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### THE ORPHAN RAILROAD AND THE RAMS HORN RIGHT OF WAY

The Act of Congress granting to the Northern Pacific Railroad Company all odd numbered sections of public lands within a strip forty miles wide co-terminous with the road to be built in Territories of the United States, was a floating grant, that is to say, the lines of the road had to be definitely located before the granted sections could be identified. The Charter of the company, as amended, authorized construction of two lines in Washington Territory; one called the Main Line was to be via, the valley of the Columbia River to a terminus on Puget Sound and the other, called the Branch was to diverge from the Main Line and extend across the Cascade Mountains to the same terminus. To make up for necessary subtractions from the grant on account of lands in odd numbered sections to which adverse rights attached prior to definite location of the railroad, the company was authorized to select lieu lands within specified limits.

Between the date of its Charter, July 2nd, 1864, and the year 1869, the company perfected its organization as a corporation and that is about all that it did do within that time. Then, the banking house of Jay Cooke & Co. of Philadelphia undertook to finance the enterprise by selling bonds; and enough money was provided to make surveys and build a division of the road at its east end and another division extending from Kalama on the Columbia River to Tacoma, which was chosen as the western terminus. Surveys in Washington Territory were extensive but of a preliminary character. From such surveys maps were made and filed in the General Land Office, merely indicating general routes that might, or might not, approximate the lines on which the road was to be built. Thereupon, in the years 1870, 1872 and 1873, the Department of the Interior promulgated orders withdrawing from

settlement and sale all odd numbered sections within twenty miles on each side of the lines of general route indicated on said maps. Those orders were based upon an assumption that the company had an inchoate right to as many of those sections within the several forty mile strips reserved as might be found to be subject to the grant when the two lines of road should be definitely located. The line of the Branch was not definitely located until 1884 and until then, those orders were continued in force, shutting up from use half of the public land within the major part of Washington Territory. That was an instance of injustice characteristic of bureaucratic misgovernment.<sup>1</sup>

Failure of Jay Cooke & Co. in 1873 obliged the company to suspend construction and the building of the main line was only resumed in a feeble way shortly before Henry Villary took the company in hand in 1881. At the time of the suspension the land grant within Washington Territory except for the Kalama-Tacoma division, was all unearned and still afloat.

Seattle was grieved by the location of the Northern Pacific terminus at Tacoma, but not disheartened; her loyal citizens resolved that the best harbor in the whole world should not be without railroad service to bring traffic from the productive regions of the Inland Empire. The Seattle and Walla Walla Railroad & Transportation Company was promptly organized. Names to be remembered as representatives of Seattle spirit and grit at that time are: Arthur A. Denny, John J. McGilvra, Dexter Horton, John Collins, Franklin Matthias, Angus Mackintosh, Henry L. Yesler, James McNaught, and James M. Colman; they constituted the first board of trustees of the new company. Contributions to its capital in money were not large, but many owners of real estate conveyed to the company land and water front property the present value of which runs into millions of dollars. Evinced the spirit of the inhabitants generally, they turned out en masse to give a start to construction of a narrow gauge railroad by their own manual labor, on the first day of May, 1874. Under direction of Thomas B. Morris, a railroad construction engineer, commencing near the south shore of Elliott Bay a day's

1. The Supreme Court of the United States, in the case of *Nelson vs. Northern Pacific Railway Company*, 188 U. S. Reports page 108 decided that the departmental orders withdrawing odd numbered sections from settlement were not authorized by law and not valid to defeat a homesteader's claim initiated prior to definite location of the line to be built upon. In that case, Nelson settled on and improved his claim within limits covered by an order of withdrawal then in force; in a contest against his right to acquire the title, the company won a land office decision barring him from making filings and proofs under the Homestead law; when the line of the road was definitely located the land was found to be within the place limits of the grant and a patent conveying it, as earned land, was issued to the company. But the Supreme Court sustained Nelson's claim.

