

HISTORY
OF
CALIFORNIA

HISTORY
OF 20936
CALIFORNIA

BY
THEODORE H. HITTELL

VOLUME IV



SAN FRANCISCO
N. J. STONE & COMPANY

1897

F
H67
1897

Entered, according to Act of Congress, in the Year 1897, by
Theodore H. Kittell,
In the office of the Librarian of Congress, at Washington, D. C.

ALL RIGHTS RESERVED.

THE PACIFIC PRESS
PRINTERS, ELECTROTYPERS AND BINDERS.
OAKLAND AND SAN FRANCISCO

Central Pacific Railroad Photographic History Museum
Property of CPRR.org © 2006 - Use by permission only.
Use constitutes acceptance of the CPRR.org User Agreement.
Modified from content made available courtesy
Google Book Search <<http://books.google.com>>

	PAGE
Views on immigration; national affairs.....	428
Haight's execration of the fifteenth amendment of United States constitution	429
How the amendment was rejected by legislature of 1869-70.....	430
Comte's resolutions to expunge Hardy impeachment judgment.....	431
Hager's act for same purpose; Tompkin's opposition.....	432
Argument against legislative power to expunge judgment in vain.....	432
Lottery act in favor of San Francisco Mercantile Library.....	433
San Francisco "Outside-Land" act	434
Movements in favor of women's rights.....	435
Squirrel and gopher acts; Sutter and Marshall appropriations.....	436
Legislative effort to make "Lake Bigler" the official name of Lake Tahoe ..	436
Assemblyman Moynihan's charge of attempt to bribe him.....	437
Haight's vetoes; how he allowed bills to become laws without approving them.....	438
Veto of various bills to aid railroads, and approval of "five per cent subsidy law".....	439
Close of legislative session with speaker Roger's anti-fifteenth-amendment valedictory.....	440
Blowing up of Blossom rock in San Francisco bay.....	440
Method of blasting adopted for purpose, and its success.....	441
Haight's second biennial message.....	442
Remarks on "Mare Island election ticket" fraud.....	442
Recommendations as to fence law and other public matters.....	443
Work of code commissioners; railroad aid acts; five per cent subsidy law	444
Final recommendations and prayer.....	445

CHAPTER V.

PACIFIC RAILROADS.

Early public interest in transcontinental railroad; plans of Carver, Plumb and Whitney.....	447
Benton's project for central national road.....	448
Effect of overland emigration; early resolutions of California legislature	448
Benton's national highway bill; his remarks on buffaloes as "topographical engineers".....	449
His proposition intended as a compromise; United States railroad reports	450
Railroad bills in congress; how Gwin proposed three roads.....	451
California urgent; report in 1853 of senate committee on federal relations	451
Construction in 1856 of Sacramento Valley railroad; engagement of Theodore D. Judah as engineer.....	452
Railroad convention of 1859; Judah's part in it	453
Judah's visit to Washington as agent of railroad convention.....	454
How he interested Stanford, Huntington, Hopkins and Crocker in railroad business.....	455

CONTENTS.

xxxiii

	PAGE
Organization of Central Pacific Railroad Company of California.....	456
Judah's surveys for route over Sierra Nevada; choice of way by Dutch Flat, Donner Pass and Truckee.....	457
Character of construction; question of snow; estimates of expense.....	458
Judah's reports; visit to Washington as agent of Central Pacific Railroad Company	459
How United States congressman Sargent became interested; what he did	459
Passage of Pacific railroad act of July 1, 1862; Judah's part in it.....	460
Provisions of act as to right of way, land grants and United States bonds	461
Terms of act as to Central Pacific Railroad Company.....	462
Judah's return to California; testimonial in recognition of his services...	463
How Central Pacific railroad construction commenced; progress in nine months	464
Judah's last visit east; death; his great work his monument.....	466

CHAPTER VI.

PACIFIC RAILROADS (CONTINUED).

California railroad subsidy acts of 1863.....	467
California railroad legislation of 1864; act for payment of interest on railroad bonds.....	468
Popularity of great project; Western Pacific and San Francisco and San José roads; San Francisco's mistake	470
Huntington's work at Washington; Pacific railroad act of July 2, 1864...	471
Provisions doubling land grants and authorizing first mortgage railroad bonds	472
Progress of railroad construction to Colfax; fixing of western base of Sierra Nevada, and its importance.....	473
Opposition to Central Pacific railroad; Lester L. Robinson; Sacramento Valley railroad business.....	474
How the great project was called "Dutch Flat Swindle;" Stanford's work in Nevada constitutional convention.....	475
Robinson's misrepresentations about Judah; Stanford's reply.....	477
How railroad progressed up the mountains; call for laborers; how and why Chinese employed.....	478
Early troubles in raising funds; how money became plentiful; Crocker as a railroad builder.....	479
How company gathered in its own stock; anti-railroad feeling.....	480
Scheme of Sacramento Valley railroad to run opposition; how foiled ...	481
Growth of anti-railroad feeling; Placer county troubles.....	482
Controversies about railroad taxes	483
How railroad crossed Sierra Nevada and reached Truckee meadows; United States act of July 3, 1866.....	484
Atlantic and Pacific and Southern Pacific Railroad Companies.....	485
California Pacific Railroad Company; how absorbed; other roads.....	486
Question of terminus at San Francisco; enmities and strife.....	487

	PAGE
Grant of submerged lands at Yerba Buena Island	487
Grant of submerged lands in Mission bay	489
Oakland Water Front Company; its objects; what it did	489
Yerba Buena or Goat Island controversy; result	490
Anti-railroad hostility as political factor; Credit Mobilier and Contract and Finance Company	491
Progress of Union Pacific; strife between it and Central Pacific.....	492
How roads joined at Ogden.....	493
Ceremonies of junction; placing of the last tie.....	494
Driving of the golden spike	495

CHAPTER VII.

BOOTH.

How railroad success provoked public antipathy.....	496
What railroad claimed, and what public replied.....	496
Political storm; Democratic state convention of 1871; sketch of Newton Booth	497
Republican state convention of 1871; its platform.....	498
Republican victory; election of Booth as anti-railroad governor.....	499
Legislature of 1871-2; Booth's inaugural.....	500
What he had to say on railroad subjects.....	501
Remarks on universal education and other public matters.....	502
Cheap labor; Chinese immigration; mob law.....	503
How Romualdo Pacheco, lieutenant-governor, was prevented from appointing senate committees	504
Aaron A. Sargent United States senator ...	504
Action of Democratic senate as to fourteenth and fifteenth amendments of United States constitution and other matters	505
Reception of Japanese embassy; lavish expenses; wrangle.....	506
Adoption of California codes; their character	507
Claims of James M. Hutchings and others in Yosemite Valley; loose legislation	508
Litigation about claims and result; how matter finally settled.....	509
Railroad questions; Booth's vetoes generally sustained.....	510
Obed Harvey's proposed encouragement of fine arts; question of worth of chaplain's services.....	511
Adjournment of legislature; Speaker Thomas B. Shannon's valedictory remarks	512
Remarkable jury trials; Horace Hawes' will case	512
Hawes' character and unhappy disposition; his sayings.....	513
How his will was defeated; popular feeling.....	514
Trial of Laura D. Fair for murder of Alexander P. Crittenden; public opinion	515
National conventions of 1872, and their candidates	516
Election of President Grant for second term; Republican triumph; Grangers in California	517

CHAPTER V.

PACIFIC RAILROADS.

IT was in 1869 that the first transcontinental railway, connecting California with the Atlantic states, was completed. This connection had for many years been a subject of great public interest in the United States, and various projects were from time to time presented. In 1835 one Hartwell Carver proposed to congress a railroad from Lake Michigan to the South Pass of the Rocky mountains and thence to the mouth of the Columbia river, with a branch to the bay of San Francisco. His idea was to obtain an exclusive charter for his road, also the grant of a strip of ground sufficient for road-bed and construction purposes, and likewise the pre-emption right to purchase eight million selected acres of the public lands at the rate of one dollar and a quarter per acre—paying for them in stock of the company as the road progressed. But as it was plain that the government could not or at least would not enter into a stock-jobbing operation, such as the plan contemplated, it met with no success. Another project was that of John Plumbe who in 1838, and for a few years before and after, advocated a somewhat similar road and asked for an immediate survey and location of the first link or section from Lake Michigan to the Mississippi river. His plan was to obtain a grant of alternate sections of public land on each side of the road sufficient to build it, and to form a company, embracing everybody who might choose to join, with a capital stock of twenty million shares of the value of five dollars each. But this project, like Carver's, was impracticable and, to use the expression of the day, "failed to materialize." Still another scheme was presented in 1846 by Asa Whitney, who proposed a road from Lake Michigan to Puget Sound; and for that purpose he asked of congress a strip of land sixty miles wide along its whole length,



being a tract containing upwards of ninety-two millions of acres. But the sufficient answer to this project was, that it would create a dangerous monopoly and become a standing menace to the government.¹

On February 7, 1849, Thomas H. Benton introduced into the United States senate a bill for what he called a Central National road from St. Louis to San Francisco, with a branch from some point west of the Rocky mountains to the mouth of the Columbia river. His road was to consist of an iron railway wherever practicable and in other places of a macadamized or otherwise well-constructed passage way; but throughout the entire distance there was to be, under any and all circumstances, a track one hundred feet wide, free of toll or charge, for the use of wheeled carriages, horse and foot travelers. For its construction, he proposed the grant of a strip of land one mile wide between the termini, and the setting apart and pledging of three-fourths of the proceeds of the public lands in California and Oregon and one-half the sales of other public lands in the United States until the work should be completed and paid for. In presenting this project, he seems to have been endeavoring to forward the interests of his son-in-law, John C. Fremont, whose praises he sounded with loud reiteration. In speaking of a route, he advocated an almost direct line between St. Louis and San Francisco and asserted that Fremont had discovered a practicable way on that parallel of latitude—at the same time pronouncing the South Pass entirely too far north. In this, as in some other instances, he either misunderstood or was misled by Fremont, as very clearly appeared upon further investigation.²

Without attempting to follow out in detail all the discussions and proceedings in and out of congress and in railroad conventions in various places, which about this time began to be held, it may suffice to say that the great overland emigration of 1849 demonstrated very effectually the impracticability of Fremont's intended route and that it became plain, from the experience of the emigrants, that the easiest grades and greatest advantages lay in the route along the Platte river, by Fort Laramie and South

¹Con. Globe, 1 Sess. 29 Con. 1845-6, 414, 1171.

²Con. Globe, 2 Sess. 30 Con. 1848 9, 470-474.

