

THE MOVEMENT TO SECURE A RAILROAD TO THE PACIFIC

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PREFACE

The Pacific Railroad Act of 1862 did not come into being over-night. It was the culmination of nearly thirty years of agitation by various factions for a railroad to the Pacific. Many individuals such as Asa Whitney and other far-sighted persons contributed much towards this movement. The author, realizing that much has been written on the railroads of this country, has in this thesis attempted to trace the early beginnings of the effort to secure a trans-continental railroad during the 1830's and carry the story through to the enactment of the Pacific Railroad Act in 1862.

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CHAPTER I

PRIVATE PROJECTS WITHIN THE UNITED STATES

The question of a transcontinental railroad across our country did not gain great weight until the 1850's when the superiority of the railroad as a means of transportation over the canals and turnpikes was made evident by the various railroads then in use in the East. The question had been raised as early as 1834 when Dr. Samuel Barlow, a practicing physician in Granville, Massachusetts, began writing articles for the Intelligence, a weekly journal published in Westfield, Massachusetts. He proposed a railroad from New York City to the mouth of the Columbia River. He assumed the road would be about 3,000 miles in length. He felt the road could be constructed for \$30,000,000 or about \$10,000 a mile. In his opinion the cost of the road could be met by the government in three to six years from revenues and never would be felt by that body. In this article he proposed a northern route along Lake Erie following the latitude of 46 degrees north. Barlow wrote glowingly of the beneficial results that would accrue. For one thing, the railroad would benefit the commercial and manufacturing interests. The East Indies and other rich Asian ports would be made more accessible by this shorter

route which would be favored over the longer route around the Cape of Good Hope.¹

In the late 1830's the question of communication with Oregon arose because of our diplomatic contest with Great Britain over the ownership of that territory. The growth of the fur trade in Oregon and the discovery of new routes to the West were factors in the growing movement for a railroad linking the United States and Oregon.²

Between 1840 and 1850 the movement of population to the West affected the railway question through the growth of the immigration from Europe and through the growth of the emigration to the Pacific Coast from the older part of the United States. This movement to the coast was aided by the Treaty of 1846 with Great Britain, by which the United States acquired undisputed possession of the Columbia River territory; this in turn led to increased pressure for some type of communication and protection for this territory which was largely occupied by Americans.

During this period there were various projects for a railroad to the Pacific. Among those who proposed such a project was Asa Whitney, a merchant from New York City, who, in the course of business, had visited England and had made

¹Eugene V. Smalley, History of the Northern Pacific Railroad (New York, C. P. Putnam's Sons, 1883), 52-56.

²Robert R. Russel, "The Pacific Railway in Politics Prior to the Civil War," Mississippi Valley Historical Review, XII (Sept. 1925), 187.

a trip over the Liverpool and Manchester Railroad. He undoubtedly had read the literature that was being printed about the railroad to the Pacific. In 1842, he visited China, spending two years there before returning home. He was impressed with the extent of Oriental trade and with the possibility of diverting a large part of that trade to this country. From the time he returned to this country until his death, he devoted his entire fortune and efforts to promoting the project of a Pacific railroad.³

On January 28, 1845, Asa Whitney presented his first memorial to Congress for a railroad to the Pacific Ocean. He would have had it start at Milwaukee, cross the Mississippi at Prairie du Chien, the Missouri at the Big Bend, and the Rockies at South Pass, and terminate at the mouth of the Columbia. The money for building the ambitious undertaking was to be supplied by the sale of public lands which lay along the route. Whitney proposed that Congress sell him a strip of land sixty miles wide along the proposed route for its entire length at 16 cents an acre. He, in turn, would sell the lands, under proper safeguards to ensure performance, as the road progressed and apply the proceeds to the construction thereof. He estimated the road to cost about \$50,000,000, and incidental expenses would increase the amount to \$65,000,000. Control of the road

³N. H. Loomis, "Asa Whitney: Father of the Pacific Railroads," Mississippi Valley Historical Society Proceedings, VI (1912-1913), 166-175.

would rest with the government. Excess profits would be devoted to education and other public purposes. Since no capital stock would be sold, nor bonds floated, and since the road would be exempted from taxation, the rates, Whitney said, could be kept very low. He said the road would be constructed by immigrants who would be drawn away from the congested areas of the East and transplanted to the West where population was needed. In this memorial Whitney asked Congress to make a survey of the proposed route between the forty-second and forty-fifth parallels, starting at Lake Michigan and proceeding to the mouth of the Columbia. In his proposal he listed some of the advantages of a Pacific railroad. Such a railroad, he said, would tie the Oregon territory to the United States, whereas it might become an independent state if this project was not completed.⁴

This memorial was referred to the House Committee on Public Lands. The committee made a report on the memorial on March 3, 1845, near the end of the session. Robert Dale Owen, of Indiana, son of Robert Owen, famous for the New Harmony colony, was chairman of this committee, and he reported that the memorial had been referred to the committee too late for serious study. In his opinion, however, the project was not impracticable, and it certainly deserved attention. The committee felt that if such a

⁴Senate Miscellaneous Documents, 30 Cong., 1 Sess., 1847 (Washington, Tappin and Streep, 1848), No. 28, 1-7.

railroad was built it should be by land grants and not out of the national treasury.⁵ The bill was tabled as it was the next to the last day of the session when it was reported out in the House of Representatives.

After spending the summer of 1845 in exploring his proposed route as far as St. Louis, and having talked with people who had been to Oregon, Asa Whitney returned to the East to attempt once again to promote his route. On February 24, 1846, he presented his second memorial to Congress for a railway to the Pacific. The proposal was referred to the Committee on Public Lands in the Senate and in the House to the Committee on Roads and Canals.⁶

This memorial was more detailed and definite. Whitney explained that Lake Michigan was the best possible starting place. This was because the lumber needed for the railroad could be readily secured there. As the railroad progressed westward, where the lumber was scarce, the lumber could be transported from the region of Lake Michigan.⁷ He had found the Missouri River bridgeable in three places which were all above the forty-second parallel. These were on the route he had asked Congress to survey the previous session.

⁵House Reports, 28 Cong., 2 Sess., 1844-1845 (Washington, Blair and Rives, 1845), No. 199, 1-2.

⁶Senate Documents, 29 Cong., 1 Sess., 1845-1846 (Washington, Ritchie and Hiss, 1846), IV, No. 161, p. 1.

⁷Ibid., 4.

Whitney in this memorial stated his belief that the lands for the first seven hundred miles were sufficient to pay the cost of the railroad to South Pass. He did not ask for the sole power to assign title to the land but suggested that the commissioners appointed by the President and Senate share responsibility with him for such assignment.⁸

On July 31, 1846, the Senate Committee on Public Lands of which Sydney Breese, of Illinois, was chairman, brought in a bill for setting aside the lands requested for the construction of Whitney's road. The committee considered some twelve points of view in discussing the proposed bill. In the judgment of the committee, the question of the authority of Congress to undertake such a project was clearly affirmed by the wording in the enabling acts passed in the early part of the nineteenth century which read as follows:

...laying out and making public roads, leading from the navigable waters emptying into the Atlantic to the Ohio, to the said state, and through the same; such roads to be laid out under the authority of Congress, with the consent of the several states through which the road shall pass.⁹

The committee referred to the reports of Meriwether Lewis and William Clark and also John C. Fremont to prove the practicability of the road. It approved of the method of building the road put forth by Whitney in his memorial. In the judgment of the members of the committee, the

⁸Ibid., 60.

⁹Ibid., VIII, No. 466, 3.

railroad if constructed would have the effect of increasing the demand for public lands in the adjoining areas. The transportation facilities and agricultural resources of the whole country would increase if this area were settled; mineral development and communication improvement would also follow. In addition, the railroad would increase the trade of the area to the west of the Oregon territory such as China, Australia, and the islands in the Pacific.¹⁰

Senator Thomas Hart Benton, of Missouri, rose during the reading of the bill by Breese and objected to the reading of the rest of the bill. He believed it was too near the end of the session for this bill to be discussed. Benton said the Senate should not discuss a bill of this type giving ninety millions of acres of land to an individual to construct such a railroad. He believed that if that body did, someone else would offer a bill to take the government of the area in question out of their hands. He asked that the bill be tabled, but this request was defeated, and the bill was ordered printed. In view of the nearness of adjournment, the bill was not brought up for debate again during this session of Congress.¹¹ The real explanation for Benton's opposition to the Whitney bill was that the proposed route would be considerably north of

¹⁰Ibid., 1-11.

¹¹Congressional Globe, Containing the Debate and Proceedings (46 vols., Washington, Blair and Rives, 1834-1873), 29 Cong., 1 Sess., 1845-1846, XV, 1171.

Benton's home state of Missouri. He consistently opposed during this period any railroad project to the Pacific which by-passed Missouri.

After this second attempt failed in Congress, Whitney started through the country seeking to develop support for his project. It was during this time between July of 1846 and March of 1848 that Whitney gained support for his project from many of the state legislatures.

During this period also the Northwestern River and Harbor Convention was held at Chicago, July 5-7, 1847. The main purpose of this convention was to promote river and harbor projects. After the regular convention adjourned formally on July 7, many members remained to discuss the railroad question which had been tabled during the regular course of business of the convention. One of the delegates, William M. Hall, of Buffalo, New York, spoke against the projects of Whitney and others for a Pacific railroad. He charged "that their schemes were monopolistic and against the best interests of the public." He wanted the railroad to follow a central route and the government own it and keep the lands adjoining the road for the people and not speculators. He also desired directors for the road and for them to be elected. These resolutions were adopted by the body. Hall hoped that he could get the people opposed to the northern and central routes to agree to a central route built by the government rather than by private capital.

This thought prevailed at the later conventions in St. Louis and Memphis in 1849.¹²

Whitney presented his third and final memorial to Congress through Senator Alpheus Felch, of Michigan, on March 17, 1848. This memorial was again referred to the Committee on Public Lands in the Senate and ordered to be printed.¹³

In the House his memorial was referred to a select committee with James Pollock, of Pennsylvania, as chairman. Between his second and third memorial, eighteen state legislatures had sent in resolutions favoring his plan. The state of New York sent the following statement to Congress on Whitney's bill:

Resolved: whereas....a railroad from Lake Michigan to Oregon will tend greatly to consolidate the Union of the States, extend the commerce and promote the agricultural interests of the country, while it will enrich the national treasury by bringing to a speedy market, and at advanced prices, its hitherto inaccessible lands; and whereas the construction of such a road can best be accomplished by the plan proposed by Mr. Asa Whitney, of New York, of connecting the sale of the public lands with the building of the road.¹⁴

The other state resolutions similarly favored his plan.

¹²Mentor L. Williams, "The Chicago River and Harbor Convention, 1847," Mississippi Valley Historical Review, XXXV (June 1948-March 1949), 613.

¹³Cong. Globe, 30 Cong., 1 Sess., 1848, p. 182.

¹⁴Senate Miscellaneous Documents, 30 Cong., 1 Sess., 1847, No. 1, 1.

In this memorial Whitney stated that he did not want a cent of money and offered to survey the route himself at his own expense. While building the road through the first eight hundred miles he would reimburse himself with only five miles of land out of every ten miles constructed. The government was to hold the remaining five miles of land until bad lands were reached. Then when the lands assigned for the road would not pay for the building of the road, the government should give him the money needed to complete the road from the sale of the good lands it had retained. When he had completed the railroad, the government should sell him the unused lands in the thirty mile tract lying on each side of the road. Whitney stated that the route he had proposed was the only feasible one. He cited figures to show that the Panama, Tehuantepec, and Nicaragua routes would be over 3,000 miles longer than his project. Whitney urged that Congress act soon before lands lying within the proposed route were sold and thereby defeat his project forever.¹⁵

The select committee in the House reported the memorial out favorably on May 3, 1848. The committee thought Congress had the right to grant the lands as previous reports had stated. The committee relied on Fremont's report as to the proper route for the proposed railroad;

¹⁵Senate Miscellaneous Documents, 30 Cong., 1 Sess., 1847, No. 28, 1-7.

this report, it should be noted, confirmed Whitney's idea for a northern route. The committee reported that there would be no possibility for Whitney to gain a monopoly of lands as some people feared. This was because the title to the land would go directly to the actual settlers of the land and not to Whitney. The report itself added little actual information for it was made up mostly of the Breese report on the previous memorial.¹⁶

The Senate Committee on Public Lands on June 26, 1848, reported Whitney's memorial out unfavorably. The members of the committee were unable to agree on Whitney's plan. In part this was due to the fact that the available information possessed by the committee was not thought sufficient for the latter to approve his plan. The committee then reported out a joint resolution to have the Secretary of War survey the possible routes for a railway from the Mississippi River, below the falls of St. Anthony, to the Pacific Ocean.¹⁷

The next day, June 27, 1848, Senator John N. Niles, of Connecticut, introduced a bill to sell the lands to Asa Whitney. This bill followed the lines of the Whitney

¹⁶Reports of Committees, 30 Cong., 1 Sess., 1848 (4 vols., Washington, Tappin and Streeper, 1848), III, No. 733, 1-15.