work was done. Men and boys cleared the right of way and levelled the roadbed for a distance of about three miles and the women helped by serving a picnic lunch. Next, a piece of the road was built and put into operation extending from the coal mines at Renton to a steamboat landing on the Duwamish River; its use was for hauling coal from the mines. That much was accomplished with money furnished by William Renton, principal owner of the Port Blakely saw mill, and W. C. Talbot of San Francisco, who were interested in the coal mines. Then, to carry the project forward, \$60,000 was advanced by citizens of Seattle, one-third of which was contributed by James M. Colman, and to that was added his time and talents so that the holdings of the company had a mortgagable value of \$100,000, and that amount of money was obtained by Mr. Colman on a mortgage. Mr. Colman had no expectation of other financial support, but, with the courage of a man confident in his own abilities, he took personal charge of the enterprise in all of its details and in superintending construction labored in all kinds of weather, often in cases of emergency foregoing sleep at night. His most able and faithful assistants were a young engineer named Robert L. Thorne and Chin Gee Hee, a Chinaman who furnished and directed Chinese laborers. By engineering skill, energy and strict economy, a substantial railroad was constructed from coal bunkers at the foot of King Street in Seattle to the Newcastle coal mines, and equipped with rolling stock and coal bunkers, with facilities for loading ships. This was accomplished before the end of 1877, and the road then began to earn some profit above operating expenses. After extensions were made to the Black Diamond and Franklin coal mines, the road became a producer of wealth. It was added to Henry Villard's acquisitions of various and sundries, but its existence as a distinct property was preserved under the name of Columbia & Puget Sound Railroad Company, making an addition to the group of Villard corporations, and Mr. Colman was employed in the capacity of manager of that new corporation. In a period of thirty months, under his management, the net earnings of the road amounted to a sum equad to the whole price that Villard paid for the entire assets of the Seattle and Walla Walla Railroad & Transportation Company, including its real estate in Seattle; a showing which in contrast with its subsequent earnings under the management of John L. Howard, is quite extraordinary. During the time of Colman's management the rates for passenger and transportation services were reasonable and the road was a

popular public utility. Subsequently the "public be damned" policy supplanted good business policy. This was well illustrated in a particular instance; Mr. Colman owned a saw mill situated adjacent to the road about twenty-five miles from Seattle; he desired to bring lumber for his own use in the City, but, it was impractical to do so because, to buy the same grade of lumber in Seattle would cost no more than the railroad charge for transportation from his mill.

Economical construction of the railroad to the Newcastle coal mines required scientific engineering to surmount the topographical obstructions of a rugged region; in one instance a ravine was bridged on a trestle one hundred and twenty-eight feet high. After forty-five years of use that trestle has been kept in repair so that it is still a safe structure for heavily loaded trains to run over. Mr. Colman's qualifications as an engineer, combined native genius with education and profound study, and, his superior abilities as a financier and business man were equal to the task of extending the road to the grain fields of eastern Washington. He would have completed that undertaking if Villard's comprehensive system had not justified expectation that Seattle interests would be well cared for, to the extent of furnishing railroad service adequate to enable it to maintain its position as the chief city of Puget Sound.

Recurring to the Northern Pacific land grant, the Land Office orders withdrawing odd numbered sections from settlement and sale were made to forestall speculators and settlers from acquiring rights antagonistic to the grant and would have been wise if the maps of general routes had been made honestly to indicate where the roads were intended to be located so as to not cover and tie up more territory than was reasonably necessary. For some time the people endured the imposition in silence, but, when construction of the railroad stopped and growth of the Territory was impeded the orders rested oppressively upon every part of it and murmurs and protests against it awakened resentment against the apparent disposition of the company to grasp an undue share of the Territory's resources. The Legislature in 1877 set forth the conditions and grievances in three memorials to Congress; the first of which represented that in 1873 the company located its western terminus at Tacoma; that in 1870 and 1872, lands were withdrawn for the Main Line beyond Tacoma as far north as Bellingham Bay, embracing over two million acres of public lands which was still withheld from settlement, notwithstanding the location



of the terminus at Tacoma. And in 1873 the lands withdrawn for the branch extended from Lake Pen d'Oreille to Tacoma via the Skagit Pass, amounting to over eight million acres; that in 1876 the company filed a map of general route for its Branch in the office of the Commissioner of the General Land Office which last named Branch leaves the Main Line near the mouth of the Snake River and runs over the Cascade Mountains to Tacoma via the Natchez Pass. And the memorial prayed for restoration to the public domain to be dealt with as other public lands, of all lands withdrawn for the Main Line north of the adjusted limits of the earned lands near Tacoma; and of all lands withdrawn for the Branch via the Skagit Pass.

