

growth of the city and not from any act or activity on the part of the utility company.

It was, of course, in the early phase of their development, a principle earnestly contended for by the public service companies, that they were simple commercial enterprises, operated for private gain and in no wise to be differentiated from any other business or manufacturing concern. This contention was admitted by the public generally, and was, in fact, sanctioned by judicial authority. Thus we find the Supreme Court of Connecticut declaring in the sixties, 30 Conn. 523, that a gas company was a manufacturing corporation engaged in a private business and could sell at such price as it pleased and to whom it pleased. The court said that no reason could be seen "for subjecting the maker of gas to duties or liabilities beyond those to which the manufacturers and venders of other commodities are subjected by the rules of law."

We would probably be justified in saying that the case of *Munn v. Illinois*, 94 U.S. 113, decided in 1876, marked the end of the "Public be damned" policy, and the birth of the new order of things. That case was the enunciation by the Supreme Court of the United States, of the modern application of the common-law principle that any business or trade that constitutes a monopoly is subject to government regulation and control in the interest of the public at large. And the court held that an elevator, the services of which are a practical necessity to every shipper from that port, must submit to enactments requiring it to grant fair and reasonable rates to all. After this decision there followed with irresistible logic, legislative enactments particularly directed at common-carriers and resulting in the Interstate Commerce Act. The different States gradually awakened to the situation and enacted rate legislation applicable to all shipments arising and ending within their respective borders. From this it was but a step to place under the control of commissions, the remaining utilities of the state.

*The Growth of the Movement.*—We must not jump to the conclusion that all states have gone this far. On the contrary,