

SENATE....No. 131.

Commonwealth of Massachusetts.

IN SENATE, April 2, 1856.

The Joint Standing Committee on Railways and Canals, to whom was referred the Petition of James M. Blanchard and others, for an Act of incorporation for the purpose of constructing a Railroad from Connecticut State Line to Springfield, submit the following

REPORT:

The petitioners ask for an Act of incorporation to build a railroad from the line of the State of Connecticut, at or near Rising's Notch, so called, in the town of Southwick, to Springfield, or to such a point in the line of the Western Railroad, in West Springfield, as shall open a way to Springfield and the eastern part of the Commonwealth, over the track of said Western Railroad.

In 1852, the Farmington Valley Railroad Company was incorporated by the State of Connecticut, to build a road from the northern terminus of the New Haven and Northampton Railroad, or Canal Road, as it is familiarly called, in the town

of Granby, Ct., to the boundary line of Massachusetts, at or near Rising's Notch, at a proper point to connect with a railroad which may be chartered to run to Springfield. The grading of a road to this point, had been previously done by the Canal Road, to whose rights, over this line, the Farmington Valley Road succeeded.

The petitioners now ask for authority to meet the Farmington Valley Road at the State Line, thus to perfect the communication between that populous and thriving valley and the eastern and central sections of the Commonwealth. The length of the road asked for, from the State Line to a convenient point of juncture with the Western Railroad in Springfield, is less than five miles, and the running distance, over the Western Railroad to Springfield, is three and three-fourths miles. It is not anticipated by the petitioners, that it will be necessary to build the road further than to unite with the Western Road at West Springfield, using the tracks and bridge of the latter for the remaining distance.

The petitioners laid before the Committee accurate maps and surveys, and a profile of the route, showing that the grades would be moderate and the construction not difficult.

The estimated cost, if united with the Western Railroad at West Springfield, is less than \$150,000; and if it should become necessary to lay an independent track to Springfield, and to bridge the Connecticut River, the cost of the whole line is estimated at less than \$300,000.

The evidence before the Committee disclosed a large amount of business transacting in the valley of the Farmington River, already requiring intimate intercourse with Springfield, Chicopee, Holyoke, Worcester, and the other eastern towns and cities of the Commonwealth, and a corresponding business in said towns and cities, with the Farmington Valley, each furnishing to the other their productions.

The testimony to the Committee was to the effect, that the relations between these points would be vastly more intimate, if there were a direct railway communication on the line asked for by the petitioners. Gentlemen resident in the Farmington Valley, and connected with some of its manufacturing establishments, stated that they were, to a good extent, cut off from central and eastern Massachusetts, and especially from

Boston, by the want of this road; that though nearly equidistant from Boston and New York, a preponderance of their trade is now done in the latter city, to which there is a direct line of railway, while the circuitry, expense and delay involved in getting to Boston, and in getting freight to and from that city, deprives them, in no small degree, of the benefits of its markets; that the desire to open this communication was quite general among the business men of the valley, and had existed and grown stronger for many years. They also stated that their business connections with Springfield, as a place of trade, with its banking and insurance companies, and with the manufactures and machine shops at Chicopee, Holyoke and Worcester, needed only a direct line of railroad to make them more intimate and mutually valuable.

The petitioners also urged upon the Committee, as convincing evidence of the desire of the citizens of Connecticut for this road, that the legislature of that State had been prompt in chartering a road in that State to connect with it, and that Massachusetts had never been backward in meeting and welcoming the inhabitants of other States who have sought access to her markets. The Committee were reminded, that before the construction of the Western Railroad, nearly all the trade of every kind, in the Connecticut Valley and west of it, went to New York, and but for the tie of a common legislature and a common jurisdiction, the inhabitants of the valley would have been almost strangers to Boston and the eastern portion of the Commonwealth; that an entire change, in this respect, had been wrought by the opening of that important avenue of travel and trade, and that the same policy would dictate the construction of the road now prayed for, in order to open a new field to the competition of our manufacturers and our merchants.