Pass, and thence by Salt Lake, along the Humboldt and Truckee rivers, and over the Sierra Nevada by Donner Pass. This was the main traveled road, and any great deviations from it were found to be unfortunate. But it was well known that there were other passes in the Sierra besides Donner; and for the purposes of an expensive railroad, which could not fail to become a highway of nations, it was important that all routes at all likely to be practicable should be surveyed and examined. With this purpose in view, the California legislature at its first session may be said to have taken the initiative by the adoption on March 11, 1850, of a joint resolution, introduced into the assembly by John Bigler, instructing the United States senators and requesting the representatives to urge upon congress the importance of authorizing as soon as practicable the construction of a national railroad from the Pacific Ocean to the Mississippi river. A second resolution urged upon the national government, with a view to facilitate the accomplishment of the great work contemplated, the immediate organization of an efficient engineer corps to make complete surveys and explorations of the several routes, that had been recommended to public notice as practicable, for the line of such road.¹

On December 16, 1850, Benton re-introduced into congress his bill for a great national highway, but in a somewhat different shape from the original scheme. He now proposed the grant of a strip of land one hundred miles wide from Missouri to San Francisco for a main line and a strip fifty miles wide for branch lines, together with the net revenue from lands and customs of California, Oregon, New Mexico and Utah, sufficient to build the road. As to the route, he was not quite so positive as he had been before and did not mention Fremont in connection with it; but he still was of opinion that a nearly straight line between St. Louis and San Francisco was the most direct, the easiest of grade and the most practicable. In his remarks, in reply to an intimation that only men of science could lay out a railroad and that they did not favor his route, he exclaimed, "There is a class of topographical engineers older than the schools and more

¹Journals of Legislature, 1850, 774, 995; Stats. 1850, 465.

unerring than the mathematics. They are the wild animals—buffalo, elk, deer, antelope, bears—which traverse the forests, not by compass but by an instinct which leads them always the right way to the lowest passes in the mountains, the shallowest fords in the rivers, the richest pastures in the forests, the best salt springs, and the shortest practicable lines between remote points. They travel thousands of miles, have their annual migrations backwards and forwards and never miss the best and shortest route. They are the first engineers to lay out a road in a new country; the Indians follow them; and hence a buffalo road becomes a war-path. The first white hunters follow the same trails in pursuing their game; and after that the buffalo road becomes the wagon road of the white man, and finally the macadamized or railroad of the scientific man.”¹

Benton's project, so far as its proposed route was concerned, was probably intended as a sort of compromise between the conflicting northern and southern interests. The southern politicians, on account of its expected influence upon their pet institution of slavery, were opposed to any road, and particularly any road in a northern latitude; but Benton appears to have thought they might be reconciled by a route south of Mason and Dixon's line, and that the north would consent to almost any route to secure a road. It is doubtful, however, even if the proposed road had been practicable, whether there would have been any conciliation between the warring factions. On the contrary, it is likely, if the secession struggle had been postponed and there had been no elimination of the slavery influence from the councils at Washington, that the building of any transcontinental road would have been deferred for many years. Nevertheless, under any circumstances, there could be no great objection to gaining information upon all subjects relating to a matter of such general interest and importance to the country; and for this reason, when the Californian resolutions for surveys and explorations were presented to congress by Senator Gwin on December 30, 1850, they met with favorable consideration and eventually led to the magnificent series of railroad surveys and reports conducted under the authority of acts of congress passed in 1853.

¹Con. Globe, 2 Sess. 31 Con. 1850-1, 56-58.

and published by the United States government a year or two later.¹

Meanwhile, on August 4, 1852, congress passed an act granting a right of way one hundred feet wide in ordinary cases, and two hundred feet where deep excavations or heavy embankments were required, over any public lands of the United States for any railroad, plank road or macadamized turnpike then or within ten years thereafter chartered; and on March 3, 1855, its provisions were extended over the territories.² This latter act, and the publication of the reports above referred to, tended to keep the subject alive; and, though to a very great extent public attention was monopolized by the slavery question, a new railroad bill was introduced, providing for a grant to any person or company that would build the contemplated road of the alternate odd sections within twenty miles on each side of the line selected. To this Gwin, who appears to have been at heart adverse to any road but took his own mode of manifesting his opposition, offered an amendment or substitute providing for three roads—one from Texas to be called the Southern Pacific, one from Missouri or Iowa to be called the Central Pacific, and one from Wisconsin to be called the Northern Pacific. Gwin's substitute passed the senate but failed in the house of representatives, as was probably expected, as did also several other bills introduced in the course of the next few years—there being a decided opposition to any feasible project on the part of southern members.³

During all this time California was urgent for something to be done. On May 1, 1852, the legislature passed an act granting the right of way to the United States for the construction of a road connecting the oceans.⁴ In 1853, Governor Bigler in his message said that few questioned the feasibility of the road and all conceded the incalculable benefits that would be derived from its construction. In the senate of that year, the committee on federal relations reported that no question of public policy had engrossed a greater degree of popular attention; that it had been

¹ *Con. Globe*, 2 Sess. 31 *Con.* 1850-1, 132; 10 *U. S. Stats. at Large*, 217, 579.

² 10 *U. S. Stats. at Large*, 28, 683.

³ *Con. Globe*, 2 Sess. 33 *Con.* 1854-5, 805-814; 1 Sess. 34 *Con.* 1855-6, 1720-1726.

⁴ *Stats.* 1852, 150.

the almost constant theme of the farmer, the miner, the merchant and the statesman, and that every class of the population had been, as it were, a unit demanding the undertaking of the great work. They called attention to the fact that the distance from San Francisco to Washington by way of Cape Horn was nineteen thousand miles or more than the entire circumference of the globe in latitude thirty-eight degrees, the parallel of San Francisco, and that the distance by way of Panama or Nicaragua was as long as a direct line from Washington to Pekin. They urged the necessity of a road not only in a business and social, but also in a military point of view. It had been rumored, they said, that the British intended building a road from Halifax to Lake St. Clair, a distance of sixteen hundred miles. "Shall we," they continued with patriotic fervor, "who have beaten them in clipper ships, swift steamers and other useful notions, yield to them the palm of building the longest railroad on the American continent? Never!" Though it might cost two hundred millions of dollars, it would add five times the cost to the value of the public domain; and, viewed merely as a business proposition, considering the returns to be expected, it might be built without costing the government a dollar. The committee thereupon offered a series of joint resolutions, which were concurred in and approved, to the effect that the increasing demands of commerce, mail transportation and emigration from one portion of the Union to the other required the construction of the road, and that, as efforts in that direction in the last congress had failed, the subject should be again urgently pressed upon the attention of the sitting congress.¹ In 1854 Bigler again called attention to the subject; and several resolutions, calculated like those of previous years to encourage the work, were adopted.² In 1855 Bigler reiterated what he had said before; but the legislature appears by this time to have become tired of forwarding memorials to a discordant congress, and accordingly the usual resolutions were omitted.³

On February 22, 1856, what may be called the first railroad in California was formally opened. This was the Sacramento

¹ Senate Journal, 1853, 25, 524; Stats. 1853, 315.

² Senate Journal, 1854, 36, 428, 472; Stats. 1854, 200, 276.

³ Senate Journal, 1855, 45.

Valley railroad, which ran from Sacramento to Folsom. The original project appears to have been to run from Sacramento along the American river to the foot-hills of the Sierra Nevada and thence northward to Yuba county, apparently with the idea of supplying the Northern Mines. The legislature had provided a general law for the organization of railroad companies in 1850, which was superseded by a new act in 1851. The latter was amended in 1852 and superseded by another new act in 1853.¹ Under the last mentioned act, the Sacramento Valley Railroad Company, which had already been formed, was reorganized and a start, which proved very important for California, was made for the construction of the road. This start consisted principally in the engagement in the eastern states of a young engineer of extraordinary ability, named Theodore D. Judah, a native of Bridgeport, Connecticut, and in an arrangement for the supply from the east of the necessary materials for construction. Judah at once came to California and, setting to work, selected the route from Sacramento to Folsom, a distance of twenty-two miles. Grading commenced in the early part of 1855; track laying in the summer, on the arrival of a vessel with rails; and, as before mentioned, the road was opened in February, 1856. For various reasons, principally the great cost of labor and materials in those days and the dropping off of business consequent upon the deterioration of the placer mines, the enterprise stopped at Folsom. As a financial operation it did not prove as profitable as was anticipated; and in 1865, after passing through several hands, it was purchased by the principal owners of the Central Pacific Railroad Company and formed the first outside acquisition of that subsequently extensive aggregation embracing nearly all the railroad lines of the state, which became known first as the Central Pacific and afterwards as the Southern Pacific system.

The next important move, not counting various minor projects that were talked of and some that were started for minor roads, was the adoption on April 5, 1859, by the California legislature of a concurrent resolution calling for a railroad convention. The object, as stated in the resolution, was to promote the interest

¹Hittell's Gen. Laws, 825.

and insure the protection and security of the people of California, Oregon, Washington and Arizona; to consider the refusal of congress to take efficient action for the construction of a trans-continental railroad, and to adopt measures whereby the building of such a road might be accomplished. For these purposes it provided for the holding of the proposed convention at San Francisco on September 20, 1859, to consist of delegates from the states and territories named—the people of each county being requested to send delegates equal in number to the members of the legislature of such states and territories to which they were respectively entitled.¹ In accordance with and under the authority of this resolution, a railroad convention was held in San Francisco and numerous delegates from Oregon and Washington as well as from California. John Bidwell was chairman. Among the delegates the best posted and most efficient was Judah, the engineer of the Sacramento valley railroad, who appeared as a delegate from Sacramento. He had devoted much time and study to the problem of a transcontinental road; had thrown his whole heart into the project and thoroughly convinced himself of its practicability, and was in fact the main promoter of the convention. And it was chiefly, if not entirely, due to the fulness, clearness and satisfactory character of the information he furnished, that the convention declared its decided preference, among the routes mentioned, for the central one which he advocated, and appointed him to act as its accredited agent in presenting its proceedings to the president of the United States, the heads of departments and the congress at Washington and bringing to bear all legitimate influences to secure favorable action for a Pacific railroad bill.²

Judah proceeded at once to Washington and undertook the framing and pushing of a bill in accordance with the views of the convention. He had already spent much of his time during the three previous sessions of congress at the national capital, endeavoring to procure the passage of a bill making grants of land to California for railroad purposes. He was therefore familiar with the methods of congress and seems to have omitted nothing in

¹ Stats. 1859, 391.

² Report of Theodore D. Judah, &c., San Francisco, August, 1860.

order to accomplish his purpose; but, although he found the subject of a Pacific railroad a popular one, there was so much conflict and sectional jealousy that nothing important could as yet be accomplished. Accepting the situation without complaining, he wrote out a full report of his proceedings, which he transmitted to the executive committee of the railroad convention, accompanied by numerous important documents bearing upon the subject. A somewhat unusual part of his report, but characteristic of the man, was a statement that, although the expenses of his mission apart from his time had cost him over twenty-five hundred dollars, the only bills he had to present were two small accounts for printing in Washington and New York, amounting together to forty dollars. Having thus finished up his business for the time, without being in any respect discouraged and still as firm as ever in his convictions of the practicability of his proposed road and its importance to the country, he returned to California and resumed work at that end of the line.

The zeal, earnestness and untiring activity of Judah, which had already attracted attention, soon invited confidence. Among others who became interested in his projects were four of his fellow townsmen of Sacramento—afterwards famous as the railroad magnates of California,—Leland Stanford, Collis P. Huntington, Mark Hopkins and Charles Crocker. Huntington, like Judah, was a native of Connecticut; the other three were born in New York. They were all at that time engaged in mercantile business—Huntington and Hopkins being dealers in hardware, Crocker in dry-goods and Stanford in provisions and groceries. All had been born poor and, though they had come to California in the early days—Huntington and Hopkins in 1849, Crocker in 1850 and Stanford in 1852—neither of them was rich. Perhaps, if they had been at all wealthy, they would never have invested what means they had in so gigantic and hazardous an undertaking, no part of which they could, either individually or collectively, have carried out, and which as a totality in its then shape was for any such body of men generally regarded as folly or rather madness. But they knew pretty well what they were about. It happened that all, and particularly Huntington as a financier and Crocker as a driving railroad builder, like Judah as an engineer,

proved to be peculiarly well qualified for the project; and, though in the beginning they could get hardly anybody in California to join or assist them but on the contrary were nearly on every side rebuffed and ridiculed, in the end they showed themselves eminently successful and, judging by their success, eminently adapted for the business. It was these men, and substantially these men alone, when Judah was trying to impress the community with the greatness of his scheme and inspire them with faith in it, that came forward and, to the extent of their means, aided in keeping him and his assistants in the field and thoroughly examining, not as perfunctory officials but as men who had a definite and earnest purpose in view, the different routes over the Sierra Nevada mountains.

