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# REPORT

ON

## A PROPOSED LINE OF RAILWAY

FROM

### DUBLIN TO CASHEL,

BEING THE FIRST DIVISION OF A MAIN TRUNK

TO THE

### SOUTH AND SOUTH-WEST OF IRELAND,

INCLUDING

### A BRANCH THEREFROM TO ATHY AND CARLOW.

BY

*Benjamin*  
JOHN MACNEILL, LL.D, F.R.S.,  
CIVIL ENGINEER.

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1843.

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# R E P O R T

ON A

PROPOSED LINE OF RAILWAY FROM DUBLIN TO CASHEL,  
BEING THE FIRST DIVISION OF THE MAIN TRUNK TO THE  
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INCLUDING A BRANCH THEREFROM TO ÁTHY AND CARLOW.

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TO THE PROVISIONAL COMMITTEE OF THE GREAT  
SOUTHERN AND WESTERN RAILWAY.

GENTLEMEN,

IN compliance with your directions I have now the honor to lay before you the result of my Survey of a Line of Railway from Dublin to Cashel, founded on the principle suggested by your Deputation, after their interview with Sir Robert Peel in relation to this subject. My object has been to lay out the line in such a manner as to embrace the many advantages proposed by the line intended to have been made from Dublin to Kilkenny, with those of a main trunk line from Dublin to the South and South-West of Ireland, as recommended by the Railway Commissioners in their Report in 1839, at the same time keeping in view, cheapness of construction, non-interference with ornamental and valuable private property, and also running the Railway through districts likely to contribute the greatest amount of traffic.

In making this preliminary survey, I have availed myself of documents which were already in my possession—of the

survey from Dublin to Kilkenny, and of the surveys and sections published by the Railway Commissioners, all of which, as far as I have examined them, appear to be correct, and to agree with the levels taken by my assistants in making the new surveys; it will, however, be necessary, before making out the working sections in detail, to go over the whole line carefully, in doing which I have no doubt that many local but important alterations may be made, not only in the line of direction, but in the levels, by which considerable saving may be effected in the cost of construction, and probably some of the principal towns along the line may be somewhat more nearly approached than is shown in the present surveys; it must, therefore, be understood, that the lines and sections as now laid down, are such only as were necessary to arrive at general results, and to form an estimate of the probable expense of construction, at the same time, I have satisfied myself that any alterations thus made will tend to diminish the estimate rather than increase it. With these few observations, I will proceed to describe in detail the course of the line, and the districts of country through which it passes.

The situation which appears to be best adapted for a terminus for a Southern and Western Railway in consequence of its proximity to the trading and mercantile part of the town, the facility with which it may hereafter be extended, if found advisable, still further into the City, and also on account of the cheapness with which it may be constructed, is at the open space near Barrack or Queen's bridge, in the neighbourhood of Usher's-island; from this point the line runs in an easterly direction, nearly parallel to the Military-road, and passes midway between the Royal Hospital and the Artillery barracks, from thence to the north-west corner of Bully's-acre; here it would cross the Island-bridge road, near Saint John's-well, and passing a little to the north of the Meeting-house, it would cross the Lucan road, at the south-east corner of Inchicore demesne, near the Cow and Calf public-house, from thence it runs in a direction nearly parallel to the turnpike road from Dublin to Lucan, passing south of Palmerstown demesne, it then curves southward, and

passing between Ballyowen house and Ballyowen cottage arrives at Esker, and passing north of Esker house it pursues its south-westerly course and crosses the road from Hazel-hatch to Celbridge, about  $1\frac{1}{2}$  mile south of Celbridge, thence it runs in a direction parallel to the Grand Canal, passing south of Whitechurch until it arrives at Sallins, where it crosses the Grand Canal, and immediately after the road from Sallins to Naas, a mile and a half north of the latter town, one mile beyond Sallins it crosses the river Liffey, it then passes on to Colongory chapel and school-house, and across the southern part of the Bog of Allen, and pursuing its course across the low grounds of Morrinstown, and the lands of Pollardstown, it crosses the Curragh of Kildare, near Raheen cottage, and arrives at Kildare; passes a quarter of a mile north of that town, it then proceeds to Monasterevan, where its length from Dublin is 37 miles, 904 yards. From near this point a branch line diverges in a southerly direction, of which I will hereafter submit a detailed account. At Monasterevan the line crosses the river, then curves slightly to the west, and running south of Tiroghar hill, passes a mile and a half south of Portarlinton, keeping to the north of Emo park it approaches Maryborough, one mile and a half north of that town, thence skirting Ross bog it proceeds to Mountrath, two and a half miles south of that town, and crosses the river Nore one and three quarter miles south of Castletown, thence passing over the bog of Carrageen it crosses the road from Borris-in-Ossory to Rathdowney, three miles from Borris-in-Ossory on the Limerick road; this point will serve as a station for passengers and merchandize from Galway, Loughrea, and the southern part of the county Galway, and from Parsonstown and its neighbourhood in the King's county. Hence the line pursues its south-westerly direction, and passing near the towns of Rathdowney, Donoughmore, and Templeuohy, it reaches the Washpin, a village two miles south of the town of Templemore, between this village and Thurles it crosses the river Suir, near Clonamuckoge, running north of Monanearla Lough, it passes three quarters of a mile north of Thurles, and arrives at

Holycross, where again crossing the river Suir, it curves in a southerly direction and arrives at Cashel. The length of line from Dublin to Cashel being about  $99\frac{1}{2}$  miles.

By the survey of the Railway Commissioners it is shown that a branch might be formed from the main line at Holycross to Limerick, the length of which would not exceed  $35\frac{1}{2}$  miles; and another from Cashel to Clonmel, which would not exceed 18 miles in length; nearly half this latter branch would be on a direct line to Cork, so that, supposing the line extended to Cork, the branch from it to Clonmel would be about 12 miles; besides these branches, a main line might be taken to Mullingar, leaving the main trunk line to Cashel near Celbridge; and should it be required, or thought advisable, a main line to Galway and the West might leave the main trunk line further south, as, at or near Monasterevan; this line would pass through the neighbourhood of Portarlinton, Tullamore, and Loughrea to Galway. This western line I have not surveyed, but from the general appearance of the country I think there would be no difficulty in laying out in the direction I have stated, a line which would probably be the least expensive route by which a Railway could be carried from the metropolis to that important district, as there would not be more than about 90 miles of Railway to form between Galway and the main trunk line.

The line of Railway as above described, from Dublin to Cashel, would in itself form a most important and generally useful line of communication, even supposing it to be incapable of extension to the more southern districts of the country, or of throwing out branches to the west and south-west of Ireland, as the traffic from these districts would be most certain to fall into it; it is, however, not only capable of extension, but is also particularly favourable for the formation of branches to Athy, Carlow, Limerick, Clonmel, and Waterford, together with Cork and Galway, as already mentioned.

The only one of these branches which I have surveyed is that to Athy and Carlow, through the rich valley of the Barrow, which I consider indispensable to the completeness of

any plan of Railway accommodation for the South of Ireland. Of this branch I have subjoined a detailed survey, section and estimate, which will be found at the end of this report.

#### ESTIMATE OF EXPENSES OF CONSTRUCTION.

By examining the sections which accompany this report, the singularly favourable nature of the country for Railway construction will at once be manifest. Neither tunnels nor viaducts, nor any extensive or deep cuttings, will be required; in fact, it is scarcely credible that so great an extent of country should be found in which a Railway could be formed with so trifling an amount of cutting and embanking, and at the same time abounding with materials suitable for its construction. The earth, also, is of that description that there would be no difficulty or risk in forming the embankments, which would be extremely light. Another advantage is, that from the nature of the soil there would be no probability of slips taking place. The prices which I have allowed for the earthwork, the fences, the drainage, the masonry, and iron-work, are higher than we are getting work of a much more difficult and expensive character executed for on the Dublin and Drogheda Railway.

The sums, also, which I have allowed for the purchase of the land that will be required for the formation of the Railway have been furnished to me by a gentleman well conversant with the value of land along the line of the proposed Railway, who has had considerable experience in such matters, having been employed to value the lands required for the Dublin and Drogheda Railway; I am therefore very confident that the sum he has allowed will be found fully adequate for the purpose.

