

Texas and Pacific Railway Document Collection

- September 14, 1880 Department of the Interior, Washington, D. C. sealed certification by A. Bell, Acting Secretary of the Interior: "do hereby certify that the annexed are true copies of the originals on file in this department." Within the City of San Diego railway files, it is followed by a publication entitled "The Texas & Pacific Railway Company to J. Edgar Thomson and Samuel M. Felton, Trustees, Construction Mortgage, June 1st, 1872."

— 1873 handwritten, two-paged petition in the form of a note to the Honorable Board of Trustees, City of San Diego, from the "Committee of 6", The Right of Way & Depot Committee Chairman, George P. Marston:

"That the Right of Way & Depot Committee would respectfully submit - That a letter has been received from Mr. Summers of Fortress Monroe, offering his Tract of land situated in the Depot Ground, to the Tex & Pac. Railway Company for the sum of \$4,000 gold coin - to be deposited in the Gold Bank of San Francisco within six weeks from the 28th day of April last.

Realizing the difficulty of raising that sum in gold at the present time, your committee have written him that EW Morse Esq was on his way to New York, & would call on him in relation to the matter, & for the purpose of completing the negotiation. We have made an arrangement with MR. Morse to go to Fortress Monroe, if deemed advisable, & make an effort to purchase this tract of Mr. Summers, for city bonds instead of coin, and we would respectfully petition your honorable body to set apart, & furnish us the sum of Fifty dollars in currency to be forwarded Mr. Morse, for his expenses from New York to Fortress Monroe for the purpose of effecting the above negotiation.

signed Geo. P. Marston
Chm. Committee"

Four pages, including cover and back. Document No. 2486, "Petition for RR Matters."

- Long, narrow publication on brown paper stock from S. P. Jones, Mayor of City of San Diego, and S. Levi, President of Chamber of Commerce, San Diego, Cal., Jan. 13th, 1883, "To the Senate and House of Representatives of the United States in Congress Assembled:

The City of San Diego and the People of Southern California would most earnestly call your attention to the rights of said City and its citizens, and the settlers on the Public lands in Southern California as affected by the Bill now pending for the Consolidation of the Texas and Pacific and Southern Pacific Railroads.

It is stated in the Fifth Section of the Act to Incorporate the Texas and Pacific Railroad Company, of March 3d, 1871, that the road would be constructed "by the most DIRECT and eligible route to San Diego, California, to ships channel in the bay of San Diego, in the State of California, pursuing in the location thereof, as near as may be, the THIRTY-SECOND parallel, &c." And in Section Seventeen, that "said Company shall commence the construction of its road simultaneously at San Diego, in the State of California, and from a point at or near Marshall, Texas, and so prosecute the same as to have at least fifty consecutive miles of railroad from EACH of said points complete and in running order within two years after the passage of this Act." And in the Supplemental Act of May 2d, 1872, it is PROVIDED that the said Company shall commence the construction of said road from San

Diego eastward within one year from the passage of this Act and construct not less than ten miles before the expiration of the second year, and after the second year, not less than twenty-five miles per annum in CONTINUOUS line thereafter between San Diego and the Colorado River, &c.”

Under this charter, as enacted by Congress , large investments have been made in San Diego by citizens throughout the United States. The City of San Diego and its citizens have made large donations of lands, and incurred indebtedness for the benefit of the Texas and Pacific Railroad Company, and other citizens have purchased lands and settled on Government lands along the contemplated line from San Diego Bay to the ColoradoRiver with the expectation that Congress would compel the construction of said road according to the provisions of the charter. But no part of said requirments have been fulfilled by said corporation, as none of the proposed consolidated roads are built within one hundred miles of San Diego Bay. We would therefore most humbly petition you not to abandon us in this our extremity, but to insert in the bill now pending a requirement that said road shall be completed within eighteen months, from SanDiego eastward on the most DIRECT and eligible route TOWARD the Colorado River to a connection with the Southern Pacific in California, or the lands herein granted shall be forever forfeited to the United States. The original act was passed and the lands granted therein for the avowed purpose of having built a COMPETITIVE route and the SHORTEST railway line from the Atlantic to the Pacific in the United States.

We respectfully submit that a completion f the road to San Diego Bay is the only way by which this consolidated railway can fulfill the obligations of the Charter and the expectations of the People of the United States.