To the question, as to whether or not the opening of the Hampden Railroad to Westfield did not afford the facilities sought for by the petitioners,—it was answered, and established by evidence satisfactory to the Committee, that, although the Hampshire and Hampden Road was useful for the local accommodation of the district lying along its line, and also for the communication it opened west and north, it, nevertheless, did not supply the want of a direct route to eastern Mas-

sachusetts; that the distance from Granby, Ct., (the point where the Westfield branch diverges from the main line of the Farmington Valley Railroad,) to Springfield, is only thirteen and a half miles, while the distance between the same point, by way of Westfield, is twenty and a half miles. It was also shown, that a greater obstacle still existed to the use of the Westfield Road for passengers and freight going eastward, in the failure of trains to connect with those of the Western Road, and in the delay caused by the transshipment of freight at Westfield; and that passengers going between Springfield and the Farmington Valley Road now find the route through Hartford the most convenient and expeditious. The Committee would further say, that, up to return day of the Order of Notice, no remonstrances to the prayer of the petitioners appeared, and on return day, no party or parties presented themselves to oppose said prayer; nevertheless, for the information of the legislature, the Committee deem it proper to state a few facts in the history of a project which, it is well known, has been heretofore warmly opposed.

The Committee find that prior to 1851, petitions for this road were rejected, mainly on the ground that no road had been chartered in the State of Connecticut to meet the proposed road from Springfield, and that the project was, therefore, premature. In 1850 the railroad commissioners of Connecticut located the Canal Road to Rising's Notch, and that company graded the line to the Notch. In 1851 the legislature of Connecticut confirmed that location, and in 1852 chartered the Farmington Railroad Company, transferring to them the previously existing rights of the Canal Company over that line. Prior to this, in the same year, (1852,) the legislature of Massachusetts had acted on reported bills for roads over both the Springfield and the Westfield routes. The latter, however, only passed, under the name of the Hampden Railroad Company. (Acts of 1852, chap. 276.) Subsequently, in the same year, (chap. 315,) the Northampton and Westfield Railroad was chartered, pursuing the line of the old canal to its original terminus at Northampton. In 1853, (chap. 397,) these two roads were consolidated, and are now completed. No special objection was ever made by the friends of the Springfield Road to the chartering of the road to Westfield,

but the friends of the latter project did object to the incorporation of any other line until theirs was chartered. In 1852, priority in time, to get their stock subscribed and road built, was what the friends of the Westfield Road chiefly desired. They urged a claim upon the legislature to their priority, because of the local wants of their Valley, and to recompense them for the losses they had sustained in building the canal. In 1853, the committee on railways and canals reported unanimously in favor of the road to Springfield; but the bill was lost in the Senate.

In 1854, the committee on railways and canals again reported in favor of the petitioners for this road, and it again failed of its passage. In both these years, the owners and friends of the Westfield and Northampton Road appeared as remonstrants; but their road was not then, as now, completed. In 1855, a petition for the road was presented, but so late in the session as not to receive the consideration of the Committee. So great has been the desire for the road along the proposed line, that, in 1853, as the Committee were informed, releases of the right of way were obtained in a single day for the whole distance. Having, however, no authority to cross the public highways, the road could not be constructed.

Notwithstanding the facts before stated, that no remonstrance had been presented to the prayer of the petitioners prior to the return day of the Order of Notice, and that no party appeared to oppose said petitioners on return day, the Committee, subsequently, and on application of the Hampshire and Hampden Railroad Company, met in session, and heard their objections to the proposed road. The Committee also listened to objections to the road from the Hartford and New Haven Railroad Company, upon whom no Order of Notice had been served.

Subsequently, a remonstrance from the town of Westfield was referred to the Committee, containing several reasons why the prayer of the petitioners should not be granted, the substance of which, in brief, is as follows:—

1st. Because five full hearings have already been had before the legislature, and in each case the petitioners have been refused a charter.