At length on June 28, 1861, ten days after the meeting of the Republican convention that nominated Stanford for governor, the Central Pacific Railroad Company of California was organized. Its articles of incorporation were filed at Sacramento under the general railroad law of the state, which had been passed, superseding all other laws upon the subject, on May 20, 1861.¹ Stanford was chosen president, Huntington vice-president, Hopkins treasurer, James Bailey, a jeweler of Sacramento, secretary, and Judah chief engineer; and these, with a few others including Charles Crocker, became directors. The capital stock was named at eight million five hundred thousand dollars, divided into eighty-five thousand shares of one hundred dollars each. Stanford, Huntington, Hopkins, Judah and Crocker respectively subscribed one hundred and fifty shares; and other persons, who all except Edwin B. Crocker shortly afterwards dropped out, nearly as much more. It would be difficult to tell exactly what influence in respect to the organization of the company at that time was exerted by the breaking out of the civil war in the April previous. But doubtless much. However this may have been, it became evident almost directly after the firing upon Sumter that a railroad, and especially a railroad north of Mason and Dixon's line, had better chances of success than ever before, and that the withdrawal of southern members from congress had eliminated the greatest obstacle to any road, which consisted in

¹ Stats. 1861. 607.

their opposition either open or concealed. Now, all was changed; and the war, whether it should be a long or a short one, opened the eyes of the community and added many new and powerful reasons for the road.

The subscribers to stock were required to pay into the treasury ten dollars per share; and the money thus collected constituted a working fund. Judah was at once sent back into the mountains, which he had traversed over and over again more than a score of times, to make his final survey and location. His attention was especially confined on this occasion to three routes—one through El Dorado county by way of Georgetown, one through Illinois-town and Dutch Flat, and the third by way of Nevada City and Henness Pass. He found the middle or Dutch Flat route by far the most practicable. By it he could attain the summit at Donner Pass with lighter grades, at less distance and with fewer obstacles than by any other route. The problem presented was to ascend seven thousand feet, the height of Donner Pass, in a distance of not much more than seventy miles, or on an average of one hundred feet per mile. By careful examination, he found a long and unbroken spur of the Sierra Nevada, extending southwesterly from Donner Pass, most of the way along the north bank of the North Fork of the American river and between it and the South Fork of the Yuba and Bear river, to the Sacramento valley. By keeping on or near the ridge of this spur, the summit could be attained with a maximum grade not exceeding one hundred and five feet to the mile; and there would be no mountain river or cañon to cross, except a small tributary of Bear river a few miles above Dutch Flat. On the other hand, the eastern slope of the Sierra could be descended by taking advantage of two convenient ravines on the south side of Lake Donner; so that the Truckee river could be reached, at a distance of eleven miles from the summit, with a grade not exceeding the maximum before mentioned. The Truckee river, forming the outlet carrying off the surplus waters of Lake Tahoe, runs nearly northerly, between what are called the east and west summit ridges of the Sierra Nevada, at an elevation of about six thousand feet above sea-level at Lake Tahoe and descending at the rate of about thirty-five feet per mile for some thirty miles, when it

suddenly turns eastward, passes through the so-called east summit ridge, in a depression which it seems to have worn for itself, descending the passage at the rate of about forty feet per mile; and then, after passing an extensive plain known as Truckee Meadows and the Washoe mountains, it turns northward again at Big Bend and empties twenty miles further on in Pyramid Lake, where its waters are evaporated or sink. Judah's route followed the Truckee, from a point near the outlet of Lake Donner and about fourteen miles north of Lake Tahoe, through the eastern summit ridge and Washoe mountains to Big Bend in the Humboldt desert—thus securing a comparatively easy grade not exceeding forty feet to the mile and entirely avoiding, so to speak, the second or eastern summit of the Sierra Nevada. The distance from Sacramento to the Truckee was one hundred and twenty-three miles, and to the state line one hundred and forty-five.¹

Judah estimated that he would have to cut eighteen tunnels, most of them over a thousand feet long but none reaching fourteen hundred. They were to be in rock, generally granite, and would require little or no timbering. As to the snow, he convinced himself from examination that the road could be kept open during the entire year. It was true that the usual depth of the snow was greater than in the eastern states; but most of the route was what was known as a "side hill line" or on the sides of slopes where the snow would slide off or could easily be removed. On the other hand, the full ordinary depth was not very great, as was indicated by the absence of the peculiar yellow moss of the Sierran heights on the trunks of trees up to only a small distance from the ground, as well as by the direction of the limbs of undergrowth and bushes and the observations and reports of mountaineers. These all showed that the greatest depth of undisturbed snow was about thirteen feet at the summit, lessening in each direction and substantially ending at Dutch Flat forty miles down the west slope, and less than half that distance on the east. Allowances would of course have to be made for drifting snow; and, for a couple of miles in the summit meadows, it would be necessary to elevate the line of the road above the common

¹Judah's Report of October 1, 1861.

level; but, as the greatest depths were not the result of any single fall but the accumulations of successive storms, it would ordinarily be sufficient to run snow-plows from the summit in each direction at each storm and clear away the snow as it fell. In respect to expenses, he estimated that the road, counting the distance from Sacramento to the state boundary at one hundred and forty miles, would cost about twelve and a half millions of dollars, or a little over eighty-eight and a half thousand dollars per mile—some of the road, particularly that near Sacramento costing only fifty thousand per mile, and some near the summit one hundred and fifty thousand.¹

A few days after Judah made his report—which set forth in admirable detail and with great force the results of his surveys and investigations—the Central Pacific Railroad Company directed him to proceed forthwith to Washington as its accredited agent for the purpose of procuring from the government appropriations of land and United States bonds to aid in the construction of the road. He accordingly took passage for New York via Panama on October 11, 1861. On the steamer, he found Aaron A. Sargent, newly elected one of the representatives in congress from California, to whom he had an excellent opportunity of explaining all the particulars of the project, and whose active and zealous aid he succeeded in securing. He also prepared an abstract of his recent surveys, which he caused to be printed and distributed in places where likely to do most good; and, among other persons, he sent copies to President Lincoln, the heads of departments, senators and representatives, railroad men and railroad journals. In New York, he met United States Senator James A. McDougall, at whose request he prepared a bill for introduction into the next senate. Though the breaking out of the civil war had thrown public affairs into great confusion, it powerfully suggested the importance and necessity of a road binding the Pacific with the Atlantic coast, and the time was regarded as peculiarly favorable for pressing the subject; but, on further consideration, McDougall determined to await action in the house of representatives.

Upon Sargent's arrival in Washington, he was not placed upon any of the standing committees of the house but simply assigned

¹ Judah's Report of October 1, 1861.

to a vacancy in the special committee on the Pacific railroad. This action, though not entirely complimentary to the new member, was beneficial to the railroad; for the reason that it turned all the time and zeal of one of the most energetic and effective legislators of the day into the one channel, and insured an advocate whom nothing could disconcert or weary. Very early in the session, after getting up a bill, Sargent introduced it into the house. It was referred to the Pacific railroad committee; but for a month or so it seemed impossible to accomplish anything. At length in January, 1862, while the house was discussing the state of the Union in committee of the whole, Sargent obtained the floor and, to the surprise of nearly everybody, instead of devoting himself to the prevailing topic of the day, delivered a speech in favor of the railroad. His remarks were so well put and forcibly urged as to draw attention to the subject, with the result that a meeting of the committee was almost immediately called and a determination reached to report favorably. On motion of Sargent, a subcommittee to prepare a new bill was appointed; but the main work of its preparation fell upon himself. There were by that time several bills before congress—all of them contemplating the building of the entire road from the Missouri to the Pacific by one company, except what was known as the Rollins bill which provided for two companies. This plan was adopted by Sargent—giving one end of the road to the east and the other end to the west. Various imperfections in the Rollins bill were remedied and changes made, so that the new bill consisted of what were regarded as the best parts of the other bills and comprised the supposed principal merits of all; and it met with general approval from the committee.

As soon as McDougall learned the action of the house committee, he called a meeting of the senate committee; adopted the Sargent bill, and reported it to the senate; and a few days afterwards the house committee reported the same bill to the house. There was, as was to have been expected, considerable opposition and hostility on the part of the advocates of some of the other bills; but, with Sargent in the house and McDougall in the senate, the new bill successfully passed the committees to

which it was referred under the rules; and, though there had been no joint meeting or agreement of the committees, they reported in the same favorable way—it being the first time they had ever acted in unison upon the same bill. This important and significant concurrence was possibly, and indeed very probably, brought about by the fact that the excellent and efficient Judah had managed to become appointed secretary of the senate committee and as such had charge of all its records and papers, was present at all its meetings, and enjoyed the privilege of the floor of the senate; while on the other hand, on motion of Sargent, he was also appointed clerk of the house committee and, besides being present at its meetings, had the privilege of the floor of the house likewise. After the bill was thus reported, some modifications were made to reconcile a few conflicting interests; and the measure came up for final action—first in the house, where on May 6, 1862, after a bitter struggle, it passed by a vote of seventy-nine yeas to forty-nine nays. On the next day, the bill as passed was transmitted to the senate, where on June 20, after another struggle almost as violent as in the house and the insertion of some alterations by way of amendments, it finally passed by a vote of thirty-five yeas to five nays. From the senate it went back to the house. On June 24, as it was thought best not to risk further controversy, the senate amendments were concurred in by the house; and on July 1, 1862, the bill was approved by President Lincoln and became a law.¹

The act, thus passed in 1862, was entitled “An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean and to secure to the government the use of the same for postal, military and other purposes.” It commenced with incorporating the Union Pacific Railroad Company; authorized and empowered it to lay out, locate, construct, maintain and enjoy a continuous railroad and telegraph, from a point on the one hundredth meridian of longitude west from Greenwich between the south margin of the Republican river valley and the north margin of the Platte river valley in the territory of Nebraska to the western boundary of the territory of Nevada, and provided for the opening of books for the sub-

¹Judah's Report of September 1, 1862.

scription of its capital stock which was to consist of one hundred thousand shares of one thousand dollars each and of which no one person was to own more than two hundred shares. It next conferred the right of way to the extent of two hundred feet on each side of the middle line of the road, including all necessary grounds for stations and buildings, and then granted five alternate sections of public land per mile on each side of the road, or all the odd sections within the limits of ten miles on each side, which had not been sold, reserved or otherwise disposed of or to which a pre-emption or homestead claim had not attached, and excepting also all mineral lands but giving the timber on such lands. The act further provided that, upon the completion and equipment of each forty consecutive miles of said railroad and telegraph, the United States secretary of the treasury should issue to the company United States bonds of one thousand dollars each, falling due in thirty years and bearing interest at the rate of six per cent per annum payable semi-annually, to the amount of sixteen bonds per mile; that said bonds should constitute a first mortgage upon the whole line of railroad and telegraph with all its stock and property of every kind, and that the company should pay or redeem such bonds at maturity, and on default thereof forfeit said railroad and telegraph to the United States.