S. P. JONES,

Mayor of City of San Diego.

S. LEVI,

President of Chamber of Commerce.

San Diego, Cal., Jan. 13th, 1883.

One long, narrow printed sheet.

- Handwritten copy of a December 9, 1879 document, attested to and sealed in the City of Philadelphia, Commonwealth of Pennsylvania, by Thomas A. Scott, President of the T. & P. R. R. Co., attested to by C. E. Satterlee, Secy., Elon F. Barker, as to S. M. F., Samuel M. Felton, Surviving Trustee. Document refers to the June 1st, 1872 conveyance to J. Edgar Thomson and Samuel M. Felton, the railways of the Texas and Pacific Railway Company, constructed and to be constructed, , with the real estate, shops, depots, machinery, tools, locomotives, cars, equipment, and personal property; and all the rights and franchises and said company; and conveying also upwards of fifteen millions of acres of land, being all the lands donated and grants by the U.S. Government under the Act of Congress of March 3, 1871; a copy of which mortgage is attached. The referenced mortgage secured the payment of the bonds authorized to be issued by said company at the rate of \$40,000 per mile, at 6% interest per year. Said Company actually issued \$10,093,000 of said bonds. Citing Act of Congress of June 22, 1874, the company was authorized to cancel said mortgage and execute one or more new mortgages upon the whole or part of its line. Felton and the President and Vice President of the Texas and Pacific Railway Company certify the act of cancellation of the entire issue of the bonds and coupons securing the mortgage, and the mortgage itself, cancelled as of December 9, 1879.

Eight pages.

- December 5, 1872 Handwritten Resolution for Lease of Certain Lands:

“Office of the Board of Trustees of the City of San Diego

Be it resolved by the Board of Trustees of the City of San Diego that a lease be made to the Texas and Pacific Railway Company of all parcels of land situate in the said City of San Diego in the County of San Diego in the State of California. heretofore conveyed to the San Diego Gila Southern Pacific and Atlantic Railroad Company by the Trustees of the said City of San Diego by deed dated December 1st, A. D. 1868 and recorded in the Office of the County Recorder of said County in Book “4” of deeds on page 37. et seq., for the term of ten years , for the annual rent of one dollar and payment of all taxes and assessments legally levied on said lands, and conditioned that the said Texas and Pacific Railway Company shall commence and build ten miles of its road in San Diego County commencing at the Bay of San Diego in the City of San Diego within one year from the fourth day of March, A.D. 1873. Adopted and passed by the Board of Trustees of the City of San Diego this fifth day of December A. D. 1872

W. J. McCormick President

E. J. Haight Clerk.

red seal attached

Three pages, including back.

- 1877 Resolution Appropriating \$469.00 T pay Expenses of Gove. Brown’s visit to San Diego, passed and allowed September 19, 1877 by S. Statler, City Clerk, City of San Diego.

- Handwritten 1880 Resolution instructing attorneys of this City to dismiss motion for a new trial in two suits against T&P.R.R.Co. Spread upon the minutes and passed by the Board of City Trustees and filed by the City Clerk on August 28, 1880. Signed Thos. Whaley, City Clerk, City of San Diego:

“Be it Resolved by the Board of Trustees of the City of San Diego.

That whereas the Texas and Pacific Railway Company, defendant in two suits in the Superior Court of the County of San Diego, the one suit wherein Thomas H. ? and the City of San Diego intervenor are plaintiffs, and said Railway Company is defendant, and the other suit wherein the City of San Diego is plaintiff and said Railway Company, Charles S. Hamilton and James A. Evans are defendants, has fully complied with the stipulations made February 24th, 1880, by said defendant Railway Company in each of said suits, wherein the Railway Company defendant stipulated to deliver a certain quit-claim deed to Charles S. Hamilton.

Now therefore:

Be it Resolved: that said Railway Company defendant has fully complied with its stipulations in the said two suits as hereinbefore set forth, and, further, that the motion for a new trial heretofore made by the attorneys for the plaintiff in each of said suits be forthwith dismissed and withdrawn - and said stipulations be surrendered to said defendant Railway Company, or its attorneys.