¹⁷Senate Reports, 30 Cong., 1 Sess., 1847-1848 (Washington, Wendell and Van Benthuyssen, 1848), No. 191, 1.

memorial. It was referred to a select committee with Niles as chairman.¹⁸

Niles on July 29, 1848, as chairman of the select committee, moved that the Senate consider the bill for a railroad to the Pacific. He pointed out that if the issue was not decided at this session the lands would be disposed of and the plan would be of no value.¹⁹

Senator John P. Hale, of New Hampshire, voiced the opinion that if this measure were approved it would alarm the public. He was opposed to the grant of one hundred million acres of public land to the speculators.

Benton now entered the debate and protested giving that much land to one man. He said "we must have surveys, examination, and exploration made, and not go blindfold, haphazard, into such a scheme."²⁰ Benton told the Senate that he would oppose the bill as long as he had life in him. He believed that Congress should give no man the power that Whitney requested. He moved to lay the bill on the table, and his motion was passed by a vote of 27 to 21.

At the second session of the thirtieth Congress on January 29, 1849, Niles again attempted to bring the bill to sell to Asa Whitney a portion of public lands for his railway up for discussion. He favored it as a means of securing

¹⁸Cong. Globe, 30 Cong., 1 Sess., 1848, p. 875.

¹⁹Ibid., 1011.

²⁰Ibid.

our hold upon California and preventing her from forming a separate country.²¹

Senator Solon Borland, of Arkansas, objected to Niles' motion. He referred to the joint resolution reported by the Committee on Public Lands of the previous session for the surveys to be made as to the best route. He hoped that the Whitney bill would be dropped and the joint resolution passed.

Borland then proceeded to attack the proposed route. He stated that Whitney was familiar with very little of the proposed route. In addition, Borland argued, much of the route was under great depths of snow for several months of the year.²²

Senator Henry S. Foote, of Mississippi, moved to amend the route in the bill and suggested that the railroad be built to San Francisco or to San Diego over which ever route was feasible.²³ The sectional feeling can now be seen, for Foote from Mississippi wanted a more southerly route as did Borland of Arkansas. In the House, James Pollock, of Pennsylvania, attempted to make the resolution for passing the Whitney bill the special order of the day, January 29,

²¹Cong. Globe, 30 Cong., 2 Sess., 1848-1849, p. 381.

²²Ibid., 382.

²³Ibid.

1849. This proposal, however, was voted down as Congress could not agree on the route for the railroad to follow.²⁴

On March 13, 1850, during the first session of the thirty-first Congress, the House Committee on Roads and Canals reported out a bill favoring the Whitney plan.²⁵

This committee had studied several memorials and petitions presented to it by state legislatures and private individuals. This committee concluded that the plan of Asa Whitney should be adopted and drew up a bill to be presented for that purpose. The committee report includes quite a large source of information regarding the Whitney plan. The Appendix contains Whitney's memorials, resolutions of state legislatures in favor of it, petitions of public meetings, and letter and maps of Whitney's concerning the project.²⁶

On September 12, 1850, the Senate Committee on Roads and Canals reported favorably on the Whitney bill through Jesse D. Bright, of Indiana, its chairman.²⁷ Both Congressional committees acknowledged that the public favored Whitney and his project.

²⁴Ibid., 388.

²⁵Reports of Committees, 31 Cong., 1 Sess., 1849-1850 (3 vols., Washington, Government Printing Office, 1850), I, No. 140, 1.

²⁶Ibid., Index, 21.

²⁷Senate Reports, 31 Cong., 1 Sess., 1849-1850 (Washington, Government Printing Office, 1850), No. 194, 1.

On March 18, 1850, the Committee on Printing made a report to the House in favor of printing 5,000 copies of the Whitney report.²⁸ The debate that followed this resolution clearly showed that Congress was not united in its feelings toward the Whitney plan.

The bill that was reported out by the committee was attacked by Representative James B. Bowlin, of Missouri, on March 19, 1850.²⁹ This speech contains a very excellent summary of most of the arguments opposing the bill. Bowlin stated that he had not had time to expose all of its evils but that he would attempt to expose many of them. He pointed out that when a state wanted land for improvement she must take alternate sections and her citizens pay double for the rest of the township. He pointed out that a speculator could arise and ask the Congress for seventy-eight million acres and get more action out of Congress than could a state.³⁰ Whitney asked for the right to construct a line from Lake Michigan to the Pacific Ocean; this gave him eighteen degrees latitude on the western and seventeen on the eastern end. This would cause the involved states to be subject to the power of Whitney. The states would be "...bowing and cringing for favors, before this congressional

²⁸Cong. Globe, 31 Cong., 1 Sess., 1849-1850, p. 349.

²⁹Ibid., Appendix, 329.

³⁰Ibid., 330.

umpire...."³¹ Bowlin granted the fact that the bill provided for Congress to regulate the tolls. The fact, however, that Whitney could raise the tolls to repay the costs of the road made this first provision useless.

Whitney's motives were questioned next. Bowlin believed that the project would develop into a grand stock-jobbing scheme. He also doubted that Whitney would be content to wait for the road to pay for itself. Bowlin next attacked the part of the bill that said new states admitted along the route should not be able to tax the road. This he claimed "...is a new article in the Constitution, to be legislated in for the benefit of this...scheme."³² He said the government had no right to give such a promise or fulfill it afterwards. He questioned the term in the memorial which read "Whitney and his assigns are authorized to construct a road...and to collect tolls."³³ He believed that the term "assigns" meant that Whitney's successors would retain the grant forever. Bowlin feared that the use of this term would create a corporation which would live forever. By passing this bill Congress would cede its rights of control to the courts through the corporate nature of the charter which Congress would actually give Whitney. Another

³¹Ibid., 331.

³²Ibid., 331.

³³Ibid., 332.

objection was that Congress could not specify the conditions pertaining to the amendment of the charter.

Bowlin was running short on time at this point. He hastily read some of the provisions of the bill and pointed out their faults. For example, he said the sixth section let Whitney and company have complete possession of all the road facilities at the end of the contract period. The eighth section gave Whitney permission to sell the land he bought for ten cents an acre to the settlers for a dollar and a quarter an acre. Bowlin dryly commented that this was "very just and liberal to the pioneer."³⁴

Here, as in the earlier attempts, we see that it was not the idea of the railway to the Pacific that was attacked but Whitney's motives. The people involved could not or would not believe that he was interested only in a public good and not fortune and fame from the road. As was mentioned earlier, Whitney was fairly wealthy and stood to lose more by this venture than he could gain. This fact was disregarded by the opponents of his proposal.

John L. Robinson, of Indiana, as chairman of the Printing Committee, the next day replied to Bowlin's speech. This speech was more of a defense of Whitney than an explanation of the bill. He stated he liked the plan of Whitney and said the latter "presents far less inducements to speculations and fraud, creates not a tithe of the amount of

³⁴Ibid., 333.

political patronage" than would a similar plan by the government.³⁵

Robinson claimed that the bill was drawn almost entirely from the committees' reports of previous sessions of Congress. He did not feel as did the gentleman from Missouri that these committees would have reported out a bill which had the effect of defrauding the public. He stated that Whitney was quite willing that a section be added declaring that a corporation would not be created in perpetuity. He also asserted that the government could declare the road to belong to it and not to Whitney.

On Bowlin's objection that Whitney would own the land, Robinson read the section stating that the title of the land should never pass to Whitney. The latter might get the proceeds of the sale but not the title. Robinson replied to Bowlin's objection to the taxing restriction of the new states and said that there was no protection for Whitney as he never owned the land.

Robinson replied to the stock-jobbing charge and argued that Whitney had no stock in his road. He referred to De Grand's project which had stock, which will be discussed later. Asa Whitney's project had no stock; consequently, it left no room for land speculation, which had been a major objection of Bowlin. Robinson stated that the secret of Bowlin's opposition was "it does not make St. Louis (his

³⁵Ibid., 334.

residence) the metropolis of the world, nor Colonel Benton its great manager...."³⁶

Robinson now pointed out what he considered the merits of the plan. It was the shortest proposed route. Its passes were of lower elevation. It must use the route where material could be located and streams bridged. The route must be cool enough so that fresh produce could be shipped or the railway would lose one of its main objects.

The Senate after these speeches laid the question on the table by a vote of 83 to 51.³⁷ The size of this vote shows the still unfavorable attitude of Congress towards the plan of Whitney. This bill was not brought before Congress again this session. Later in this session on March 13, 1852, Thomas J. Rusk, of Texas, presented a modified version of the Whitney bill in that it was for two railroads to the Pacific.³⁸ One of the roads was the one projected by Whitney, while the other was a southern route to San Francisco. Senator William G. Gwin, of California, stated that when the bill came up he would move to strike out the names in it as he favored a government railroad. Nothing came of this bill during the rest of this session.

The projects for the construction of railroads across the Isthmus gave Whitney great opposition at this time.

³⁶Ibid., 335.

³⁷Ibid., 557.

³⁸Ibid., 941.

This was true also of the speculators who were buying land warrants of the soldiers.³⁹ The Panama railroad was nearing completion at this time and enjoyed a monopoly of the trade to Oregon and California. It is logical that this company would want no diversion of its trade across a transcontinental line as proposed by Whitney and others.

Whitney's project failed not through a lack of effort on his part but because of misunderstanding and mistrust of his motives. Today, looking back on his project, we would probably want to commend it. The safeguards in the memorials he presented to Congress show considerable foresight. DeBow's Review in 1850, said "...Whitney's plan and details embraces the only constitutional mode of effecting the great work..."⁴⁰ James D. B. DeBow, writing for a southern magazine, favored a southern route but, after realizing it was impossible, wrote instead in favor of the Whitney plan. This gave evidence that sectional difference could not overcome the soundness of his plan.

Hartwell Carver's Project

Among other proposals during this period to construct a Pacific railroad was that of Dr. Hartwell Carver, of western

³⁹Reports of Committees, 30 Cong., 1 Sess., 1849-1850, I, No. 140, 10.

⁴⁰James Dunwoody Brownson, DeBow's Commercial Review of the South and the West (39 vols., New Orleans, DeBow, 1846-1864, 1866-1870, 1879-1880), IX (Dec. 1850), 166.

New York, who presented a memorial to the Senate through Senator Daniel S. Dickinson, of New York, on January 28, 1850. This memorial was referred to the Committee on Roads and Canals but was never reported out.⁴¹ This memorial consisted of an exclusive and perpetual charter to build a railroad from Lake Michigan, through South Pass, with one branch to San Francisco and a branch to the mouth of the Columbia river. His plan was similar to Whitney's in that Carver wanted a forty mile strip upon which to build the road. The government would receive \$4,000,000 worth of stock in his proposed company. In addition, he proposed that the government buy \$8,000,000 worth of stock to prevent a monopoly by the company.⁴² This was in contrast with Whitney's bill with no safeguard against monopoly. Carver's plan was not well received for he was accused of attempting to gain fame on the knowledge of Whitney and others.

Edwin F. Johnson's Project

Edwin F. Johnson, a Vermont civil engineer, was also among the group of Pacific railway promoters. As early as 1826, Johnson advocated a railway from the Hudson River to

⁴¹Cong. Globe, 31 Cong., 1 Sess., 1849-1850, p. 230.

⁴²Eugene V. Smalley, History of the Northern Pacific Railroad (New York, G. P. Putnam's Sons, 1883), 67-68.

the Mississippi.⁴³ This project became the New York and Erie Railway in 1836. In 1853, Johnson wrote a pamphlet concerning the northern route from Chicago to Puget Sound. He emphasized its direct tie to the cheap waterways of the Great Lakes. He also pointed out that his route had no more than a forty foot rise to a mile. There would be no deep snows to block his route due to the northern climate and absence of moisture. The region was abundant in natural resources. Consequently, he believed this route would support a larger population than other routes. It was the most direct route to the coast.⁴⁴ Whitney had promoted wide attention to the project, and now Johnson had given it the approval of a civil engineer.

Josiah Perham's People's Pacific Railroad

Josiah Perham was a native of Maine, and at the time he developed the idea of a Pacific railroad he owned an excursion railway operating out of Boston.⁴⁵ His route was from the Missouri River between the Platte and Kansas Rivers to the Pacific Ocean at San Francisco. His project did not require aid from Congress except to sell him the land needed

⁴³Frederick A. Cleveland and Fred W. Powell, Railroad Promotion and Capitalization in the United States (New York, Longmans, Green, & Co., 1909), 273.

⁴⁴Smalley, History of Northern Pacific, 75-76.

