

#2945 box 31

# RAHWAY VALLEY RAILROAD

RAHWAY VALLEY COMPANY, LESSEE

OFFICE OF  
GENERAL MANAGER

R. A. Clark  
~~JOHN H. HENGLAND~~  
GENERAL MANAGER

REFER TO  
FILE NO. \_\_\_\_\_

SUBJECT \_\_\_\_\_

KENILWORTH, N. J. January 21, 1921

Mr. Bird M. Robinson, Pres.,  
American Short Line Association,  
Washington, D. C.

Dear Sir:

A question has arisen here between several of our patrons and this company as to the responsibility for the seizure by this Railroad of several cars of Bituminous Coal for locomotive fuel that were originally consigned to such patrons.

This coal was seized and used by this company several months ago, during the period of coal shortage, and at a time when we were forced to do so in order to continue operations as we were experiencing great difficulty in obtaining a supply from the mines, and it is my impression that at the time the Public Utility Companies were granted this concession by the Government, however, the technical point wanting solution is this; are we liable only for the invoice price of the coal so seized or are we subject to the liability for replacement costs of the coal, in other words, the coal converted to our use costs only \$6.00 per ton at mines, but when consignees ordered other cars to replace the ones seized, the price had risen to \$11.00 per ton, which involves the question, are we liable for this additional \$5.00 per ton?

As you are undoubtedly more or less familiar with the ruling in such cases, may I ask your kind indulgence and opinion in the matter.

Your early reply will be appreciated.

Yours very truly,

*R. A. Clark*  
Gen'l Mgr.