Be it Further Resolved:

That the attorneys of record for this city, plaintiff in the two suits hereinbefore recited, and each or either of said attorneys be, and they hereby are instructed to carry the foregoing Resolution into effect, and to forthwith dismiss and withdraw the motion for a new trial heretofore made by them on behalf of the plaintiff in each of said suits, and to deliver and surrender up to said Railway Company defendant, or its attorneys, the stipulations in each of said suits.for a quit-claim deed, as hereinbefore recited.”

Two pages, including back.

- Draft, undated, handwritten Joint Resolution:

“The Congress of the United States is being urged to extend the time for payment of indebtedness now due the government from certain Pacific Railroad Companies to a date beyond the expiration of their respective Charters.

The logical effects of such extension will be; to compel the re-granting of exclusive charter privileges to private individuals thereby fostering and perpetuating a corporation dominion which, through competitive tyranny and unjust discrimination, is sapping the productive energies of the Western half of the nation; to fasten upon the people of the whole country and upon the industry and commerce of the Pacific States for generations to come, a useless destructive burden without any promise of adequate return.

Under existing management of Western transportation, government will eventually be compelled either to take possession of these forfeited franchise or lose all her investments therein.

Believing it to be the right and duty of all earnest, patriotic citizens, commercial bodies, States, municipal, and other legislative officials to respectfully express their sentiments and wishes on questions so vitally affecting the public financial well being, therefore --- Be it Resolved by the Common Council of the City of San Diego, County of San Diego, State of California, that:

In our judgment, wise public economy; prudent regard for the mining; agricultural, commercial, productive and distributive energies of the Great West, together with the best interests of the whole people, alike demand that government protects its own financial interests and the rights of the people by the immediate foreclosure of all matured liens, and reducing to put (?) back of page “Adopted & Clerk instructed to send copy to Rep Bowers.”

Four, small note pages, including back.

- “Resolution adopted June 9/73.” written on page of paper form used for resolution. Paper used is a 1870s Traders’ License. \$30.00 Monthly Sales, \$5,000 and Under \$10,000, Eight Class, State of California, County of San Diego. Rough, handwritten resolution:

“Resolved

That the City Attorney is hereby employed and authorized to Commence and Conduct any and all suits necessary for right of way for the Texas and Pacific Railway Company as asked for in the Communication of C. P. Taggart attorney of said Company; also to furnish the abstract of title to said right of way to said C. P. Taggart.

That said City Attorney is also authorized to act with the Right of Way Committee to secure title to the said right of way otherwise then by set. That whenever a compromise by arbitration can be made with persons owning title to such right of way in the line of said Railway in San Diego County, or whenever possessions can be had by amicable adjustment so as not to stop this work of the said Railway Company, the said attorney and committee are hereby authorized to immediately report such case or cases to the President of this Board, who shall thereupon call this Board together to take immediate steps to secure the same without litigation.”

- Bound, published Plaintiff’s Brief submitted to the Circuit Court, United States, Ninth Circuit, District of California, in the case of Henry E. Wallace, Plaintiff v. The City of San Diego, Defendant. Brief by Walter Van Dyke, Attorney for Plaintiff. The case involves a New York resident suing the City of San Diego for the recovery of amounts on overdue interest coupons, on certain bonds issued by the City.

- Handwritten Communication on Texas & Pacific Railway Co. stationary from Jas. A. Evans, Eng. T. & P. Ry. Co. to the Board of Trustees, City of San Diego, in relation to Right of Way, filed Sept. 29, 1873 by E. G. Haight, City Clerk, City of San Diego;

“As the Engineer & Agent of the Texas Pacific Railway Co. I beg to call the attention of your honorable Board to the location of their line through your city. as set forth upon the map now on file in the County. a copy of which if I mistake not was furnished to you also.

A part of the line is between Cleveland’s Addition and Block 22 in New San Diego. passes over what is known as ‘Tide land’ entirely bare at extreme low water and exposed for two thirds of the distance at ordinary low tide.

The principal reasons for fixing upon this location were 1st that the company might operate the line without inconvenience and danger from street crossings which are well known to be annoying to General businesses well. and often tend to depreciate property in the vicinity and 2nd that private property would be less interfered with by having the line away from the shore and that consequently the right of way which the city agreed to procure for the Texas & Pacific Railway might be obtained at less cash.