⁴⁵Ibid., 96, 98.

for the route. He believed that the masses of people in the United States would subscribe to his railroad. One million people were needed for subscribers in this People's Railroad with each owning one share. Perham did succeed in gaining a charter for his railroad from the legislature of Maine in 1860. However, the Pacific Railroad Act of 1862 killed his hopes for a railway.⁴⁶

P. P. R. Degrand's Project

Another project was that of P. P. R. Degrand, of New York, whose project was not well known and about which little has been written. P. P. R. Degrand's project was introduced by Senator Daniel Webster, of Massachusetts, on January 14, 1840. It was referred to the Committee on Public Lands in the Senate.⁴⁷ This memorial contained the signatures of over thirteen hundred men associated with him. He wanted the right to establish a railway and telegraph from St. Louis to San Francisco. In addition, he desired the government to subscribe capital not in excess of \$98,000,000 to build the road.⁴⁸ He also wanted a right-of-way and grant of public land ten miles wide along the north side of the

⁴⁶Ibid., 103, 104.

⁴⁷Cong. Globe, 31 Cong., 1 Sess., 1849-1850, p. 149.

⁴⁸Senate Miscellaneous Documents, 30 Cong., 1 Sess., No. 28, 1.

road. The company was to have a capitalization of \$100,000,000, of which \$2,000,000 must be paid in by the memorialists before the loan stock could be received. This memorial contained letters from Degrand and others favorable to the project. The memorial was never reported out by the committee.⁴⁹

⁴⁹Ibid., 16-25.

CHAPTER II

ISTHMIAN PROJECTS

Isthmian projects, as might be expected, due to their lower cost took tangible form much earlier than trans-continental railroad projects. They did not require much capital, except to construct short railway lines across the narrow Isthmus, and they promised much quicker returns for the money invested. Government aid and financial expenditures or land grants were not required. What was needed, however, was the State Department's aid in securing treaties allowing the projects to be built. During this period it was easier to gain diplomatic assistance than to get congressional support for railroad projects.¹

The Panama route was the first project to gain consideration for a railway or canal. A description of the Panama route cited in DeBow's Review in 1849 is below:

The Panama route is a narrow neck of land connecting the two Americas; in the province of New Granada; between the parallels of 8° and 11° north latitude; varying in breadth from twenty-eight to forty-eight miles, and with a population of 7,000. The Andes afford many gaps, or passages, and the country presents no insurmountable obstacles to a railway. The late conquest of California has given an interest to Panama, far

¹Robert E. Riegel, The Story of the Western Railroads (New York, The Macmillan Co., 1926), 9-15.

greater than it had previous had. Lines of steamers, constantly sail from northern ports to Chagres, on the Atlantic, and other lines from Panama, on the Pacific, to San Francisco and Oregon. Little difficulty is found by passengers over the isthmus, who are conveyed more than half the way in canoes. We have seen the glowing accounts of the expedition, the scenery and aspect of the country, even from the pens of delicate females. The rigors of the climate and the rainy season have been greatly exaggerated.²

As early as February, 1825, Senor Antonio Jose Canaz, Envoy Extraordinary to this country from Mexico, formally invited the United States Government to send an agent to Central America to negotiate in regard to the right of way and the protection of the canal proposed in 1824. The Secretary of State, Henry Clay, did not take advantage of the invitation. In June, 1826, Aaron H. Palmer, of New York City, and associates, under name of The Central American and The United States Atlantic and Pacific Canal Company, were granted a contract for the building of a canal across the Isthmus of Panama.³ Palmer and his associates enlisted the aid of many prominent men; however, they failed to raise the required capital in either the United States or England, and the scheme was dropped.⁴

²James Dunwoody Brownson, DeBow's Commercial Review of the South and the West (39 vols., New Orleans, DeBow, 1846-64, 1866-70, 1879-80), III (Dec., 1849), 63.

³House Reports, 30 Cong., 2 Sess., 1848-1849 (2 vols., Washington, Tappin and Streeper, 1849), III, No. 145, 245-247.

⁴Ibid., 216, 342, 377.

In 1834, New Granada, now Colombia, authorized the letting of a contract for the building of a canal or railroad across the Isthmus of Panama. Thereupon Charles Baron de Thierry secured the exclusive privilege of deepening the Chagres and Granada rivers and the building of a canal between them.⁵ The United States Senate, on the motion of John M. Clayton, of Delaware, adopted a resolution requesting President Andrew Jackson to consider opening negotiations with the government of Central America and New Granada for the purpose of protecting such individuals or companies that might attempt the construction of a canal across the Isthmus and to secure for all nations free and equal right of navigating it forever.⁶

President Jackson sent a Colonel Charles Biddle to gather information and to examine the proposed roads. He did not have the authorization, however, to negotiate a route.⁷

In 1837, a message from President Jackson was submitted to the Senate stating that the request of that body had been complied with and that an agent had been sent to examine the various routes and the "state of projects...understood to be contemplated for opening such communication by canal or a

⁵Ibid., 280-294.

⁶Ibid., 241.

⁷Ibid., 242.

railroad."⁸ When Biddle, following his instructions, arrived at the Isthmus, he easily persuaded himself that the Nicaragua route was impossible. Here he learned that the people of Panama had lost their faith in de Thierry. He became convinced, furthermore, that a railroad could be built without extraordinary trouble. However, he found that the canal privileges had been granted to de Thierry,⁹ and, instead of following his instructions, he proceeded to set up a rival plan to that of the French promoter.

He convinced the people of New Granada that a canal was not feasible and that a railroad should be built in its place. Colonel Biddle, forgetting the objects of his mission, obtained in his own name a contract giving him permission to construct a railway on the left or right three miles of de Thierry's canal.¹⁰ His route was short for it required only fifteen miles of track to be laid, and the rest of the route was to be traveled by steam boat up the Chagres River. The United States Government debated his scheme but disapproved it, and he returned to this country where he died shortly thereafter.¹¹

⁸Ibid., 100-101.

⁹Ibid., 388.

¹⁰William Ogden, Niles Weekly Register (71 vols., Philadelphia, Niles, 1811-1849), LXV (1847), 202-203.

¹¹House Reports, 30 Cong., 2 Sess., 1848-1849, II, No. 145, 273.

The issue of a Isthmus route came up for serious consideration in 1847, when William H. Aspinwall and associates, who organized the Pacific Mail Steamship Company, were awarded the contract to carry the mail on the Pacific side to Oregon via the Isthmus route. The partnership consisted of Aspinwall, Henry Chauncey, and John L. Stephens.¹²

The right to build a wagon road or railroad across the Isthmus had been awarded to a French Company, The Panama Company, in May of 1847. This company failed, however, to post the necessary guarantee of good faith and thereby forfeited its contract. Aspinwall and his associates then secured a similar contract with the government of New Granada for the building of a railroad.¹³

The contract granted was a very liberal one. The company had eight years in which to build the road, and after its completion it had the exclusive privilege of operating the transit for a period of forty-nine years. New Granada was to receive three per cent of all dividends, and it retained the right to purchase the transit after twenty years for the sum of \$5,000,000; thirty years for \$4,000,000; forty years for \$2,000,000. The company received the lands on the right of way gratuitously and a gift of 250,000 acres of land to be selected by it from any public lands on the

¹²House Reports, 30 Cong., 2 Sess., 1848-1849, I, No. 26, 22.

¹³Ibid., 42-46.

Isthmus. The company had the right to fix its own tolls for the road, provided they were uniform, and citizens of all nations had equal preference. The ports were to be free ports. The road was to be completed within eight years, and if completed within the required time, the deposit made by the company of \$120,000 as security was to be refunded, with interest.¹⁴

The Pacific Mail Company, in 1848, sent a memorial to Congress asking for the cooperation and aid of that body for the great work it was attempting. This memorial requested no direct aid. The company asked instead for a contract for twenty years for the transportation of military stores, troops, public agents, and the mails.¹⁵

Senator Thomas Hart Benton, of Missouri, chairman of the Committee on Military Affairs, brought forth a bill authorizing the Secretary of the Navy to make a contract for twenty years and for the railroad to be built within three years of June 1, 1849.¹⁶

Great opposition developed to this bill. It was tabled near the close of the short session on the motion of Charles

¹⁴Ibid., 41-43.

¹⁵Ibid., 48.

¹⁶United States Congress, Congressional Globe, Containing the Debates and Proceedings (46 vols., Washington, Blair and Rives; Government Printing Office, 1834-1873), 30 Cong., 2 Sess., 1848-1849, p. 40.

G. Atherton, of New Hampshire. This bill was never brought up for debate again.¹⁷

The debates on this bill show the beginning of different sectional viewpoints in regards to routes of proposed railroads; also, some of the Senators involved in the discussions were inclined to favor other routes of this nature not fully developed such as the Tehuantepec route. Many objections were raised to the Isthmus routes. They were either completely or in part outside of the United States and, consequently, beyond the control of the country; they would probably become a constant source of war; the cost of the fleets needed to protect their ports would require heavy national expense; and the trip over them would require several changes in modes of transportation. Senator Benton in the debates on the Panama route conceded that some of the points had merit but said he regarded the route as only a temporary measure until the United States could finish a road wholly within her own boundaries.¹⁸

Senator Benton, as noticed above, favored the bill as a temporary measure, while Stephen A. Douglas, of Illinois, and Simon Cameron, of Pennsylvania, were the staunchest supporters of the bill. Others such as John M. Niles, of Connecticut, who favored Whitney's scheme, and Jefferson

¹⁷Ibid., 626.

¹⁸Ibid., 49-52, 59-60, 398-402, 411-415.

Davis, of Mississippi, who favored the southern route, were opposed to it.¹⁹

The bill would pay the holders of the contract about \$300,000 per year which would have amounted to \$6,000,000 over a period of twenty years. Senator Sidney Breese, of Illinois, protested to this on the ground that the road was to cost only \$50,000 per mile, which would bring the total cost of the road to an estimated \$2,000,000. The difference between the proposed bill would give the company \$4,000,000 profit, not counting the money in tolls levied on the trade passing over that road.²⁰

Senator John P. Hale, of New Hampshire, attacked the bill on the ground that for a period of twenty years only the persons stated in the bill were entitled to build and operate such a road. Other parties were not allowed for this period to open negotiation for a road no matter how favorable the terms for the contract might be.²¹ Senator William Allen, of Ohio, voiced the objection that he would not give a select body of men a monopoly on the transit; in addition, he did not see why the company petitioned Congress as it already had permission to build the route. He wanted the government to keep the right of way under its control in order that "the whole people, if they choose, may

¹⁹Ibid., 49-52, 398-402.

²⁰Ibid., 50.

²¹Ibid., 50-51.

construct roads and canals across, and use them as they please."²²

The bill was debated for several days, and then Senator Douglas, of Illinois, proposed to amend the bill so that the payment to the company was lowered to \$250,000 a year, and the contract would be in force for a period of ten years only.²³

As the debates continued upon the Douglas amendment, opposition developed to the Panama route. Senator William L. Dayton, of New Jersey, brought forth the idea of the Tehuantepec route. Numerous objections were presented to this route. For one thing, the ports involved in this route were not suitable to year round use. In addition, Mexico had made known her intention to not let the United States have the right of way needed for the projected route. The bill was laid upon the table at this time with no further action being taken on it.²⁴

The company, in spite of not receiving government aid, was able to complete the road. "Work parties from both sides met on the 27th day of January, 1855, at midnight, in

²²Ibid., 59.

²³Ibid., 382.

²⁴Ibid., 41.

darkness and rain. The last rail was laid and the following day a locomotive passed from ocean to ocean."²⁵

The Panama Railroad Company by 1852 was paying twelve per cent dividends and continued to do so for several years. "In 1861 four steamship lines connected with it on the Pacific side and five steamship lines and three sailing vessels visited its lines on the Atlantic side...."²⁶ For many years this company enjoyed a monopoly on the trade passing through this area.

The Atlantic and Pacific Ship Canal

The project pertaining to the Nicaragua route was primarily for a canal. There were provisions for a railroad if the canal could not be built. The movement to secure some form of transportation to the Pacific was an important part of the historical development of the middle of the nineteenth century.

The British indirectly aided the United States in this project by their attempt to block our efforts to secure canal rights. They sought to gain control of the Atlantic outlet of any canal we might construct. In order to do this

²⁵Harper's New Monthly Magazine (150 vols., New York, Harper and Brothers, 1850-1925), VXVIII (Dec., 1859), 46.

²⁶Robert R. Russel, Improvement of Communication with the Pacific Coast as an Issue in American Politics, 1783-1864 (Cedar Rapids, Iowa, The Torch Press, 1849), 61.

they used Central American states' unpaid debts to them as an excuse to hold territory needed for the canal. Some of the Central American countries feared that England was attempting to force them to submit to its ends. Nicaragua was one of this group, and this explains somewhat our ability to sign treaties with that country.²⁷

In April, 1848, Elijah Hise, a Kentucky lawyer, was appointed by President James K. Polk as Charge d'Affaires to Guatemala. In his instructions, he was forbidden to enter into treaties with Nicaragua, Honduras, and Costa Rica. Secretary of State James Buchanan felt that not enough reliable information was possessed by the American government to warrant making commitments to these Latin American countries.²⁸

On March 17, 1849, Dr. D. Tilden Brown, of New York, as an agent from Howard and Company of New York, concluded a contract with Nicaragua for the building of canal or railroad to extend from ocean to ocean. It was not very liberal and was not accepted by the company. The company was to hold the contract for forty years only. Among the provisions of the contract was the stipulation that the company was to receive no payment when the canal reverted back to Nicaragua; each

²⁷Mary W. Williams, Anglo-American Isthmus Diplomacy (American Historical Association, Washington, 1916), 56.

