

HOUSE No. 323.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 22, 1875.

The Committee on Claims, to whom was referred the petition of Charles Burleigh for compensation by the State for services and expenditures rendered and made in the construction of the Hoosac Tunnel and for the use of rights secured to him by letters patent, have considered the same and report as follows:—

That in 1866 and 1867, the Putnam Machine Company, of Fitchburg, furnished to the State, by permission of Charles Burleigh, the patentee, sixteen patent-drills, at the bare cost of manufacture, which was about three hundred dollars for each drill. Two of these drills Mr. Burleigh transported to the Tunnel, at an expense of about thirty dollars, which sum has never been reimbursed to him by the State. It appears that drills similar to the sixteen furnished the State, were afterwards sold to other parties for six hundred and twenty dollars each, which allowed a royalty of three hundred and twenty dollars on each drill to the patentee. It also appears that there was some sort of an understanding between Mr. Burleigh and the commissioners of the State that, in case his invention should prove to be of practical benefit in the working of the Tunnel, he should be compensated for its use, but no amount was mentioned; and while Mr. Burleigh might have had a large amount in his mind,—possibly as much as

one hundred thousand dollars, which he thinks the State could well afford to pay him,—it is quite probable that the commissioners might not have contemplated one-tenth of that sum. The evidence upon this point is vague and indefinite.

We believe, however, that Mr. Burleigh is entitled to receive from the State the same compensation for the use of his invention that he received from other parties; viz., a royalty of three hundred and twenty dollars on each machine. This royalty on the sixteen drills, together with the thirty dollars expended as before mentioned, would amount to five thousand one hundred and fifty dollars. As this sum appears to have been justly due to Mr. Burleigh since 1867, we add interest from that date, making the total amount seven thousand six hundred and twenty-two dollars, and submit the accompanying Resolve.

For the Committee,

J. A. CUMMINGS.

HOUSE OF REPRESENTATIVES, April 23, 1875.

The Committee on Finance, to whom was referred the Resolve in favor of Charles Burleigh, report that the same ought not to pass.

For the Committee,

S. H. MILLER.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Five.

RESOLVE

In favor of Charles Burleigh.

Resolved, That there be allowed and paid out of the treasury to Charles Burleigh, as compensation for expenditures made, and for the use of rights secured to him by letters-patent, in the construction of the Hoosac Tunnel, the sum of seven thousand six hundred and twenty-two dollars: *provided*, that a receipt in full of all claims of whatever kind on the part of said Burleigh be given by him to the treasurer of the Commonwealth.

