THE PACIFIC RAILROAD.—

Commissioner Morris's Report

SEVERE CRITICISM OF THE ROAD

Important Recommendations

A SPICY DOCUMENT

[Special Dispatch to the Philadelphia Evening Bulletin.]

WASHINGTON, June 25.—The following important report was submitted, before the adjournment, by Hon. Isaac N. Morris, one of the Commissioners appointed to examine the unexpected portions of the Union Pacific Railroad:

To His Excellency, U. S. Grant, President of the United States.—MR. PRESIDENT: On the 12th day of March last, your Excellency tendered me an appointment as one of the Commissioners to examine and report to the President of the United States upon the road and telegraph line of the Union Pacific Railroad Company, as contemplated and specified by" your act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure the Government the use of the same for postal, military and other purposes."

Accompanying your letter of appointment was a communication of the Hon. J. D. COX, Secretary of the Interior, in which he says: "In your capacity of Commissioner, you will be guided in the discharge of your duties, as Commissioner, by the instructions embodied in the report of a Board convened to determine on the standard for construction of the Pacific Railroad, dated Feb. 25th, 1866, a copy of which is herewith transmitted."

From the tenor of these documents I suppose that in making my report I am to look to the Act and the standard of construction embodied in the proceedings of the Board.

The fourth section of the act of the Company provides, among other things, "That whenever said Company shall have completed forty consecutive miles of any portion of said railroad and telegraph line, ready for the service contemplated" by this act, and supplied with all necessary drains, culverts, viaducts, closings, siidings, bridges, turnouts, watering places, depots, station houses, furniture and all other appurtenances of a first-class railroad, the title and all the right to the same, with the American manufacture of the best quality—the President of the United States shall appoint three commissioners to examine the same and report to him in relation thereto, and if the report be favorable, the President and sureties of said railroad and telegraph line have been complied and equipped in all respects as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said Company on each side of the road as far as the same is completed, to the amount aforesaid; and patents shall issue from time to time as each forty miles of said railroad and telegraph line are completed, upon certificate of said commissioners."

It will be seen that by this provision Congress contemplated and provided for the construction only of a "first-class railroad in all respects," though it failed to specify in every detail what should constitute a first-class road.

It also provided that, until the Commissioners reported that such a railroad had been constructed by the Company, the lands granted in and thereof should not be conveyed. The law is explicit on this point. The fifth section of the act provides that "upon the filing of the certificate in writing of said Commissioners of the completion and equipment of the consecutive miles of railroad and telegraph line in accordance with this act," the "Secretary of the Treasury shall issue to the said Company bonds of the United States, of the same date and dollars each, payable in thirty years after date, bearing six per cent. interest, and interest payable semi-annually, which interest may be paid in United States Treasury notes, or such other money as Congress may have declared or shall declare lawful money, and a legal tender, to the amount of sixteen of said bonds per mile for such section of forty miles."

The said fifth section also provides that upon the issue and delivery of the said bonds the Company, they "shall *ipso facto* constitute a first mortgage on the whole line of the said road and telegraph, together with the rolling-stock, fixtures, and property of every kind and description," and in consideration of which said bonds we subject to the payment of the interest, thus showing that Congress was careful that the property should not only be a "first-class one," but the Company was to have no bonds until a first-class road was finished *and further*, not until their payment was secured. Hence, I would respectfully myself essentially negligent, if I failed to "report," as you instruct me in your letter, "upon the road and telegraph line of the Union Pacific Railroad Company, as contemplated by said acts"—meaning the act of Congress and the section. The law is much broader and more comprehensive than the "standard of construction," and is of course the governing power. It stands at no cost to conform to its provisions.

The sixteen thousand dollars per mile provided for in the 4th section of the charter was changed in the 5th section to sixty thousand dollars, thirty-two thousand dollars, and forty-eight thousand dollars per mile, in certain distances, in a manner so artful that no one, on reading the law, can tell what it means. Extraordinary facts must be stated as the key to unlock it. A tabular statement which I have issued in my subsequent full report will show the number of miles upon which $48,000 were paid per mile, the number upon which $32,000 were paid per mile, and the number upon which $16,000 were paid per mile. It is a strange feature of legislation that there should exist two provisions upon a subject in same point of the same law, conflicting directly with each other. Yet such is the fact. I have not been able to find any change in any act I have examined more favorable to the Government, but numerous ones more favorable to the company. Whether these changes were can be more readily determined by the facts disclosed in the sequel.

