

## SENATE . . . . . No. 303.

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### Commonwealth of Massachusetts.

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*To the President and the Senate of the State of Massachusetts :*

The undersigned severally having money invested in the stock of the Marginal Freight Railway Company, most respectfully and earnestly protest against the repeal of the charter of that company, and the chartering of the Union Freight Railroad Company in its place. Because,

1. The railroad committee, upon whose report the repeal is proposed, have never had the matter of the repeal properly before them, and in recommending the same, have, the undersigned believe, altogether exceeded their powers and duties.

2. No investigation has been had into the affairs of the Marginal Company, such as would fairly or honestly justify the committee's report.

3. The subscribers have not been knowing or parties to any frauds as alleged in the committee's report.

4. There are some three hundred thousand dollars now invested in the Marginal Railroad stock, which the repealing of its charter sacrifices without compensation or remedy.

Wherefore the subscribers respectfully ask that an investigation may be made by a special committee into the affairs of the said Marginal Company, and as to the grounds for the allegations of fraud and dishonesty ; and upon this committee's report such action may be taken as justice and the public interest requires ; and that meanwhile further proceedings for

repealing the Marginal charter, and chartering the Union Freight Railroad Company (House Doc. No. 219) may be suspended to await this action.

G. W. GERRISH.  
 SAMUEL BIGELOW.  
 LUCY A. S. OSBORNE,  
 By A. P. OSBORNE.  
 W. B. BROWN.  
 LEVI H. STRAW.  
 A. H. HOYT.  
 J. WINGATE THORNTON.  
 JAMES B. THORNTON,  
 By J. W. T.  
 E. APPLETON.

The undersigned, of counsel for the Marginal Freight Railroad Company, at the hearing before the railway committee upon the bill to incorporate George B. Upton and others as the Union Freight Railway Company, certify that the proposition to repeal the charter of the Marginal Freight Railway Company was not made any part of the case before the committee, and that the hearing and arguments were directed to the question of chartering the proposed new company, *i. e.* the Union Freight Railway Company. We did not understand the repeal of the existing charter to be asked for or considered, except as far as the charter of the new company would interfere with the vested rights of the existing company.

I, A. A. Ranney, further say, that I expressly inquired if a repeal was proposed. The opposite counsel replied, or some one, that they proposed nothing about it. A bill was proposed before the committee, and nothing of that kind was in it.

A. A. RANNEY.  
 ALONZO B. WENTWORTH.