In consequence of there being no heavy cuttings or embankments on the line, the Railway might be completed in a comparatively short period of time, for labourers may be put to work on almost every portion of it; and the works may be carried on simultaneously, and completed at the same time, which could not be done if there were heavy and deep cuttings and embankments, such as occur on the Dublin and Drogheda

and many other Railways, where a limited number of workmen only can be employed in particular situations. The masonry, also, on the line is extremely light, there are no bridges of any importance required over rivers, and those across turnpike and county roads are of the ordinary description, and easily executed; besides, materials will be found along the whole line for ballasting, boxing, and for making the ordinary description of fences, so that the whole of the works may be executed and maintained at a comparatively small expense. By the following abstract of the estimate which is given in detail, at the end of this report, it appears that the line, including the branch to Carlow, may be executed for £1,300,000, or at the rate of £11,000 per mile, which would include the expense of stations, engines and carriages, estimated at £130,000, besides £59,000 for superintendence and office expenses, and £95,000 for contingencies. This estimate to many may appear low, but from the experience I have had of such works, and from the knowledge which I have of the country, and the prices at which works may be executed in Ireland, especially light work of the description found on this line, and for which Irish labourers are particularly adapted, as it is not more difficult than what they are accustomed to in their every-day occupation; I have no hesitation in stating that the sums I have mentioned above will be ample to complete the Railway in the most permanent and efficient manner, within two years from the commencement of the work; and it is a remarkable circumstance, that a great line of Railway, such as the one now described, can be carried from the metropolis to the centre of the country, a distance of nearly 100 miles, for a less sum than the Blackwall Railway has cost, which does not exceed  $3\frac{1}{2}$  miles in length; and for a sixth part of the expenditure on the London and Birmingham Railway, the length of which is only  $12\frac{1}{2}$  miles more than the proposed line from Dublin to Cashel. On the whole, I can state, that I am not aware of any district of country through which a line of Railway of such extent and of so much importance, and with such favorable gradients, could be executed so cheaply, and with so much certainty of the estimate not



being exceeded, as the line of railway now described; or one that would produce an equal amount of accommodation to the public for so small an outlay of capital, or that would be more certainly remunerative for the capital expended upon it. It should also be recollected that every year would tend to make it more productive, for it is impossible to suppose, if this line were once formed, that many of the branches I have pointed out would not be made, and the main line itself extended to Cork, a survey of which I am now about to commence, at the request of an influential body in that city.

#### ANTICIPATED TRAFFIC.

This is a subject which I have not myself examined in full detail, but it has been carefully investigated by the Railway Commissioners and others; and the result, which I have arrived at, from the documents furnished to me, I not only believe to be perfectly correct, but am inclined to think it will be more than realized. The principles upon which it is calculated, and the details, are given at the end of the Report, which shows that there would be a dividend of upwards of 8½ per cent. on the capital expended; and as this calculation is founded on the principle of only trebling the present number of direct passengers, and doubling the secondary ones, I have no doubt whatever that a much larger number will be obtained; for there is no instance where a Railway has been formed, on which the amount of passengers has not increased in a much greater proportion than I have here assumed.

I have the honor to be,

GENTLEMEN,

Your obedient Servant,

JOHN MACNEILL.

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#### BRANCH TO CARLOW.

This Branch diverges from the Dublin and Cashel Line, at a point between Kildare and Monasterevan, 34 miles, 924 yards

from Dublin, when it curves directly southward, and crossing the Limerick mail-coach road, it passes Kildangan (county Kildare), near the Cross Keys, then crossing the bog of Monavullagh, at Athy, it curves to the east, and passing east of the chapel, crosses the Dublin mail-coach road, thence passing through the lands of Ardree and Tankardstown, it curves to the south, and passing east of Levetstown House, it crosses the River Creese, between Newtown-bridge and Green-bridge, it then crosses the road from Athy to Carlow, and immediately afterwards the River Leer, and pursues its course in a direction parallel to the Athy and Carlow road, until it arrives at the western corner of Oakpark demesne, when it curves to the east, and again passing the Athy and Carlow road, proceeds between Oakpark Demesne and Straw-hall, and terminates in Carlow at the junction of the Tullow-street Barracks and Green-lane. The distance from Carlow, from the junction of this line with the Dublin and Cashel line, being 22 miles, 1650 yards. The distance from Carlow to Athy 11 miles, 1067 yards. The total distance of Carlow from Dublin being 58 miles, 824 yards.

The total expense of its construction would not exceed £200,000, being less than £9,000 per mile, as shown in the detailed estimate. This branch would be most productive, as there is scarcely any district of the same extent in Ireland which would contribute so great an amount of traffic, and through which a Railway could be constructed at so small an expense. This branch might hereafter, if the trade of the country required it, be extended to Kilkenny, on the south-west, and to Newtownbarry, Enniscorthy, and Wexford, on the south-east; both of which lines I have ascertained to be perfectly practicable, and capable of being constructed at a very moderate expense. The existing streams of traffic, in the direction of the towns I have just mentioned, and which are shown on the Maps of the Railway Commissioners, attach a degree of importance to this branch, and to the various extensions it is adapted to, which cannot be too attentively considered.

## DUBLIN AND CASHEL RAILWAY.

## ABSTRACT ESTIMATE.

TOTAL LENGTH, 99 MILES, 660 YARDS.

	£	s.	d.
Viaduct at Terminus, . . . . .	20,000	0	0
Bridges over Rivers, Canals, Turnpike roads, Country roads, and Occupation Bridges, . . . . .	103,400	0	0
Breastwalls in Cuttings, . . . . .	12,880	0	0
Drainage, . . . . .	15,000	0	0
Earthwork, . . . . .	188,536	0	0
Soiling Slopes, . . . . .	10,000	0	0
Ballasting and Boxing, . . . . .	60,000	0	0
Sleepers, . . . . .	90,000	0	0
Rails and Chairs, . . . . .	190,000	0	0
Laying of Rails, . . . . .	17,600	0	0
Making approaches, Diverting Roads, &c. . . . .	10,000	0	6
Fencing, . . . . .	13,200	0	4
Purchase of Land, . . . . .	85,032	0	0
Stations, . . . . .	50,000	0	0
Carrying Establishment, . . . . .	80,000	0	0
Contingencies, . . . . .	95,545	0	0
Engineering, Superintendence, Law and office expenses, . . . . .	59,007	0	0
Total, £1,100,000	0	0	0

## ESTIMATE OF BRANCH LINE TO CARLOW.

LENGTH, 22 MILES, 1,650 YARDS.

Bridges over Rivers, Turnpike Roads, Country Roads, and Occupation Roads, . . . . .	18,300	0	0
Drainage, . . . . .	3,437	0	0
Breastwalls in Cuttings, . . . . .	665	0	0
Earthwork, 460,747 Cubic yards, . . . . .	19,197	0	0
Soiling Slopes, . . . . .	1,400	0	0
Ballasting and Boxing, . . . . .	13,650	0	0
Sleepers, . . . . .	20,685	0	0
Rails, Chairs, &c. . . . .	42,875	0	0
Laying of Rails, . . . . .	4030	0	0
Making approaches, diverting Roads, &c. . . . .	2260	0	0
Fencing, . . . . .	3035	0	0
Stations, . . . . .	10,000	0	0
Carrying Establishment, . . . . .	11,000	0	0
Purchase of Land, . . . . .	14,885	0	0
Contingencies, . . . . .	16,581	0	0
Engineering, Superintendence, Law, and Office Expenses, . . . . .	18,000	0	0
Total, £200,000	0	0	0

## PASSENGER TRAFFIC TABLES, DUBLIN TO CASHEL,

BASED ON THE RAILWAY COMMISSIONERS' SYSTEM AND TABLES.

Distance from Dublin, Statute Miles.		Average Number for Passengers Weekly, in one direction.	Distances between Intermediate Stations.	Equivalent Number moved on mile in one direction, Weekly.	Equivalent Number moved on mile in one direction, one station, Daily.
	<b>FIRST PART OF MAIN TRUNK.</b> From zero of Mileage at Barrack-bridge. <i>From Dublin to separation of branch between Kildare and Monasterevan.</i>				
12½	I.—From Dublin to nearest point to Leixlip (a). 1. Passengers to Leixlip, say one-half, - 2. " to Naas, by coaches and cars, - 3. " to Naas, by canal, - - - - 4. " to Baltinglass, - - - -	447 950 583 104			
		2,084	12½	26,571	3,795½
20	II.—From (a) to the point where the Railway crosses the Grand Canal at (b). To Baltinglass, - - - - 1. Passengers to Naas, by coaches and cars, 2. " to Naas, by canal - - - - 3. " to Celbridge and Clane, say,	104 950 583 60			
		1,697	7½	12,303½	1,757½
35½	III.—From (b) to the place where the branch to Athyleaves the main line at the point (c). To Baltinglass, - - - - 1. Passengers by coach, cars, &c., to Monasterevan, - - - - 2. Passengers to Rathangan, through Newbridge - - - - 3. Passengers to Carlow, via Ballytore, - 4. " to Athy, - - - - 5. " to Rathangan, by canal, - 6. " to Limerick, by canal and Shannon, say, - - - -	104 245 48 180 195 58			
		1,110	15½	17,205	2,458
	Total, first part of main trunk, - -		35½		8,011
	<b>SECOND PART OF MAIN TRUNK.</b> <i>From separation of branch to Athy, at (c), to terminus at Cashel.</i>				
51½	I.—From (c) to where the line crosses the passenger line between Mountmellick and Maryborough, at (d). 1. Passengers from Kildare to Maryborough 2. " from Monasterevan to Mountmellick, - - - - 3. Passengers to Mountmellick, by canal, 4. " to Limerick, by canal and Shannon, - - - -	221 90 87 58			
		466	15½	7,182	1,026

