

**REPORT OF THE RAILROAD  
COMMISSIONERS OF THE  
STATE OF NEW HAMPSHIRE.  
JUNE SESSION, 1875**

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Report of the Railroad Commissioners of the State of New Hampshire. June Session, 1875 by  
Various

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**VARIOUS**

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cover

State Treasurer's Office

REPORT

VI. 1875  
(C I, 74)

OF THE

RAILROAD COMMISSIONERS

OF THE

STATE OF NEW HAMPSHIRE.

JUNE SESSION, 1875.

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CONCORD:

CHARLES C. PEARSON, STATE PRINTER.

1875.

## STATE OF NEW HAMPSHIRE.

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*To the Hon. Secretary of State :*

The railroad commissioners, in and for said state, having attended to their duties, herewith most respectfully submit the following report :

We have within the past year, and in most cases very recently, examined all the railroads having any distance in our state, excepting two or three dependent lines, or branches, the business of which being all so merged in that of the managing corporations, either under a lease or by ownership, that a special visit could elicit no distinct material for report ; the examination made, however, and the reports of roads hereinafter submitted, cover all roads and branches so far as it has been possible to obtain information.

This practice of consolidating accounts, so far as it concerns those roads owned by one corporation without distinct stock for each, or where the same road is partly in our own state and partly in an adjoining state or states, would seem to be practicable and right ; but it seems to us that where a road, especially those all in our own limits, having distinct stock and ownership, is leased for a term of years to some other corporation, as in several instances appears, the accounts should be so far kept separate as that those owning the stock might be able to ascertain something of its real value and usefulness, and thereby be better able to judge of the value of their property, regardless of the lease.

The past year has as a general thing been an unfortunate one in some respects in railroad affairs ; most of our roads showing a large falling off in their receipts from the receipts of the previous year. This we think is not chargeable to any

want of proper management, but is owing particularly to the fact that business of all kinds during the year has been much depressed, and the receipts of railroads generally throughout the country have been seriously diminished. Among the most notable causes of this depression has been the financial crisis beginning in September, 1873, and extending into the past year, by reason of which the equilibrium between the cost of labor and the cost of material has been greatly disturbed, and numerous failures of banking houses and manufactory and mercantile establishments have occurred, all of which has had an influence which could not but affect more or less seriously the railroad interests. There has been still another cause, whereby some roads have suffered during the year more or less. We refer to the severe competition which has been engaged in between certain roads, which, though it may have increased the business, has prevented the reduction of expenses, while the reduction of rates has also reduced the earnings. A little of this competition sometimes is a good thing, and is even necessary at times to awaken ardor and avoid extortion; but too much is ruinous, and should not be indulged in too freely. Road managers should at all times look carefully after the interests of all concerned, and never allow the spirit of competition to get the better of sound judgment.

While these and other causes have affected our roads more or less, still there seems to have been no manifest discouragement on the part of those having them in charge, but it would seem on the contrary that greater efforts have been made to put and keep everything in order for better times, which must sooner or later come, and we feel free to say that there has been no year within our knowledge of railroad affairs during which more general improvements have been made than during the year just past, and consequently as a general thing our roads and their equipments are now in good condition, and will, we venture to say, compare favorably with the best in the country.

We would add, however, that while these improvements have been made, a commendable degree of economy has been practiced, and, in nearly every instance, the dividend paying roads have been enabled to maintain their usual dividends.

A number of the roads coming within our jurisdiction have,

during the year, added the Miller platform and buffer, and the Westinghouse, or Smith vacuum brake, to their cars, and find them to be excellent improvements. The roads generally are adopting these safeguards, and we trust they will soon be brought into universal use. The Miller platform and connections tend to keep the trucks in position and the cars in line, and, if properly constructed, will undoubtedly hold them thus in a large majority of cases, even if the cars are derailed.

The train brake is a simple, cheap and effective invention, whereby the entire control of a train is placed in the hands of the engineer. Its increased use is most noticeable, all our leading roads having accepted it as a great safeguard against accident. In our last year's report we gave some general description of both these improvements, deeming them of sufficient importance; further examination but strengthens our belief in their usefulness; and we believe it to be not only in the interest of every road to furnish especially their passenger trains with them, but their duty requires it, for everything tending to greater safety in the running of trains should be adopted. Some special legislation upon this point might not be amiss. Laws are made for the protection of life and property and to further the best interests of our state, and any law having in view any or all of these ends, should not be wanting, but should receive the prompt attention of our legislators.

There has also been, during the past year, a much larger quantity of steel rail laid upon our roads, and we think throughout the country, than during any previous year, and wherever it has been thoroughly tested it has proved to be satisfactory in every way. These steel rails are certainly a great improvement over any iron rail ever used.