In view of the omission in the charter to specify all the details of construction, the Hon. James Harlan, then Secretary of the Interior, convened a Board of Government Commissioners, engineers and engineers, to determine on a standard for the Pacific Railroad and branches. It is better, perhaps, with a view to a more intelligent understanding of the subject, to quote such minutiæ of the requirements fixed upon by the Board as bear more directly upon the road, the road which I was charged with the duty of examining in such report.

[After quoting the requirements of this Board, Commissioner Morris goes on to say:]

Whether—the standard fixed upon by the Board is a good one, or sufficient, I am not allowed to look into, may be regarded as problematical. But I cannot refrain from saying it seems strange that the Board should designate what materials it was necessary to use in the construction of a "first-class railroad in all respects," and then concede that if the Company should not adopt such materials conveniently, inferior articles might be used! The fact is, such was no concession, and it had it never could have been passed. It is stated, also, that "the road, and abutments for bridges should be of "stone," without specifying what kind of stone should be used except to add the vague term "desirable article" (indefinite) "if such can be obtained with reasonable distance, say from the road-way." Again, it is stated that oak or other "suitable" timber should be used for sleepers, "which it can be obtained with reasonable transportation." What would be "reasonable transportation" not defined, nor have the commissioners "a jurisdiction over the question. They can only report on materials used and the condition of the road, and then the law determines whether the road has been built in compliance with the requirements.

Taking, however, the "law" and "standard" fixed upon by the Board, vague and indefinite though the latter is, as a guide, some facts arise whether that portion of the Union Pacific Railroad, which the present commissioners were charged with the duty of examining, is constructed and equipped as the "law" and "standard" require.

Mr. Morris proceeds to give a detailed statement of the condition of the road from the 1,050th to the 1,080th mile-post, the portion which he had under examination, from the faces these details with the remarks:

"The road-way over this alloway, two companies to build the road—one on the Pacific slope and one on this side—without either having fixed the point at which they should meet, the engineers of lands and Government subsidies were enormous, and whichever company built the greatest number of miles of road would get the most of each. Hence there was an emulation, arising from the consideration of pecuniary advantage, which stimulated each to almost superhuman exertion, and resulted in what, if in an open rupture, requiring Congressional intervention. Gangs of men were worked day and night, and on the Sabbath the same as any other day. Time was too precious to incur delay by measuring the best material or performing the work in the best manner. The great primary object of the companies was money, and this fact is apparent from what I have just stated, and must be made more manifest by time. The road, in my judgment, can be completed by the first day of July, 1870. But its completion was announced to take place in May, 1869. This may be American enterprise, or it may be American recklessness.

Here a railroad connecting the Atlantic with the Pacific States is a great desideratum, and one will question, that that road should be as good as any, if not the best in the world. Congress, in its wisdom, intended it should be so, or otherwise that body would not have authorized it to be built. Its object was one of patriotism—to establish a great commercial and social highway between the two sections of the Union. The object of the builders was, of course, profit. Patriotism is a word, to speak of the road as I saw it, and not as it may in the future be made—is foreign to my other question. A person traveling over it is not, in the first place, impressed with the idea that he can now make a journey in a few days which heretofore has occupied months. A six weeks' journey, I know, but little more than this of the work.

Mr. Morris proceeds to report the condition of the eighty-six miles over which he traveled. Concerning it, he says: "It is a dangerous to travel and very imperfect in construction." He concludes his examination details by saying: However important or desirable these details, they are secondary after the great truths I shall now state:

"The road-way over which I have traveled is a "first-class road." *Second*—It is not supplied with the necessary rolling-stock. *Third*—It is not safe and substantial bridges. *Fourth*—The tunnels are not wide enough for a double line of rails. *Fifth*—The road-bed at the grade line is not of a uniform width of sixteen feet, as it should be, and is not properly leveled, nor the rails lined. *Sixth*—Especially would it be extremely dangerous for heavy freight to pass over the western portion of the road. *Seventh*—There have not been a sufficient number of sidings, sometimes at one and sometimes entirely, the full length required by the charter; this is more generally the case on embankments. Miles upon miles of them were laid down in the winter, while the frost was in the ground, and, consequently, when the thaw came in spring, and, in numerous instances, are bent and appear, as they are, very unsafe. Now, the concession of small waves, I say, however, a number of men are now, and have been for months, engaged in raising the ends of the ties and packing dirt under them, so as to level the track as far as I could do it. In the considerations remain which I deem of more importance than others.