The second memorial after certain recitals, represented that, the company "has no authority to sell lands within the grant not earned, and having fixed no price upon said lands, at which settlers could purchase the same after the company acquired title thereto, the settlement and prosperity of the Territory has been greatly retarded. That while the Northern Pacific Railroad Company is daily selling and disposing of its lands it has instituted suits which are now pending to restrain our tax collectors from collecting the taxes. That this company demands and receives protection of our civil officers, and that its refusal to bear its proportion of the taxes to pay these officers is oppressive and unjust to the tax-paying settlers of the Territory. That we realize the fact that the speedy completion of this road would be a great benefit to the Territory. We nevertheless regard an extension of the time for that purpose without terms and conditions, wrong and injurious to the people of our Territory." The memorial ended with a prayer for legislation as follows:

"First. That the price of the lands within the limits of the grant be fixed at two dollars and a half (\$2.50) per acre.

Second. That the registers and receivers of the United States land offices be the only persons authorized to dispose of any of these lands and that they be disposed of only by entry and payment under such rules as the department may establish.

Third. That these lands be sold to actual settlers only and in such quantities as your honorable bodies may deem best.

Fourth. That the money arising from the sales of the lands aforesaid be paid to the Northern Pacific Railroad Company from time to time as the different sections of the road are completed.

- Fifth. That the time within which said road shall be completed be limited by law, and that a failure to complete the road within the specified time, shall cause all the lands to revert to the government which have not been sold.
- Sixth. That the company be required to pay taxes on all of its property whether acquired by purchase or otherwise upon the same terms and conditions now imposed by law upon the settlers of the Territory."

The third memorial was in the interest of settlers on railroad lands who made improvements thereon relying on certificates issued to them guaranteeing the first right to purchase when the company acquired titles which it could convey.

These memorials brought no relief to the people in responsive action by Congress and had no effect except to alarm the officials of the company and investors in its securities and boosters for Tacoma the terminus City, many of whom got busy in Territorial politics in a way that engendered animosities, especially between Tacoma and Seattle.

The national census for the year 1880 shows that the population of Seattle was then 3,533. And the magnitude of its business was so much greater than that of any other Puget Sound town or city that, it had to be reckoned with by Henry Villard when he came to take control of the transportation business of the entire Northwest. The temporary success of that magnate was marvelous; without training or experience in practical business, but having a practical mind and some friends among capitalists, he was able to, and did, organize corporations and grasp opportunities for great achievements. Having acquired control of the Oregon Steam Navigation Company, the Oregon Steamship Company and the Willamette Transportation and Locks Company, he amalgamated the properties of those corporations in a new corporation named Oregon Railway & Navigation Company, and projected railroads to be built by it extending from Portland into eastern Washington and Idaho and to connect in eastern Oregon with the Oregon Short Line Railroad; and he conceived the plan of making a connection with the Northern Pacific at a point on the Columbia River, so that the O. R. & N., line from that connecting point to Portland would be a division of the Northern Pacific's Main Line. To carry out that plan, he performed the extraordinary feat known as the "Blind Pool" that is to say, he obtained from New York and Boston capitalists eight million dollars without divulging the intended use to be