It next provided that the Leavenworth, Pawnee and Western Railroad Company of Kansas might construct a railroad and telegraph line from the Missouri river at the south side of the mouth of the Kansas, to connect with the Union Pacific road, on the same terms and conditions. And it then provided that the Central Pacific Railroad Company of California might construct a railroad and telegraph line from the Pacific coast at or near San Francisco or the navigable waters of the Sacramento river to the eastern boundary of California upon the same terms and conditions, but requiring each company to file an acceptance of the conditions named in the office of the United States secretary of the interior within six months. Provision was next made for the construction of the road across the territories by any one of the companies, if not constructed by another, on the same terms. But, in consideration of the extraordinarily mountainous and difficult character of the country for one hundred and fifty miles

westwardly from the eastern base of the Rocky mountains and for one hundred and fifty miles eastwardly from the western base of the Sierra Nevada mountains, the bonds to be issued to the company constructing the same were to be three times the number provided for other portions of the road, or forty-eight thousand dollars per mile; and they were to be issued and the lands granted were to be set apart upon the completion of every twenty miles of such portions of the road; and, for the intermediate country between the Rocky and Sierra Nevada mountains, the bonds should be doubled, or at the rate of thirty-two thousand dollars per mile. The track of all the roads was to be of uniform gauge, which was afterwards fixed at four feet eight and a half inches. Provision was also made for connections with other roads; for a limit of time within which the roads should be built, being two years for the first one hundred miles and one year for each additional one hundred miles of the Union Pacific and half these distances for the Central Pacific, and for forfeiture in case of failure to complete in accordance with the act.¹

As soon as the bill was passed, Judah prepared and filed in the office of the secretary of the interior a map and designation of the route of the Central Pacific railroad through California; whereupon, as provided in the act, lands to the distance of fifteen miles on each side of the route were withdrawn from private enterprise, emption or sale. He then proceeded to New York and began making provisional contracts for iron and equipments for the first fifty miles of the road. On July 21, having successfully accomplished the object of his mission, he took the steamer from New York—carrying with him a testimonial from a large number of the senators and representatives in congress, thanking him for his assistance in aiding the passage of the bill, assuring him that his examinations and surveys had settled the question of the practicability of the route and enabled many of them to vote confidently on the great measure, and bearing witness to the value and effectiveness of his indefatigable exertions and intelligent explanations.² He had indeed succeeded admirably; and, so far as seen, his success was due almost entirely to himself and

¹ U. S. Stats. 1861-2, 489.

² Judah's Report of September 1, 1862.

without soiling his hands or leaving a stain upon his name. Upon his return, he called attention to the various advantages thus secured, especially the liberal loan by the United States of its bonds amounting to an aggregate of six millions of dollars for thirty years, the great prospective value of the land grants, the right to extend the road from Sacramento to San Francisco, and, most important as he thought of all, the right to continue the construction of the road and telegraph from the California boundary line until it should connect with the Union Pacific railroad and telegraph coming from the east; and he particularly urged the importance of continuing the surveys eastwardly at least as far as Salt Lake—at the same time expressing a positive opinion of the advisability of undertaking the construction of at least three hundred miles of the road easterly from California. He also gave an account of the business which the road could rely on in California and what it would undoubtedly secure from Washoe, together with the revenue it might expect to receive—very clearly showing the most unexpected and extraordinary results, unlike those of any other road ever built except that over the isthmus at Panama.¹

The commencement of construction or “breaking of ground” of the Central Pacific railroad, as has already been stated, took place at the corner of Front and K streets in the city of Sacramento on January 8, 1863,—the first shovelful of earth being moved by Stanford, president of the railroad company, the day after his inauguration as governor, in the presence of a large and enthusiastic concourse of people including legislators, judges and other state officers. From that time the work progressed—not so rapidly as was desired, but more rapidly than many expected. Notwithstanding the prospective fortune of the company in bonds and lands, it was difficult to raise money; capitalists were timorous of investing in an enterprise considered more or less uncertain and at a time when the civil war was still pending and the finances of the country greatly deranged. Nevertheless, Huntington, Stanford, Crocker and Hopkins plunged into the work, and in a short time found out what part each was specially fitted to carry on. Huntington became financial agent

¹ Judah's Report of October 22, 1862.

and undertook to look after business connected with the road in the eastern states; Stanford undertook much the same kind of work in California; while Crocker devoted himself to the superintendence of the construction, and Hopkins to the economy and superintendence of supplies. Quite as important as any, though his work was nearly ended, was Judah, who continued at the head of the engineer department and saw to the proper launching and starting of the gigantic undertaking. In July, 1863, six months after the breaking of ground at Sacramento, he made a report upon the progress of construction and approximate estimate of cost of the first fifty miles of the road. He gave reasons why the new undertaking could not adopt the line of the Sacramento valley railroad to Folsom, and then described with great particularity the line adopted across the American river and by way of Griders to and up the divide between Antelope and Secret Ravines to Newcastle and thence by way of Auburn and Clipper Gap to New England Gap, fifty miles from Sacramento. The cost of this part of the road he estimated at nearly three and a quarter million dollars, or an average of nearly sixty-five thousand dollars per mile. Such at least were the figures, based mainly upon the contracts for grading, masonry, bridging, ties and track-laying which had been given out on December 27, 1862, to the firm of C. Crocker & Co. The distance to Griders was about eighteen miles, divided into eighteen sections, all or nearly all of which were subcontracted by C. Crocker & Co. to other parties. And in July, 1863, when the report was made, the bridge over the American river was nearly completed and most of the line graded and ready for the rails. He also mentioned the fact that six thousand tons or over sixty miles of iron rails had been purchased and contracted to be delivered at the rate of five hundred tons per month, together with spikes and chairs for sixty miles of road, six locomotives, six first-class passenger cars, two baggage cars, twenty-five platform freight cars, fifteen box freight cars, and frogs, switches, turn-tables and other necessities for fifty miles of road. He called especial attention to what was necessary to be done in order to comply fully with the act of congress, being apparently conscientiously anxious on the subject and particularly in securing the line through Nevada;

and, in conclusion, he invited notice to forty-eight specimens of rock from different localities on the line of the road, seven specimens of gold, silver and copper ore, two of iron, one of asbestos and one of soap-stone from the vicinity of the line.¹

In October, 1863, for the purpose of being present at the next session of congress and looking after further proposed legislation in reference to the Pacific railroads, Judah again took passage for Washington. But on his way he was stricken with fever and died in New York on November 2, 1863, at the early age of thirty-seven years. In him perished a genius—one of the greatest in his important line—without whom the way over the Sierra would not have been found perhaps for many years. Like many other men of genius his reward consisted chiefly in his own activity and the consciousness and satisfaction of doing noble work thoroughly and well. He made for others, or enabled others to make, uncounted wealth and to occupy places of first-class prominence in the world; but, for himself, he made in the way of money comparatively nothing; and in name and recollection, as new and inferior men took his place and easily continued in the path he had found and so clearly pointed out, he was in a short time substantially forgotten. While the railroad in its completed state and its offspring and imitations, which now span the continent, have changed the face of the globe and engrossed to a greater or less extent the attention of courts and cabinets in almost every quarter of the earth, it is only in old records and reports that the name of Judah, the bright spirit that called them into being, is to be found. But whether remembered and recognized or not—and it is only to posterity and not to him that it can make any difference—his admirable work is his monument, and it must and will forever remain so.

¹ Judah's Report of July, 1863.

CHAPTER VI.

PACIFIC RAILROADS (CONTINUED).

THE magnitude of the enterprise across the Sierra Nevada mountains and the need of current money to carry on the work of construction—which the railroad company did not possess and could not rely upon raising merely on its prospects, and particularly while those prospects, as was the case, were continually and by every possible means misrepresented and belittled by its enemies—rendered it necessary to apply for further aid in the way of subsidies. But the recognized great advantage of the road and the general desire that it should be built at any cost predisposed almost everybody in its favor; and accordingly, when the representatives of the company, and chiefly Stanford in California and Huntington in Washington, commenced the work of soliciting on a grand scale, they met with extraordinary success. This part of the business was started in California under the management of Stanford at the legislature of 1863; and the result was an act, approved April 2, 1863, authorizing the county of Placer if the electors so voted to subscribe, for stock in the railroad, two hundred and fifty thousand dollars in county bonds, which were to run for twenty years and be payable in gold coin with interest at eight per cent per annum;¹ an act, approved April 14, 1863, granting to the railroad the right of way and right to construct and operate its road upon certain specified streets in the city of Sacramento and certain levee and other public lands outside of said city, and also granting to it a portion of the water front of said city and the tract of land within its limits commonly known as "Sutter Lake" or "The Slough;" an act, approved April 17, 1863, authorizing a change and relocation of the line of the road between Sacramento and the state boundary and a reor-

¹Stats. 1863, 145.

ganization of the company, if found advisable; an act, approved April 22, 1863, authorizing the city and county of San Francisco if the electors so voted to subscribe for stock to the amount of six hundred thousand dollars, in addition to four hundred thousand to the Western Pacific Railroad Company, in city and county bonds running thirty years and payable in gold with seven per cent annual interest; an act, approved April 25, 1863, authorizing the city and county of Sacramento in like manner to subscribe for three thousand shares of the capital stock, paying therefor three hundred thousand dollars in city and county bonds; an act, approved April 25, 1863, requiring the state to pay five hundred thousand dollars at the rate of two hundred thousand dollars when the first twenty miles were completed, a like sum for the second twenty miles, and a hundred thousand when fifty miles were finished, in consideration of which the company was to transport free of charge public messengers, convicts going to the state prison, materials for the construction of the state capitol, articles for exhibition at the state agricultural fairs and, in case of war, invasion or insurrection, troops and munitions of war belonging to the state,¹ and an act, approved April 27, 1863, authorizing and empowering the Sacramento, Placer and Nevada Railroad Company to sell and convey to the Central Pacific Railroad Company all or any part of any railroad built by it, together with its franchise and all its rights, privileges and property.²

In December, 1863, when the legislature of 1863-4 convened in accordance with the new amendments to the constitution and Low became governor instead of Stanford, the railroad still continued popular. Though there began in some quarters to be a feeling that it had obtained too much, this feeling was not general. On January 9, 1864, in the senate, A. M. Crane of Alameda county introduced a bill to repeal the above mentioned act of April 25, 1863, requiring the state to contribute five hundred thousand dollars; but his bill, as well as another by him for a rival road over the Sierra Nevada, was throttled by a committee favorable to the Central Pacific Railroad to which it was referred.³ On the contrary, a new bill, revamping and enlarging

¹ Stats. 1863, 288, 330, 389, 417, 465.

² Stats. 1863, 749; see Hittell's Gen. Laws, 4790.