BALLAST.

First—The road is not ballasted, nor is any part of it. True, hands have been, and are now, at work on some portions of it, and there are a few wheels of such material as the road-bed will permit of, but, in all cases, from the sides of the embankments, where they exist—the conclusion is, that I submit it is not compliance with the provision under the head of "ballasting" established by the Board contained in the report to the President, and that the road-way is not a standard of construction. I leave this branch of the subject without further comment, and, I hope, people for them selves too plainly to be misinterpreted.

CROSS-TIES.

Cross-ties are laid with great irregularity on the bed of the road. They appear, indeed, to have been pitched on and the rails spiked to them wherever they fell, regardless of, and did not fall too far apart. No attention appears to have been paid to the distance between the ties, they varying from 15 to 20 inches, the distance is not being nearly uniform, and the space between them present, in many instances, a surface of the road of equal sides and unequal ends. This may be said as well for safety, yet it covers great carelessness and want of order. The material selection is, however, the worst feature. They are of soft white pine on the road I examined as well as on the Central Pacific, the first being obtained from the neighboring mountains, and the latter from the Sierra Nevada. I remark with my report a specimen of each, which obtained at Promontory, Summit.

The ties, as I have stated, are all white pine, there being none of oak or other durable wood used at the joints, and none of them are impregnated or dressed. Their average size, I should judge from a number I measured, is about six feet long, by six inches, and, as ties were ever before used on any other road in any other country. Cedar has been used while it lasts well in the ground, experience has shown it will not hold spikes, and, when it will soon rot on the surface or in the ground; it is easily destroyed by heat or dampness, and consequently affected by both the rains and snows and the summer's sun. Even in the dry latitude of Salt Lake it is reported to be it to last long.

There are these three objections to the ties—one being their liability to specify rot; another, their softness (I mean being so small as to hold a spike); the other, they were neither impregnated or Kyanized. According to the standard of construction.

RAILS AND CHAIRS.

I do not regard it the duty of a Commissioner to pass judgment on the engineering of the road. Should he undertake to do that, it would require more labor than he could well perform. If the Government desires to ascertain whether grades and curves have been settled upon principles of true economy and adaptation, based upon careful and scientific investigation, having a due regard both to cost of construction and future working of the road," the only way to do it is to send out the road a board of able engineers, and give them ample time to perform the labor. A true profile of the road will show its windings to be frequent, as its western portion especially, and in instances great. Perhaps they might have been less.

ROLLING STOCK.

How many locomotive engines and cars are attached to the road I have not been able to ascertain. They are so scattered at different points that a Commissioner could hardly obtain the information. As far as I could judge, the road seemed to be fairly supplied with stock. I saw a number of freight cars "cooped" in a train of 25 cars, and engines, as well, distributed at different points. As the business of the road is small, it must remain so for years, in consequence of passing from one to other companies, I do not believe its business requires more rolling stock at present. More passenger coaches and locomotives could be used to advantage, especially the former.

THE TELEGRAPH.

The telegraph consists of a single wire attached along the road, with temporary offices at the different stations, but answering the purpose of a telegraph.

THE ROAD.

I met on Promontory Summit a leading citizen of California, who has been from the first connected with the Central Pacific Road, and we traveled together for a number of miles. In our conversation, he stated that the road (I understood him to mean the whole of it) was about two-thirds done, and that it would require from two to three years to finish and place it in good order, and that Congress should have refained one-third of the subsidies until it was finally completed. I concur in the views he expressed, except in this—that his estimate is low. It was provided in the charter for repairing in the Treasury from fifteen to four, five per cent. of the bonds, to insure the completion of the road. This was a wise and salutary provision enacted to protect the public interest, yielded to the power of the corporation. Congress undertook to remedy this mistake by passing the resolution of "April 10th, 1869, which provides: "That the President is hereby authorized and required to withhold from each of said companies an amount of subsidy bonds authorized to be issued by the United States under said acts (meaning acts for the construction of the Pacific Railroad), sufficient to insure the full completion as a first-class road of all section of such road, and no bonds have already been issued; or in lieu of such bonds he may accept and secure an equal amount of first mortgage bonds of such company. And if it shall appear to the president that the amount of subsidy bonds yet to be issued to either of said companies is not sufficient to insure the full completion of such road, he may require such companies upon such company for a sufficient amount of bonds already issued and subsequently to be issued, in the discretion of their first mortgage bonds, to secure the full completion of the road in default of such company to complete as in this section provided, the President may authorize and direct the Attorney-General to institute such suits and proceedings in behalf of the people as the laws of the United States in any court of the United States having jurisdiction, may be deemed necessary or proper to compel the giving of such security, and thereby and in any manner to protect the interest of the United States in said road, and to insure the full completion thereof as a first-class road, as required by law and the statutes in that case provided.

