is justifiable, in view of the brief treatment, only, which the author has been able to give to this immense field, is a question concerning which he has long had the gravest doubts. He has concluded to offer the treatise in its present form, however, in the hope that students in the various colleges and universities of the South may be encouraged to take up the study of railroad regulation in each one of the southern states, aided by the brief sketches here presented, and that thus the whole field may be the sooner covered in the adequate manner to which its importance entitles it.

The reader will notice that the treatment of the subject in this study has been confined to those states, only, which lie east of the Mississippi and south of the Ohio rivers and that, accordingly, the states of Maryland, Missouri, Arkansas and Texas are not touched upon.

This is for the reason, mainly, that the author has for some time been working in the general field of railroad transportation in the South with the hope of producing within a few years a treatise upon the more recent developments in those states which are included in the Southern Freight Classification. It is proposed, in that work, to treat of such topics as the Growth of the Principal Southern Railroad Systems, Intercorporate Relations, Special Rate Problems, and State and Federal Regulation. This present monograph is offered, then, as a small part of a larger work.

In his search for facts the writer has had to presume upon the courtesy of many officials and friends in various parts of the South whose generous coöperation has been of such assistance as to preclude a full acknowledgment in this place of his indebtedness. He is under special obligation, however, to Professor Charles Lee Raper, of the University of North Carolina, for the suggestion of the subject of this study, for sound criticism of the more important drafts and for continued advice and encouragement; and to Professor W. C. Mitchell, for his careful reading of the manuscript and galley proof. To Professor Edwin R. A. Seligman, especial acknowledgments are due, and are here gratefully tendered, both for his kindness in revising and preparing this study for publication, and for helpful suggestions and stimulating criticism throughout the whole of the author's graduate course. Finally, to all the remaining members of the Faculty of Political Science under whom he has studied, he wishes to extend his gratitude for the widened outlook upon human activity which they have steadily set before him.

MAXWELL FERGUSON.

NEW YORK CITY, 1916.

## TABLE OF CONTENTS

### PART I

#### INTRODUCTION

#### CHAPTER I

##### CHARTERS

	PAGE
<i>Introductory</i> . . . . .	13
Rendering of Safe and Prompt Service. . . . .	13
Co-operation in Transportation . . . . .	13
Regulation of Tariffs . . . . .	14
Miscellaneous. . . . .	15

#### CHAPTER II

##### EARLY GENERAL LAWS

Virginia Law of 1837 . . . . .	17
North Carolina Law of 1872. . . . .	19
Conclusions. . . . .	20

#### CHAPTER III

##### CONSTITUTIONAL PROVISIONS AFFECTING RAILROADS

Incorporation. . . . .	21
Public Aid . . . . .	22
Direct Regulation and Control . . . . .	22

#### CHAPTER IV

##### RECENT GENERAL RAILWAY LEGISLATION

In General . . . . .	26
Conditions of Incorporation . . . . .	27
Construction, Maintenance and Operation . . . . .	31
Regulation of Traffic . . . . .	36
Rates . . . . .	37
Reports . . . . .	40