Distance from Dublin, Statute Miles.		Average Number of Passengers Weekly, in one direction.	Distances between Intermediate Stations.	Equivalent Number moved one mile in one direction, Weekly.	Equivalent Number moved one mile in one direction, one Daily.
59½	<p><b>SECOND PART OF MAIN TRUNK, (continued.)</b></p> <p>II.—From (d) to nearest point to Mountrath.</p> <p>1. Passengers from Maryborough to Mountrath, - - - - - 180</p> <p>2. Passengers from Portarlington to do. - - - - - 18</p> <p>3. " from Durrow to Cork, - - - - - 35</p> <p>4. " to Limerick, by canal and Shannon, - - - - - 58</p>	291	8	2,328	332½
67½	<p>III.—From (e) to nearest point in Borris-in-Ossory, at (f).</p> <p>1. Passengers through Mountrath and Nenagh to Limerick, - - - - - 122</p> <p>2. Passengers to Roscrea and Nenagh, - - - - - 30</p> <p>3. " from Mountrath to Rathdowney, Templemore, and Thurles, say ¾rds of 27, - - - - - 18</p> <p>Z. { 4. Passengers from Dublin to Carlow, through Kilkenny to Clonmel and Cork, - - - - - 113</p> <p>5. Passengers from Dublin, by Athy and Castlecomer, through Kilkenny to Clonmel and Cork, - - - - - }</p> <p>M. - - - - - 35</p> <p>L. - - - - - 58</p>	376	8½	3,196	456¼
91½	<p>IV. From (f) to the point (g) near Thurles.</p> <p>1. Q. - - - - - 122</p> <p>2. Passengers from Mountrath to Thurles, above, - - - - - 18</p> <p>3. M. - - - - - 35</p> <p>4. Z. - - - - - 113</p> <p>5. L. - - - - - 58</p>	346	23¾	8,217½	1,173½
100	<p>V.—From (g) to (h), Cashel terminus.</p> <p>1. From Thurles to Cashel, - - - - - 110</p> <p>2. Z. - - - - - 113</p> <p>3. M. - - - - - 35</p>	258	8½	2,193	313¾
			64½		3,301¼
	<p><b>BRANCH TO ATHY.</b></p> <p>I.—1. Passengers from Naas to Carlow, - - - - - 280</p> <p>2. " from Monasterevan to Athy by Carlow, - - - - - 75</p> <p>3. Passengers from Naas to Athy through Kilcullen, - - - - - 180</p> <p>4. Passengers from Dublin to Baltinglass, - - - - - 104</p>	639	11	7,029	1,004¼

Distance from Dublin, Statute Miles.	Average Number of Passengers Which, in one direction.	Distances between Intermediate Stations.	Equivalent Number moved in one direction, Weekly.	Equivalent Number moved one mile in one direction, Daily.
<b>FROM ATHY TO CARLOW.</b>				
II.—1. Passengers from Naas to Carlow, - -	280			
2. " by Baltinglass, by Tullow to Wexford, - - - - -	69			
3. Passengers from Athy to Carlow, by canal, - - - - -	56			
4. Passengers from Kilkenny to Athy, by Castlecomer, - - - - -	66			
	471	11½	5,534½	790½
TOTALS.—Carlow branch, - - - - -		22½		1,794½
Main Trunk, 1st part, - - - - -		35½		8,011
„ 2nd part, - - - - -		65½		2,987
		122½		1,2793

Of this number, viz., 13,107, 3,097 are carried by canal; the remainder 10,010 are passengers by public conveyances, on common roads; adding to these one-fourth on the data obtained by the Railway Commissioners, for the relative proportion of travellers by private conveyances, we have 12,512½ for the total number of passengers on the roads, and including the canal passengers, we have 15,709½ for the total number moved one mile in one direction.

Proceeding on the same principles as those explained in the Commissioners' Report, as far as regards *the proportions* of travellers, of what are called principal and secondary classes, viz,—those who derive the whole benefit of the Railway and those who derive only part of that benefit, we have—

Principal Class, . . . . .	7,487	Secondary do. . . . .	5,025½	Canal, . . . . .	3,097
Allow for increase, 200 per Cent. . . . .	14,974	Increase, 100 per Cent. . . . .	5,025½	25 per Cent. . . . .	774
	<u>22,461</u>		<u>10,051</u>		<u>3,871</u>

Add for Parcels, as per Railway Commission, equivalent to 1-10th of the Passengers by Public Conveyance, viz:—					1,010
Collecting these Items, we have,					22,461
					10,051
					3,871
					1,010
Total number moved one mile in one direction, . . . . .					<u>37,393</u>
					2
Total number moved one mile in both directions, . . . . .					<u>74,786</u>

DUBLIN AND CASHEL LINE, AND BRANCH TO CARLOW.

	MILES.	Average Number of Passengers moved over every mile daily.	Average Number of Tons moved over every mile daily.	AVERAGE DAILY RECEIPTS.		TOTAL Daily Receipt for Goods and Passengers.
				Passengers at 1d. per Head, per Mile.	Goods at 2d. per Ton, per Mile.	
As it approaches } very nearly to } it, say, . . . }	123	608	87	£ s. d. 389 10 2½	£ s. d. 89 3 6	£ s. d. 478 13 8½

This Daily Income, viz:	£478 13 8½
To which and for Private Carriages,	10 9 0
For Mails,	6 0 0
	<u>£494 13 8½</u>

Say £500 per Day, and per Annum, .	£182,500
Deduct Maintenance, &c. .	73,000
	<u>£109,500</u>

Which would give a dividend of 8½ per Cent. on the Capital of 1,300,000 to be expended.

TABLE OF DISTANCES.

NAMES OF TOWNS, &c.	Distance from one point to another.		Total distance from Dublin.	
	MILES.	YARDS.	MILES.	YARDS.
Barrack Bridge . . . . to Celbridge, . . . .	10	451	10	451
Celbridge . . . . . to Naas, . . . . .	8	913	18	1364
Naas . . . . . to Kildare, . . . . .	12	748	31	352
Kildare . . . . . to Junction of Carlow Branch,	3	572	34	924
Junction of Carlow Branch to Monasterevan, . . . .	2	1738	37	902
Monasterevan . . . . to Portarlinton, . . . .	4	451	41	1353
Portarlinton . . . . to Maryborough, . . . .	7	1178	49	771
Maryborough . . . . to Mountrath, . . . .	7	987	57	0
Mountrath . . . . . to Nearest point to Burriss-in-Ossory, . . . . .	6	868	63	868
Nearest point in Burriss-in-Ossory . . . . . to Thurles, . . . . .	19	1574	83	682
Thurles . . . . . to Holycross, . . . . .	6	1430	90	352
Holycross . . . . . to Cashel, . . . . .	9	308	99	660
BRANCH LINE.				
From Junction . . . . to Athy, . . . . .	11	407	45	1331
From Athy . . . . . to Carlow, . . . . .	11	1253	57	824

N. B.—The distances are to the nearest point on the line to the above-named place.

TABLE OF GRADIENTS.