²⁸House Executive Documents, 31 Cong., 1 Sess., 1849-1850 (11 vols., Washington, Wendel and Benthuysen, 1850), XI, No. 75, 96.

passenger using the route had to purchase a passport which was not to exceed two dollars in price. The company was to pay Nicaragua \$18,000 to send a delegation to the United States to negotiate a treaty.²⁹

On June 21, 1849, Hise, without authorization, with Senor Don Buenaventura Selva, Charge d'Affaires of Nicaragua, drew up a convention for a canal. This agreement (1) obtained for the United States the right of way perpetually and without restrictions through the territory and dominions of Nicaragua; (2) secured for Nicaragua the protection of the government of the United States; (3) provided a plan and project for the construction of an inter-oceanic ship canal.³⁰

This convention immediately encountered opposition. Hiss had been replaced by E. George Squier as Charge d'Affaires when Zachary Taylor became President in 1849.³¹ Squier upon arriving at his post found that the convention had been signed between Hise and Selva. Squier wrote Secretary John M. Clayton in August of 1849, informing him that Hise's treaty was not satisfactory. He was convinced that the government would not approve of it and, therefore,

²⁹Ibid., 137.

³⁰Ibid., 110-117.

³¹Ibid., 118.

was proceeding to arrange a new treaty as if the original treaty were non-existent.³²

Joseph L. White, the agent of Cornelius Vanderbilt and Company, of New York, was seeking a contract for building the canal when Squier arrived.³³ It was a most liberal contract he was proposing for the company. On September 23, 1849, a contract was signed by White with Director of State Herminegila Zepida and Gregorio Juarez of Nicaragua with the aid of Squier in drafting it.³⁴

This contract gave the company, Vanderbilt and Associates, the sole privilege for eighty-five years to operate a canal over the route. United States citizens must always control the stock of the company. Until the ship canal was completed, the company had the right to operate a temporary transit by suitable means. The company must build a railroad or water and railroad line across the route within twelve years.³⁵ The company was to return the road to Nicaragua after eighty-five years, and then for ten years thereafter it was to receive fifteen per cent annually of the net profits of the road. This treaty was never ratified

³²Ibid., 152.

³³Ibid., 137.

³⁴Robert R. Russel, Improvement of Communication with the Pacific Coast as an Issue in American Politics, 1783-1864 (Cedar Rapids, Iowa, The Torch Press, 1848), 65.

³⁵House Executive Documents, 31 Cong., 1 Sess., 1849-1850, X, No. 75, 173-180.

due to British claims to adjoining lands to the proposed canal.³⁶

These two treaties were part of the discussion which led to the Clayton-Bulwer Treaty of July 5, 1850. By that treaty it was agreed, among other things, that the two contracting parties might construct a canal through Nicaragua. The company with the prior claim would be granted the contract if there were no legal objection.³⁷

In March, 1850, the Atlantic and Pacific Ship Canal Company "...was incorporated by the Republic of Nicaragua to prevent any embarrassments in the development and prosecution of its enterprise."³⁸ A new arrangement was made in August, 1851, by which the part of the contract relating to steam navigation upon the waters of the republic was separated from that relating to the canal. This was desired by the company to establish a transit route across the Isthmus connecting with steamship lines at the terminal points. The Accessory Transit Company was formed to provide transportation across the Isthmus.³⁹

³⁶Senate Documents, 57 Cong., 1 Sess., 1901-1902 (36 vols., Washington, Government Printing Office, 1901), VII, No. 54, 46.

³⁷Ibid., 46-47.

³⁸Ibid., 47.

³⁹Robert R. Russel, Communication with the Pacific Coast, 74.

This company established transit by steam boats, railroads, and stage coaches. This line was kept open for many years and was traveled by thousands on their way to and from California.⁴⁰

In 1850 the American Atlantic and Pacific Ship Canal hired Colonel Orville W. Childs to make a survey from ocean to ocean. Other surveys were made by the United States and England which agreed with Child's report that the canal was practicable.⁴¹

The President of Nicaragua on February 18, 1856, revoked the contract to the company. As no construction had been made, the project was declared abandoned.⁴² The contracts of both companies were revoked, and all property of the company was seized by the state.

The only reason given for the failure of the company to start construction was a difference between it and Childs as to the length, width, and depth of the locks.⁴³

This was the last of the attempts until 1867 when a new treaty was signed with Nicaragua for a canal or for a land communication from one ocean to the other.⁴⁴

⁴⁰Ibid., 75.

⁴¹Ibid., 80.

⁴²Senate Documents, 57 Cong., 1 Sess., 1901-1902, VII, No. 54, 49.

⁴³Ibid., 175.

⁴⁴Ibid.

The Tehuantepec Railroad Project to 1853

Tehuantepec entered the field of diplomacy between the United States and Mexico as early as 1847. Nicholas P. Trist, who had charge of the negotiations to end the Mexican War, was authorized by James Buchanan, Secretary of State, to pay thirty instead of fifteen million dollars for Upper and Lower California and New Mexico, providing he could obtain in the treaty the right of passage and transit over the Isthmus of Tehuantepec.⁴⁵

The Mexican commissioners refused to grant this privilege to the United States. They explained that some years before the right of passage and transit had been given to Jose de Garay who transferred it to British subjects:

We have orally explained to your excellency that some years since, the government of the republic granted to a private contractor a privilege, with reference to this object, which was soon transferred, with the sanction of the same government, to English subjects, of whose rights Mexico cannot dispose.⁴⁶

Jose de Garay was awarded the grant of ten leagues of land on each side of the proposed route that were unoccupied by the President of the Republic, Antonio Lopez de Santa Anna, on March 1, 1842. This grant was to enable him to construct a railroad or canal across the Isthmus to

⁴⁵Senate Executive Documents, 30 Cong., 1 Sess., 1847-1848 (8 vols., Washington, Wendell and Benthuyssen, 1848), VII, No. 52, 82-88.

⁴⁶Ibid., 337.

establish communication between the two oceans. In the grant Santa Anna stated:

That in the name of the supreme government, and under the most solemn protest, he declares and promises that all and every one of the concessions mentioned in the pre-inserted decree, shall be honorably fulfilled now and at all time, pledging the honor and faith of the nation to maintain the projector Don Jose Garay, as well as any private individual or company succeeding or representing him, either natives or foreigners, in the undisturbed enjoyment of all the concessions granted.⁴⁷

By various stratagems de Garay was able to keep his grant of 1842 intact. Due to internal trouble within Mexico he received a time extension twice, which enabled him in 1847 and 1848 to transfer his contract to build a route over the Isthmus to Manning and Mackintosh Company of England, without any limitations whatsoever. They received, just as de Garay had previously received, all the unoccupied lands for ten leagues on each side of the proposed route.⁴⁸ Manning and Macintosh were the "English subjects" referred to in the report to Trist by the Mexican Commissioners.

The desire of the United States to secure the Tehuantepec concession was partially satisfied in 1849.⁴⁹ The de Garay charter finally came under the control of citizens of the United States when the Hargous Brothers, of

⁴⁷Ibid., 132.

⁴⁸Senate Executive Documents, 32 Cong., 1 Sess., 1851-1852 (16 vols., Washington, A. Boyd Mailton, 1852) X. No. 97, 134.

⁴⁹Ibid., 167.

New York, obtained the grant. This grant, obtained by private citizens, was in contrast to the original proposal submitted by Trist to the Mexican Government.

The Hargous Brothers, on February 5, 1859, concluded the transaction for the contract to construct a road across the Isthmus.⁵⁰ On February 6, 1849, they submitted a memorial to Congress asking that body to examine the merits of this road before deciding on the issue of the Panama route.⁵¹ As previously mentioned, this memorial greatly aided in defeating the bill to grant a mail contract across the Panama route.

On June 20, 1849, Nathan Clifford, Minister of the United States in Mexico, addressed a note to the Mexican Minister of Foreign Relations, informing him that apprehension had arisen that Mexico might annul the Garay contract due to the fact that some citizens of the United States had acquired an interest in it. He further stated that if this should happen, the President of the United States would consider the act as a "...disposition wholly at variance with the existing Pacific relations between the two countries,...and of the treaty of 1831."⁵² The treaty of 1831 granted the most favored nation privilege.

⁵⁰Ibid., 167.

⁵¹Senate Miscellaneous Documents, 30 Cong., 2 Sess., 1848-1849 (2 vols., Washington, Tappin and Streeper, 1849), I, No. 50, 14.

⁵²Senate Executive Documents, 32 Cong., 1 Sess., 1851-1852, X, No. 97, 7-8.

In reply, J. M. De Lacunza, the Mexican Minister, assured the American Minister that the privilege had not yet been repealed, but he also informed Clifford that it was up to the authorities of Mexico, without influence from any other powers, to decide upon the validity of the grant.⁵³

On September 18, 1849, Secretary of State Clayton instructed Robert P. Letcher, United States Minister to Mexico, to arrange a convention with Mexico for the protection of the rights and property of parties who might desire to construct the communication. He further stated:

But the Mexican Government may expect from us a guarantee of their sovereignty over the Isthmus of Tehuantepec similar to that granted to New Granada with reference to the Isthmus of Panama by the treaty of the 12th of December, 1846. ...That treaty was concluded without instructions from this department. There is reason to believe that it was reluctantly submitted to the Senate. It was approved by that body without full examination, and passed at the very close of the session of 1848. There certainly is no disposition to be guided by it in our course with reference to Tehuantepec.

Included with this letter was the draft of the convention desired with Mexico. Since this draft served as a basis for the negotiations of the next three years, it will be necessary to note its main points:

Article I. Individuals upon whom the Mexican Government may have bestowed or may bestow the privilege of constructing a road, railroad or canal across the Isthmus of Tehuantepec, and those employed by them, shall be protected in their rights of person and proper from the inception to the completion of the work.

⁵³Ibid., 9-10.

Article II. For this purpose either party shall be at liberty to employ such military or naval force as may be deemed necessary, which shall be hospitably received in the harbors of the Isthmus, or allowed to occupy the line of the work and so much of the region adjunct thereto as may be indispensable.

Article III. The same protection, by the same means, shall be attended to the work when it shall have been completed.

Article IV. In entering into this compact, the United States hereby solemnly disavow any intention to acquire rights of sovereignty over the Isthmus of Tehuantepec.

Article V. Decision as to non-compliance with the terms of the grant shall be left to an arbiter. In case the decision should result in forfeiture, the property of the grantees in the work shall be sold at auction to the highest bidder.

Article VI. No foreigner or corporation shall be allowed to purchase the property mentioned in Article V. The right to purchase the same shall accrue to individuals only, and shall be accompanied by an obligation on the part of the purchaser to prosecute the enterprise to its completion....

Article VII. When the privileges of the grantees shall have been forfeited pursuant to the fifth article of this convention, the obligation of the contracting parties to continue the protection stipulated by the first and second articles shall be suspended, but shall be resumed when work again be prosecuted, pursuant to the sixth article.

Article VIII. No higher rates shall at any time be charged for the transportation of passengers, being citizens or officers of the United States, or freight for goods belonging to them or to the government of the United States, on the road, railroad to canal referred to in this convention, than may be charged on the transportation of Mexican citizens or officers of the Mexican government, or on the property belonging to them or to that government.⁵⁴

⁵⁴Ibid., 13-14.

While the United States disavowed any intent to gain sovereignty of the route, there was nothing in this first agreement whereby the United States was obligated to protect Mexico's sovereignty, such as had been provided for in the treaty with New Granada.

Letcher signed a convention on June 22, 1850, with Mexico. This contained important additions. The United States would lend assistance, if asked by Mexico, on the latter's terms. Mexican products were to be favored by one-fifth cheaper toll rates. The United States would aid Mexico in maintaining the neutrality of the grant; other nations could gain equal privileges by aiding the two countries in maintaining neutrality.⁵⁵

While discussions of the convention were in progress, Peter A. Hargous wrote Secretary Clayton that he was about to conclude an agreement with a group of New Orleans citizens to form a company for the purpose of constructing a railroad by the Tehuantepec route. He hoped that Letcher would bring his negotiations to a close for the purpose of allowing engineers to survey the route.⁵⁶

A committee was chosen to form a company with a capital of \$9,000,000, one-third of which was to be issued to

⁵⁵Ibid., 21-23.

⁵⁶Ibid., 14, 18.