³ Senate Journal, 1863-4, 149, 389.

the act of April 25, 1863, and as such superseding it, was passed and approved on April 4, 1864. This new act contained a preamble reciting the active existence of the war of rebellion; the aid granted by the United States for the construction of the road for military and other purposes; the insufficiency of such aid to complete the work as speedily as necessary, and the importance of its early construction to repel invasion, suppress insurrection and defend the state against its enemies. It therefore authorized and empowered the company to issue its bonds of one thousand dollars each to an amount not exceeding twelve millions of dollars, payable in gold coin in not exceeding twenty years from January 1, 1865, with semi-annual interest at the rate of seven per cent per annum. These bonds were to be secured by mortgages on the railroad, rolling stock, buildings, machinery, fixtures and franchises of the company; but, so far as the first fifteen hundred of the bonds, representing a million and a half of dollars, were concerned, it was enacted that the interest thereon should be payable by the state at its treasury, provided however that the counties of Placer and Sacramento and the city and county of San Francisco should be exempt from all liabilities as stockholders of the company on such bonds over and above the stock theretofore subscribed by them respectively. Provision was then made for the levy of a state tax at the rate of eight cents on each one hundred dollars of taxable property in the state for the ensuing twenty years and for the creation of a state "Pacific railroad fund" for the payment of the interest on such first fifteen hundred bonds. The act also contained the same conditions as the previous one in reference to free transportation and an additional provision, requiring the company to convey to the state a granite quarry of three hundred and twenty acres on the line of the railroad in Placer county, twenty-two miles from Sacramento. Another act was approved on the same day, authorizing and empowering the board of supervisors of the city and county of San Francisco to compromise and settle for cash all claims of the Central Pacific and Western Pacific railroad companies for city and county bonds under the above mentioned acts for their issue, in case said acts should be decided to be valid. Still another act was approved the same day, purporting to aid in carrying out the

act of congress by authorizing and empowering the company to extend its road and telegraph not only in the state but in the territories lying east of the state and between it and the Missouri river, and on, over or along any street, road, river or stream, and to condemn private property—at the same time, in as far as possible, confirming to and vesting in the company all rights, privileges, franchises, power and authority conferred by the act of congress.¹

All the foregoing mentioned acts of the legislature of 1863 authorizing railroad subscriptions by counties, that required a vote of such counties to give them effect, received such vote. Among them, it will have been noticed, there was one in favor, to the extent of four hundred thousand dollars, of the Western Pacific railroad. This road, which was a continuation of the Central Pacific and was constructed under an assignment executed in December, 1862, of its rights and franchises from Sacramento westward, was to run from San José, by way of Alameda creek, Livermore Pass and Stockton, to Sacramento and was intended as a link connecting, in conjunction with the San Francisco and San José railroad, the city of San Francisco with Sacramento and the transcontinental line. The San José railroad, which had been talked about from the time of the first legislature and for the construction of which several companies were vainly formed, was finally started under a new company organized in 1860. The contract of construction was let to Charles McLaughlin and Alexander H. Houston, who were to complete the road in three years for two millions of dollars, of which one-fourth was to be in cash, one-fourth in county bonds, one-fourth in mortgage bonds of the company payable in ten years with eight per cent interest, and one-fourth in capital stock of the company. It had already in 1861, principally on the plea of its being a link in the transcontinental road, received a subscription of three hundred thousand dollars from the city and county of San Francisco, another of one hundred thousand dollars from San Mateo county, and another of two hundred thousand dollars from Santa Clara county.² There were few

¹ Stats. 1863-4, 344, 388, 471.

² Stats. 1861, 128, 134, 198; 1862, 494.

difficulties in its construction, most of the line being substantially on a level; and it was completed and successfully opened from San Francisco to San José in January, 1864. On the other hand the Western Pacific railroad, which was as before stated to share in the grant of bonds and public lands under the act of congress of July 1, 1862, and to receive four hundred thousand dollars of the one million dollars to be paid by San Francisco under the state act of April 22, 1863, was also to receive by acts of the same year two hundred and fifty thousand dollars from San Joaquin county and one hundred and fifty thousand dollars from Santa Clara county.¹ And all these large amounts of money thus provided for were actually or virtually paid the respective companies named, except that, on account of the active opposition of the city and county of San Francisco represented by its mayor and other officials and its most influential newspapers, its subscriptions of six hundred thousand dollars for the Central Pacific railroad and four hundred thousand for the Western Pacific were reduced by compromise, after considerable litigation, to four hundred thousand dollars to the first-named company and two hundred and fifty thousand to the second; but at the same time, on the other hand, the city and county relinquished its stock in the companies, which in the sequel proved to be a mistake as the stock subsequently, on the enterprise becoming an assured success, rose to much greater value.²

While the Californian end of the Pacific railroad business was thus kept up by Stanford and his helpers on the Pacific coast, Huntington, who after Judah's death was left substantially to his own resources, managed its affairs in the east and at Washington. It was claimed by him and his friends that the subsidies granted by the law of 1862 were entirely inadequate to build the railway, while the need of securing speedy communication between the Atlantic and Pacific became daily more and more apparent. All sorts of arguments were used to strengthen this claim, among which was the danger of losing California to the Union if the road were not speedily constructed, and various others equally as

¹ Stats. 1863, 80, 276.

² Hittell's San Francisco, 348; Orders of Board of San Francisco supervisors, No. 582, June 21, 1864, and No. 640, May 29, 1865.

strained. But there were many more weighty reasons, among which were the really great advantage in almost every point of view of the road, the incalculable effect it would have in developing the country and increasing its wealth, the great fall in the value of currency and securities and rise in the price of labor and materials caused by the war, and the fact that the Union Pacific had not started and seemed unwilling to start the construction of its part of the road unless the subsidies were enlarged.

Huntington himself proved to be a man of great strength; and he was helped by the whole force of the Union Pacific company and its friends. The result was the passage by congress and approval by President Lincoln on July 2, 1864, of a new act, amending the former one of July 1, 1862, in various important particulars. Many of these related exclusively to the Union Pacific company; but some affected also the Central Pacific and the Western Pacific, which were in fact a part of the same general line. One and a most important of these was increasing the number of alternate sections of the public land to be given from five to ten per mile on each side of the road and within twenty miles of it, and reserving from sale lands within twenty-five miles, instead of fifteen, on each side, and in addition providing that the mineral land to be reserved was not to be construed to include coal or iron land. Another was an extension for an additional year of the time for the Central Pacific to build the first fifty miles of its road and requiring only twenty-five miles to be completed each year thereafter, provided the whole distance to the state boundary should be finished in four years. Again, it is to be noted that, under the provisions of the previous act, all compensation for services rendered to the government, which were to be charged at fair and reasonable rates, and at least five per cent of the net earnings of the road were to be applied to the payment of the bonds loaned to the company and interest thereon: under the new act only one-half of the compensation for such services was to be applied to such payment. Another provision of the previous law was for the reservation by the government, until the whole road should be completed, of from fifteen to twenty-five per cent, according to location on the line, of the bonds to be delivered over to the company: this by the

new law was repealed. Among the other provisions of the new act was one that a failure of one company to comply with the law in any respect should not affect any other company that might comply.

But the most important change made by the law of 1864, and the one by which Huntington and his coadjutors accomplished most good, at the time at least, for their roads, was a new provision allowing each company, on the completion of each section of twenty miles, to issue first mortgage bonds on its road and telegraph to an amount not exceeding that of the United States bonds issued or to be issued thereafter and of even date, tenor and character; and subordinating the mortgage lien of the United States bonds to those thus to be issued by the company. This in effect took away or very much weakened the security of the government for its bonds; while, by securing the bonds to be issued by the company by a first mortgage lien, it enabled them to be negotiated at once at the highest market rates and without difficulty. From that moment, if not before, there was no longer any lack of money; and from this provision and the increase in the land grants, in addition to the state and county subsidies and the great profits after the road commenced running, it can readily be understood where, notwithstanding the great cost of construction, a large part of the subsequent immense wealth of the railroad, or rather the so-called railroad magnates, came from.¹

The progress of the Central Pacific road, and particularly after the passage of the amendatory act of July 2, 1864, was comparatively rapid. In May, 1864, about fifteen months after starting work, it had twenty-two miles constructed and, in June, thirty-one miles to Newcastle—attaining in that distance an elevation of one thousand feet above tide water. From Newcastle to Clipper Gap, twelve miles, with an ascent of nearly eight hundred feet and very difficult work, the road was completed on June 10, 1865; and to Colfax, formerly known as Illinoistown, a further distance of twelve miles, it was done by September 1, 1865—making fifty-five miles from Sacramento and attaining an elevation of twenty-four hundred and forty-eight feet. Under the act

¹U. S. Stats. 1863-4, 356.

of 1862, the first fifty miles were to be completed within two years after the filing of written acceptance by the company of the terms of the act, which took place in December, 1862; but that period was extended one year by the act of 1864; and the road to Colfax was completed and not less than three daily trains each way were run over it more than three months before the expiration of the time.¹ Under the act of 1862, it was provided that the company was to receive United States bonds to the extent of forty-eight thousand dollars per mile for one hundred and fifty miles eastwardly from the western base of the Sierra Nevada mountains, which base was to be fixed by the president of the United States. As can easily be understood, the fixing of this point was very important to the interests of the company in its early struggles for money; and it was doubtless not without considerable management that President Lincoln, who of course had no personal knowledge of the fact, was induced to fix that western base at an almost imperceptible rise, in the middle of what was always and is still considered the valley or plain, and only seven miles north-east of Sacramento.²

Meanwhile very considerable opposition to the road was made by its enemies. Besides the litigation with San Francisco before mentioned, there was more or less in reference to subsidies of other counties. In addition to or perhaps rather as a part of the trouble were the reiterated statements of various newspapers that the road would not and could not ever be finished across the mountains. Among the most influential adversaries and opponents were the Pacific Mail Steamship Company, the California Steam Navigation Company, Wells, Fargo & Co. and the California Stage Company, with the business of each of which it would necessarily interfere. But the most bitter, and as it proved the most ill-founded, opposition was that of Lester L. Robinson and others, who were more or less interested in the Sacramento valley railroad running from Sacramento to Folsom and its possible extension by way of Placerville and the south end of Lake Tahoe to the Washoe mines. As soon as the Central Pacific Company had determined upon its route north of the North Fork of the

¹Stanford's Statement of Progress of Work, October 10, 1865.

²Statement of the Central Pacific Company of January 12, 1865.

American river and got under way to build, it was at once seen that its success would substantially destroy the value of the route by railroad to Folsom or as much further as might be built and thence by stage road through Placerville and over the mountains to Virginia City. Immense traffic in passengers and freight followed that line and yielded large profits—the amount paid on freights across the mountains from California in 1863 being said to have been about thirteen millions of dollars, not counting return freights or passenger fares,—a great part of which business would cease as soon as the Central Pacific should approach the summit and afford cheaper and more convenient transportation than the Placerville route to the Nevada mines. With the end in view of securing this traffic, the Central Pacific, as soon as it got well up towards Dutch Flat, made arrangements for a wagon and stage road from that place over the mountains in advance of its rails; so that passengers and freight for Carson valley could reach it at much less cost and with more speed than by the other road, while at the same time the transportation rates, though much less than by the other route, would still be very remunerative. This diversion the Placerville route people were of course interested in preventing; and, as very soon appeared, they were not particularly scrupulous in the means they employed to accomplish their purpose.

