

engage, for instance, in the grocery business, unless government first forbids. In the nature of things that business is open to anyone. But nobody can engage in the street-car business without getting authority from government; and that is according to the nature of the business, and not a result of prior interference by government. This distinction is made unanimously by the judges of the Supreme Judicial Court of Massachusetts, the highest court of that State.

These Massachusetts judges gave their opinions upon a formal application of the legislature. It was in the Winter of 1903, and with reference to a proposed establishment of governmental agencies for the buying and selling of fuel. The court judicially advised the legislature, as appears by House document No. 511 of the session of 1903, that this could not be done constitutionally; because it would involve the expenditure of public money, derived from the taxation of individuals, for other than a public use, which the Massachusetts constitution forbids. It was in coming to that conclusion that the court noted the distinction between public function and private business to which we refer above. "The business of selling fuel," reads the opinion, "can be conducted easily by individuals in competition. It does not require the exercise of any governmental function, as does the distribution of water, gas and electricity, which involves the use of the public streets and the exercise of the right of eminent domain."

A suggestion regarding government railroads comes from an unexpected source—for such a suggestion. It is the proposal of a former member of Congress from New York, a man of importance for many years in metropolitan business circles, Mr. William J. Coombs. Mr. Coombs submitted his suggestion to the Manufacturers' Association of New York last February. It was published in the *Manufacturers' Journal* for March,

where we find it, together with a note that Mr. Coombs invites "correspondence and advice from those who approve or disapprove, at his address, 63 South Portland avenue, Brooklyn, N. Y."

It is to be observed that Mr. Coombs is not a socialist, nor an anarchist, and that he holds to the business men's and lawyers' superstition about the virtues of "vesting,"—namely that wrongs become right by "vesting." Such rights are distinguished from rights that are not wrong, by the term "vested rights." This attitude of mind adds force, however, to Mr. Coombs's suggestion, because the suggestion thus comes well recommended to the conservative intellect. What Mr. Coombs proposes is nothing less than a system of continental railroads, to be built, owned and maintained by the general government, and to be open to competitive use, under appropriate regulations as to safety, etc. They would be great public highways.

Mr. Coombs bases his suggestion upon a pertinent and very searching question. Listen to him:

It has been considered proper and legitimate for any State, or for the general government, to construct canals in the aid of commerce. It has occurred to me of late to ask: Why, if it is legitimate for the government to construct a waterway through land in aid of commerce, through which any citizen or company can upon paying toll and complying with strict regulations, convey his or its boats or barges, is it not just as legitimate and feasible for it to construct a steel way over land, upon which any railroad company, new or old, any corporation or private individual, can convey a car or train of cars to the desired market?

Sure enough, why not? For no other reason under heaven than that all the pathetic "widows and orphans" of the stock-watering world would oppose it. They would oppose it because it would ruin—not their legitimate properties, but—their illegitimate monopolies.

Precisely such a solution of the railroad problem has long been

advocated by Tom L. Johnson. He was in Congress with Mr. Coombs, and it is to be hoped that these two may proceed more urgently to press their idea upon the public mind. Mr. Johnson has made a considerable elaboration of his plan. The substance of it is that there should be a main line from coast to coast, and another from Canada to the Gulf; that no attempt should be made to touch cities, each city being left to make its own connections with these two great intersecting continental highways, which should be built as straight as possible; and that there should be several tracks, according to the necessities of classes of trains—some tracks for the highest speed and on which there should be no stoppages, some for high speed with stops, some for lower speed, and some for strictly way trains. Mr. Johnson has carefully calculated the practicability, the economy, and the problem-solving possibilities of such a system, owned and maintained by the general government so far as the highway is concerned, but operated by individuals and corporations in competition so far as trains and transportation are concerned.

Such seems also to be Mr. Coombs's conception in the main. For purposes of illustration he tentatively describes the system he suggests as follows:

Beginning at the Atlantic seaboard in the neighborhood of 40 to 41 degrees of latitude, passing westward through New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Nebraska, Colorado, Nevada and California, all on that parallel or as nearly so as physical conditions would permit, to the Pacific coast. At a point near 78 degrees longitude it would be joined by a road passing through West Virginia to Washington and another going northeast through Connecticut and Massachusetts to Maine; also at a point near 108 degrees longitude in the State of Colorado by a road running northwest through Idaho, Montana and Washington to Puget sound. This road would penetrate the anthracite coal regions, through the wheat, corn and mineral belts, as well as through large manufacturing sections, and supply a route for the increasing trade of Alaska and the Orient.