made of that large amount, until after it was used to gain control of the Northern Pacific Railroad Company. He then became President of the company and responsibility rested upon him to justify the confidence of the contributors to the blind pool, by completing the construction of the railroad so that for their investment the value of the property would remunerate them. He then saw that a city on Puget Sound would have great advantage in competition with Portland for commercial supremacy; and that the Seattle and Walla Walla Railroad & Transportation Company was likely to become an active competitor for the traffic of the Inland Empire. New hopes for the success of that company were inspired when, in July 1880, Victor E. Tull discovered large deposits of a superior quality of coal a few miles from its railroad and extension thereof to those mines would be in the direction towards the mountains over which it aimed to cross via the Snoqualmie Pass. Tull was employed by P. B. Cornwall, President of the Black Diamond Coal Company of San Francisco, to find better coal than that company's other mines contained and his discovery was what he was sent for. Cornwall was financially able to provide means to extend the railroad to the newly discovered mines, and that would afford the most economical transportation of the coal to Seattle where it could be loaded into ships. While the mines were being exploited and Cornwall's company was acquiring ownership, in 1881, Villard came and bought the entire holdings of the local company, which then became the Columbia & Puget Sound Railroad Company, and in 1882-3 it extended the narrow guage railroad to the Black Diamond and Franklin coal mines. Villard visited Seattle several times and his friendly speeches stimulated the growth of the City; on one of those occasions the subject of actual railroad connection was discussed and he declared that construction of the Northern Pacific's Branch over the Cascade Mountains would be postponed until the remote future, but he proposed to give Seattle a railroad by constructing a standard guage railroad from a point in Puyallup valley connecting with an existing railroad extending from Tacoma to the coal mines in Pierce County; that new piece of road to cross White River valley to a junction with the Columbia & Puget Sound Railroad at Black River and by laying a third rail on its roadbed make it both a narrow guage and a standard guage railroad from Black River to Seattle, so that Seattle would thereby have connection with the Northern Pacific. As a condition for that accommodation he exacted from Seattle a free

right of way along the waterfront northward to the real estate purchased from the Seattle and Walla Walla Railroad & Transportation Company, and that condition was agreed to. March 14th, 1882, the City Council granted so much of the required right of way as it controlled; the rest of it had to be acquired from individual property owners, which involved difficulties. Some would not give space inside, that is on land side of existing structures needed for their business; others were equally obstinate in retaining the water side of their holdings, so when the complete right of way was obtained it was winding, that gave it the name of the "Rams Horn Right of Way." To comply with the agreement on Villard's part, one of his corporations named the Oregon & Transcontinental Co. built a section of standard guage railroad from Black River to Stuck Junction which became known as the "Orphan Railroad," and to complete the connection with the Northern Pacific a spur line was built from Puyallup to Stuck Junction. Those joints of railroad were completed and service thereon commenced in the summer of 1883, just preceding Villard's "gold spike" party, celebrating completion of the Northern Pacific Railroad to a connection with the O. R. & N. Railroad at Wallula on the Columbia River and by those pieces of railroad and the Northern Pacific line between Puyallup and Tacoma Seattle was served for a period of only one month when the service stopped abruptly.

The business of the Oregon and Transcontinental Co. for which it was organized was to build feeder lines to bring traffic to the Northern Pacific Railroad and it did not engage in the operation of railroads. A new corporation named the Puget Sound Shore Railroad Co. was organized, its officers being T. H. Tyndale, President and Treasurer; A. A. Denny, Vice President; I. A. Nadeau, Secretary and Manager; Charles F. Munday, General Counsel, and its Board of Directors were A. A. Denny, Charles F. Munday, Ed. L. Terry, T. H. Tyndale and I. A. Nadeau. The operation of the Orphan Railroad, when it was operated prior to January 1st, 1890, was by that new corporation and it was sold by those officers January 1, 1890, to the Northern Pacific Railroad Co. for the price of one million dollars.

Construction of the Northern Pacific Railroad proceeded from Wallula eastward simultaneously with building westward and a date in August, 1883, was set for the joining of the rails that would complete the line from Duluth on Lake Superior to a