It appears now that the State of California is a party in interest in the Tide lands.

The code in ordinary cases provides, that after service of summons upon defendants in condemnation suits, the Court may authorize the company to take possession of lands afore giving bond se(?).

The trouble seems to be that there is no provision of law to compel the appearance of the State in this case. and as there seems to be a difference of opinion as to whether the right of way over the tide land should be granted to the company it is doubtful if the Atty Genl. of the State will feel justified in voluntarily entering such appearance.

If the Legislature is appealed to, there may be such delay as will prevent the company from completing so much of their line by the 2nd day of May 1874 as is required by the Act of Congress.

As a means of obviating and doing away with any and all difficulties in the way of the city carrying and its obligations of a year ago with the Texas & Pacific Ry Co. I herewith submit map of a line adhering as closely as a practicable line can, to the shore of the bay, which if, if the city will procure the right of way upon, the company will accept.

Respectfully submitted

Jas A Evans

Engr., Cal Dir or Div T&PRy”

Four pages, including back cover.

- June 9, 1873 Communication from Texas & Pacific Ry. Co., from C. P. Taggart, Attorney for the Company to the Hon. D. W. Bryant, President of the Board of Trustees, City of San Diego, on Agency Pacific Mail Steamship Company stationary:

‘The Texas & Pacific Rail Way Co desires your Hon. Bd Trustees to furnish an abstract of the title to the right of way and the title to the right of way one hundred feet wide in the City of San Diego described as follows: Commencing at the line of ordinary high tide on the Bay os San Diego, as the Eastern boundary of New San Diego, hence through New San Diego, The Wedge or Reservation, Middletown, Old San Diego and the Pueblo lands from the North Western boundary of said Old San Diego to the Western or North Western boundary of the City of San Diego, according to the survey of the route of the said Rail Way as per enclosed map.

In case your Honorable Bd shall fail to obtain the title to said Right of Way by purchase and must resort to Condemnation in the Courts, the Consent of the said Company is hereby given to use the name of the said Rail Way company in any and all suits

necessary to be brought for the purpose of securing the said Right of Way as agreed in the Bond given the said Company by the City of San Diego dated Feb, 1873.

The attention of your Hon Bd is respectfully called to the necessity of naming and employing some attorney at law to commence and conduct the said suit or suits for such Right of Way.

I shall be glad to confer with such attorney when named and render such assistance at the hest of the said Rail Way Company as may be consistent and necessary.

I am very respectfully,
C. P. Taggart
Atty for T&P.Ry Co.”

Four pages including cover and back. Document No. 2345..

- May 12, 1873 Communication to E. G. Haight, Esq., Clerk of the Board of Trustees of the City of San Diego, by S. S. Sanborn.

“In reply to your communication, of this date, requesting me to turn over all deeds and other papers belonging to the City to D. T. Philips, as City Attorney, -- I would reply:
That I have in my possession certain deeds wherein the “Texas & Pacific Railway Company” is named as grantee, and I am ready to deliver all such deeds to any person whom the respective grantors, may designate.

Yours Respectfully,
S. S. Sanborn.”

Two pages, including cover. Document No. 2347.

- May 12, 1873 Communication referred to above. Letter from E. G. Haight, Clerk of the Board of Trustees. Received by S. S. Sanborn on May 12, 1873:

“Dear Sir

I am instructed by the Board of Trustees of the City of San Diego, to request you to deliver to Mr. D. T. Philips the City attorney, all deeds and other papers belonging to the City, which you may have in your possession,

Yours Respectfully
E.H. Haight
Clerk of the Board of Trustees.”

Two pages, including cover. Document No. 2347.

- January 17, 1873, Communication to the Trustees of the City of San Diego by C. P. Taggart, Attorney of T.& P. Co., on Clerk of the County of San Diego stationary.:

“Gentlemen:

The Texas & Pacific Rail Way Co. respectfully requests that you furnish a complete abstract of title to be made and certified to by the Recorder of San Diego County of all that certain tract of land prepared to be conveyed to the Rail Company as Depot Grounds in the City of San Diego = When so preposed you will please hand the same to the undersigned -

Very respectfully

C. P. Taggart

Atty of T. & P. Co"

Received and filed January 20, 1873. Document No. 2353