In view of this fact, and also of the great decrease in price of steel rails during the past year, which brings it within the means of all desiring its use, it would seem to be a safe prediction that but very little, if any, iron rails will be laid down hereafter in the main tracks of our roads. We cannot, at least, but commend their use upon all new roads, and wherever old rails are to be replaced with new. Considering the great number of accidents upon railroads throughout the country during the past year, it would seem that all railroad managers should



take the utmost precaution against any such happening upon the roads under their charge. We can but think that a large number of these accidents are due in a great measure to carelessness and mismanagement on the part of railroad officials and their employes, and it is extremely important that the best of men should be employed, especially upon passenger trains, in all capacities, whose entire reliability can be vouched for, and who should be paid such reasonable compensation as would give zest and encouragement to all their labors, and prompt such application as would make them first-class railroad men.

We can but feel that on some roads, partly or all in our own state, there is want of care in this respect, and that in attempting to reduce expenses by cutting down and closely shaving the pay of their men, these managers forget their own interest in the light of avarice, and in the end fail in that prosperity they so eagerly seek after.

A few of these accidents to life and property, caused by cheap men, make a much larger expense than could occur by the payment of such wages as would induce first-class men to seek employment, men who thoroughly understand the business; and besides this, such accidents not only take from the revenue of the road large sums, but each time that an accident occurs the reputation of the road must, more or less, suffer. It is nevertheless true that sometimes accidents will happen when no fault can be found, and when trains are in the care of the best of men, and the road seemingly in good condition; but as a general rule there is some fault somewhere, and therefore everything tending to accidents should receive the utmost care, let it cost what it may.

Officials should be just and generous towards those to whom they entrust places of care and responsibility; the road-bed should have constant care and watchfulness over it; the equipment should be at all times sound and good, with good men in charge, and then if providentially accidents occur, a generous public, knowing the careful management, will readily acquit from blame. We feel free to say that in our state there seems to be as a general thing a good degree of care in this respect, the exceptions being confined to a few roads only, and we can

but think that when these shall come to see the matter in its true light, taught perhaps by sad experience, they will follow the example of those whose every care is for the safety and convenience of their patrons, and who feel that an accident through inefficient men is chargeable in part to themselves, remembering always the old Roman adage, "*Qui facit per alium, facit per se.*"

#### RECOMMENDATIONS.

In several instances there seems to be a need of legislation in alteration of and amendments to our statute laws concerning railroads, and we would again renew the suggestions made last year, which could not then receive the attention of the legislature, our report not having been printed for distribution until after the close of the session. We now earnestly ask its especial attention, and urge the passage of such laws as shall remedy the evils complained of, and which we are more than ever convinced are of great importance. We copy the following from our last report as again expressive of our views upon the points therein contained: "In locating a railroad it is frequently necessary to make several preliminary surveys, and sometimes much damage is done to land-owners by the destruction of wood and timber outside of the final location, for which no compensation is allowed by the statute. See sect. 5, chap. 146, p. 304 of the general statutes. We think provision should be made for proper compensation to parties suffering from such surveys. See on this subject recommendation of railroad commissioners for 1872."

"It is occasionally necessary to modify the course of streams. Sometimes the change may conduce to economy in the construction; at other times it may be necessary to avoid the action of the water against embankments. As there appears to be no provision in our statutes for the settlement of damages which may arise in such cases, it might be well to empower the railroad commissioners to adjust such claims."

"In the location of railroads, it not unfrequently happens that a small portion of land is cut off which is of little value in itself, and is so situated as to be unsalable to parties owning adjoining lands, and yet the owner feels that some com-

pensation is due, while the county commissioners in cases where the land so detached is of small value will not be likely to compel railroads to build passes. In such cases it may be a question whether it would not be better to allow the board of railroad commissioners to assess damages to the owner in the full value, in their judgment, of such parcel, which shall be in lieu of and a bar to any claim on the part of the owner against the railroad for a passway." In addition to the foregoing suggestions of last year, we will add the following: In the appraisal and assessment of damages under the present law by the formation of a joint board with the selectmen of towns, and especially with the mayor and aldermen of cities, where the land in question is situated, there cannot be equal justice, and it is often the cause of great dissatisfaction, sometimes with the land-owners, and at other times with the railroad corporations, often resulting in litigation and useless strife, the fault in all cases being charged alone upon the commissioners, ignoring entirely the same number of men who as selectmen have the same authority, and the large majority in our cities, comprising the mayor and full board of aldermen, be their number more or less, for assessment within their limits, each of whom have the same power as one of us.

We assume that the law, as it now stands, was enacted upon the principle that town and city authorities would be useful as being supposed to have a knowledge of local values. This we hold to be wrong from its conception, for in all cases where hearings of any nature are to be had, requiring the honest judgment of a judge, jury, or a board of appraisers, acting as referees, such tribunals should be entirely disinterested, and, having their minds free from knowledge or opinion concerning the matters in issue before them, should seek such facts as, in causes brought before us, are in all cases susceptible of proof on either side, and there should be nothing prejudiced by fear or favor for or against any party. We need not argue further against the law as it now stands to prove its being fraught with error, but we will add a fact which cannot be denied, that beyond this error in principle there is the local prejudice and fear of constituents, which, to the fairest mind will unintentionally, it may be, find its way into matters in controversy, and will have more or less weight.