Hargous in payment for his interest in the contract.⁵⁷ The company sent engineers to the Isthmus and started a regular steamship route to run from New Orleans.⁵⁸ In April, 1851, the company attempted to send supplies to the surveying party by the American schooner, Sears, but was refused permission. After several such refusals, the supplies were allowed to pass due to the efforts of the United States Minister Letcher.⁵⁹

The influence of Hargous upon the United States Government can be seen clearly by the letters exchanged between him and the Secretary of State. On August 30, 1850, Secretary Webster wrote to Hargous that "...any other means which might be necessary for your protection would be authorized and employed."⁶⁰ Within the Tehuantepec Convention signed January 25, 1851, the work of Hargous may be seen for the twelfth article required the holder of the Tehuantepec grant, that is Hargous, to approve of it before ratification.⁶¹ Webster wrote the latter on February 18, 1851:

. . . As its twelfth article requires that the holder of the grant conferred by the Mexican

⁵⁷James Dunwoody Brownson, DeBow's Commercial Review of the South and the West (39 vols., New Orleans, DeBow, 1846-1864, 1866-1870, 1879-1880), X (Jan., 1851), 137.

⁵⁸Ibid., X (March, 1851), 37.

⁵⁹Senate Executive Documents, 32 Cong., 1 Sess., 1851-1852, X, No. 97, 85.

⁶⁰Ibid., 27.

⁶¹Ibid., 35.

government...shall file his assent to the convention...before the instrument shall be submitted to the Senate of the United States, you are requested to call at this department for the purpose of examining the convention.⁶²

This convention was essentially the same as that of June 22, 1850. This agreement, although unsatisfactory as it did not designate the American citizens who were holders of the privilege, was approved by Hargous.⁶³ The United States Senate's approval of it was forwarded to Buckingham Smith, American Minister to Mexico, on May 5, 1851.⁶⁴ Seventeen days later the Mexican Senate declared, by an almost unanimous vote, the Garay grant null and void on the ground that the provisional government had no legal power to extend it in 1846.⁶⁵

Secretary Webster wrote to Letcher on August 18, 1851, protesting the act of the Mexican Congress on the Garay grant and instructing him to attempt to gain the ratification of the treaty agreed on at the convention of January 25, 1851, which was at the time before the Mexican Senate for confirmation. In this letter he brought forth the fact that in the original grant to Garay, the authorization was given to him to associate foreigners with him to complete the task. Webster also protested the Senate's action on the

⁶²Ibid., 43.

⁶³Ibid., 43, 44.

⁶⁴Ibid., 46.

⁶⁵Ibid., 85.

ground that several of Mariano de Salas' decrees were still in effect and were considered valid.⁶⁶ In 1846, de Salas had been the dictator of Mexico.

Webster wrote Letcher on March 16, 1852, instructing him to press for the approval of the convention after turning down offers from the Mexican Government for a treaty satisfactory to both countries if the holders of the Garay grant were omitted.⁶⁷

Letcher presented the treaty to the Mexican Senate two days before the deadline of April 8, 1852. The treaty was defeated by the Senate. The reason was that the Garay grant was included. However, the upper house of the Mexican Legislature drafted a substitute measure which was much the same as the agreement of January 25, 1851, except that the Garay grant was excluded.⁶⁸

The Thirty-Second Congress during the summer of 1852 voiced varied opinions as to the course to follow, but to no avail, as the resolutions to force Mexico to give the company possession of its property were tabled.⁶⁹

Manuel Larrainzar, Mexican Minister to the United States, wrote to Secretary of State Webster, July 10, 1852,

⁶⁶Ibid., 94-95.

⁶⁷Ibid., 106, 127.

⁶⁸Ibid., 144-149.

⁶⁹Cong. Globe, 32 Cong., 1 Sess., Appendix 134-137, 160-170.

announcing that Mexico was offering a new contract for the building of the railroad across the Isthmus.⁷⁰ Colonel A. G. Sloo, a business man of New York, and associates on February 5, 1853, were awarded the contract. No lands for colonization were included; there was to be no recourse for the grantees except Mexican courts; the company was to pay Mexico \$600,000 for the contract.⁷¹

Alfred Conkling, the American Minister to Mexico, signed a treaty in March, 1853, recognizing the Sloo grant and omitting the Garay grant. He acted, however, without instructions. "Franklin Pierce did not see fit to submit this Whig treaty to the Senate."⁷²

After four years of diplomacy and speculation, the United States still did not have a railroad across the Isthmus of Tehuantepec. The influence of pressure groups upon the government is evidenced by the fact that Mexico early in the proceedings offered to negotiate a new treaty. The pressure groups fighting to retain the chance to make money in the land speculation of the route sacrificed the railroad in an attempt to gain their own desires. The Mexican Government was not attempting to ban a railroad but to uphold its sovereignty. The Mexicans felt it was their

⁷⁰Senate Executive Documents, 32 Cong., 1 Sess., 1851-1852, X, No. 97, 85.

⁷¹Ibid., 90.

⁷²Mary W. Williams, Anglo-American Isthmus Diplomacy (Washington, American Historical Association, 1916), 66.

country's privilege, and not that of the United States, to judge the validity of the de Garay grant. Secretary Webster would have faced little difficulty in attempting to sign a treaty omitting the Garay grant. He, instead, attempted to protect Hargous' interest in the project and wasted four years of diplomacy.

CHAPTER III

THE PACIFIC RAILROAD ACT OF 1862

As was noted in the first chapter, prior to the early 1850's the attitude of Congress with respect to a Pacific railroad was one of indifference and mistrust of the motives of the private promoters. It was during the latter part of the first session of the Thirty-Second Congress, 1852-53, that a general disposition arose for a Pacific railroad.

On April 22, 1852, Senator Stephen A. Douglas, of Illinois, chairman of the Committee of Territories, reported out a bill, "The O'Reilly Telegraph" to the Pacific. This bill provided for military protection of the emigrant route to the West, the construction of a telegraph line, and the establishment of an overland mail route. Under the terms of the bill, the President would have the authority to raise three regiments of 1,000 men each. The men would be expected to grow their own supplies on ground adjacent to the posts which were to be established not more than twenty miles apart along the route. Each soldier would

receive in addition to his army pay a section of land when his three year enlistment expired.¹

On July 8, 1852, Douglas attempted to set aside a day for this bill to be made the spécial order. He proposed that Tuesday, July 13, be reserved for this purpose.² It is interesting to note the debate that followed his motion. Most of the Senators acknowledged the need for the bill but realized there would be great opposition to any attempted passage of it. Senator Thomas J. Rusk, of Texas, objected at first that if the bill was given formal consideration other important measures would be excluded. Douglas replied that it would not exclude other bills unless opposition developed to it.³ After several exchanges of remarks between Douglas and Rusk, Senator Solon Borland, of Arkansas, made a short speech. He suggested that Rusk favor the bill even though it did not provide protection for the Mexican border of Texas. He used Ohio as an example of what a eastern and western market could do for other states. He stated that Ohio with two markets had developed much faster than Kentucky with only an eastern market. With a protected railroad to the West, the states of Arkansas and Texas would

¹United States Congress, Congressional Globe, Containing the Debates and Proceedings (46 vols., Washington, Blair and Rives, Government Printing Office, 1834-1873), 32 Cong., 1 Sess., pt. 2, 1161.

²Ibid., 1683.

³Ibid., 1685-1686.

greatly improve. They would gain two markets as the result of the growth of the West.⁴ Douglas agreed to postpone his motion to make the bill the special order for the following Tuesday. He did so because of the belief that he had accomplished his objective of making his fellow Senators aware of the bill.

On July 13, 1852, Douglas succeeded in bringing his proposal to the attention of Congress. During this debate the idea of a railroad was first presented in this bill. Senator Andrew P. Butler, of South Carolina, opposed the measure on the ground that it would pay the soldiers to take up lands. He said this was the first time the government in our history had proposed to pay settlers to take up public lands.⁵ Senator Borland, of Arkansas, arose in defense of the bill. He reminded the Senate that the cost of providing military protection to emigrants to the West would only be \$4,000,000 a year. He noted that we maintained a Navy to protect our citizens at sea at a cost of \$8,000,000 a year. He then asked how could Congress refuse to protect the emigrants to the West from the Indians when it would take much less money than the Navy providing protection at sea.

Senator James W. Bradbury, of Maine, at the close of the debate made a speech which for all practical purposes killed this bill. In this speech he declared:

⁴Ibid., 1685-1686.

⁵Ibid., 1760.

...telegraphic communication is the last mode to answer that purpose. If we would connect ourselves with our Western possessions, and bind them to us so as to hold them permanently, it must be by a railroad....I object to this bill as a measure that would embarrass, and probably defeat, the railroad by absorbing the means necessary for that purpose.⁶

This argument displays a clear understanding of the problem. Under the terms of the bill the soldiers used to garrison the western posts for the defense of the emigrants were each to receive 640 acres of public land at the end of their period of enlistment. There was fear that it would be but a few years before the public land would be completely absorbed. In addition, it was doubtful that the telegraph promoters would have selected any but the best land for their project.

Borland then asked Bradbury if he thought it would cost more to protect the proposed settlements "...than it would to protect a railroad along a course of one thousand or fifteen hundred miles, with no settlements at all?"⁷ Bradbury replied that he felt a railroad would "...lead to permanent and large settlements from the Atlantic to the Pacific, and will bind the two portions of the Union together, which a telegraph can not do." The bill was now postponed a week to give some of the Senators time to examine it.

⁶Ibid., 1763-1764.

⁷Ibid., 1763-1764.

On July 20, 1852, Douglas again attempted to have the Senate consider his bill. Senators Thomas Rusk, of Texas, and Richard Brodhead, of Pennsylvania, offered amendments to the proposal. On the motion of Senator William M. Gwin, of California, the bill with the amendments was recommitted to the Committee on Territories.⁸ On July 23, Douglas reported out of committee a substitute of the original bill and the amendments.⁹ This measure then was carried over to the short session of the Thirty-Second Congress.

On December 22, 1852, during the short session of the Thirty-Second Congress the omnibus bill was reintroduced. The original plan as introduced by Douglas was for a means of protection for travelers, a telegraph, and an overland mail route to California. Gwin then proposed his bill for the railroad to the Pacific. The change of attitude of Congress can be seen in the new proposal submitted by Gwin. The measure provided for the following:

...a bill authorizing the construction of railroad and branches; for establishing a certain postal communication between the shores of the Pacific and the Atlantic, within the United States; for the protection and facilities of travel and commerce, and for the necessary defenses of the country.¹⁰

It should be noted that in this proposal the protection issue was placed far behind the provision for the railroad.

⁸Ibid., 1764.

⁹Ibid., 1890.

¹⁰Cong. Globe, 32 Cong., 2 Sess., 1852-1853, p. 125.

On January 13, 1853, when the original bill came up for discussion Senator Rusk, of Texas, was successful in having it laid on the table and Gwin's measure substituted for it. The latter provided for a main railway line with six branches.¹¹ These branches would satisfy the needs of the various sections of the country in that they were being provided rail transportation. The main line was to run from San Francisco to Fulton, Arkansas. A branch line would proceed from Fulton to Memphis, Tennessee, making the entire line across the United States about 2,000 miles in length. Another branch was to start at Fulton and proceed to New Orleans, a distance of 2,150 miles from San Francisco. The third branch was to begin at the source of the Red River and proceed to Matogorda, Texas, on the Gulf of Mexico, a distance of 1,800 miles. The fourth branch was from the main line near Santa Fe to St. Louis, a distance of 1,900 miles. The fifth line was to start at St. Louis and proceed to Dubuque, Iowa, and from there run to the Great Lakes, a distance of over 2,150 miles from San Francisco. The last branch was to start near San Francisco and proceed to Fort Nisqually, in Oregon, a distance of 770 miles. The total mileage of road constructed was to be 5,115 miles. It would take a grant of 97,536,000 acres of the public domain to construct the road. As there were no public lands of the United States Government in Texas, Senator Rusk proposed a

¹¹Ibid., 280-281.

federal grant of \$12,000 per mile to aid in the construction of the branch in that state.¹²

On January 17, during the discussion of the railroad bill, Senator Walter Brooke, of Mississippi, submitted an amendment to the proposal which provided for a more southernly route to be built by the Atlantic and Pacific Railroad Company of New York. If this company were not able to obtain a state's permission to build the railroad through it, then the line was to be built through the southern territories. Brooke believed that a railroad of this size could not be built with land grants alone but must be aided by money from the government. Under the plan of the Atlantic and Pacific Company, the government was to loan the company bonds in the amount of \$30,000,000 and also make grants of land for the route. The land was to be selected by the company.¹³

Gwin objected to the bill on the ground that it created a vast private monopoly. He also charged that it contained insufficient safeguards for the government to protect itself against high rates for mail service. Largely for these reasons the bill was defeated.¹⁴

Senator Salmon P. Chase, of Ohio, aroused sectional interest when he offered an amendment to change the eastern

¹²Ibid., 281.

¹³Ibid., 315.