	Ft.	Ft.	Miles.		Ft.	Ft.	Miles.	
Dublin to Naas— rise 183 feet,	Level for $\frac{1}{2}$		$\frac{1}{2}$	Maryborough to Mountrath—fall 44 feet, . . .	1 in 586 for 2		$\frac{1}{2}$	
	1 in 186		$1\frac{1}{2}$		1 in 530		$1\frac{1}{2}$	
	1 in 660		1		1 in 310		$2\frac{1}{2}$	
	1 in 180		$1\frac{1}{2}$					
	1 in 440		$1\frac{1}{2}$		Mountrath to Thurles—rise 18 feet, . . .	1 in 310		$2\frac{1}{2}$
	1 in 264		$2\frac{1}{2}$			1 in 2640		$1\frac{1}{2}$
	1 in 528		$1\frac{1}{2}$			1 in 180		3
	1 in 754		3			1 in 352		2
	1 in 880		2			1 in 1320		2
1 in 180		2	1 in 1760			$2\frac{1}{2}$		
1 in 180		$1\frac{1}{2}$	1 in 528			$1\frac{1}{2}$		
			1 in 440			$2\frac{1}{2}$		
			1 in 528			2		
Naas to Kildare,— rise 87 feet,	Level		4	1 in 250		1		
	1 in 2160		$1\frac{1}{2}$	Level		$2\frac{1}{2}$		
	Level		2	1 in 292		$2\frac{1}{2}$		
	1 in 180		$1\frac{1}{2}$					
Kildare to Monas- tereivan—fall 136 feet, . . . . .	1 in 1000		$2\frac{1}{2}$	Thurles to Holy- cross—fall 25 feet, . . . . .	1 in 880		$2\frac{1}{2}$	
	1 in 180		$4\frac{1}{2}$		1 in 377		$1\frac{1}{2}$	
	1 in 480		$1\frac{1}{2}$		1 in 1320		$2\frac{1}{2}$	
Monasterevan to Maryborough— rise 144 feet, .	1 in 400		$\frac{1}{2}$	Holycross to Cashel—rise 8 feet, . . . . .	1 in 330		$1\frac{1}{2}$	
	Level		$2\frac{1}{2}$		1 in 528		$1\frac{1}{2}$	
	1 in 180		$1\frac{1}{2}$		1 in 900		$1\frac{1}{2}$	
	1 in 440		$1\frac{1}{2}$		1 in 406		$3\frac{1}{2}$	
	1 in 530		3		1 in 180		$1\frac{1}{2}$	
	1 in 530		2					
1 in 200		$3\frac{1}{2}$						

BRANCH LINE TO CARLOW.

	Ft.	Ft.	Miles.		Ft.	Ft.	Miles.
Junction to Athy— fall 64 feet, .	1 in 200 for $\frac{1}{2}$		$\frac{1}{2}$	Athy to Carlow— fall 16 feet, . . .	1 in 3520 for 3		3
	Level		$1\frac{1}{2}$		Level		2
	1 in 600		$1\frac{1}{2}$		1 in 530		$3\frac{1}{2}$
	1 in 200		$1\frac{1}{2}$		1 in 1420		4
	1 in 400		$1\frac{1}{2}$				
	1 in 380		$1\frac{1}{2}$				
	1 in 900		$3\frac{1}{2}$				



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OBSERVATIONS

ON THE

TRANSPORTATION LEGISLATION

GOVERNMENT MEASURES

AS TO RAILWAYS,

BEING

EXTRACTS

EXTRACTS FROM THE LEADING ARTICLES

“THE RAILWAY TIMES.”

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## PREFACE.

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IN perusing the articles issued from the 13th April to the 23rd June, inclusive, it must be borne in mind that they were printed prior to the Government Bill appearing, and were penned under the impression that the equivalents intended for the Railway Companies would be made known contemporaneously with the measures of restriction and interference. It is the total absence of these equivalents—the ineffectiveness of the proposed Government guarantee—and the unfairness of regulations to purchase remunerative Railways and leave alone those which are less fortunate—which cause so much dissatisfaction to Railway Companies. The article first printed in this pamphlet of the 29th June, was written, as will be observed, after the Government measure had taken its full shape in the unjust Bill now pending before Parliament. The future observations in "THE RAILWAY TIMES" will certainly be characterised by an intense feeling of hostility to the Government measure in its present shape, and will be devoted to the more perfect elucidation of the practical working of the various Clauses of the proposed Bill, and to the exposition of the manner in which the evidence given before the Select Committee on Railways has been misapplied. The subject is of such deep importance, and attracts so much attention, evidenced by the increasing number of Subscribers to "THE RAILWAY TIMES," that it has been thought right to circulate still more extensively amongst the community, the opinions of that Paper, which have met with general and cordial approval amongst those best informed upon the subject.



# EXTRACTS

FROM

## “THE RAILWAY TIMES.”

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*June 29th, 1844.*

**THE** Railway Plunder Bill has been printed. We advisedly call it by that opprobrious designation. During the ROBESPIERRE revolution of France, the various kingdoms subdued and plundered by that country, were, in turn, as the fate of being pillaged reached them, said to be “fraternized.” This was the slang revolutionary term of that era when the rights of property were daily violated with acclamation. The opportunity now offers of transplanting the epithet to England, whose Parliament, hitherto the unflinching advocate of the sacredness of private property, is about to scorn that holy office, in order so to subdue and plunder each Railway coming within its grasp, as to admit this designation born in the days of crime, to be applied to it in its plundered state, that it has been “fraternized.”

The Railway Companies met the Government upon fair terms. They said—“we admit that we are monopolists, but the Parliament has designedly created us such for the public good. We have obtained the power of making money by serving the public—we are restricted from overcharges—we are in subjection to that publicity which seldom fails in England to punish and suppress misconduct or extortion of any kind—our past conduct is without a stain—our whole career has been one of unexampled private enterprise and surmounting of difficulties such as the world never before beheld, entitling us to gratitude and consideration at all hands ;—still we feel that the possession of great power and the love of large profits may lead to abuses, and we are willing in a spirit of frankness, to say thus much—Protect our property against destructive competition, and we shall in return be prepared voluntarily to subject our conduct in reference to charges for passengers and goods, and to providing public accommodation, to a Government tribunal, which shall have power, under certain restrictions, to compel us to reduce those charges and increase the accommodation.”

If the Government had made provisions for carrying out such an arrangement, Railway Companies would have assisted a measure which would have thus dealt out to them justice. But to find this new Railway Bill altogether one-sided—invading the legal rights of Railway Companies—interfering with their property—assuming over them the most extensive, intrusive and offensive powers—and all this done against the Companies, without one solitary particle of the promised protection in return being afforded—what can be the result but deep indignation at this flagitious injustice ? Did Mr. GLYN, Mr. BAKENDALE, Mr. SAUNDERS, and others, as representing Railway interests, intimate their assent to large revising and reducing powers

being entrusted to the Board of Trade, upon the tariffs granted by Parliament to Railway Companies as the foundation of their immense expenditure, except upon condition that substantial protection should in return be given to existing property in Railways? Certainly those gentlemen would never have betrayed the great trust reposed in them, and the just confidence placed in them by Railway Proprietors, by agreeing to an assault being committed by Government upon Railway property, which might help to pull it down and subject it to plunder, and at the same time neglecting to require protection to that property in return. But there is no occasion for hypothesis. The printed evidence of those gentlemen exhibits plainly that they are not averse to periodical revision and reduction of the tolls of Railway Companies, provided protection to existing property against destructive competition, be the result of that concession. Brought up in the world of *quid pro quo*, it was to be expected that they would be found close adherents to that principle when protecting the vast property of the Railway public under their enlightened charge.

It is quite impossible in our opinion for the Railway Companies to make any compromise with the Bill in its present shape. It must be resisted and defeated *in toto*, as a breach of faith. Much just complaint could no doubt be raised at the measure having been deferred to so late a period, and at the bulky evidence being only just printed, and certainly the unfairness of bringing on so large and important a subject at the termination of a wearisome Session of Parliament is manifest. An ostrich, it is said, can rapidly digest anything—but it never was tried with a blue-book; and when one of those tomes is so immense as that which contains the Fifth Report of the Railway Committee and the evidence adduced before it, we defy the most practised devourer of such volumes, however intimately conversant with railways, to digest properly its contents under a period of several weeks: The Bill cannot be modified; it must be defeated or withdrawn; its whole savour from title to termination is plunder without redress. A thing designated a Government guarantee is provided for in the Bill, but with such evasiveness, limitations, and contingencies, that if it were to be offered in a minor transaction of life from merchant to banker, it would be treated as insulting to common sense. There are also clauses in the Bill comprising a treatise on a slippery method of purchasing a railway by Government. But to call these clauses Legislation, looking at their terms, and at their providing to meet events to happen 15 years hence, and at the fact that they may be altered fifteen times in as many different Sessions of Parliament before coming into operation, would be absolutely farcical.

Upon the occasion of publishing our observations on the Third Report of the Select Committee on Railways—observations which, we are proud to know, received the greatest attention from the railway world—we felt much dread that when the propositions in that Report came to be embodied in the clauses of an Act of Parliament, they would be found repugnant and inadmissible. It will be self-evident from perusing the contents of the New Railway Bill printed in another portion of our Journal, and also the comments which we now propose to offer upon particular portions of the new measure, that our fears and prognostications were too well founded.

To commence with the title. In its present form it is merely re-

strictive upon Railway Companies, and comprises nothing in the necessary and explicit shape of "A Bill for the better protection and management of Railway Property." The recital is equally restrictive, and countenancing plunder without the least palliative of protection. It should have contained a clear statement of the intention of the legislature to protect railway property against unjust competition, in the manner to be provided in the Bill.

