

CREDIT VALLEY RAILWAY – THE THIRD GIANT

V. Legal Entanglements and The Toronto Entry

Part of the entanglements in which the Credit Valley Railway became involved is dramatically shown by the Special Committee Report of the City of Toronto Council dated March 5, 1880, in which the Credit Valley Railway is seeking trackage rights into the city of Toronto and over trackage of the Northern Railway. The following is an excerpt from the report:

Railway representatives: Mr. Wells for the Credit Valley
 Mr. Darcy Boulton for the Northern
City Council: The Mayor and eleven Aldermen

Wells stated that the Grand Trunk Railway had obtained waterfront rights in a fair manner but the land which the Northern Railway occupy “I do not hesitate to say was for the most part filched by them from the City and their possession has since been maintained and extended with considerable skill.” He also added that “the Northern Railway occupy a frontage of some forty or fifty acres without having paid the City one single farthing for it.” Wells continued, saying that “the City of Toronto holds a license of occupation granted in 1853 of all that ground. That license was granted subject to the right of the Northern Railway to occupy, for the sole purpose of a terminal station the land they then occupied but also subject to the right of other railway companies for the same purpose.”

The Order in Council states, “occupation by the Ontario, Simcoe and Huron Railroad Union Company of such space as may be deemed necessary for them for the purpose of a terminus” and was dated December 9, 1853.

Boulton said that the railways (both the Grand Trunk and the Northern) only used land which the City abandoned; i.e.: the City obtained license of occupation for a continuous Esplanade from Berkley St. West to Queens Wharf but abandoned construction beyond Brock Street (not Spadina Avenue) and the railways occupy the area between Brock Street and the Queens Wharf.

When the Council was presented with all the various arguments, the map used by the Northern had apparently been drawn with one scale to show the Northern and Grand Trunk trackage and in a larger scale, magnified some three times its correct size the trackage of the Credit Valley. The exaggeration of the Credit Valley claim was in fact due to the indication of the exact trackage of the Northern and Grand Trunk showing each individual rail in its exact location while showing the entire Credit Valley proposed right-of-way over its whole width. The result was the appearance of a huge land request by the Credit Vallley Railway. The 'error' on the part of the Northern Railway, designed to make the Credit Valley Railway appear to be making impossible demands on Northern trackage was detected almost immediately by the Council and corrections to the plans were made. Such were the type of “smoke-screen” tactics thrown up by competitors to stop the entry of the Credit Valley into the City of Toronto.

Reference to the drawings of track plans would indicate an almost impossible task of trying to locate trackage rights for the Credit Valley in this instant, and to obtain the correct perspective of the reason for litigation.

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The Credit Valley had freight and engine facilities in the northeast corner area of the Dufferin-King Sts. intersection and its main line extended down to the area to the northwest of the present Bathurst-Front Sts. intersection. The water terminal of the Credit Valley was located at the foot of Simcoe St., where a wharf was also available for transfer purposes. The main passenger terminal was the Toronto Union Station, shared by all the major lines entering the city. So to simplify the problem, the Credit Valley Railway proposed crossing over all other trackage in order to obtain direct access to the main terminal and also to the Company's own waterfront wharf.

So complicated were the various routes proposed and so heated the arguments both for and against entry, that the entire matter was eventually taken up by the Railway Committee of the Privy Council in Ottawa. They appointed Mr. Frank Shanley to examine each of the alternatives and to report back with the best solution: one which would be the least objectionable to all parties concerned. On June 28, 1879, Mr. Shanley forwarded to the Committee a lengthy report wherein he said, "Having thoroughly, as I believe exhausted the question and the different schemes proposed, I beg leave to report as having arrived at the following conclusions, the question resolves itself into not more than three schemes." The scheme settled upon involved the following crossings:

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| 1. The Toronto Grey and Bruce to Queens Wharf. | Three Tracks |
| 2. The Northern Railway near Bathurst St. | Two Tracks |
| 3. The Great Western Railway at Brock St. | One Track |
| 4. The Northern Main Line on Esplanade St. | One Track |
| 5. The Northern on Esplanade St. (side tracks) | Six Tracks |

The complexity of a crossing of thirteen tracks of three independent railways gives some idea of the chaotic engineering in the mid to late 1800's railroad era. The drawings show the general layout at the time of the problem and the ultimate trackage laid out to enable the C.V.R. to enter its waterfront terminal as well as the Union Station.

The matter was finally resolved by the Railway Committee in 1880 and trackage rights were obtained for the C.V.R. to its wharf and to the central station for direct movement of passengers without transfer of either passengers physically from one train to another or transfer of engines from Credit Valley to Grand Trunk. We shall see what a serious problem this transfer of trains had become and the ultimate danger to life of the traveler.