¹⁴Ibid.

terminus. This proposal was for the railroad to begin at some point on the Missouri River not above Kanseville, Iowa, nor below Independence, Missouri.¹⁵ Senator John Bell, of Tennessee, stated that he believed that the amendment proposed by Chase was too sectional in view. He then proposed an amendment to the bill for the President to select the route keeping in mind the length and cost of the road. He stated that if this were done fairly, Memphis could not be omitted as the eastern terminus if all factors were considered.¹⁶

A select committee was formed on the motion of Rusk to consider the bill and amendments. The committee consisted of Rusk, Bell, John Davis, of Massachusetts, Gwin, and Augustus C. Dodge, of Iowa. This committee reported out a bill on February 2, 1853. It provided for a railroad and telegraph from the Mississippi Valley to the Pacific Ocean. In this bill the President was to use engineers to survey a route after obtaining the state's permission on whose land the route lay. "The Pacific Railroad and Telegraph Company" was authorized for the construction of the route. The company was to be aided in the construction of the road with grants of land and government bonds not to exceed \$20,000,000.¹⁷

¹⁵Ibid., 339.

¹⁶Ibid., 341.

¹⁷Ibid., 469.

Senator Richard Brodhead, of Pennsylvania, moved to kill the bill and substitute in its place a proposal to survey the proposed routes. He felt the government should make such surveys in order to ascertain the true cost of the road before the passing of any law authorizing that project to be accomplished. He proposed that \$100,000 be appropriated for that purpose.¹⁸

The Senate debated the Brodhead amendment for several days before defeating it, 34 to 22.¹⁹ The Senate was divided in its opinion as to the need for a survey. One group expressed the idea that the proposed company would select the shortest and cheapest route. Others argued that the government should undertake the survey in order to ascertain the actual cost. This would tend to keep the estimates in the bids within reason. As would be expected, the friends of the Pacific railroad voted against this proposal for the government to survey the route.

Senator James M. Mason, of Virginia, attempted to recommit the bill to the Committee on Roads and Canals. This move was defeated by a vote of 33 to 18. Mason wanted the bill changed to limit the powers of the President in signing the contracts and for the bill to have limits in amount to be spent on the road.

¹⁸Ibid., 470-471.

¹⁹Ibid., 676.

At this point the friends of Senate Bill 396, in an attempt to make the measure acceptable, proposed amendments to clarify it. Senator Thomas G. Pratt, of Maryland, offered an amendment forbidding an expenditure exceeding the \$20,000,000 set forth in the bill. His second proposal provided that Congress might restrict, alter, or amend the charter adopted. Both of these amendments were passed.²⁰ Senator James Shields, of Illinois, offered an amendment to the effect that none of the \$20,000,000 bond issue could be used within the states. The full amount would be reserved for construction in the territories. This meant that the states would have to supply their own capital for the building of their portion of the road. The friends of the bill declared the railroad proposal dead when the Senate agreed to Shields' motion by a vote of 22 to 20.²¹ This forced the railroad, if built, to follow a northern route. The bill now provided lands but no money for the construction of the road. The federal government held no lands as public domain in Texas, as the latter had entered the Union not as a territory of the United States but as a free and independent republic and under the annexation treaty of 1845 retained her public lands. As there was no money provided for the states, Texas could not build a road unless she furnished both the money and land.²²

²⁰Ibid., 680.

²¹Ibid., 715.

²²Ibid., 742.

Gwin, of California, in his Memoirs stated that the amendment of Shields was an attempt by Douglas and Lewis Cass to win support of the Southern vote by upholding the South's belief that it was unconstitutional to appropriate money from the Treasury to be spent in a State.²³ Douglas had purchased some land near Chicago, with apparently the idea of a Pacific railroad starting in Chicago.²⁴

Following Shields' amendment, on February 21, Senator John B. Weller, of California, who had voted for Shields' amendment, now recalled the notice he had given to reconsider the vote. He then voted against the amendment, thus creating a tie. After some debate on the Shields' proposal, a vote was taken, and it was rejected. Weller then succeeded in securing the passage of a similar amendment with the exception that the states had to give their consent to the route of the road they were to build within their limits. This amendment would have had a tendency to favor a Northern route as it would also exclude Texas. This was the end of the discussion on the proposal in the Senate this session.²⁵

A few days later, following the debate on the railroad proposal, the Senate, while considering an appropriation

²³George Fort Milton, The Eve of Conflict (New York, Houghton Mifflin Company, 1934), 101.

²⁴Allen Johnson, Stephen A. Douglas (New York, Macmillan Company, 1908), 239.

²⁵Cong. Globe, 32 Cong., 2 Sess., 1852-1853, p. 756.

bill from the House for the support of the army for the fiscal year ending 1854, added a rider which authorized the Secretary of War to make surveys to determine the most practicable and economical route between the Mississippi River and the Pacific Ocean for a transcontinental railroad. The sum of \$150,000 was appropriated for that purpose.²⁶ The engineers were to be organized into a corps to survey all routes. Their reports on the routes were to be placed before Congress by the first Monday in February, 1854. This was the first appropriation made by Congress for actual steps toward a Pacific railway.²⁷ The reports were not completed until December, 1856, due to various delays.

Senator R. M. T. Hunter, of Virginia, objected that the amendment had the effect of coercing the minority. He charged that the majority was attempting to force the latter to accept the unwanted bills in order to benefit from the appropriation bills. He feared this would be the beginning of an oppressive system which in time would destroy the rights of the minority.²⁸

Gilbert Dean, of New York, in the House of Representatives, objected to the appropriation measure as being unconstitutional. He argued that Congress had the right to

²⁶Ibid., 815.

²⁷Statutes at Large (70 vols. to date, Boston, Little, Brown, and Company, 1845), IX, 392.

²⁸Cong. Globe, 33 Cong., 2 Sess., 1852-1853, p. 815.

make surveys in the territories but not in the states without their consent. His amendment to give the army engineers the power to survey only in the territories was not approved. The feeling in the lower House was that this survey was not binding upon Congress but that it would make available to the latter much valuable information to be used in the selection of a route for the railroad.²⁹

At the first session of the Thirty-Third Congress in 1853-1854, several bills were introduced but no action was taken on them. Senator William Gwin, of California, introduced a proposal to construct a railroad from the Mississippi River to San Francisco. He was not able to bring the bill up for discussion as most of the members of the Senate were of the opinion that other measures were more pressing, such as the Homestead Bill.³⁰ In the House during the first session, two bills to build a railroad to the Pacific Ocean were introduced. The motion to table both of these bills was carried by a large majority.³¹

During the second session of the Thirty-Third Congress, 1854-1855, Gwin was successful in making the railroad bill the special order of the day for February 15, 1855. This measure proposed one railroad from the Mississippi River to the Pacific Ocean. Gwin then offered a substitute for the

²⁹Ibid., 997.

³⁰Cong. Globe, 33 Cong., 1 Sess., 1853-1854, p. 1124.

³¹Ibid., 38, 42.

original bill. According to this new proposal, there would be three routes: (1) the Southern Pacific railroad which was to run from the western border of Texas to the Pacific Ocean, (2) the Central Pacific railroad which was to start at the western borders of Missouri or Iowa and run to San Francisco, and (3) the Northern Pacific railroad which was to run from the western border of Wisconsin to the Pacific Ocean in either the Territory of Washington or Oregon.³² This bill was designed to reconcile sectional differences.

The friends of the Pacific railroad project at this time had several factors in their favor. The substitute bill proposed by Gwin was for three roads which tended to unite sectional feeling somewhat. Added to this was the fact that the Kansas-Nebraska Bill was before Congress. Douglas defended the bill because the area of these proposed territories had to be admitted as territories and surveyed by the government before a Central and Northern railroad could be constructed. The Northern friends of the railway were in favor of the road for the same reason as Douglas. In addition, they believed that a railroad to the Pacific would do much to bind the nation together and promote commerce. The Southern members of Congress wanted the bill passed, because it meant the end of the Missouri Compromise which had limited slavery at 36° 30'. Under the terms of

³²Cong. Globe, 33 Cong., 2 Sess., 1854-1855, p. 749.

the Kansas-Nebraska Bill, the people were to be allowed to choose as to whether they wanted slavery or not. The fact that so many members of Congress had so much to gain by the enactment of the measure largely explains its passage, in spite of the strong opposition from the anti-slavery elements.³³

In the substitute bill land was provided to the extent of alternate sections twelve miles on each side of the road for its entire distance. Bids were to be advertised for, not to exceed six months, and were to state: (1) the time required for the construction of the road, which was not to exceed ten years, (2) the time when the road would be surrendered free of cost to the United States, and (3) the mail service rates which were not to exceed \$300 per mile. The contractors must post a \$500,000 bond with the Secretary of Treasury as security, and in case of failure to construct the roads, it would be forfeited. The day the completed roads were surrendered to the United States, the states within whose boundaries the roads lay were to relinquish control over them. The lands for the construction were not to be granted until a 100 mile section had been completed, and then only the lands lying in that section were to be awarded. This substitute measure was accepted by the Senate

³³Milton, Eve of Conflict, 184-186.

by a vote of 24 to 14.³⁴ The Senate adjourned that day after a short debate on the cost of the surveys.

On February 19, the bill again came up for debate. Senator William Pitt Fessenden, of Maine, amended the bill by placing a five and a half feet limit on the gauge of the road. Senator James A. Pearce, of Maryland, opposed the proposed railroad as being too expensive. He thought that the iron needed for the rails would be prohibitive. In addition, he did not believe that enough labor could be obtained for the project.³⁵

The strength which the friends of the bill now displayed in the Senate worried the opposition. Some of the Senators who had not been too friendly to a railroad feared the outcome would be three roads to California and Oregon. The opponents now began to speak of one road as being needed but not three.

Senator William H. Seward, of New York, very ably answered the arguments against the bill. He told the opponents that "their objections are quite too late...." Seward asserted that they had argued the technical points for a single line too long. They had before them a choice of three railroad or none.³⁶

³⁴Cong. Globe, 33 Cong., 2 Sess., 1854-1855, p. 749.

³⁵Ibid., 806.

³⁶Ibid., 808, 809.

Seward then asked the Senate when there would be a better time for the passage of the bill. He believed that "There will never be a time again when there will be more information before the public in regard to the practicability of such a road." He felt that never again would the national treasury be as equal to the task of financing the construction of a transcontinental railroad as it was at that time.

Senator Mason, of Virginia, attempted to secure the passage of an amendment requiring that all bids should be submitted to Congress. His amendment was rejected by a vote of 26 to 21, with the friends of the bill voting in opposition. Senator Charles E. Stuart, of Michigan, succeeded in securing an amendment providing that if any new states were created in the territories, they would also have to give their permission to the road.³⁷

On February 19, 1855, the Senate passed its first bill providing for not one but three railroads to the Pacific Ocean.³⁸

In the House during the second session of the Thirty-Third Congress, the committees did not agree on any bill to report.³⁹ On January 16, 1855, William Dunbar, of

³⁷Ibid., 809.

³⁸Ibid., 814.

³⁹Ibid., 218, 224, 248, 264.

Louisiana, submitted a bill embodying the proposal that was before the Senate at this time for three railroads to the Pacific. This measure was presented with several amendments being offered by Israel Washburn, Junior, of Maine. These amendments provided that bids could be accepted on all of the roads and then the best bid would be accepted to build all three or only one road. This would let the government select the best of the three proposed routes. Some members did not want Congress to be forced to accept bids for all three of the proposed roads.⁴⁰

An objection was raised as to the soundness of attempting this project. James A. McDougall, of California, defended the bill on the grounds it would compose the sectional differences if all three railroads were built. Before this, any attempt to build a road had met the opposition of the areas of the country excluded from the route. McDougall was successful in his attempts to prevent one road being substituted for the three roads in the bill.⁴¹ The members of the House debated the rules of order far more seriously than they did a Pacific railway bill. The chief struggle centered around the substitution of one central route to San Francisco for the three lines proposed. After several amendments to this effect had been lost, one of John

⁴⁰Ibid., 281.

⁴¹Ibid., 287.

G. Davis, of Indiana, was carried. The bill with this amendment was passed, 109 to 97. Later the vote was reconsidered and the bill recommitted to the select committee by a vote of 105 to 91. The friends of the bill convinced the House that if a one road bill was attempted, sectionalism would defeat it. During the Thirty-Third Congress the House did not act on the bill (Senate Bill 283) for the construction of three railroads to the West.⁴²

On February 27, 1855, after the Senate already had passed the bill for the three roads to the Pacific, Secretary of War, Jefferson Davis, made a report to Congress concerning the surveys ordered by that body in 1853. Copies of this report had been available to the Senate several weeks before.

In this report the northern route received a favorable notice due to its low and easy grades. The only objections to it were the necessity for a tunnel through a pass in the Rockies and some heavy snow in areas.

The proposed route along the 41st and 42nd parallels also received favorable notice with the exception of the high cost of construction through the Wasatch Mountains.

The route following the 38th parallel was not regarded very favorably by Davis. The route would have to vary down to the 35th or up to the 41st parallel to avoid the Sierra

⁴²Ibid., 875.

Nevadas. This route had been promoted by ex-Senator Thomas Hart Benton to start in St. Louis.