Then instead of the Bill commencing with the method of driving a Railway Company to adopt reduced fares, under reliance upon a fast and loose Government guarantee worth nothing, followed up by the clauses compelling Railway Companies to sell their railways upon certain terms, —the first provisions of the Bill ought to have laid down the plan for reconstructing the Railway Department of the Board of Trade, to make it efficient as a public Court for Railway investigations, and the functions and duties of such a Court should have been fixed, and the Bill should have defined the principles on which the opinions and decisions of the Court should be founded in reference to rejecting or sanctioning competing lines. It is perfectly true that it would have been difficult to frame provisions entirely satisfactory on this momentous subject, but it was due in common justice to the Railway Companies to have made the attempt. It would have been particularly satisfactory to know whether the present efficient Government officers in the Railway Department would retain their present offices, and whether the tribunal of investigation and decision would be in any respect composed from their body, or whether they would be called into activity only as the witnesses of the Court, to furnish, *visa voce*, impartial evidence; and if the latter, whether the Court would consist of one, two, or three fixed salaried Judges, or be composed of Engineer officers, selected by the Board of Trade from time to time from the corps of Engineers, as cases should arise requiring investigation; or whether (as we should prefer) the Court should be presided over by a permanent Judge, acting always with the assistance of two military officers, after the manner of the Judge of the Court of Admiralty, with two Trinity Masters.

Should clauses for the protection of Railway Companies be in this manner inserted in the Bill, we should certainly next recommend that all its clauses regarding guaranteeing, purchasing, &c., from the 1st to the 24th clause of the Bill, should be struck out with one swoop.

In substitution of these we think a more simple and efficient machinery could be introduced for revising the fares of Railway Companies, and which would better satisfy the latter, and be more just.

We should propose—1st. That for fifteen years no Government revision of fares whatever should take place, let the dividends be what they may. 2nd. That the power to interfere by Government, after that period, should be confined to cases of Railway Companies having for three consecutive years been in receipt of divisible profits amounting to 10 per cent. per annum, or upwards, on their subscribed capital. 3rd. That the intention to revise should be intimated by the service of a notice *nisi*, calling upon the Railway Company to appear before the Railway Court and shew cause why its fares should not be reduced to the scale in such notice to be set forth. 4th. That the Railway Company should be enabled to appear under such notice, and enter upon such grounds for wholly or partially resisting

or deferring such revision as it should deem fair and consistent with justice. 5th. That the guiding principle of revision should be not to reduce the fares so as to lower the dividend under 10 per cent. 6th. That the Court should, in case of ordering a reduction of fares, fix what, if any guarantee should be given to the Railway Company by Government. 7th. After the first revision of a Company's fares has taken place, further periodical revisions might be permitted at intervals of 10 years, the same course being pursued at each period of enabling a Company, whose fares were sought to be revised, to meet the case against it, and defend its own position before a tribunal constituted to be a court of justice and impartiality.

If the purchase of Railways by the Government is to be at all countenanced, then it would be also proper that a Railway Company should, after a similar fashion, have the opportunity of shewing cause against the justice or policy of its railway being purchased by Government. But we entirely condemn the purchasing powers as useless and inconsistent, and contrary to all the operations of trade which have hitherto had sway within the sea-girt isles of Great Britain and Ireland, and nothing can reconcile us to them but provisions being attached to the Government purchase of a railway, that its fares should thenceforth be permanently reduced one-half for passengers and goods. Of course it would be necessary, if the purchase of a railway is to be permitted, when ordered by such Court after hearing the Railway Company summoned, and also hearing the Board of Trade, appearing by its very able judge advocate, Mr. Laing, that the principles which are to guide the rate of purchase, &c., &c., should be accurately defined.

In regard to the rules of practice to govern all the proceedings of the Court these would be laid down by the presiding Judge, but they should not be binding until ratified by Her Majesty in Council, six months after being published in the London Gazette, and power should be given to any Railway Company to appear, by petition, before the Privy Council and pray for amendments and alterations of such rules, and the Privy Council should be clothed with authority to carry into effect or reject in whole or in part, the suggestions of such a petition.

It is unnecessary at present to refer to the minor provisions of the Act embraced in the clauses subsequent to the 24th. The more important of them as being obnoxious, are, the sections relating to the establishment and use of Electric Telegraphs, and for wresting from Companies the control of their station yards. Upon these subjects we have offered our opinions before, which are coincided in generally by Railway Directors and officials. The propositions of Government on these points are obnoxious and unjust in the highest degree. We conclude our observations for the present on this extraordinary attempt at legislation, with expressing our conviction that the Bill must be withdrawn for the present session, and entirely remodelled.

*April 13th.*

It is impossible to bestow too great praise upon the moderate and rational tone of the last Report of the Select Committee of the House of Commons on Railways, which will be found printed at length in our columns. The subject was difficult to handle without creating



hosts of opponents. But prevailing prejudices and anxieties have been met by the Report in a kindly spirit, and in every word it gives confirmation to the truth of the Committees' statement that they "have been governed throughout their consideration of the subject by the strongest conviction that no step should be taken by Parliament which would either induce so much as a reasonable suspicion of its good faith with regard to the integrity of privileges already granted, and not shown to have been abused, or which would prospectively discourage the disposition now so actively in operation to extend the railway system by the formation of new lines." The great and leading object of the Committee in their Report and Resolutions is evidently to cheapen railway travelling, and to cause Companies to submit to a pressure which shall compel them, when receiving inordinate profits, to reduce their fares, and thus to cut down their profits. The machinery for this purpose in the Resolutions is constructed with considerable skill, but there remain many difficulties to encounter in the practical working of the Resolutions. There is nothing new in the principle that the legislature wishes to prevent inordinate profits obtained by high rates of charge; for every Railway Bill has a fixed tariff of rates and tolls for the use of the line, and also a fixed rate of charge for locomotive power, which cannot be exceeded. In this manner the legislature seeks to limit profits. If it could be wise enough to prophecy exactly what will be the receipts of a line seeking for Parliamentary sanction, the tariff in the Bill might be so fixed as to render improbable any dividend exceeding 10 per cent., and therefore unnecessary any future changes in that tariff. But, the whole being speculation and chance, a liberal tariff must in the first instance be sanctioned—such as will lead parties to have confidence that they can make a line remunerative if the maximum tolls be levied; and there probably is no other rational mode by which the legislature can fairly revise that tariff, and reduce extravagant profits being received under it, than by the plan suggested in the Resolutions of the Committee.

If the Committee had suggested that all Companies should be restricted from making any dividend beyond 10 per cent., this would have operated as a death-blow to enterprise. If they had suggested that when a Company should be dividing upwards of 10 per cent., its fares and carrying charges should be arbitrarily reduced, without any guarantee to keep up the dividends to 10 per cent., this would have been most unfair and anti-commercial, and have occasioned unmitigated hostility in Railway Companies. The Resolutions, however, propose substantially that Government should be the guarantee for a dividend of 10 per cent. being kept up to any Company having reached that dividend, or more, whose carrying charges the Government should determine to reduce; or instead of giving this guarantee, the Government, by the Resolutions, have the power to purchase a line at the price of 25 years purchase on the 10 per cent. dividend it is paying.

To render the operation of the resolutions thoroughly clear, it may be well to proceed to illustrate by figures what would be the situation of a new line sanctioned in this session from A to B, if those resolutions should become applicable to it.

Assume that the line is 30 miles in length, and has cost 300,000*l.*, of which the share capital amounts to 200,000*l.*, and the borrowed

capital to 100,000*l.*, that in the *sixteenth* year of its existence it has produced a net profit, sufficient after paying interest on the borrowed money, to pay a dividend of 10 per cent. on the share capital—that all its carrying charges are the maximum rates fixed in the Act of Incorporation—and that in the 15th year of its existence it has paid an 8 per cent. dividend, and in its 14th year a 6 per cent. dividend. Upon this state of circumstances the course which the Government may pursue under the Resolutions is—1st, to reduce the fares to such extent as they think fit, they giving to the Company a guarantee that under the reduced tariff the future dividends shall not be less than the average dividend of the three last years, viz., 8 per cent.; or 2ndly, the Government may require a conveyance of the whole railway from the Company, upon paying to the Company an amount equal to 25 years purchase on the 8 per cent. dividend (being 400,000*l.*),—out of which the Company would probably have to pay off its debt of 100,000*l.*, and to divide the 300,000*l.* amongst the holders of the capital of 200,000*l.*, being 50 per cent. premium. Should the 14th and 15th years have each produced 10 per cent., then as the average dividend of the three years would be 10 per cent. the guarantee would be to maintain that dividend, or if the purchase took place the purchase money would be 500,000*l.*

All this looks smooth, but it is not so by any means, and many points of inquiry arise which we shall apply to the assumed facts above stated. What, we ask, is to be done with the 100,000*l.* of borrowed capital? Are the proprietors to be at all restricted if paying a dividend of 10 per cent. in the 14th, 15th, and 16th years, from converting the borrowed money into shares or share capital, by which the dividend would at once be reduced, and might not rise for several years afterwards to 10 per cent. on the entire share capital thus increased by 100,000*l.*? Again, if the borrowed money may be converted into shares at the last moment, just as the Company is getting within the grasp of the Government resolutions, how are the Company to be restricted from fixing a nominal amount of shares exceeding 100,000*l.* in amount, to be given in exchange for the 100,000*l.* in money, to be paid up by the shareholders? The nominal amount of the stock might be 200,000*l.*, which would, amongst the partners and proprietors, be the *share capital*, although by agreement amongst themselves they had paid for it 100,000*l.* only. If the Company could fix a nominal amount of stock greatly exceeding the actual sum paid up, it is obvious that the Company might escape for all eternity from being touched by the resolutions.