junction with the O. R. & N. road to Portland. Another section of the Main Line was built from Portland on the Oregon side of the Columbia River to a point opposite to Kalama and a ferry was provided on which trains crossed the river and proceeded to Tacoma. Villard considered that the joining of the rails would be, in a practical way, completion of the Main Line and he invited the investors and many distinguished persons to be present on that day to witness the driving of the last spike. Many of the invited ones came, a gold spike was driven and the programme for the day's ceremonies was carried out and the first through train was an excursion train on which the guests came to the coast. That event was a triumph for Villard and it also signalized his downfall; he had accomplished a great task, but knockers were successful in persuading many of the investors to believe that their money had been squandered in building a railroad that could not be a financial success in operation. The Board of Directors instead of being loyal to Villard exacted his resignation as President of the Company. The situation then as Seattle was concerned was exasperating. Villard whose promise to give the City railroad service was shorn of power; that service was discontinued; the grant of the rams horn right of way was irrevocable and it was regarded as a nuisance; residents of the City had parted with control of the narrow guage railroad and there was no hope of any extension of it beyond coal mines in King County; the Northern Pacific land grant for the Main Line, except parts thereof between Portland and Tacoma and east of Wallula, was not earned, and yet the departmental orders withdrawing lands from settlement hung like a black cloud over the Territory. That condition could not be endured quietly; it provoked hostility to the Northern Pacific company which grew into a popular demand for forfeiture of the entire land grant; and a member of Congress from the State of Illinois was outspoken in favor of such action so that there was more than a mere probability that, if the company remained inactive, legislative action detrimental to the company would be taken. Spurred to action by the menace to its land grant the company under its new management initiated measures to build the Branch immediately. But, so long as doubts existed as to its ability to do so, the agitation could not be suppressed. Settlers in eastern Washington on odd numbered sections within the lieu limits were vexatiously oppressed by conduct of the company in contesting their rights to land occupied

and improved by them and the people generally were in warm sympathy with those settlers.

Friends of the company deemed it advisable to secure expressions of public sentiment opposed to forfeiture of the land grant; Hon. Joseph N. Dolph, a Senator of the State of Oregon, appealed to the Chamber of Commerce of Seattle to protest against the proposed forfeiture and a meeting of that body was called to consider the matter. Most of the citizens who were active in public affairs attended the meeting and Paul Schulze, western land agent of the company, was present. A Committee of which Hon. Orange Jacobs and Hon. Joseph R. Lewis, former Chief Justices of the Territory, were members, drafted a resolution opposed to forfeiture, and it was adopted by a nearly unanimous vote; G. Morris Haller and Richard Osborne were the only members who voted against it. Immediately after adjournment trouble began; Schulze, who was a very conceited and insolent person, started it by boasting as if his personal presence and influence had secured the adoption of the resolution, and followed that by reminding those who lingered after adjournment of the meeting of the destruction by burning of the Steamship *Yaquina* in a manner to create an impression that the outrage was another of his personal triumphs. His conduct betrayed a purpose to do mischief and he was successful in arousing the Seattle Spirit. The *Yaquina* incident had connection with the origin of the Seattle Chamber of Commerce, for it came into being to protect the commerce of the City against predatory aggressions. In 1882 Rev. James P. Ludlow, owner of the steamer *Evangel*, obtained a contract to carry the United States mail to Sitka, Alaska, and expected to use the *Evangel* in that service, but, she was found to be not seaworthy for navigating the northern waters. Then John Leary to help Ludlow bought the *Yaquina*. On her arrival at Portland with a cargo of lime before the sale could be consummated by delivery to the purchaser, the vessel and cargo were burned, and, on inquiry for another vessel it was ascertained that, Goodall, Nelson & Perkins of San Francisco who operated the ships monopolizing the Alaska business had forestalled Ludlow by purchasing or hiring every other seagoing craft on the Pacific Coast, so the mail contract had to be, and was, surrendered. Then the Seattle Chamber of Commerce was organized.

Its anti-forfeiture resolution was speedily regretted by those responsible for it and was vigorously denounced by the newspapers;

and pro-forfeiture was made a political issue in the Territorial election campaign of 1884. The Democratic party nominated as its candidate for Delegate to Congress Charles S. Voorhees, a lawyer residing at Colfax, who was the attorney and champion of the lieu land contestees. The King County Republican Convention was strongly anti-railroad and it nominated as candidates for the Legislature Judges Jacobs and Lewis and elected twelve delegates to the Territorial Convention which was held later in Seattle. Eleven of those acted as a unit in the Convention on the side of the minority; the twelfth member gave his proxy to former Governor Elisha P. Ferry who voted with the Tacoma delegation which was pro-railroad and dominated the Convention. Thus, the campaign had to be carried on with an apparent issue between the two parties of for and against the Northern Pacific company. The Territory under normal conditions was republican, but Voorhees won by a narrow margin although his majority in King County was over 2,100. Jacobs and Lewis were elected to the Legislature and served during its next session which did not convene until more than a year subsequent to the election. At that time building of the Branch was progressing rapidly and animosity towards the company had subsided. The first train came across the mountains on a temporary switchback construction into Tacoma on the 3rd day of July 1887 and Seattle joined with Tacoma in a Fourth of July celebration in the latter city.