On May 10, 1879 at approximately six p.m., a special car was returning from an inspection trip with the executive officers and some specially selected shareholders in the Credit Valley Railway. Because final arrangements for running rights into the Toronto Union Station had not been completed, the Credit Valley engine, which had taken the car originally from the interchange track near Carlton placed the car on the interchange track and returned to the Credit Valley trackage.

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The executive and members of the party were listening to a summation of the work schedules so far completed on the railway and were being given a progress report on work taking place to date. James Gooderham and George Laidlaw, the president, were discussing the eventual completion of the line with their honoured guests, while awaiting the arrival of the Grand Trunk engine to take their special car the balance of the way into the Union Station.

The Grand Trunk engine, proceeding westward toward the switch at the interchange track, gave the signal for a divergence of route from the main line to the interchange track. (Four short blasts on its whistle.) The switch tender, knowing that an engine was to pick up the special car, and hearing the whistle signal, threw the switch and lined up the track so that the engine entered the siding where the car was standing.

The engineer, James Cross, stated later that he did not know that he was to pick up a car of the C.V.R. at Carlton but rather that he was to meet a Grand Trunk train at Carlton yard. He denied sounding his whistle, a fact refuted by a number of outside witnesses, and he entered the siding at a speed of about fifteen miles per hour. Fortunately for all aboard the car, the engine was backing up, tender foremost, and the collapse of the tender at the time of the impact tended to lessen the blow. Even so, it resulted in many injuries to those on board, and in the case of James Gooderham and John McNabb, very serious injuries.

Both men seeing the approaching engine and attempting to jump at the time of impact, were thrown from the car onto a pile of ties alongside the track, Gooderham striking his head on the pile. McNabb fell on top of Gooderham and suffered a broken leg and serious internal injuries from which he recovered. Gooderham died of his injuries next day.

The list of prominent citizens of Toronto on board the special car reads like the Who's Who of the city...Wm. Arthurs, Mr. Walmsley, Mr. Pardoe, Mr. Suckling Jr., Mr. Charles, Mr. Houston, Mr. P.D. Conger, Mr. Beaty, Mr. Angus Morrison, Mr. James Gooderham, John McNabb, George Laidlaw and Dr. Fred Wright. When the investigation was completed the Grand Trunk Railway was held responsible but this was not of much help to the Credit Valley Railway, as it had lost one of its most important promoters next to Laidlaw himself... James Gooderham.

A letter on file at the Ontario Archives, dated May 30, 1879 from Crossfield Iron Ore Works, Whitehaven, England and directed to Mr. Frank Shanley states that “we are pleased to hear that you were not injured in the serious accident at Carlton.” Further investigation reveals that the actual location of the accident was south of Queen St. and almost directly behind Old Fort York. As we have seen there was vigorous opposition to the entry of the C.V.R. into Toronto proper by the Grand Trunk and Northern Railways. The C.V.R., notwithstanding the opposition of these two railways, forced its way into the heart of the city. and trains which formerly could go no further than Parkdale now arrived and departed from the Union Station.

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The first train to complete the run into Toronto did so on Monday, May 17, 1880. The Toronto papers did not see fit to report this small event, but Orangeville, Brampton, Milton and Woodstock commented with pleasure that it was “a feather in the cap of Sir John A. MacDonald to grant by legislation that which neither the Northern or Grand Trunk would give under any circumstances. This is a boon much appreciated by the traveling public who have shown it by a large increase in travel. The usefulness of a railway that extends over so large and populous an area as the Credit Valley does, would be greatly impaired if compelled to stop outside the city limits.”

Under a headline “The Credit Valley and the Union Depot” the “Canadian Champion” of Milton, dated September 1, 1881 states “For the past few months negotiations have been pending between the authorities of the Grand Trunk and the Credit Valley roads to make the Toronto Union Depot the terminus of the latter road. It has finally been settled and the change will be made on Monday next, the 5th of September. Upon which date the St. Thomas extension will be placed in operation. Through parlor cars will then be run from Detroit to Toronto. The terms for the use of the Union Depot are to be fixed by arbitration.”

The same paper, dated June 2, 1881 says "The Credit Valley Railway Company have commenced preparations to build a new dock and wharf at the terminus of the road in Toronto. It promises to be of very large dimensions."

To have had a railway bring its goods down from the back country and be unable to deliver them to the water's edge was unthinkable in 1879. Ultimately, however, delivery of raw materials to dockside in Toronto was really not as important as the promoters of the railway believed. Shortsightedness on the part of the planners was evident on two major counts: first, the extension of rail lines both east and west should have made the interchange more marked than it was and second, the advent of steam powered mills in the large centers, together with better roads into those centers, indicated the eventual decline of the railways as the great benefactor to the settler and the farmer. However, for the time being, rail was 'King' and access to a Toronto wharf was imperative. Access had been obtained and service could now be completed from Elora, Orangeville and St. Thomas directly into the heart of the City of Toronto. The Credit Valley Railway had been completed.