2d. That but one railroad is needed from the southern terminus of the railroad from New Haven to Granby, Ct., to the Western Railroad, and the legislature, by chartering the road from said terminus, to Westfield, gave an implied pledge that no other conflicting line should be chartered, unless upon proof that the road chartered was insufficient to accommodate the travelling and business public.

3d. That, acting under the belief that the legislature would regard these repeated decisions as final and conclusive, citizens on the line of the Hampshire and Hampden Railroad have invested, in cash and bonds, some \$500,000, for the construction of a road from the State Line, through several towns, which stock and bonds the chartering of a conflicting road will depreciate, without any corresponding advantage to the public.

4th. Because the present arrangements of trains for passengers and freight from the Farmington Valley, going east or west, is as good as would exist if the proposed road was built.

5th. Because the public interest is better subserved by one road than by two conflicting, unremunerating roads.

With these and other reasons against the prayer of the petitioners, and after a full investigation of the reports of other committees, and the action of other legislatures, the Committee report the accompanying Bill.

For the Committee,

J. E. DAWLEY.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Six.

AN ACT

To incorporate the Springfield and Farmington Valley Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

1 SECT. 1. James M. Blanchard, Edward South-
2 worth, Willis Phelps, Samuel S. Day, Caleb Rice,
3 their associates and successors, are hereby made a
4 corporation, by the name of the Springfield and Farm-
5 ington Valley Railroad Company, with all the powers
6 and privileges, and subject to all the duties, restric-
7 tions and liabilities set forth in the forty-fourth chap-
8 ter of the Revised Statutes, and in that part of the
9 thirty-ninth chapter of said statutes, relating to rail-

10 road corporations, and in all general laws, which are
11 now, or may hereafter be, in force, relating to rail-
12 roads in this Commonwealth.

1 SECT. 2. Said corporation is hereby authorized and
2 empowered to construct and maintain a railroad, with
3 one or more tracks, from the line of the State of Con-
4 necticut, at or near Rising's Notch, so called, in the
5 town of Southwick, at the termination of a railroad
6 incorporated by the State of Connecticut, as the
7 Farmington Valley Railroad, thence running by, or
8 near the village of Feeding Hills, and by Mitten-
9 eaque in West Springfield, to some point in Springfield,
10 at or near the depot of the Western Railroad; or if
11 said corporation shall so elect, to some convenient
12 point on the Western Railroad in West Springfield,
13 with power, by proper turnouts and switches, to enter
14 upon and use said Western Railroad, from said points
15 to their depot in Springfield, according to the provi-
16 sions of law; and with further power, by agreement
17 with said Western Railroad Corporation, to construct
18 and lay down upon said Western Railroad, one or
19 more additional tracks from the point of junction in
20 West Springfield to their depot in Springfield, and to
21 use the same, and the bridge of said Western Rail-
22 road separately, or jointly with said Western Railroad
23 Corporation, as may be agreed.

1 SECT. 3. The capital stock of said corporation
2 shall consist of not exceeding three thousand shares
3 of one hundred dollars each; and no assessment shall
4 be made thereon to a greater amount in the whole,
5 than one hundred dollars on each share.

1 SECT. 4. The legislature may, after five years from
2 the time when said railroad shall be opened for use,
3 from time to time, reduce the rates of toll or profits
4 upon said road ; but the same shall not be so reduced
5 without the consent of said company, as that the net
6 profits of said road shall yield less than ten per centum
7 per annum to the stockholders.

1 SECT. 5. If the location of said railroad shall not
2 be filed according to law, within two years, or if the
3 said railroad shall not be constructed within three years
4 from the passage of this act, the same shall be void.

1 SECT. 6. Said corporation may contract with the
2 owners of any contiguous railroad or railroads, within
3 this State, or in the State of Connecticut, for the use
4 of the whole or any part of such railroad or railroads,
5 or for running and operating said railroads conjointly,
6 or for the hiring of such contiguous road or roads, or
7 for the leasing of their own road to the owners of
8 such contiguous road or roads.

1 SECT. 7. This act shall take effect from and after
2 its passage.