In the summer of 1885 there lived in White River valley a public spirited citizen named Green, known as "Fog horn Green" on account of his deep base voice. The orphan railroad continued to go unoperated for a year and a half and there was no promise on the part of any one that it would be operated. Green arranged for a mass meeting at Kent to devise some plan whereby the orphan might be put to work. He advertised the meeting extensively and personally requested members of the Legislature, representative of Villard corporations, County Officers and others to attend it. The meeting was held with a large attendance of farmers and others including Judges Jacobs and Lewis, Hon. Charles F. Munday, also a member of the Legislature, James McNaught, attorney for the Northern Pacific company, John L. Howard, agent of the Villard corporations, and Thomas J. Milner, superintendent of the Oregon Improvement Company. Judge Jacobs told a funny story about an ignorant fellow who standing in front of a slaughter house and seeing a calf's tail protruding out of an augur hole in the door, wondered how the calf jumped

through the hole and got pinched by its tail. Mr. Howard explained that, a stub railroad could not be operated profitably, except as a feeder to bring traffic to a main line; and he took it for granted that this piece of a railroad beginning and ending at no concentration point for traffic could neither earn revenue nor be of any value as a feeder. Green called on Cornelius H. Hanford to speak; he did so and used an important fact, knowledge of which had been communicated to him by Mr. Milner who knew what the road earned in the first month after it was built. Hanford said: "Railroads are for public use. A railroad franchise imposes a duty to serve the public. This road is a tangent, it takes a slice out of meadows, orchards and gardens; where houses and barns were obstructions they were removed to make way for a railroad. If you farmers did not consent to have your improved land cut into ribbons, the law of eminent domain gave consent, that means that public necessity is paramount to individual rights. After a railroad has been built it is a public highway, the public is entitled to use it; the same reasons that justifies condemnation of land for public use likewise sanctions condemnation of an existing railroad that is not serving the public. If whoever has proprietary rights in this road cannot, or will not, operate it you farmers can acquire possession of it rightfully and put it to work. Do not hesitate to proceed on that course, lest the road in operation may not produce income sufficient for its maintenance, I have here the figures showing that when it was operated for only one month its earnings in cash amounted to fifty percent more than the expenses incurred for operation."

Judge Lewis approved the suggestion for condemnation of the road and promised that if existing laws were inadequate for the purpose, the Legislature would enact laws to supply any deficiency. Somebody in New York, having authority in the premises, acted with knowledge that it would be unwise to permit a new agitation to gain headway, for before the meeting adjourned, John H. Mitchell, Jr., McNaught's law partner, arrived on horseback with a telegram from New York announcing that the road would be put in operation, and it was within two weeks next after the date of that meeting, and it has been continuously in service ever since.

In 1893, during receivership times, Leigh S. J. Hunt was appointed Receiver of the Puget Sound Shore Railroad Company and he acted in that capacity for a short time and then turned over its assets whatever they were to the Receivers of the Northern Pacific Railroad Company; and when that company was re-incor-



porated under the name of the Northern Pacific Railway Company it absorbed the little one and it ceased to be an orphan.

The Ram's Horn right of way made trouble when after the conflagration of June 6th, 1889 the city took advantage of the opportunity for changing the grades of First Avenue and intersecting streets extending into the harbor; In litigation between the city and the Columbia and Puget Sound Railroad Company, the supreme court of the state decided in one case that the city was estopped to deny the existence of those extensions as streets, by reason of prior acts of the city in recognition thereof. *Columbia and Puget Sound R. Co. v. Seattle*, 6 Wash. 332; 33 Pac. 824; 34 Pac. 725.