One measure they adopted, and so far as it went a perfectly legitimate one, after failing to induce the Central Pacific to buy them out, was to extend their road further towards the summit. In this effort they managed to get as far as Latrobe, some fifteen miles southeast of Folsom; and the road was afterwards extended as far as Shingle Springs and finally, under other auspices, to Placerville. But the chief method they took to injure their rival, which was pushing ahead in spite of them to the summit, was by misrepresentations and abuse. They pretended that the difficulties of crossing the heights above Dutch Flat with a railroad were insuperable; that the Central Pacific managers knew such to be the fact, and that all they contemplated was to get up high enough to reach and connect with their Dutch Flat wagon road and thereby monopolize the valuable transportation business to and from the Nevada mines. On the assumption of

the truth of this assertion and others equally void of truth or support, they termed Judah's grand project the "Dutch Flat swindle"—a name which was eagerly caught up and repeated by the inimical newspapers—and in almost every manner possible they tried to belittle Judah, impugn his character and skill, falsify his surveys and reports, and break down the credit of the Central Pacific and its managers. These abusive misrepresentations—to give them no worse name—came out most strongly in the early part of 1865, in connection with investigations as to the question of a subsidy by the legislature of the then new state of Nevada. At the constitutional convention for that state, held in the summer of 1864, Stanford, the president of the Central Pacific, had by invitation made an address. It had been proposed in that convention that the intended state should grant fifty thousand dollars a mile for every mile of road constructed in the state to the first railroad from Pacific tide water that should reach the state line. He urged that the proposition should be changed so as to give to the Central Pacific company whatever was given, either by a direct grant or a guaranty of interest on its bonds, with the object chiefly of enabling it to push on at once over the mountains, or, if that could not be done, that nothing should be done. And he succeeded in accomplishing the last part of his request by having the objectionable clause stricken out.¹ Afterwards, in January, 1865, at the first legislature of the state, besides the adoption of a series of resolutions asking congress to make an appropriation of United States bonds to the amount of ten millions of dollars to the first complete line of railway across the mountains, a special committee of five was appointed by the senate to collect all information that could be procured in reference to the various proposed railroads and report what action in reference thereto ought to be taken by the legislature. To the calls for information made by this committee, the Central Pacific company answered with a very full statement of its affairs, resources, prospects, work done, work to be done, and estimates of cost; and a few weeks later Lester L. Robinson, representing the rival route, wrote a letter which not only provoked a great deal of adverse comment but, in view of all the facts, very clearly deserved as much as it received.

¹ Proceedings of Constitutional Convention of Nevada.

Robinson, who claimed to be a civil engineer and to know all about the route of the Central Pacific road above Colfax, pronounced it in effect impracticable; and he said he could not conceive how any set of men could seriously undertake to construct a railroad over such a country. It was not only impossible to build from Colfax to Dutch Flat, but it was worse from Dutch Flat to the summit, and worst of all from the summit to Truckee. He even went so far as to say that Judah, notwithstanding his reports to the contrary, was convinced that the route was a hopeless one; that he was opposed to the location; that the fixing upon it by the company caused him to leave its employ; that when he left for the east the last time it was not in the service of the company, and, finally, that the company had given him one hundred thousand dollars of its first mortgage bonds not to expose his knowledge that the route was a hopeless one and the road could not be built over it. Robinson said further that the route beyond Colfax was not located or, if it were, that the company, on account of its impracticability, dared not make public the particular location on the ground; while on the other hand he was certain that the Placerville route was much more desirable and would subserve the interests of the state of Nevada far better than the Central Pacific, which he represented as attempting to lay everybody under contribution to aid it in building a railroad only far enough into the mountains to divert all the Nevada freight and travel upon their Dutch Flat wagon road. In conclusion he said he felt assured, from his intimate acquaintance with Judah, that no reliance could be placed upon his estimates of cost; that his surveys were not of a character to base any calculations upon, and that his maps of profiles were "projected," or in other words not based upon actual field notes. To this tissue of exaggerations of fact, which were of themselves gross enough to defeat their own objects, Stanford replied, showing its misstatements and defending Judah's memory; and Robinson rejoined. But it seems probable that from the first both sides might as well have saved their pains. The state of Nevada appears to have been in no condition to help any transcontinental railroad and had quite enough on its hands to build local roads connecting its principal places with the great

thoroughfare that soon came forging ahead through the Truckee meadows and Humboldt plains without its assistance.¹

While this controversy was going on in Nevada in the early part of 1865, the building of the road from Colfax up towards the summit, which Robinson had in substance pronounced madness, was being vigorously pushed. At the beginning of that year, the prospects of a speedy close of the civil war and several decisions of the courts, sustaining the constitutionality of the subsidy acts and in other respects favorable to the company, placed it in such a position as to justify it in putting forth all its energies. A call was issued for five thousand laborers, and every able-bodied man that would work and could be procured was engaged and given steady employment. Though the number that applied was at first comparatively small, it gradually increased on account of the high wages, the steadiness and reasonableness of the service and the certainty of getting pay when it was earned. In October, 1865, there were five thousand men with six hundred teams of horses—looking like and making as it were a swarming army along the section under way—actually employed in the work of construction. The greater number of the laborers, on account of the unwillingness of white men to leave what they supposed the more profitable or congenial work of mining or farming, were Chinamen, who by that time constituted a very large element in the population of California and were found on trial to be, as Stanford said of them, “quiet, peaceable, industrious and economical—ready and apt to learn all the different kinds of work required in railroad building” and quite “as efficient as white laborers.” More prudent and saving than whites, they were contented with less wages; there was in fact, notwithstanding representations to the contrary, no system of slavery, serfdom or peonage among them, but each man received his equal proportion of wages monthly in coin according to his labor, and there could be no doubt the company could, within another year, if it wished, procure fifteen thousand more laborers of the same kind and on the same terms. It could thus be enabled, not only to complete the work in the shortest practicable period, but even in

¹Letter of L. L. Robinson, February 3, 1865; Stanford's Reply, February 14, 1865; Robinson's Rejoinder, February 23, 1865.

some degree to meet the public impatience for its completion. And "without them," Stanford further said, "it would be impossible to complete the western portion of this great national enterprise within the time required by the acts of congress."¹

At the commencement of the work in 1863 and before any of the money from the various subsidies could be made available, reliance had to be had upon money borrowed on promises and personal responsibility. This was raised chiefly by Huntington in the eastern states. Afterwards when the act of 1864 was passed, which doubled the company's lands and in effect doubled its bonds, there was no longer any trouble about finances; and the main question was how to dispose of the vast amounts that were beginning to flow in on every side. At the start, and for the first section of eighteen miles of the road, as has been stated, the work was done by subcontractors, or in other words a contract for the whole section was made with the partnership of C. Crocker & Co. and by that firm subcontracted to other parties. But, as it soon became apparent to the railroad managers that they might as well make the profits of construction as pay them out to others, a new system was adopted and the work was thenceforward done not by outsiders but directly by the firm of C. Crocker & Co., consisting of the railroad magnates; and in this manner the company contracted with its managers or, in other words, its managers in the name of the company contracted with themselves. From that time the profits, which grew larger and larger, flowed into their own coffers, not as railroad directors but as partners of the firm of C. Crocker & Co. The result was that they immediately began to grow wealthy as private individuals; and as good luck in the form of the cessation of the war, the fall of gold and in other respects favored them on every side, the commencement was made of their multi-millionaire fortunes. But whatever they made and however they made it, the work they did was well done and enormous in extent. It was substantially all under the direct superintendence of Charles Crocker, who had rapidly developed from a small dry-goods dealer at Sacramento into a great organizer and manager in the face of the world. He was constantly on the move, rushing

¹Stanford's Statements of Progress of the Work, October 10, 1865.

from point to point and keeping everything hot and everybody up to the mark. After Josiah's death the engineering was attended to by Samuel S. Montague as chief engineer with George E. Gray as consulting engineer; but the engine that drove everything ahead was Crocker. He was a sort of general; and the sight of his armies of Chinese road-builders—many of them imported for the purpose, completely organized into companies and moving at the word of command like thoroughly drilled troops—was a spectacle not to be forgotten.

About the same time, and for the like reason that money was flowing in upon them in such vast quantities, the railroad managers began to understand the value of the company stock; and, instead now of offering it for sale or disposing of it, as had been their previous policy, they commenced gathering it in whenever and wherever a good opportunity presented itself. As has already been stated, they had in 1864, very judiciously in a business point of view, taken advantage of a popular outcry made against them in the city and county of San Francisco to compromise their claim against the city and county for six hundred thousand dollars of its bonds for which they were to give an equal amount of the company's capital stock, by accepting a gift of four hundred thousand dollars in city and county bonds and saving their stock. It turned out to be a losing compromise for the city and county, as the stock afterwards proved for a time at least to be very valuable; and thus the city and county not only lost its gift of four hundred thousand dollars in bonds but also the excess over that sum which the stock it refused to hold became worth. But at the same time, and almost in the same proportion that the railroad company or its managers thus took advantage of every point in their favor and thus grew rich, they made enemies. The litigation especially that accompanied their numerous construction schemes in which they always employed the best and most effective legal talent in the state and always fought with vigor and determination to increase their empires. And these enemies, as they grew in number and the very general support they received from the newspapers were not only the effect but also the cause of much bitterer feeling against the railroad than always appeared upon the surface.

The Sacramento valley, or Sacramento and Folsom, railroad company, under the management chiefly of Robinson, growing more and more angry as it found its prestige and prospects of making head against the Central Pacific slipping away, still maintained its desperate opposition. After failing to sell out to or stop the progress of the Central Pacific, its main project was to build a new road from its station at Brighton on the American river about five miles southeast of Sacramento direct to Freeport at the head of tide-water navigation on the Sacramento river about ten miles south of the city. In connection with this project, which would leave Sacramento on one side, a new road, to be known as the Placerville and Sacramento valley railroad—using the Folsom road as far as constructed—was to be at once built to Placerville and serve as a link in a transcontinental road over Johnson's Pass and by way of Carson valley eastward. As already stated, it managed to advance to Shingle Springs; and, in view of its assurances of determination and ability to go ahead, it in 1866 received from congress a grant, conditioned on its completion by July 4, 1869, of the odd numbered sections of public land, not mineral in character, within twenty miles of the line from Folsom to Placerville. It perhaps cannot be said that there was no intention on the part of the projectors to push this Johnson Pass road over the mountains; but, however that might be, they never did, or could do, much towards it. The Central Pacific was by that time entirely too powerful and had gone too far to be much hurt. In 1874, as the conditions of the congressional grant of land were not complied with, it was, at the request of the legislature of California, revoked and the land restored to the public domain.¹ Not only this, but the managers of the Central Pacific company, in pursuance of a business principle early adopted by them to prevent and remove opposition and competition wherever it could be done at not too great a cost, in time succeeded in purchasing enough of the stock of the Placerville road to control it and destroy the possibility of further or future rivalry. They had previously done much the same in reference to the Sacramento, Placer and Nevada railroad, another possible rival, which was seriously intended to run up

¹Stats. 1871-2, 972; 1873-4, 962; U. S. Stats. 1873-4, 29.

by way of Nevada City and cross the mountains by some pass north of Donner. And so, on every side, they fought everything and everybody that instituted or threatened interference, even in a small way, with their gigantic enterprise.

It was impossible, in view of the vast wealth and power which it was soon seen had been vested by the government in the Central Pacific Railroad Company and the determination and ability manifested by it to make the very best use of them for its own advantage, not to embitter the old enmities and provoke new ones. On nearly every side there were complaints of its conduct, some well-founded and many ill-founded. Even Placer county, which perhaps derived more benefit in proportion to its position and condition than any other county in the state, was disposed to make much trouble. It understood, or pretended to understand, that the railroad magnates claimed that the public lands donated by congress were in fact granted to the incorporators and that they had sold them to the company for paid-up capital stock amounting to several millions of dollars—thereby enriching themselves to the loss of stockholders, who were not directors, and among whom was the county of Placer. This claim, which was untrue in fact and did not touch the really objectionable parts of the railroad management, amounted to nothing however and did more harm to Placer county than good. Another claim was that the railroad company had demanded patents for mineral lands in Placer county and thereby threatened, notwithstanding the exception of mineral lands from the grant of congress, to deprive miners of their mining claims. This matter was brought up in the legislature of 1865-6, which adopted a resolution in effect asking for the withholding of patents until after it should be ascertained what lands were mineral and what agricultural, and also asking for clearer and more positive definition of the rights of and reservations in favor of miners.¹ But before these requests reached the president of the United States, patents had issued for some four hundred and fifty thousand acres; and for a while considerable apprehension was felt. When however the patents were examined and found to exclude, or in other words save and except, mineral lands and miners' rights, as was in fact prescribed

¹ Stats. 1865 6, 901.

in the act of congress under which the patents issued, it was seen that no harm was or could well have been done, and that the alarm manifested and trouble taken had been needless.