Let us consider in the next placé the proposition of taking the average dividend of the last three years as the dividend to be guaranteed, or as fixing the sum to be multiplied by twenty-five years purchase. If the last of the three years paid 10 per cent. and the former two years only 3 and 5 per cent. respectively, the average dividend would be 6 per cent. only. It could not surely be fair to compel the Company to sell a rising concern at twenty-five years' purchase upon such a dividend, neither would it be fair to bring down its fares so as to reduce its future dividends to 6 per cent. only. It is true that it would be optional only with Government to compel a reduction in fares under such circumstances, and that it is fair to consider that Government would not be unjust or unreasonable. But the right to purchase would be clear and incontestible, and the Govern-

ment of the day might be unscrupulous, and avail itself of that right in order to get a bargain; and great injustice would be done to the Proprietors from receiving inadequate purchase money. A remedy can be suggested for any such evils by its being stipulated that the rights of Government under the resolutions shall not come into force until after fifteen years, and until after the annual divisible profits in *each of three consecutive years* shall have amounted to 10 per cent. or more on the share capital.

Again, suppose that the Government give the guarantee to maintain, say the dividend of 10 per cent. Is it to be temporary or perpetual—revocable or irrevocable? Can they ever purchase after once determining to exercise the option of guaranteeing instead? How are they to be protected against the dreadful dangers of such a guarantee? Would not the guarantee be an incentive to lavish expenditure—to carelessness in working—to new and extravagant charges based upon the suggestion that they were caused by the reduction of the Tariff—to Directors doubling and trebling their own allowances, and those of all the officers for having to attend to an increased trade occasioned by reducing the charges of travelling? What adequate protection could be framed except a change of management—from the Directors guaranteed careless and indifferent, to the Government guaranteeing anxious and plundered? To such a change Directors would not submit, and if Government undertook the management, probably the remedy would be worse than the disease, and the Government losses as managers would exceed their losses as guaranteeing only.

Again, examine the option to purchase; 25 years is a fair rate of purchase; but, as has been shewn, a purchase made upon an average dividend less than 10 per cent. would be very unjust; for enterprising men are entitled to work a commercial undertaking up to the point of steadily realising for several years together 10 per cent. on the capital employed, before they are compelled to sell the property. But what in the case of purchasing is to be done with reference to the borrowed money? If turned into shares to represent 100,000*l.*, in addition to 200,000*l.* of existing share capital, and the dividend on the whole amounts to 10 per cent., then the proprietors would receive, as purchase money, 750,000*l.* But if not turned into shares, who is to pay the debt?—are the proprietors to pay it out of the purchase money of their concern, or is the undertaking to be sold to the Government, as subject to the debt of the borrowed money? Further, if Government shall become the purchaser, what plan is proposed to be carried into effect by which the public will get the benefit of reduced fares? It may be said, that nothing need be settled on this subject for 15 years to come. But this would be a very unsatisfactory solution of the difficulty, and the Legislature should be prepared to point out in what manner Government will be enabled to perform the duties of purchaser in duly working the purchased lines at reduced fares, as well as pointing out how the purchase monies are to be raised.

Again, how is a Company to be prevented from increasing its annual expenditure in ornamental and perhaps useless works, which it might do yearly in such a dexterous manner as to keep down its net divisible profits to 9½ per cent. always, so as to preclude a resolution from applying, which fixed 10 per cent. as the interference point?

How, also, is the Legislature to deal with leased lines at fixed rents,

and extension lines where the capital required is invested at a fixed rate of interest?

These are all practical difficulties, which we respectfully offer to the attention of the Committee and of the Board of Trade, and of the able Manager of the railway department of that Board, Mr. LAING, to whose pen, we presume, the public are indebted for the well-written and clearly expressed Report of the Committee. We shall resume the subject, for it is pregnant with importance.

We cannot conclude our remarks without expressing a wish that the Committee will at once determine upon the alterations to be made in the standing orders, especially as regards the execution of Parliamentary contracts. The greatest embarrassment now prevails from the practically valueless order that the subscription for a Bill for next session cannot be taken to a deed until after the close of the present session. The facility should at once be given that Parliamentary undertakings now signed should stand good for next session.

*April 20th.*

THE remarks made in our last journal on the Resolutions of the Committee of the House of Commons on Railways were well received in high quarters, and there is less disposition in the railway public than before to swallow the Resolutions wholesale, and without due digestion of their contents. We have no purpose in view, but to assist the labours of the Committee, who have devoted much time and anxiety to their duties, and we have assumed, that in the tone of feeling at present generally prevailing regarding railway monopoly, that the various old and new Companies must not be trusted in reference to suiting all classes of their customers with the best accommodation they can afford, and at the lowest prices consistent with the receipt of an adequate return upon the capital invested. It is, however, quite undeniable that self-interest, although likely to lead each Company to do its best to produce the greatest revenue at the least trouble and cost, is still the best corrective of mal-administration. The public and the shareholders are always looking on—competitors are not far off, and probably, if no such Resolutions as have been propounded ever became the law of the land, there would be every possible struggle made by each Company to afford the utmost amount of accommodation to travellers, and at the lowest fares practicable. Many will, therefore, think as we do—that the Resolutions will practically effect but little. Should they, however, become the basis of legislative measures, they will get the credit of being the promoters of cheap travelling, civility, and every comfort which passengers may obtain.

Further reflection upon the Resolutions has only tended to strengthen our conviction that the power to purchase should not be permitted, except where the average dividend of the last three years, referred to in the Resolutions, be equal to 10 per cent. Upon this the Railway Companies should make a firm stand. It may be proper, after the dividend for one year only shall reach 10 per cent., or exceeding 10 per cent., to revise the fares—for the revision may terminate in their not being altered or reduced, and hence no injustice would be done. But the right to purchase is quite another matter. If this is to be given and fixed at 25 years purchase upon the average dividend of the last three years, when the third of the years only shall have reached 10 per cent., very shameful injustice might be done to a

Company, which, by some fortuitous addition to its trade, after remaining for years a line paying small dividends, should mount suddenly to the position of paying a dividend exceeding 10 per cent.

We inquired anxiously in our former remarks whether the proposed guarantee of Government was to be revocable or irrevocable. Upon further consideration of the Resolutions we find a loop hole, out of which the guarantee can escape at any time. The guarantee is to exist so long only as the scale of reduced charges shall continue in force. The Government, therefore, will have the power of reducing the fares and charges on any particular line of railway upon the happening of the events, and at the expiration of the period stated in the Resolutions; and when the reduced charges are in full operation, and the habits of all the travellers and tradesmen on the line quite accommodated to them, so as to make alteration in the shape of increase next to impossible, then the Government can say to the proprietors of the line, "We restore to you the right to use your old scale of fares and charges—we abolish the reduced scale which is no longer to be in force, and our guarantee has ceased. Now shift for yourselves, and displease your customers if you dare, by raising their fares for travelling and charges for goods." This will be called imputation of trickery. We admit that such a term would be well applied to such conduct; but it is not our business to be polite towards the resolutions—their full effects and consequences must be examined—the Government which is to acquire important rights and powers under them, must be treated with suspicion and jealousy, and if the use of definite language at the present moment can avoid future evils and injustice, there can be no doubt that the terms in which the Resolutions are couched cannot be too often revised and corrected.

It was suggested by us that Government should point out and provide for the public getting the benefit of their purchasing lines of railway from the shareholders. The propriety of this suggestion is admitted on all hands, and we trust that the Committee's attention having been drawn to the subject, they will not fail to impose upon Government such regulations for their action and guidance when becoming purchasers, as will render certain large benefits to the travelling public and to trade. It appears to us, indeed, that it should be now stipulated, that if Government shall become the purchasers of a line, then, the whole of the fares and charges for passengers and goods should from and after the day of the purchase be reduced one-half in amount at least.