And in a subsequent decision, the supreme court affirmed the right and power of the city government to project extensions of streets over tide-submerged land. *Seattle v. Columbia and Puget Sound R. Co.*, 6 Wash. 379; 33 Pac. 1048.

Those decisions, in effect, sustained the right claimed by the Railroad Company to enjoin the city from raising the grades of streets, intersecting the right of way, so as to obstruct the movements of trains continuously thereon. That deprivation of power to affect railroad crossings would have been a serious handicap, which was only obviated by a compromise arrangement, for which Honorable Orange Jacobs claimed credit. As corporation counsel, he was the city's representative in litigated cases, while the above cited cases were pending, but he permitted other lawyers to make the fight for the city, and they carried on the litigation in disregard of the compromise agreement which the city had entered into. By the newspapers and popular clamor, Jacobs was censured for having approved the compromise, therefore, the court decisions, affirming the rights claimed by the Railroad Company, were his vindication. The final adjustment of grades and railroad crossings was facilitated by the use made of Railroad Avenue, a street one hundred and twenty feet wide, extending along the water front over tide-submerged land, laid out and established by the city, especially to provide for railroad access into and a way through the city.

In 1883, Daniel Hunt Gilman came to Seattle and became active in public affairs. At that time Seattle suffered from the active hostilities of the Northern Pacific Railroad officials and agents. When the Canadian Pacific Railroad was completed as a transcontinental line extending from Vancouver, B. C. eastward, Seattle merchants and business men found it advantageous to

patronize that road for transportation of freight in preference to the Northern Pacific Railroad terminating at Tacoma; water transportation being necessary for part of the service, steam-boat carriers were to a considerable extent depended upon to connect with the Railroad at Vancouver B. C. instead of a shorter distance from Seattle to Tacoma. That situation was explained to Mr. Gilman making an impression that opened to his view the opportunity for, and feasibility of, a railroad from Seattle to a direct connection with the Canadian Pacific. Mr. Gilman's capital was not in cash but in brains, and after studying the situation he took in hand the task to promote the organization and capitalizing of a corporation to build that railroad, and associated with Judge Thomas Burke, John Leary, and J. R. McDonald, he effected the organization of the Seattle, Lake Shore and Eastern Railway Company. A number of Seattle men, resenting the injustice of the Northern Pacific Company's policy of discrimination against Seattle, subscribed to the capital of the new company to the extent of their means, and having gained so much, Gilman and Judge Burke were successful in inducing Philip D. Armour of Chicago to advance the money required to start the enterprise. The road was built from Seattle to Sumas on the international boundary line with a branch extending eastward from the north end of Lake Washington to Snoqualmie Falls, and another section of railroad was built in eastern Washington, extending fifty miles west from Spokane.

How to gain access into Seattle from the north and extend the railroad track to a desirable location for a passenger depot, was one of the problems which had to be solved. Judge Burke consulted with C. H. Hanford on the subject, and together they evolved a plan to provide access for all railroads by the creation of a level street along the water front wide enough for several tracks and their plan was adopted by the City Council in Ordinance No. 804 establishing Railroad Avenue.

The middle sixty feet was intended for tracks and the eastern half of that space was granted to the Seattle, Lake Shore and Eastern Company for its right of way. The Northern Pacific refused to accept a free gift of the other thirty feet, so, very happily for Seattle, that space was available for use of the Great Northern Railway, when it came seeking an entrance to Seattle.

The Seattle, Lake Shore and Eastern Railway Company built a small building for a passenger station at the foot of Columbia street. Its rolling stock equipment included two fine locomotives