Another favorable report was given to the route along the 35th parallel. This route possessed the needed fuel and timber, which were lacking on most of the other routes. The high elevation and cost of the descents needed would make it expensive.

The Southern route along the 32nd parallel was considered the most feasible to build. It was short, for it was only 1,618 miles from Fulton, Arkansas, to San Francisco. It was 200 miles shorter than any of the other surveyed routes. This route held no great disadvantages, such as high elevations, or difficult construction of grades or tunnels.⁴³

During the Thirty-Fourth Congress neither branch was successful in passing a railroad measure. In the Senate, on December 10, 1855, John B. Weller, of California, was successful in his attempt to secure the passage of a motion that the select committee of the last session restudy the Pacific railway subject.⁴⁴

On April 18, 1855, the Senate debated briefly the bill (No. 186) for a railway to the Pacific. This bill had been reported out some three weeks earlier by the select

⁴³House Executive Documents, 33 Cong., 1 Sess., 1853-1854 (19 vols., Washington, A. O. P. Nicholson, 1854), XVIII, No. 129.

⁴⁴Cong. Globe, 34 Cong., 1 Sess., 1855-1856, p. 14.

committee considering it. This bill granted lands of alternate sections twelve miles on each side of the road; the contract for construction was to be let by bid; and contractors were entitled to \$2,500,000 in United States bonds for completion of every one hundred miles. On August 12, after several later unsuccessful attempts by Weller to bring it for discussion, the bill was tabled by a vote of 25 to 23. This was a test vote to determine whether or not a majority of the Senate wanted to discuss it.⁴⁵

In the House, during the first session of the Thirty-Fourth Congress, there was a bill presented and sent to a select committee which provided for a single railroad to the Pacific. The bill, however, was never brought out of the committee for the House to consider at this session.⁴⁶

During the third session of the Thirty-Fourth Congress, Gwin reintroduced in the Senate the previous bill for three railroads to the Pacific. This measure was tabled and was not brought up for discussion again this session. The House did not reconsider the subject, and there was only one proposal to do so which died in committee.⁴⁷

It was during this session that the Secretary of War, Jefferson Davis, presented a letter to the Committee on

⁴⁵Ibid., 2056.

⁴⁶Ibid., 2188.

⁴⁷Cong. Globe, 34 Cong., 3 Sess., 1856-1857, p. 676.

Military Affairs concerning a railroad to California. In it he declared that the railroad was a military necessity. Davis believed that the cost of keeping troops supplied for a year in California would be reduced from \$60,000,000 in time of war to \$3,000,000 in peacetime. In addition, a railroad would lead to the settlement of the West and reduce the danger of Indian attacks. If a Southern route were followed, it would eventually protect the Mexican border through the growth of settlements along the road. His proposal was rejected due to the Kansas question and the forthcoming Congressional elections. The members of Congress did not wish to become involved in a sectional issue such as a railroad to the Pacific so close to re-election.⁴⁸

At the first session of the Thirty-Fifth Congress, there was renewed activity on the Pacific railway subject. Gwin in the Senate at once got a resolution passed which referred the part of the President's message concerning the Pacific railway to a select committee of which he was a member. The same day on December 17, 1857, he introduced a bill (No. 19) for the construction of the three railways to the Pacific. This was also referred to a select committee.⁴⁹

⁴⁸Robert R. Russel, Improvement of Communication with the Pacific Coast as an Issue in American Politics, 1783-1864, 98-99.

⁴⁹Cong. Globe, 35 Cong., 1 Sess., 1857-1858, pp. 61-62.

On January 18, 1858, Gwin reported from the select committee on the President's message and related matters a bill (No. 65). The latter consisted of a provision for the President to contract for mail service to California by railroads.⁵⁰

On April 8, 1858, Gwin, after being delayed several times by the Kansas bill, succeeded in getting the Senate to debate the bill for mail service to California. He said this was a carefully conceived plan in order to avoid constitutional objections. The President had no power except to sign the contract for the road. Bids were to be asked for, which had to state the amount of road to be completed each year, and the entire road was to be finished within twelve years. Each bid would name the time when the road would be surrendered to the government. The bid would state at what rate the mails were to be carried, not to exceed \$500 per mile. The contractors had to deposit \$500,000 with the Secretary of the Treasury to insure the completion of the contract. The grant of land was to be equal to twenty sections to the mile on each side of the road and was to be taken only from agricultural lands and not mineral lands. The contractors would survey the route and receive the lands on a pro rata basis. The government would withhold one-fourth of the lands of a twenty-five mile tract until the next twenty-five miles were completed. The contractors

⁵⁰Ibid., 1329.

would receive \$12,500 per mile of government lands not to exceed \$25,000,000. One-half of the lands had to be sold within five years and the remaining land within ten or they would revert back to the government.⁵¹ The contractors retained the right to select the route except that it had to start on the Missouri River between the mouths of the Big Sioux and the Kansas rivers and run to San Francisco.⁵²

Gwin explained the benefits of the proposal briefly, and then consideration on the bill was postponed. On April 15, the Senate again reconsidered the mail service bill to California. Senator Albert G. Brown, of Mississippi, objected to the bill on the ground that it would result in the formation of companies with no previous experience which would compete for the mail contract with companies of proven ability. The President would have to decide upon the worth of these rival business enterprises. Senator Brown did not have any faith in the ability of the President to judge the merits of rival companies.⁵³ It was argued by many Senators that the railroad to the Pacific would have to rely on through service for revenue as there was little local traffic. This would make three lines to the Pacific less feasible than one. Many argued, as did Mason of Virginia,

⁵¹Ibid., 1535.

⁵²Ibid., 1537.

⁵³Ibid., 1580.

that the federal treasury was too low to support such a project. Gwin replied to Mason that the bond issue proposed would not come from the treasury but would be sold to the public. The bill was then postponed until the next session of Congress.⁵⁴

The House, after deciding with much difficulty to which of the several standing committees a proposal for a Pacific railway should be referred, finally sent it to a select committee of fifteen. The House then debated different proposals for routes without arriving at a decision.⁵⁵ The select committee did not report a bill out this session.

At the second session of the Thirty-Fifth Congress, the Senate again considered a railway bill. Once more Gwin brought up for consideration the bill for a railroad to San Francisco. In urging favorable action on the proposal, he quoted from the victorious Democratic Party platform of 1856:

That the Democratic party recognizes the great importance...of a safe and speedy communication through our own territory between the Atlantic and Pacific coasts of the union, and it is the duty of the Federal Government to exercise all its constitutional power to the attainment of that object....⁵⁶

The California Senator also referred to the inaugural speech of President James Buchanan in which the latter declared his

⁵⁴Ibid., 1640-47.

⁵⁵Ibid., 636, 1132, 1147.

⁵⁶Cong. Globe, 35 Cong., 2 Sess., 1857-1858, p. 49.

advocacy of the project for a railroad to the Pacific. Gwin stated that he hoped the Senators would agree upon a plan and sacrifice their prejudices and distrusts to achieve it. On January 12, 1859, after a month of discussion on the bill for a railroad, it was amended to construct three railroads to the Pacific. On January 27, the Senate passed the amended bill by a vote of 31 to 20. Gwin was not satisfied and wanted to amend it in order that the government might build only one road if the other two were not feasible. His amendments were not approved, however, and the bill was sent to the House.⁵⁷

Senator Alfred Iverson, of Georgia, expressed the sectional viewpoint when he said that if only one route were proposed, it would go through the North. He believed that only if all three railroads were constructed would the South be certain of a line.⁵⁸

The House again did not take action on the Senate bill. No explanation is offered in the proceedings of Congress. At this time there appeared to be a lack of strong leadership in the House to guide the bill through the opposition. This factor undoubtedly contributed to the failure of that body to act on the railroad proposal.

At the first session of the Thirty-Sixth Congress, no bill was passed by either House. Gwin, on December 22,

⁵⁷Ibid., 641, 662.

⁵⁸Ibid., 242.

1859, again introduced the railroad bill, and it was placed on the calendar. This bill was not brought up for debate during this session.⁵⁹

In the House, Samuel J. Curtis, of Iowa, a member of the select committee studying the Pacific Railroad proposal, reported the agreement of that body upon a railroad bill. A grant of land to the contractors was included in this new measure. The government would loan to the contractors \$64,000,000 at five per cent interest for thirty-five years. The bill was debated for several months, and when no agreement could be reached as to route, method of construction, and other details, it was recommitted to the select committee. This committee later reported out in favor of deferring the bill to the next session, but the motion was defeated. The committee realized that there was not enough time to consider the bill carefully during this session.⁶⁰

During the second session of the Thirty-Sixth Congress, 1860-1861, the House again took up the subject of a Pacific railroad. On December 20, 1860, the day that the Southern States withdrew from the Union, the House passed its first Pacific railway measure by a vote of 95 to 74. This bill provided for two roads to the Pacific. It was similar to previous measures in that it granted the contracting

⁵⁹Cong. Globe, 36 Cong., 1 Sess., 1859-1860, p. 1427.

⁶⁰Ibid., 2982.

companies ten miles of alternate sections on each side of the road. It also provided a subsidy of \$96,000,000 in bonds.⁶¹

It was during the fall of 1861 that Theodore Dehone Judah, an agent for the Central Pacific Railroad Company of California, arrived in Washington, D.C. Judah was to be very influential in bringing about the passage of the railroad act of the next year. He had been a surveyor for different railroad companies in California since 1854. As the result of surveys for a railroad to the Eastern border of California he had completed in 1860, Judah was able to interest others in the project. In April of 1861, the Central Pacific Railroad Company was organized. Among the group, that was later to play an important part in the construction of the first transcontinental railroad, was Leland Stanford who was later responsible for the founding of Stanford University. Also included was Collis Potter Huntington, whose fortune later made possible the establishment of the famous Huntington Library at San Marino, California. Lesser known of the group was Charles Crocker, a San Francisco merchant, whose fortune after his death was to start the Merced Irrigation District. The oldest of the group and the one who never achieved fame or fortune was

⁶¹Cong. Globe, 36 Cong., 2 Sess., 1860-1861, p. 164.

Mark Hopkins. He was known as the "balance-wheel of the associates and one of the truests and best men that ever lived."⁶²

Judah upon his arrival in Washington proceeded to make arrangements for the passage of the railway act. He was not a newcomer to that city, having been there in 1856 and 1857 working in the interest of the transcontinental railroad. His second visit resulted in the pamphlet being published. It was entitled A Practical Plan for Building the Pacific Railroad. In this work the surveys of recent years by the government received most of his attention. He told the government that information concerning the requirements for bridges and tunnels along the route was needed by the contractors and not botanical information. During this stay in Washington, it was arranged for him to be placed as a clerk of a subcommittee in the House, and he was also a secretary of the Senate committee appointed through his efforts to study and draft a bill for a railway to the Pacific. He did not live long enough to see the fruits of his labor completed, as he died in October, of 1863, after contracting fever at Panama.⁶³

It was during the second session of the Thirty-Seventh Congress, following the work of Judah, that the Pacific

⁶²Stewart H. Holbrook, The Story of American Railroads (New York, Crown, 1948), 164-167.

⁶³John Walton Caughey, California (New York, Prentice-Hall, 1953), 361-366.

Railroad Act was finally passed. The secession of the Southern states from the Union beginning in the fall of 1860 destroyed the possibility of a Southern route for the projected transcontinental railroad and left only the Central and Northern routes in competition. The debates on that project during this session were quite different from the earlier ones. For one thing, they were not marked by the strict-constructionist arguments of the Southern Senators. The Senate now seemed aware of the need of protection for the Pacific Territories, as the South was closer to California. The influence of Judah and his Central Pacific associates in securing the passage of the Pacific Railroad Act cannot be precisely measured, but it must have been very great in that the proposal met with little opposition in Congress. However, some objection was raised by those who did not favor granting public land to railroads to subsidize construction.

On April 9, 1862, the House again considered the question of a Pacific railroad. These debates no longer centered around the questions of the need of the road or of federal aid. With the Southern states now out of the Union, there was substantial agreement on these topics. The discussion largely revolved around the question of the proper means for accomplishing the project. The debates continued until May 6, when the House passed the House bill 346 which with modifications was to later become law. It provided

land grants to the contractors to the amount of ten alternate sections on each side of the road. The company was to receive bonds not to exceed \$50,000,000 for the construction of the project. The road was to run westward from the 102th meridian to the California border, where it would be met by the Central Pacific Railroad Company, which would build the line from Sacramento. The bill was passed by a vote of 79 to 49.⁶⁴

Thaddeus Stevens, of Pennsylvania, aided the passage of the bill by his speech on May 6. He said he did not know how long it would be, but the country once again would be united. Then he said in reference to the Southern members "...we shall find them with the same arrogant, insolent dictation which we have cringed to for twenty years, forbidding the construction of any road that does not run along our southern borders...." Later he said in his speech that he favored passing the law "...and making it so irrevocable as to require all the branches of the Legislature to undo it before those halcyon days shall arrive...."⁶⁵ He believed that if Congress did not pass the bill before the South returned to the Union, it would never pass one unless the South was satisfied in her demands for a southern route.