*June 15th.*

In regard to Station yards, the Committee evidently wish to give the Board of Trade a power of ordering them to be freely open to all vehicles "tendering themselves to take up or set down passengers' luggage and parcels." It is not likely that Railway Companies will concede this power to the Board of Trade without a strong struggle to defeat its being granted. The station yard is private property, and on that ground ought not to be interfered with except by the express permission of its owners. If by arrangements with the owners of particular vehicles to grant them the exclusive trade in taking passengers and luggage from a station, and in taking to and from a station, parcels, a Railway Company should be able to earn

money or money's worth, obtain large and valuable connexions of coachmasters or carriers calculated to bring traffic on the line, it is an undoubted right which the Company's expenditure of capital under Parliamentary sanction has purchased—it is indeed their unalienable right—to make such use of the stations as they shall think fit, to the admission of certain public vehicles, and the exclusion of others, so long as the passengers are sufficiently served, and do not complain of a want of accommodation in this respect. But beyond all this, we believe sincerely that it is a truth, that the general admission of all vehicles which choose to require admission into a station-yard would be fraught with the greatest inconvenience and annoyance to travellers. In horses, “the maimed, the halt, and the blind,” would take the places of sound, fast-going steeds, with neat, clean, well painted vehicles, which no man could support if his trade were to be broken up by the competition of anybody and everybody, more careless and less particular than himself. Badly painted exteriors of coaches and cabs, filthy insides with seats and linings full of vermin, broken windows, check strings absent, salient nails suited to tear gowns, coats, and trowsers, and coachmen and cabmen uncivil and dirty, would make themselves masters of the station-yards, and bring the Railway Companies into disgrace which should permit their yards to be so occupied. At present the dominion of a Company being paramount the condition can be enforced upon all vehicles. “You are to come here clean and well appointed, or not at all.”

THE Government have already published a series of resolutions embodying a notable scheme for taking the Railways into their own hands. We will venture to predict that this scheme will never be carried into effect—it is neither practicable nor desirable. But it does not, therefore, follow that they are not to lend their utmost aid in making them efficient under the present system of management. They who have risked their capital, and devoted their time and labour to produce the present state of advancement in the face of all the discouragements we have pointed out, cannot fail to be the most efficient guardians of the public interests as well as their own; and that relief, which a liberal policy suggests, cannot be worked out more beneficially to the public good by other hands than by those which have effected so much without it.

The great proposition to be met in these undertakings is, simply “to afford the public the greatest amount of accommodation at the cheapest rate, consistent with a fair remuneration for the capital and labour which are embarked in producing it.” This cannot be effected so long as railways are burthened with outlays which are in no way essential to their creation, nor conducive to their interests. These outlays cannot be avoided without the special interference of the legislature, and the points to which that interference should be more particularly directed are these:

1. The reduction of the law and Committee expenses.
2. The exorbitant sums paid to landholders for compensation, and the mode of assessing them.
3. The oppressive principle of rating as sanctioned by the common law.

#### 4. The operation of the Stamp Act.

Under this last head the enlightened policy of the Prussian Government furnishes a valuable hint, where it is said that "a free postage is granted for all railway correspondence, and exemption from stamp duties on all deeds and documents that Railway Companies may have to execute, with other valuable privileges."

It is high time these matters were forced upon the attention of the Government, that the leading country in the world for railways, may not be thrown into the shade, by the more liberal and enlightened policy of other nations, whose views are founded on the experience which its spirit of enterprise has elicited. By the operation of a measure of relief, such as we have suggested, not only would a much lower tariff of fares be established, but an increase of the dividend would be accomplished; and, at the same time, the Government might fairly require, on the well founded plea of public interest, that the mails should be carried free of charge.

It may be wondered that such a state of things, as we have shown, should have been allowed to continue so long. But the old saying, "what is every body's business is nobody's business," prevails equally in matters of importance as in trifles. The railway world, as it is well called, comprises a very large class of persons, all of whom have, more or less, felt the evils in question, but as no one in particular has been charged with the task of combating them, each has gone on in the hope that another would undertake the office. It is in the soil of indifference that abuses flourish, and we trust that our remarks will have the effect of awakening, in the minds of those concerned, something more than a passing attention to matters so deeply affecting their own and the public welfare.

*June 22nd.*

In our number of last week we made a brief allusion to the leading features of the Fifth Report, of the Select Committee on Railways, we shall now proceed to examine them in detail, beginning with the third part, which is by far the most important. We repeat the heading of this chapter:

"On the degree of supervision which it may be right that a department of the Government should exercise over future railway schemes in their earlier stages; and on voluntary arrangements with subsisting Companies."

The proposition which is set forth under this text, is neither more nor less than the introduction of a new system of railway legislation; and while we most readily admit that the imperfections of the present mode are sufficient to call forth such a measure, the importance of the subject demands that it should only be approached with the greatest consideration.

We fully agree that the great difficulties of railway legislation are now only beginning to be felt. In the earlier times of railways, and while their numbers have been limited, the questions upon which their sanction depended were few in number. A line was proposed to become the highway for a vast mass of known traffic—the benefits were palpable, and, there being no rival in the field, the opposition was confined to the local interests of individuals. But with their gradual development, these undertakings have assumed a national character.

The advantages they have realised have originated an universal desire to participate in them; and the whole face of the country promises speedily to present a facility for the circulation of traffic, as complete and pervading as that of the vital system in the human frame. With this increase of numbers, comes a multiplication of interests and rights, and the questions for consideration must all, to a certain extent, be treated on national principles, and the proposed establishment of a preliminary tribunal, of capacity selected for the task, cannot, as a principle, fail to meet with general approbation.

The objections to the present system are chiefly these—that from the very constitution of Private Bill Committees, local interests form the chief objects of regard in their deliberations—that there is no system of sound general rules by which the unconnected proceedings of temporary Committees may be governed—that, whether a Bill be opposed or not, the Committee have no power to go beyond the subjects brought immediately under their notice, either by way of examination or suggestion; so that the points most essential to the public good may remain untouched, while valid grounds of objection may be got over through the means of private arrangement.

In place of a system so manifestly imperfect, it is now proposed to confer on the Board of Trade the necessary powers to take cognizance of Railway Bills, and also the schemes themselves, before they shall have assumed the form of Bills, with regard mainly to the following subjects:—

- “1. All questions of public safety.
- “2. All departures from the ordinary usage of railway legislation, on points where such usage has been sufficiently established.
- “3. All provisions of magnitude which may be novel in their principle, or may involve extended considerations of public policy. For example, amalgamations and agreements between separate Companies; extensions of capital; powers enabling the Railway Companies to pursue purposes different in kind from those for which they were incorporated; modifications of the general law.
- “4. Branch and extension lines, in cases where upon the first aspect of the plan, a presumption is raised that the object of the scheme is to throw difficulties in the way of new, and probably legitimate enterprises.
- “5. New schemes where the line taken presents a strong appearance of being such as to raise the presumption that it does not afford the best mode of communication between the termini, and of accommodating the local traffic.
- “6. Cases where a Bill of inferior merits may be brought before Parliament, and where a preferable scheme is in *bona fide* contemplation, although not sufficiently forward to come simultaneously under the judgment of Parliament according to its Standing Orders.
- “7. Any proposed arrangements with subsisting Companies which may appear as objectors to new lines.”

Here we have a clear setting forth of the objects proposed to be attained through the agency of the new tribunal. They are all highly important, and calculated to encourage the practical utility, as well as to protect the legitimate development of future enterprises. Such being the end, let us look at the means to be employed and the parties to whom they are to be entrusted—for upon their fitness and honesty of purpose much of the good or evil to result from the enactment must necessarily depend:—

Let us then suppose the Railway Department of the Board of Trade *properly organised*, as a preliminary court to which a scheme is to



be submitted previously to its going before Parliament. The first question which naturally arises to the suitors is this—What is to be the result of this inquiry? Are we to be subjected to all the expense and trouble of an investigation, such as is here proposed, and then having satisfied the Board of Trade, are we to find our project in point of fact nothing advanced? Is the onus of proving our case before the present tribunals still to remain? If so, the proposition is no more than to add another to the already overwhelming sources of expense by which a Bill is assailed in its progress. What are the terms of the resolution?

“Resolution.—That it is expedient that all Railway Bills should henceforward be submitted to the Board of Trade previously to their introduction into Parliament; and that the various documents and other requisite information connected with each project, and, if necessary, copies of the plans and sections of the line, shall be lodged at the office of the Board of Trade, at such periods as may afford sufficient opportunity for their examination.”