named respectively, A. A. Denny and Thomas Burke in honor of those gentlemen for all of their intelligent efforts for the up-building of Seattle. The new railway was operated successfully about two years, when the Northern Pacific Company gained control of it by leasing it. That was a good business stroke for the Northern Pacific Company, but in their blindness and prejudice, New York capitalists condemned it and it was made one of the specifications of mis-management charged by Brayton Ives and others in a campaign to secure proxies of stock-holders for use in changing the Board of Directors. The proxies were secured but before the time of election, the movement was forestalled by court proceedings in the United States Circuit Court for the eastern district of Wisconsin. When the newly elected Board of Directors, with Brayton Ives as President of the Company, were installed, the property and business of the company were already in the hands of the receivers appointed by that court. The local road was separated from the Northern Pacific system by the United States Circuit Court at Seattle, which appointed Thomas R. Brown and John H. Bryant receivers to take charge of it. Their good management demonstrated the wide difference between business efficiency of local management, and the blindness of absentee officials. The power of the court supplanted the Board of Directors. The receivers took the property in hand without money for working capital; they made it serve the purpose for which it was constructed in a manner highly satisfactory to travelers and shippers, notwithstanding, interference by Coxe's common-weal army and the Deb's sympathetic strike; out of its earnings they paid all expenses of operations and court expenses, including the salaries allowed by the court; they improved the roadbed by ballasting and kept the equipment in repair and accumulated a surplus.

During the time of its operation as a distinct railroad, the orphan was helpful to the business interests of Seattle, although the service was very unsatisfactory; the Northern Pacific officials controlled it and they were no better than an unkind step-mother. Failing to appreciate the benefit to the transportation business, due to the expansion of Seattle business, immediately after the conflagration of June 6th, 1889, the Northern Pacific continued to discharge passengers from trains on the Ram's Horn right of way without over-head covering until subsequent to the reorganization of that company in 1896. When Mr. C. S. Mellen became President of the company, there was a radical change of policy;

the Seattle, Lake Shore and Eastern road was again annexed, and ground for a passenger station was acquired; a plan for a magnificent station was adopted, and \$500,000 was appropriated to build it. The acquired site was situated west of Western Avenue between Columbia and Marion Streets. Freight warehouses were to be built north of Madison Street on property acquired for the purpose. To work out the plan it was desirable to have the extensions of Spring and Seneca Streets west of First Avenue vacated, which required action by the city council. The plan could have been worked out in a way to give Seattle the great benefit of having a magnificent terminal centrally located. But it was opposed by James J. Hill, the Great Northern Railway Company having entered the field as a competitor for business, and popular prejudice was aroused so that when Mr. Mellen presented the plan and asked the City Council to vacate those extensions of streets, the council refused to grant the request. In the discussion of the matter, prejudice against the Northern Pacific Company was appealed to, and representations were made that a depot so located would obstruct traffic along the water front preventing access to the steam-boat landings. In a political convention, a resolution was adopted containing the phrase, "There is land enough without donating streets to a railroad company," and the newspapers published interviews with citizens expressing their views for and against the scheme. One man characterized it as, "the out-rage," another said: "Give nothing to the Northern Pacific Railroad Company." Another opposed it giving as his reason that: "In the future, if I should desire to go to the water front to catch a tom cod, I might be charged more for passing over private property than the fish would be worth." By those specious arguments and misrepresentations, the City Council was influenced, so that the opportunity for securing to the city the great benefit of an ideal terminal at the best location for it, was voluntarily sacrificed. One of the most meritorious features of the scheme was in the proposed construction of freight warehouses north of Madison Street, the ground floor of which would have been on a level with the railroad tracks and wharves, and the superstructure could have been built up to a height above the level of First Avenue, so that there would have been convenience and economy in handling baggage and merchandise in two ways; what was destined for vessels could have been moved on a level from the lower part, and what was to go into the city



could have been elevated vertically to First Avenue in near proximity to the retail store district and hotels; then, the saving in expense of delivery from cars to ultimate destination would have amounted to millions of dollars annually.

For the convenience of pedestrians in passing to and from the steamboat landing at docks, an elevated way has been constructed on the south side of Marion Street west of First Avenue, making an elevated crossing over Railroad Avenue. If the passenger station had been located as proposed, convenient access thereto from First Avenue could have been provided by means of that elevated way and another on the north side of Columbia Street.

The vacation of streets desired by Mr. Mellon would not have been detrimental to the City. Spring Street west of First Avenue has a steep grade and is of little use; Seneca Street drops vertically so that passage therein from First Avenue is by means of a long stairway.

Considering what might have been, the lost opportunity amounts to a calamity.

C. H. HANFORD.