

**INJURY TO ROSE GARDENS:
ADDRESS BY HON. ROBERT M.
MORSE IN SUITS OF S.B. FAY AND
OF M.H. WALSH AGAINST NEW
YORK RAILROAD COMPANY, 1902**

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Injury to rose gardens: Address by Hon. Robert M. Morse in suits of S.B. Fay and of M.H. Walsh against New York railroad company, 1902 by Robert McNeil Morse

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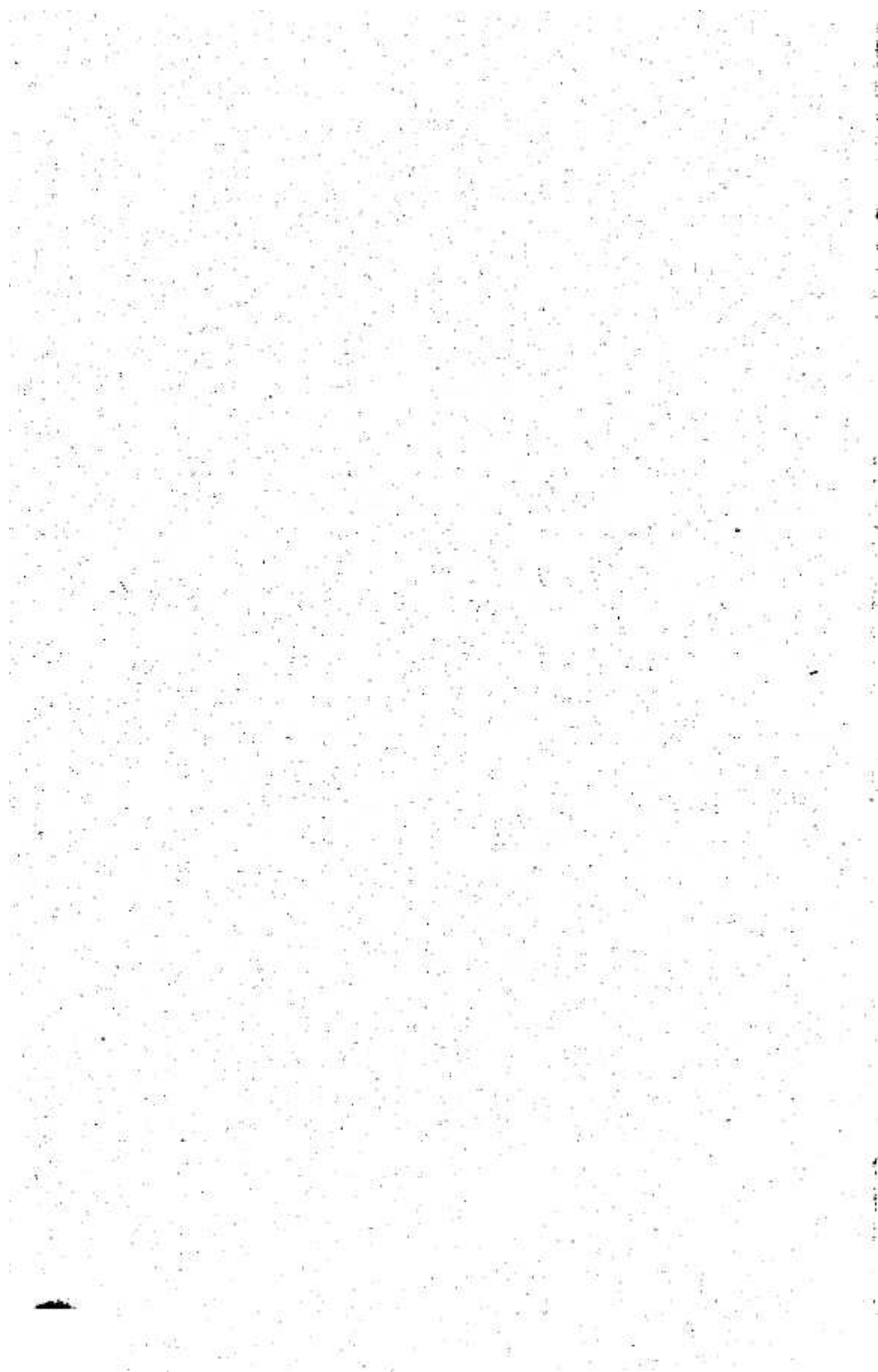
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ROBERT MCNEIL MORSE

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INJURY TO ROSE
GARDENS. Address

By HON. ROBERT M. MORSE *in suits of*
SARAH B. FAY AND OF MICHAEL H. WALSH
against NEW YORK, NEW HAVEN &
HARTFORD RAILROAD COMPANY, 1902



INJURY TO ROSE GARDENS

Address

BY

HON. ROBERT M. MORSE

IN SUITS OF

SARAH B. FAY AND OF MICHAEL H. WALSH

AGAINST

NEW YORK, NEW HAVEN & HARTFORD RAILROAD
COMPANY

1902

BOSTON

GEO. H. ELLIS CO., PRINTERS, 271 CONGRESS STREET

1902

Feb. 1912

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NOTE.

THE New York, New Haven & Hartford Railroad Company was engaged May, 1901, in burning some old buildings on its land at Wood's Hole, Massachusetts, and in the course of the fire the tar and gravel roof of one of the buildings was consumed. The plaintiffs, Miss Sarah B. Fay and Mr. Michael H. Walsh, claimed that their rose gardens situated across the highway from the Railroad Company's buildings were seriously damaged by this fire; and, as the Railroad Company denied its liability, they brought actions for damages. The cases were referred to Prescott F. Hall, Esq., as auditor; and, at the hearings before him, Mr. Morse and Henry M. Hutchings appeared for the plaintiffs and Thomas C. Day for the defendant. The auditor found in favor of Miss Fay for \$5,387, and in favor of Mr. Walsh for \$16,602.32. Subsequently and before the cases were reached for trial in court the Railroad Company paid \$20,000 in settlement.

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ADDRESS.

THE claims of the two plaintiffs in these actions are not based upon an accident. The damage was due to the intentional setting and maintenance of a fire by the defendant railroad company upon its premises, continuing for three days, beginning the 13th of May, 1901, and ending on the 15th of May. This fire was set in the immediate vicinity of a public highway, where many persons were in the habit of passing to and fro. It was set near a great many wooden buildings, and near valuable lawns and gardens; and throughout its existence it imperilled the safety of the life and the property of the people of Wood's Hole. On the third day of the fire the defendant proceeded to burn the tarred roof of its large engine-house; and the smoke, cinders, and soot from that fire were blown by the south-westerly wind across the highway, and settled upon the premises occupied by Mr. Walsh and by Miss Fay. The circumstances of the fire are stated in detail by Mr. Walsh in Volume I., pages 108 and 109; by Mr. Henry C. Googins, Volume I., page 1; by Mr. Jotham Howes, Volume I., page 12; by Mrs. Ella M. Hinckley, Volume I., page 18.

The record of the course of the winds comes from the Coast Survey Station at Wood's Hole, and will be found in Volume I., page 11.

The poisonous gases caused by this fire have been shown in detail by Dr. Gill, whose testimony appears in