Looking at this, combined with the various points to which the inquiries of the new Board are to be directed, we shall find that it embraces an entire proving the case—and the result is to be no more than to afford to Parliament additional aid by the testimony of competent witnesses—and recommendations founded on their elucidations. But these are not to amount to positive advice, so that all that can be said after undergoing so searching an ordeal amounts to this, that although a power which might have greatly influenced the rejection of the scheme may have been propitiated, the certainty of its final acceptance is not advanced in a corresponding degree. It is true that the duties of this Government Board may be said to have reference to matters strictly affecting the public interest, in pointing out to the notice of the legislature the general bearings of each scheme, as tested upon the broad principles of national utility, not as matters of decision, but of inquiry. At the same time, without wishing to see any extension of the absolute powers of Government in regard to railway matters, we would suggest that matters of detail, forming material portions of the case on which a Bill is sought to be obtained, having been proved before the preliminary court, as incidental to their inquiry, should be taken as complete, without being gone into again during the other stages of the Bill, before its final appearance before the House of Commons.

Beyond this question, which is very material as affecting the expenditure, as well as the machinery of working a Railway Bill, and which we regret not to find anticipated in the Report, we cordially agree with the general tone in which the Committee have expressed themselves. They are evidently alive to the existing defects, and not insensible to the difficulty of providing a specific remedy. They are sensible that these defects cannot be removed by any determinate rule of uniform and unvarying application. They are, nevertheless, strongly of opinion that the time is come when Parliament must decide, within certain limits, as to the policy to be pursued to meet the present requirements of Railway Legislation. And while they recommend the laying down of *general principles* to guide the Legislature, the want of which, under the present tribunals, renders the success or failure of a project as much dependant upon accident as upon the existence or want of merit, they at the same time do not disguise

their opinion, "that much must be left open to be decided according to circumstances; and that the benefits of the course they now advise will depend mainly upon the vigilance, discrimination, and equity with which those general principles shall be applied in detail."

As to what these general principles are intended to imply, we will give the words of the Report, as being well worthy of commendation:—

"With regard to such principles in their more abstract form, the Committee anticipate a very general assent to the propositions, that railway enterprise should be encouraged; that the country, after all that has been done, still affords great scope for the extension of the railway system; that the good faith of Parliament with respect to privileges and powers already granted should be kept beyond all just suspicion; that one of the elements of encouragement to future undertakings, is, just and equitable dealing with those already established; and that at the same time nothing in the nature of what is termed a vested interest (by which the Committee understand an interest and claim over and above positive enactments for some restraint of general principles in favour of the party) ought to be recognised by Parliament as attaching to existing railways."

Such are the abstract principles which, in the first instance; the Select Committee suggest for the constitution of the new tribunal. We will now give the classification of projects which are anticipated to fall under its jurisdiction. For elucidation of the third head, we must refer our readers to the Report itself:—

"1. In cases where it is proposed to push new lines of railway into districts not at present within the circle of railway communications, the main questions for consideration will ordinarily be simple, and require no detailed notice from the Committee.

"2. In cases where branch lines are proposed with a view merely to the more convenient connexion of a particular town and district with the subsisting railway, and not with a view to the formation of any new line of ulterior communication, the same observations will apply.

"3. In cases where it is intended to form, either at once or piecemeal, new lines of communication, which are to compete with subsisting lines, there should be an examination of each scheme with respect to the amount of increased facilities which it is intrinsically calculated to give to traffic, either terminal or intermediate."

We have already given the subjects in respect of which each scheme is to be examined, beyond those inquiries which are incidental to the above classification; and from the whole may be gathered the intended operations of the Government Court of Inquiry.

The advantages are evident. In the first place there will be the responsibility which attaches to a public Board, and from this may be anticipated a due attention to the merits of each case, free from personal feelings and local considerations, and influenced solely by general views, inasmuch as the examination of the claims of private persons is to be altogether reserved to the Houses of the Legislature. Then, in the establishment of new lines all undue rivalry will be prevented, and the principles of opposition will be divested of all party spirit and jealousy. The capitalist will not invest his money without the advantage of a full investigation, which is essential to his protection, and the property of individuals will be safe from useless invasion. On the other hand a great watchfulness must be exercised over the constitution of a Board of Investigation; whose powers are so widely discretionary. Every care must be taken to render its

operation complete, without being oppressively inquisitorial. The demands of public interest must be met with as little expense to the suitors as possible, and every use that can be made of the facts elicited before the Board towards rendering the subsequent stages of proceeding inexpensive, without unduly increasing the powers of the Government, should be insisted upon as a necessary feature in the forthcoming enactments. Above all things, the proposed tribunal must be an open Court, accessible alike to the supervision of parties interested and of the public press. A due attention to these considerations, together with other subjects which the Report suggests for amendment, would go far to relieve railways from the anomalies of their condition, which we so fully detailed in our last number.

There is one subject which is embraced in the Fifth Report of the Select Committee to which we are anxious to call especial attention, inasmuch as the question it involves is one of paramount importance to Railway Companies—although from the brevity with which it is touched upon, and the apparent fairness of the propositions, there does not, at first sight, appear to be much room for discussion.

The Committee begin by referring to the Report of 1840, “in which an opinion is expressed of the importance of the results with which the invention of the Electrical Telegraph may be attended, and the propriety of making provision on the one hand that Government should be able to avail itself of this improved means of procuring and transmitting intelligence; and, on the other, against the obvious inconveniences that might arise from leaving in the hands of a private Company, or of an individual, the exclusive means of intelligence which this Telegraph will afford.” They then proceed to the following recommendations:—

“(1.) That the Government should have a power of directing any Railway Company to afford the requisite facilities for laying down a line of Electrical Telegraph along their railway, and for using it for the purpose of receiving and transmitting intelligence, subject to a reasonable remuneration to the Company.

“(2.) That where a line of Electrical Telegraph shall have been laid down by any Railway Company, or by any private Company or individual with their permission, the use of such Telegraph shall be open to all parties equally, subject to such reasonable charges and regulations as may be approved of by the Board of Trade.”

Now to put this in plain language, as it really concerns Railway Companies, we should read thus:—“Whereas a line of a railway, being the absolute property of the parties who have purchased and constructed it at vast expense, presents a great facility for laying down the Electrical Telegraph: and whereas, it is in the power of the Companies, being owners of the line, and ‘doing as they like with their own,’ either to confine this great facility, accruing from the nature of their property, to their own private uses, or to make a source of profit therefrom, by allowing others to share the advantage, on terms to be agreed on, and according to the law of property generally.—Now we, the Select Committee, fully appreciating the value of the Companies’ position, recommend to the Government to take away from them the privilege of ‘doing as they will with their own,’ and to make it imperative on them to admit any stranger to invade

their land, either to lay down a telegraph, if the Companies should not choose to do so themselves, or to use that which may be in existence. But, lest they should complain of downright robbery as well as invasion, the Companies shall receive a 'reasonable remuneration,' in the shape of such reasonable [mark the word] charges and regulations as may be approved of by the Board of Trade."

Now this is a doctrine we are not prepared to accede to, nor is it likely to meet with the approbation of any one who is alive to the principles of common honesty, to say nothing about absolute rights. We do maintain that a railway, though devoted to public uses and advantages, is strictly *quoad* possession, private property, and that every right and beneficial adaptation, either inherent or incidental, which belongs to such property, claims the same sacred respect, whether the ownership be in the hands of one or many, and the uses public or private. The facility for telegraphic purposes which a railway offers is one of the advantages incidental to its construction, and whether it may have been originally contemplated or not, the persons who risked their capital did so to reap their return in whatever shape the then undeveloped facilities of the undertaking might hereafter render it available as a source of profit. It may be very easy for the Government to allege that, here, is an object very desirable for the public service, which can be obtained in no other way than through means of railway lines—and that the general good requires that the State should not be subjected to a refusal on the part of a Company to permit its attainment. As far as the State is concerned this may be true, and it would be easy to make an understanding between them and the Companies a part of the Act of Legislature; but what plea is there for thus letting in the whole world to derive advantages of incalculable benefit to them, and at the same time limiting the remuneration at the will of the Board of Trade. As the proposition now stands, the Government claim to use the line of telegraph, themselves having the power of fixing the rates and charges—and at the same minimum rate which their own officers will be sure to decide on, the whole world will have the right to follow. We cannot imagine anything more unjust or unconstitutional. Whatever the Government may reserve to themselves under the sanction of State necessity, do not let them attempt to restrict the legitimate bargain and sale between individuals of the benefits and advantages which any may chance to possess.

The question of value in the present case is, not what the Company are damaged by the laying down of a line of Telegraph—nor the use of the few inches of land along which it runs. The real worth is, the advantage accruing to those whose life or fortune may be materially affected by the momentary transmission of intelligence—or, in a less degree, the general prosperity derivable from the spread of information from hour to hour. The money equivalent for such an advantage would soon find its level, and the best guarantee against excessive demand on the part of the Companies is, that it would defeat itself. It cannot for a moment be supposed that the Companies would refuse to make their lines available, with the prospect of a return such as they are entitled to look for.

We are confident that this head of the Report will meet with universal disapprobation, and no time should be lost in meeting it with an energetic remonstrance on the part of the entire railway community.







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