I submit whether this resolution will answer the purpose for which it was intended. In order to compel the Company to do what it has been sustained? General Warren estimates that it will yet require an expenditure of $11,000,000 to perfect the roads; and, upon an estimate, there are about a thousand miles of undelivered bonds to effect the purpose. Congress, in its wisdom, if the bonds were recently executed, and altogether are not more than a month gone, may be interested advanced by the Government to the company, whose interest nothing can be gained by engaging in a system of barter as proposed by the resolution. Why should the company want the government bonds instead of their own, unless they can gain by their exchange? The proposition is a remarkable one. If the roads are sold under a decree of foreclosure, and should not be completed, as they would not—to realize the par value of the bonds issued upon them, they must close on the roads when it can be done by a sacrifice of seventy-five cents on the dollar, and the government bonds are paid out, and these roads are sold, and the Government is a creditor to the amount of two things—either that it would be a sacrifice of the bonds intrinsically worth more than the government bonds, or that Congress has placed the present to the companies of the difference in favor of the government bonds, and incurred a liability to pay interest besides. The Attorney-General is powerless in the premises. He has no authority to institute a suit against the roads which have been paid to them, and it is not at all likely they will stand in the way of a foreclosure. There is, however, a remedy for the Government, which it has not seemed to be pointed out. There is a vast difference between the value of the road as it now stands and when finished, and finishing a road. And, as we are now on the eve of a complete revolution in transportation, the Pacific road never should be allowed to stand until it was completely finished; for a partly finished road, if put into use, would be a nuisance which it will take years to correct. So much has been said and so much written about the condition of the road that the very considerations have deprived it of even what credit it is entitled to. The road, when it was finished, and while it was finishing, was a wonder to the world. It was the great highway of the Pacific States, as far as it traveled on it, which, for feasibility of construction, it was thought, it was the most in the world. But very few formidable obstacles were met with in the East, for, after valley, plateau after plateau, upon upon the road-way, and it was a question if any one will see towering masses of rock at a distance on the Rocky Hills, he will see no slight cuts through them. Then, again, when the Wasatch Mountains are reached, they do not, like the Alleghanies, present in the main one unbroken mass, but valleys open between them, and these valleys are always reached and descended by traveling the easy grade of a mile to the top. I doubt if there are twenty-five miles of heavy cutting in the whole distance. It is these and continuous and unusual features, the facts which I have just stated, and others which I have presented in a former part of my report, demanded of the Company a "first-class road." I will, here, I will, here, state others bearing on the same point, premising that the Act of Congress of April 10, 1869, which provides: "That the President is hereby authorized and required to withhold from each of said companies an amount of subsidy bonds authorized to be issued by the United States under said acts (meaning acts for the construction of the Pacific Railroad), sufficient to insure the full completion as a first-class road of all section of such road, and no bonds have already been issued; or in lieu of such bonds he may accept and secure an equal amount of first mortgage bonds of such company. And if it shall appear to the president that the amount of subsidy bonds yet to be issued to either of said companies is not sufficient to insure the full completion of such road, he may require such companies upon such company for a sufficient amount of bonds already issued and subsequently to be issued, in the discretion of their first mortgage bonds, to secure the full completion of the road in default of such company to complete as in this section provided, the President may authorize and direct the Attorney-General to institute such suits and proceedings in behalf of the people as the laws of the United States in any court of the United States having jurisdiction, may be deemed necessary or proper to compel the giving of such security, and thereby and in any manner to protect the interest of the United States in said road, and to insure the full completion thereof as a first-class road, as required by law and the statutes in that case provided.

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