Another matter of controversy in Placer county, indicative of strained relations between the railroad and the officials, and the beginning of a long series of controversies on the same subject not only with counties but also with the state, was in reference to railroad taxes. In 1864, the assessor of Placer county fixed the value of the road in that county for assessment purposes at six thousand dollars per mile. This the district attorney claimed to be too low and demanded that it should be raised to twenty thousand dollars per mile. The board of equalization, however, fixed it at a little over twelve thousand dollars per mile; and the tax was paid. In 1865, apparently on account of some oversight, it was again fixed at six thousand dollars per mile, and the tax paid at that rate. In 1866 it was raised to fifteen thousand dollars per mile, and the company refused to pay. A suit was brought and judgment obtained; but on appeal to the supreme court the revenue law, upon which the assessment was based, was found to be in some respects vague and uncertain; and by a compromise the county accepted and the railroad paid taxes on the old valuation of six thousand dollars per mile. Subsequently a contest arose with the county in reference to its stock in the company; and, after considerable litigation, it was brought to an end by an act of the legislature, passed in 1870, which required the supervisors to sell the stock to the company;¹ and the money received was applied to the redemption of the county bonds that had been subscribed. A somewhat similar contest arose in reference to the stock held by Sacramento county; and it was settled in much the same manner—the company almost invariably knowing most of what was advantageous and getting the better of the county. Subsequently, after the Western Pacific company had joined or been swallowed up by consolidation with the Central Pacific company, San Joaquin county, in virtue of its subscription to the Western Pacific, attempted to force a thorough exposition of all the proceedings and business methods of the Central Pacific. It based its plea for such relief upon the claim

¹ Stats. 1869-70, 866.

that it was a stockholder in the company and as such entitled to its proportion of the dividends earned, which it alleged to be upwards of fifty millions of dollars. But, as the litigation turned out, the county failed in making out its claim and was finally obliged, like Placer and Sacramento, to sell out its stock to the company, receiving indeed as a matter of fact greater value than its original subscription but losing the subsequent great increase in the value of the stock.

In the meanwhile, and notwithstanding these and other annoyances and conflicts—some doubtless occasioned by itself but most of them aimed against it by its enemies—the company kept on with its army of tireless and uncomplaining laborers unrestingly building its road to and over the summit. There was no trouble encountered except what had been fully seen, appreciated and set forth by Judah in his original surveys. There were no harder rocks to be drilled than he had stated; no steeper grades to be overcome than he had measured; no more extensive or difficult cuts, fills or tunnels than he had described. He had doubtless not calculated on the multitudinous army of yellow men from the other side of the Pacific that was to do the heavy labor; but that was only so much the more in favor of the progress, completeness and speed of the work. In 1866, besides the sixty miles and over of road already built from Sacramento, thirty miles more were completed, and in 1867 some forty-six additional miles, with telegraph line, snow sheds where most necessary, water-tanks and stations; and the road, emerging from the mountains, reached the state boundary line near Verdi and ran out into the level land of the Truckee meadows. About a year previous to reaching this point, and in great part the cause of this rapid progress, there had been several very important changes made in the acts of congress, under which the work was being done, by the passage of a new act, approved on July 3, 1866, which clearly showed that Huntington had not been idle at Washington. The new act authorized the Union Pacific company to locate, construct and continue its road, on the best and most practicable route from Omaha in Nebraska westward, without reference to the initial point on the one hundredth meridian of west longitude before fixed upon; but at the same time requiring

it to be constructed in a continuous completed line until it should meet the road of the Central Pacific company; and on the other hand it authorized the Central Pacific company, in the same manner, to locate, construct and complete its road eastward, in a continuous completed line, until it should meet and connect with the Union Pacific, provided either company should have the right, when the nature of the route on account of deep cuts and tunnels might require it for the expeditious construction of the road as a whole, to work not exceeding three hundred miles in advance of its continuous completed line.¹

Soon after the passage of the last mentioned act, and apparently with the same object of securing the speedy building of some line across the country, congress passed an act, approved July 27, 1866, for a new transcontinental road to be known as the Atlantic and Pacific. This line was to start from Springfield in Missouri and run by the way of Albuquerque in New Mexico to the head-waters of the Colorado Chiquito; thence as nearly as practicable along the parallel of thirty-five degrees north latitude to the Colorado river, and thence to the Pacific. The act was similar in many respects to the act incorporating the Union Pacific company. It incorporated the Atlantic and Pacific Railroad Company and, though it gave or rather loaned no bonds or credit as in the case of the Union and Central Pacific roads, it granted a right of way two hundred feet in width and the odd numbered alternate sections of public land within twenty miles on each side of the road, with a proviso that, if any of such sections had been already granted, reserved or otherwise disposed of, lieu lands in place thereof should be granted. And in the same act, it was provided that the "Southern Pacific railroad, a company organized under the laws of the state of California" and which had in fact been incorporated in 1865 to run through Santa Clara, Monterey, San Luis Obispo and other southern counties to Los Angeles and San Diego, and thence to the state line to connect with a road from the Mississippi river, should connect with the Atlantic and Pacific at such point on the state boundary line "as they should deem most suitable for a railroad

¹ U. S. Stats. 1865-6, 79, 80.

line to San Francisco," and should have similar grants of land to aid in its construction.¹

In the year 1867, when it had become certain that the Central Pacific road across the Sierra Nevada was and would continue to be a success, a new company, organized for the purpose of building a railroad from Vallejo to Sacramento with a branch from Davisville to Marysville, became active. This was the California Pacific Railroad Company. Several companies had previously been organized to connect Marysville with San Francisco; and the new project was, so far at least as the Marysville branch was concerned, a renewal of the old enterprises. But the main object was to afford a substantially straight connection between San Francisco and Sacramento by means of steamboats to Vallejo and thence by rail to Sacramento and thus, by offering a much shorter, cheaper, quicker and more convenient transit than could be offered by the Western Pacific road, to attract all the traffic between San Francisco and Sacramento and in effect to become, instead of the Western Pacific, the main western link of the transcontinental line. It was therefore in direct opposition to the Central Pacific system; and the result was a fierce struggle to prevent its reaching Sacramento and especially to prevent its building a bridge at Sacramento. But, notwithstanding all opposition, the bridge was built; and in the early part of 1870 the California Pacific landed and took up passengers on the east side of the river. Under the circumstances, the only thing remaining to be done by the Central Pacific, which could not brook such interference with its business, was to buy out the California Pacific; and this was accordingly done in the summer of 1871—Milton S. Latham, president of the California Pacific company, selling out to Collis P. Huntington and his associates a majority of its stock for something over a million and a half of bonds with twenty years to run at six per cent per annum interest. Before the end of the year the California Pacific with all its connections and property passed into the hands and under the control of the Central Pacific company. And as a part of the same transaction the sale of the California Pacific transferred to the same Central Pacific com-

¹ U. S. Stats. 1865-6, 292, 299.

pany, which now began to be known sometimes as the "great absorber" and sometimes as the "great monopoly," a number of other projected roads and among them the California Pacific Extension and the San Francisco and North Pacific—the first of which was afterwards built from Napa Junction on the California Pacific road to Calistoga and became a part of the Central Pacific system, and the second of which, under the management and control of Peter Donahue, was built from Tiburon in Marin county to Ukiah in Mendocino county, with one branch to Guerneville and another to Glen Ellen in Sonoma county.

While many of these struggles were still pending and the Central Pacific was thus gradually absorbing the rivals, which encouraged by its success were springing up on every side, or in other words, like old Chronos, was swallowing the offspring that threatened to dethrone it, one of the most important questions for it and for the community remained unsettled. This was the matter of a terminus on San Francisco bay. At the beginning of its career, the Central Pacific or rather Stanford, its political manager at the Californian end of the line, failed in moulding San Francisco to his purposes. On the contrary the metropolis opposed him in many ways. Though it voted for the subsidy acts and thus to an extent gave the company credit and enabled it to get a start, the subsidies were not paid without long and bitter litigation; Stanford could not induce its capitalists to invest in his enterprise or subscribe to his stock; its officials as a rule were hostile to his advances, and its newspapers, though enthusiastic for a transcontinental road, were very decidedly opposed to the management and methods of the Sacramento company. Stanford appears to have felt personally aggrieved at this treatment and seems to have wanted to strike back. His associates, though to some extent they may have shared his feelings towards San Francisco, were too busy with their own departments to prevent a bitter quarrel which did the company no good, but on the contrary injured it by leaving even more lasting and harmful enmities than had already accumulated.

On March 28, 1868, the legislature by the procurement principally of Stanford passed an act granting to the Terminal Central Pacific Railway Company, which was in substance the Cen-

tral Pacific company under another name, for alleged proper depot and commercial facilities at the western terminus of the road, all the submerged and tide lands in the bay of San Francisco, commencing at a point four hundred feet northwest of the northwest point of Yerba Buena or Goat Island and running thence north twenty-two and a half degrees west one mile; thence due east three thousand nine hundred and sixty feet; thence southeast parallel to the first line to a point four hundred feet from the northeast point of the island, and thence parallel to and four hundred feet distant from the northern shore line of the island to the place of beginning, provided that the boundary line should not in any case pass the depth of twenty-four feet of water at low tide and that the tide-channel of four hundred feet next north of the island should always remain a free and open highway; and provided, further, that the land granted should not exceed for terminal purposes one hundred and fifty acres. Besides the right to reclaim, improve and use the land so granted, the company was also granted for bridge purposes a strip two hundred and fifty feet wide over the tide and submerged lands connecting the property with Oakland and the Alameda or Contra Costa shore. These grants were on condition that the bridges should have draws not less than sixty feet in the clear; that the terminal depot and station should be established on said land, which otherwise should revert to the state, and that the company should not receive any wharfage, dockage or other consideration for the loading or unloading of vessels, but that all wharfage and dockage should be subject to the laws and regulations established for San Francisco and to the jurisdiction of the state board of harbor commissioners. The submerged lands described were to be appraised by the governor and other state officers at their fair market value, but not less than three dollars per acre and were to be accepted and paid for and improvements commenced within one year from acceptance. Within two years thereafter, the company would have to expend in improvements, not including bridges, at least one hundred thousand dollars, and within four years have in full running order a first-class rail and ferry communication between San Francisco, the terminal lands described, Oakland and Vallejo; for the

fulfillment of which conditions within the time specified the company was to execute to the state a bond in the sum of two hundred and fifty thousand dollars.¹

In an act of the same legislature, approved March 30, 1868, appointing a board of tide-land commissioners for the survey and disposal of the salt marsh and tide lands of the state in the city and county of San Francisco, there was granted to the Western Pacific and to the Southern Pacific railroad companies respectively, for terminal purposes, thirty acres of submerged land in Mission bay south of Channel street and outside of the old red-line water front, together with right of way two hundred feet wide over state lands necessary for each such company to reach its terminus, provided the land did not extend beyond twenty-four feet of water at low tide nor within three hundred feet of the new water front line of the city in that section to be established. There were conditions of donation and clauses for forfeiture in some respects like those of the act for the Central Pacific terminus.² On March 31, 1870, the time limited for the improvements of the Central Pacific terminus was extended two years longer; and it was provided that the completion of a first-class road to a point on the Straits of Carquinez opposite the town of Vallejo should be construed the completion of such road to Vallejo within the meaning of the act of 1878. On April 2, 1870, the time limited for the improvement of the Southern and Western Pacific termini in Mission bay was extended eighteen months; and the locations made for such termini were approved.³

About the same time that the grant of submerged land north of Yerba Buena Island was made to the Terminal Central Pacific company, a corporation was organized under the name of the Oakland Water Front Company for the purpose of owning and controlling all the wharves and all the lands where wharves could be built on the Oakland water front. It was in fact a scheme for the benefit of the railroad. Its trustees were Horace W. Carpenter, Leland Stanford, John B. Felton, Edward R. Carpenter,

¹ Stats. 1867-8, 473.