In the Senate the House bill was first seriously considered on June 17. The amendment to change the starting

⁶⁴Cong. Globe, 37 Cong., 2 Sess., 1861-1862, p. 1843-1847.

⁶⁵Ibid., 1950.

point of the eastern branch from the 102nd to the 100th meridian was passed. This met strong opposition from Lyman Trumbull, of Illinois. He felt the line should start in the territories because, if the government had the right to charter the railroad, it had the right to condemn the land of the state. He feared that this action would authorize the government to invade the state without the state's consent.⁶⁶ Trumbull, however, was not successful in his opposition because the Senate felt that it was merely authorizing the company to start in Kansas or the Territory of Nebraska. This would let the company use a charter from Kansas if one were in existence. The Senate debated the bill vigorously with respect to the provision requiring completion within a certain date. The minority believed that the time limit should not be too strict or the company would be tenants under the government. The bill after many minor amendments was passed by the Senate on June 20, 1862, by a vote of 35 to 5.⁶⁷

The House, with no debate, concurred with the amendments of the Senate on June 24. The Speaker of the House signed the bill on June 30. It became law on July 2, 1862, when President Abraham Lincoln signed the bill.⁶⁸

⁶⁶Ibid., 2679.

⁶⁷Ibid., 2749, 2832-2840.

⁶⁸Ibid., 3082.

The following is a summary of the main points of the Act. One Walter S. Burgess, and 157 others, together with five commissioners who were to be appointed by the Secretary of the Interior, and such other persons who might become associated with them, and their successors were created as the "Union Pacific Railroad Company." The latter was to construct a railroad and telegraph line from a point on the 100th meridian between the south margin of the valley of the Republican River, and the north margin of the valley of the Platte River, in the territory of Nebraska, to the western boundary of Nevada territory. The company was required to possess capital stock of 100,000 shares at \$1,000 each with no more than 200 shares to be held by one person. When 2,000 shares were subscribed and \$10 on each share paid into the treasury, the stockholders were to meet and elect the thirteen directors for the corporation. Right of way through public lands two hundred feet on each side of the track was given to the company. Every alternate, odd numbered section of public land, to the amount of five sections per mile on each side of the railroad, within ten mile limits on each side, was granted to the company with the exception of the mineral lands. Lands that were granted to the company were to be disposed of within three years or revert back to the government. When forty miles of road were completed, if the work was satisfactory, titles to the land grants were to be given. In case of default the road was to be taken over by

the United States Government. The road was to be completed before July 1, 1874.⁶⁹

The Union Pacific Railroad was to build westward to the California border, and the Central Pacific Railroad was to construct a line to the eastern boundary of California from the Pacific Coast.

The Union Pacific Company was obligated to complete 100 miles of road within two years and 100 miles more per year until completed. In view of the more difficult task of construction which confronted it and the influence of T. D. Judah, the California company was to finish 50 miles within two years and 50 miles per year until the road was completed. It will be remembered that Judah was the clerk of the sub-committee of the House which drafted the Pacific Railroad Bill and the secretary of the Senate committee which drew up the corresponding measure.

The companies were to receive loans in the form of government bonds at the rate of \$16,000 per mile constructed on the level land, \$32,000 per mile for the foothills, and \$48,000 per mile constructed through the mountainous terrain.⁷⁰

The Pacific Railroad Act of 1862 also provided that the Federal Government was to have the use of the completed

⁶⁹Statutes At Large (70 vols. to date, Boston, Little, Brown, and Company, 1865), XII, 494-495.

⁷⁰Ibid., 494-495.

railroad for postal, military, and similar purposes. In this way Congress sought to protect the vital interests of the nation in any railroad which might be constructed to the Pacific Coast.

The enactment of this significant measure represented the culmination of a long struggle on the part of its adherents to secure a transcontinental railroad. Unfortunately, from the standpoint of both the nation and the railroad promoters, the original act left much to be desired. For one thing, the measure did not offer large enough financial inducements to attract private capital. Largely for this reason the act was amended in 1864. Both railroad companies were authorized to issue bonds up to \$96,000 for every mile of rail constructed in mountainous terrain as compared with the government loan of \$48,000 as originally provided. The companies were permitted to issue their own bonds at six per cent interest instead of depending on government loans. The land grant was to be increased from 10 sections for every mile constructed to 20 sections. The government would pay the first year's interest on the company bonds and guarantee the interest for nineteen subsequent years. The par value of the stock of both companies was reduced from \$1,000 to \$100 in an attempt to make the securities attractive to more buyers. To compensate for this reduction, the companies were authorized to increase their stock from 100,000 shares to 1,000,000.

As a result of the 1864 amendment, there was no longer any problem of financing the Pacific railroad. Money poured in and construction began. In 1869 the first transcontinental railroad was completed, thus culminating nearly four decades of persistent effort by many individuals.

Any attempt to evaluate the events of this era would need to consider several factors. Of these, the one of route is of importance for it was the major factor in delaying the building of the road. All sections did not want to aid the road unless it, in turn, would aid them directly. The South, with some merit, feared that if only one road were constructed that it would be through Northern territory. As most of the money needed for this project was in the North, the idea was not entirely unreasonable. It was not likely that Northern capital would desire to build through the South where the population was sparse and a smaller profit would likely result.

The question of aid and what form would be used to construct the road faced Congress. This problem was ultimately settled by the latter on the ground that land could be added to the public domain by the national legislature and, therefore, it could be used by that body for purposes it believed were for the welfare of the people of the country. Many groups did not accept this idea and still opposed the making of land grants to the railroads at the time of the passage of the Pacific Railroad Act in 1862.

The nation today owes much to the early promoters of the railroads. The attempt of Asa Whitney and others to secure a charter from Congress for a Pacific railroad aroused a general interest in the idea of a transcontinental railroad. Whether these railroad promoters were interested in the projects for personal gain or to render a service to their country, as some of them claimed, the nation owes them a great debt. Through the effort of these men and the expansion of the railroads to cover the East by the time of the Civil War, the need of a Pacific railroad was realized. The danger of California, which at the time of the outbreak of the Civil War had no direct tie with the Union, greatly aided this realization.

It would be impossible to name any one factor as the main contributing one for the achievement of the Pacific Railroad Act. It was a combination of elements, each attempting to gain its own ends, that finally succeeded in securing the passage of this significant measure.

BIBLIOGRAPHY

Government Documents

United States Congress, House Executive Documents. 31 Cong., 1 Sess., 1849-1850. 11 vols. Washington, Wendell and Benthuyson, 1850.

H. R. No. 75 Volume XI contains the negotiations concerning the Nicaragua route. It was very helpful in writing the chapter on the Isthmus attempts.

House Executive Documents. 33 Cong., 1 Sess., 1853-1854. 19 vols. Washington, A. O. P. Nicholson, 1854.

Volume XVIII in 4 parts is the report upon the explorations for railroad routes from the Mississippi to the Pacific ocean ordered for the previous year.

House Reports. 30 Cong., 2 Sess., 1849. 2 vols. Washington, Blair and Rives, 1849.

In H. R. No. 145, Volume II is found some excellent material on the Panama route.

House Reports. 28 Cong., 2 Sess., 1844-1845. Washington, Tippin and Streeper, 1845.

H. R. 199 has the first memorial of Asa Whitney for his railroad to the Pacific.

Reports of Committees. 31 Cong., 1 Sess., 1849-1850. 3 vols. Washington, Government Printing Office, 1850.

Volume I contains the Committee on Roads and Canals report favoring the plan of Whitney.

Reports of Committees. 30 Cong., 1 Sess., 1848-1849. 4 vols. Washington, Tippin and Streeper, 1849.

H. R. No. 733, Volume III has a select committee report in favor of land grants for railroads.

Senate Documents. 57 Cong., 1 Sess., 1901-1902. 36 vols. Washington, Government Printing Office, 1902.

Volume VII contains a committee report concerning the attempts to build routes across the Isthmus during the 1840's and 1850's. It is very good for a short summary of details related to the Isthmus attempts.

Senate Documents. 29 Cong., 1 Sess., 1845-1846. 9 vols. Washington, Ritchie and Hiss, 1846.

Volume IV contains the second memorial of Asa Whitney for his railroad to the Pacific.

Senate Executive Documents. 30 Cong., 1 Sess., 1847-1848. 8 vols. Washington, Wendell and Benthuyssen, 1848.

Volume VII has a report on the Tehuantepec negotiations between the United States and Mexican authorities.

Senate Executive Documents. 32 Cong., 1 Sess., 1851-1852. 16 vols. Washington, A. Boyd Hamilton, 1852.

Volume X contains committed reports concerning the early railroad grants by the government of Tehuantepec.

Senate Reports. 31 Cong., 1 Sess., 1849-1850. Washington, Wendell and Benthuyssen, 1850.

The Committee on Roads and Canals report on the Whitney bill for a railroad to the Pacific is included in this Volume.

_____, Senate Reports. 30 Cong., 1 Sess., 1847-1848. Washington, Wendell and Benthuyssen, 1848.

This contains a report of the Public Lands Committee for a survey of the proposed route of the railroad.

_____, Congressional Globe, Containing the Debates and Proceedings. 46 vols. Washington, Blair and Rives, Government Printing Office, 1834-1873.

This is a chief source for the debates concerning the projects of railroads across the United States and of the attempts to use Isthmus routes as well.

_____, Statutes At Large. 70 vols. to date. Vols. I-XVII, Boston, Little, Brown and Company, 1848-1875; vols., XVIII_____, Washington, Government Printing Office, 1875_____.

In Volume XII are found the provisions of the Pacific Railroad Act of 1862.

Periodicals

Cotterill, Robert S. "Pacific Railroad Agitation," Mississippi Valley Historical Review. V (June, 1918), 396-414.

It presents an excellent account of the start of the movement for a railroad to the Pacific.

DeBow, James Dunwoody Brownson, editor. DeBow's Commercial Review of the South and the West. 39 vols. New Orleans, DeBow, 1846-1870, 161-177.

A excellent description of the geography of Panama is included in Volume III.

Harper's New Monthly Magazine. 150 vols. New York, Harper and Brothers, 1850-1925.

The Panama Railroad Company is discussed in Volume LXVIII.

Loomis, N. H. "Asa Whitney: Father of the Pacific Railroads," Mississippi Valley Historical Society Proceedings. VI (1912-1913), 166-175.

This volume gives extensive material on the background of Whitney. It was very helpful in writing the first chapter.

Niles, William Ogden, editor. Niles Weekly Register. 71 vols. Philadelphia, Niles, 1811-1849.

Volume LXV describes the account of Biddle and his negotiations to obtain a canal across the Isthmus of Panama.

Russel, Robert R. "The Pacific Railway in Politics Prior to the Civil War," Mississippi Valley Historical Review, XII (Sept. 1925), 187-201.

This account relates to the attempts within this country as a whole to promote a transcontinental railroad.

Williams, Mentor L. "The Chicago River and Harbor Convention, 1847." Mississippi Valley Historical Review, XXXV (June, 1948-March, 1949), 605-614.

The article pertains to the aftermath of the regular convention when the schemes of Whitney and others were attacked.

Monographs

Caughey, John Walton. California. New York, Prentice-Hall, 1953.

This account contains some very good material on the Central Pacific Railroad to California and on the members of the company.

Cleveland, Frederick A. and Powell, Fred Wilber. Railway Promotion and Capitalization in the United States.

Edwin F. Johnson and project to construct a railway to Puget Sound are discussed in this work.

Galloway, John Debo. The First Transcontinental Railroad. New York, Simmons-Boardman, 1950.

It is an excellent secondary source pertaining to early phases of the line.

Holbrook, Stewart H. The Story of American Railroads. New York, Crown, 1948.

This work was useful for some of the more general aspects of the study.

Johnson, Allen. Stephen A. Douglas. New York, Macmillan Company, 1908.

This is a helpful aid on some phases of the life of Douglas and his motives in proposing the Kansas-Nebraska Bill.

Milton, George Fort. The Eve of Conflict. New York, Houghton Mifflin Company, 1934.

The author gives a very clear picture of Douglas in the events concerning the Pacific railroad issue.

Riegel, Robert E. The Story of the Western Railroads. New York, The Macmillan Co., 1926.

This account presents an excellent background of the agitation for a Pacific railroad.

Russel, Robert R. Improvement of Communication with the Pacific Coast as an Issue in American Politics, 1783-1864. Cedar Rapids, Iowa, The Torch Press, 1948.

This work is a very good secondary source, useful as background on the railroads during this period; a good guide to the primary sources on this problem.

Smalley, Eugene E. History of the Northern Pacific Railroad. New York, C. P. Putnam's and Sons, 1883.

Newspaper articles relating to the early agitation are cited in this book.

Williams, Mary W. Anglo-American Isthmus Diplomacy. Washington, American Historical Association, 1916.

This account gives a clear picture of the diplomacy between the United States and Central America during this period.

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