

RIGHT OF WAY THROUGH UNITED STATES PROPERTY AT HARPER'S FERRY.

[To accompany joint resolution No. 3.]

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APRIL 30, 1834.
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Mr. R. M. JOHNSON, from the Committee on Military Affairs, made the following

REPORT :

The Committee on Military Affairs, to which the letters of Mr. Bruce, President, and Mr. Morell, Engineer of the Winchester and Potomac Railroad Company, were referred by the Secretary of War, at the instance of the President of the United States, asking for the right of way through the property of the United States, at or near Harper's Ferry, report :

That the Winchester and Potomac railroad, in order to effect a suitable junction with the Baltimore and Ohio railroad, at Harper's Ferry, must pass through property belonging to the United States at said place; and that such a work, penetrating a region among the richest in the Union, in agricultural and mineral resources, and offering a route for its ready extension, will greatly promote the interests of the national armory, by furnishing materials for its manufacture, and supplies for workmen and others there employed; and, in the event of foreign invasion, might tend to strengthen the national arm, by providing a rapid medium of transporting men and munitions of war from the interior of the country to the seaboard. But, independent of the reasons here advanced, the committee are of opinion, as this is a great public work which ought to have a fair encouragement, and as the right of way through the property of the United States at Harper's Ferry, which the company ask, can do no manner of injury to said property, but, on the contrary, greatly increase the value thereof, as also benefit the public in general, the committee, therefore, report a joint resolution, granting to the Winchester and Potomac Company the right of way as asked for.

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WAR DEPARTMENT, *April 18, 1834.*

SIR : I have the honor to transmit copies of letters received from Mr. Morell, the Engineer, and Mr. Bruce, the President of the Winchester and Potomac Railroad Company, by which it will be seen that that company is desirous of running their road through the public grounds at Harper's Ferry. I am instructed by the President to inform the Committee

on Military Affairs, that, not feeling authorized to accede to the proposition made on this subject, the matter is referred to the consideration of the committee.

Very respectfully,

Your most obedient servant,

LEW. CASS.

Hon. R. M. JOHNSON,

Chairman Committee on Military Affairs, H. R.

WINCHESTER, *April 14, 1834.*

SIR: A copy of a letter from Col. Bomford, of the 29th ult., to Gen. Rust, containing the decision of the Secretary of War upon the application of the Winchester and Potomac Railroad Company, made through Gen. Rust, has been furnished me as agent of that company. From the terms of the decision, I infer that the request of the company has not been presented to the War Department in a manner to make its nature fully understood.

By an act of the General Assembly of Virginia, incorporating the Winchester and Potomac Railroad Company, they are authorized "to enter upon all lands and tenements through which they may judge it necessary to make the said railroad, and to lay out the same according to their pleasure, so that neither the dwelling-house, yard, garden, or castilage, of any person be invaded *without his consent.*"

The Winchester and Potomac railroad cannot reach the Potomac at Harper's Ferry without passing through the yards, &c. of the occupants of the land held by the Government at that place, and the request of the company is, not that the War Department shall dispose of the public land, but that it shall not obstruct a great public improvement, by withholding its consent to the passage of the road through the yards, &c. of the individuals occupying that ground.

It is contemplated to carry the road in the rear of the dwelling-houses, and to elevate it upon trusses to a height sufficient to admit, at all places, ready access from the front to the rear of all the lots, either by men or horses; and it is believed, by adopting this mode of construction, that there is not a single occupant who would refuse his assent to the passage of the road through his grounds.

If, under this view of the subject, the Secretary of War shall feel authorized to give the consent required, he will please cause me to be notified of the same at as early a period as his convenience will permit.

I am, with great respect,

Your obedient servant,

WM. H. MORELL.

Hon. LEWIS CASS,

Secretary of War.

WINCHESTER, *April 14, 1834.*

SIR: It is, I believe, known to you that one of the contemplated routes for the Winchester and Potomac railroad passes down the left bank of the Shenandoah, near Harper's Ferry, and partly through the United

States property at that place. A sketch of the localities of the public property, likely to be affected by our undertaking, was forwarded through General Rust, I think, to Colonel Bomford, that the department might be possessed of such materials as would enable it to determine what facilities could be extended to a work, which, no doubt, will be of great benefit to the armory, and enhance the value of property belonging to the Government in its vicinity. It has been stated to me, though unofficially, that, as head of the War Department, where I supposed the power to reside, you were disinclined to act on the subject of our request, and, supposing that it arose from an apprehension that our expectations might be greater than they really are, I have taken the liberty thus personally to address you.

Although the location of our road passes through several private yards and gardens, yet the holders of property, save one, have gratuitously conveyed us the right of way. A similar right we solicit of the Federal Government, and, in addition, the use of a portion of the public ground near the arsenal as a place of deposite for our trade, now occupied, in part, as a wood and lumber yard, out of the region of the workshops, and embracing no improvement of any value whatever. The spot referred to, near the arsenal, is particularly desirable, to give efficiency to our operations, as it at once would accommodate the trade of the armory and village, give us easy access to the Chesapeake and Ohio canal, and promises a ready junction with the Baltimore and Ohio railroad. Penetrating the richest valley in Virginia, leading to inexhaustible beds of fine iron ore, from which some of the best metal used at the armory has been obtained; the commencement of a line of improvement, likely to be excelled by few in the accommodation of national trade and travel, I cannot doubt that the General Government will extend encouragement to the work commensurate with its importance.

Would it be asking too much of the department to direct a personal examination into the localities and objects above alluded to? The engineer of the company will cheerfully communicate its views, and (excuse me if I should appear importunate) it would give me much pleasure to meet such agent next week, on the ground; Mr. Thomas, of the Baltimore company, having solicited an interview with me upon business of the two companies on the 23d instant, at Harper's Ferry.

Should you feel indisposed to act decisively in this matter, and advise its reference to the slow action of Congress, I beg you will be kind enough to inform me early, as our desire is to have the subject settled as soon as possible as well to put the anxiety of the inhabitants of Harper's Ferry to rest about the final location of the work, as to enable the company to decide, however reluctantly, upon occupying the right bank of the Shenandoah, by means of a bridge about a mile above its junction with the Potomac.

Allow me to hope that a work, fostered at its commencement by the General Government, and stamped with the testimony of its national importance, by the able engineer then employed, will receive the same liberality now advancing towards its completion.

I have the honor to be

Your most obedient servant,

JOHN BRUCE,

President of W. and P. Railroad Company.

The Hon. the SECRETARY OF WAR.

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