² Stats. 1867-8, 718.

³ Stats. 1869-70, 624, 669.

Lloyd Tevis and Samuel Merritt. Its stock was to consist of fifty thousand shares, of which Carpentier was to own twenty-five thousand, Stanford twenty thousand and Felton five thousand. On March 31, 1868, four days after its organization, Horace W. Carpentier, who had been one of the first settlers in Oakland and had managed to become the owner of a large portion of its property and claimed to own, by a deed and contract from the city, all the lands in front of it between high tide and ships' channel, executed a conveyance to the company of all the lands referred to. On the following day, the Oakland Water Front Company agreed to convey to the Western Pacific Railroad Company, that being the company put forward for the purpose, four hundred acres of the most valuable portion of the water front; and the Western Pacific company agreed on its part, besides conveying to the city of Oakland certain wharf, dock and toll rights between Franklin and Webster streets, within eighteen months to extend and complete its road to and along the Oakland water front, and within three years to expend not less than five hundred thousand dollars in improvements thereon. This agreement, subsequently carried out, resulted in the building or completion of a road from Oakland to Niles on the Western Pacific main line; a road through Alameda to Haywards, and various improvements on the Oakland water front—all of which a year or two afterwards were conveyed over to the Central Pacific and became a part of its all-absorbing system.

While these arrangements were under way and Oakland in consequence was rapidly becoming a great city, a bill was prepared and introduced into the United States congress of 1869-70 for the avowed purpose of granting to the railroad the right to use Yerba Buena or Goat Island, which was government property. The railroad people claimed that it was the best, if not the only good, place where a terminus for the roads coming into Oakland could be built and insisted that, as it was so near to and legally within the limits of San Francisco, that city ought to be satisfied. But San Francisco was not by any means satisfied. On the contrary, it was greatly alarmed for the reason that it feared the real intention was, by leveling the island and constructing causeways to Oakland, to rear up a rival city on the opposite

side of the bay that would be in substance owned and its concerns managed by the railroad company, which was already too powerful. It was believed that the use of the island at all would be of great damage and that, if used as indicated, it would be fatal to San Francisco, which had already felt the effect on its commercial interests of the California Pacific terminus at Vallejo. The result was a controversy and quarrel, fanned by the newspapers, which became intensely virulent. The ire of the whole community became stirred up and at times threatened to break out into violence. But, by dint of a powerful struggle on the part of the city, the bill was defeated in congress and the excitement subsided, though, as before stated, not without leaving a popular feeling of resentment and enmity against the railroad and a desire to injure it upon any opportunity that might present itself. Some years subsequently, when the road extended its lines from Oakland to Port Costa and from Port Costa, by way of a train-carrying ferry across the Straits of Carquinez, to Benicia and thence by connection in nearly a straight line with the California Pacific road to Sacramento, and as a part of the same plan made a commercial shipping point of Port Costa, it was thought by many that it would have been better for San Francisco if that shipping point had been fixed on Yerba Buena Island. But the damage, if any, had been done; and it was too late for the city to alter and too useless to expend much regret over past acts.

The public antagonism to the railroad thus started and very unwisely not conciliated in its early stages, which by degrees grew into the nearly general public hostility afterwards known as the anti-railroad antipathy—one of the most powerful factors as will be seen in the subsequent political history of the state—was, however, comparatively mild as long as the transcontinental line was building and until after it was completed. The Central Pacific company, as has been shown, commenced to build early in 1863 and continued steadily at work, pushing on against many early discouragements, towards the summit of the Sierra Nevada. It had in fact built nearly fifty miles and got up above Clipper Gap in the summer of 1865, before the Union Pacific company on the eastern end of the transcontinental line commenced work.

That company had apparently waited, even after the passage of the new and essentially prodigal act of congress of July 2, 1864, for a year—by which time its managers had succeeded in calling into being the association, called "credit mobilier," that afterwards became infamously notorious on account of its multiplied and unblushing corruptions. It was this institution, which however corrupt was at the same time wonderfully energetic and efficient, that constructed the Union Pacific part of the line. It had many obstacles to overcome, notwithstanding the greater part of its route was over comparatively level plains; but when it started it forged ahead, regardless of expense, with **very great** rapidity. After the passage of the act of congress of July 3, 1866, giving each company the distinct right to run ahead until it met the other, it was of course seen that the one that built the fastest would secure the most of the lavish money, lands and credit of the government. Both companies appreciated the situation and girt up their loins for extraordinary efforts. The managers of the Central Pacific about this time, for the purpose of keeping pace in progress with the credit mobilier, organized themselves into the Contract and Finance Company, which succeeded the firm of C. Crocker & Co., and undertook to push ahead with even greater impetus than before. This it was well enabled to do, because it had passed the mountains, leaving a good road behind it and reached the nearly level country that extended all the way to Salt Lake. And now commenced a race in railroad building the like of which had never been seen before.

In 1867, when the Central Pacific had got across the Sierra and reached the state boundary, the one hundred and forty miles from Sacramento, the Union Pacific had constructed about five hundred and fifty miles over the plains of the Platte. In 1868 the Union Pacific had gone thirty and twenty-five miles and the Central Pacific only thirty-six miles. In 1869, when the two companies met at Salt Lake, the strife became exciting. The excitement was as much as twice as much in length as in width. The contest was going as far west as Helena, in Montana, and thirty miles west of Ogden, though the line was not yet completed of its line in the mountains east of Ogden which was not yet started. This

apparent progress alarmed many of the railroad men; but Huntington from Washington wrote back to go right ahead as rapidly as possible towards Ogden, without reference to what the Union Pacific was doing—only to be careful to leave a good and completed road behind them. Acting on this advice Crocker, who was the head and superintendent of the Contract and Finance Company and had under him some ten thousand first-class laborers, most of whom were Chinamen, pushed on with redoubled vigor. He even sent graders east of Ogden; filed a map of his proposed extension in that direction, and alarmed the Union Pacific people, who were already astonished that the Central Pacific had managed to get across the Sierra Nevada in the face of the enormous difficulties it had to contend with. As a matter of fact, however, the Central Pacific was only striving to reach Ogden and make the junction there. In the effort to reach that point, the Contract and Finance Company, under the tremendous driving power of Crocker, accomplished an extraordinary amount of work and on one occasion the astonishing feat of building ten miles of railroad in a single day. Under the circumstances the roads soon met, or rather ran past each other. For a while there was a dispute as to the point of meeting; but facts showed that it was at Promontory, about fifty-three miles west of Ogden. The Union Pacific up to that point had built during the year about one hundred and seventeen miles, while the Central Pacific had to the same point built about one hundred and eighty.

All the work done by the Union Pacific west of Promontory, consisting of long lines of graded embankments near and parallel with the Central Pacific and estimated to have cost about a million of dollars, was wasted; as was also the work, comparatively inconsiderable in quantity, done by the Central Pacific east of Promontory. While the place of meeting was still in dispute and the point of junction unfixed, the Central Pacific, which wanted the junction at Ogden, proposed to purchase the rights of the Union Pacific west of Ogden; but the Union Pacific declined to sell. The matter, however, was settled by congress, which by joint resolution, adopted on April 10, 1869, fixed the common terminus of the two roads at or near Ogden, and directed that the Union Pacific should build and the Central

Pacific pay for and own the road from the common terminus to Promontory summit, where the rails should meet, connect and form one continuous line.¹ Like everything else done by the Central Pacific company in the moulding of legislation, the settlement of this controversy showed the management of a master hand. As a matter of fact the point of junction "at or near Ogden" turned out to be about five miles west of Ogden; but this part of the line was in a short time acquired by the Central Pacific, which thus secured all the advantages and enjoyed all the conveniences of running to Ogden, the business center of Utah and the Salt Lake region. As the whole distance by the road from San Francisco to Omaha was eighteen hundred and seventy-two miles, the establishment of the point of junction at Ogden made the Central Pacific road eight hundred and thirty-three and a third miles and the Union Pacific one thousand and thirty-eight and two-thirds miles.

It was determined that the ceremonies of the meeting of the two roads at Promontory should be, as far as possible, worthy of the occasion—one of the most important in the history of the United States. The time fixed upon was May 10, 1869. There were about a thousand persons present, consisting of all the officers, directors and employees of the roads that were within reach, including laborers, together with many prominent men and a few ladies who had been invited, delegations from Salt Lake City and surrounding towns, several companies of soldiers, a military band and a number of Indians. The place was a grassy plain between green hills with the Great Salt Lake not far off to the south and with mountains, some nearer and some further and many capped with snow, in various directions to the east, north and west of it. In the middle, between the last rails of the Union Pacific on the east and the Central Pacific on the west, there was a short unclosed gap. About eleven o'clock in the forenoon, everything being prepared for the celebration, a Central Pacific train of cars, drawn by a decorated locomotive, all of which had come from the Pacific coast, approached the gap from the west; and about the same time a Union Pacific train with its equally decorated locomotive from the Atlantic coast approached

¹U. S. Stats. 1869, 56.

from the east. As the engines came up, each a ponderous and powerful structure made for scaling mountains and with a whistle that was heard for miles and waked echoes in the furthest mountains, they saluted. It was the salutation, the all-hail of the Orient and the Occident in the middle of the continent. Soon the passengers, pouring from the trains on each side, gathered around the gap; and the last tie was produced. It was from the west and consisted of a beautifully polished stick of Californian laurel, bearing in its center a plate of silver on which were engraved the names of the two companies and their officers. It was soon put in place under the ends of the last rails, which were drawn together and fastened; and the connection was complete with one exception. This was the last spike. It too was soon produced. Like the last tie it also came from the bounteous west. It was of solid Californian gold.

But little time was lost in placing the last spike in position; and it was driven home with a hammer of solid silver in the hands of Stanford, the president of the Central Pacific. Then followed a few addresses, including a prayer, cheers, music and the reading of numerous congratulatory telegrams, which came flashing over the wires from the far east and the far west, as the news of the driving of the last spike spread. Again the engines saluted; the officers and guests of the Union Pacific boarded their cars; and their train passed over the connecting tie, pressed the Central Pacific rails and then retired back upon its own track. The Central Pacific train in the same manner ran over upon the Union Pacific rails and then back to its own track. The union was complete; the east and west had embraced, and the two lines had become one continuous road across the continent in its widest breadth. Before the sun sank, there was banqueting and feasting—the best that could be afforded on the trains—and the day ended with more saluting, more cheering and more rejoicing, which were repeated in nearly every city of the eastern states and in every city, town and village of the Golden West.