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THE LIVERMORE VALLEY HISTORY CENTER

Chapters of Livermore History

RAILROAD LAND GRANTS

and the

EARLY RAILROAD HISTORY OF THE LIVERMORE VALLEY

by Janet Newton assisted by Louis L. Stein, Jr.
and Wm. W. Ray.



In 1853, a railroad survey team was sent out from Benicia Arsenal in Contra Costa County to locate a route for a railway that would run from the Mississippi River to the Pacific Coast. On July 13, 1853, the team reached Robert Livermore's house where the men camped for several days. They spent the time surveying Livermore's Pass (now the old Altamont Pass) and they decided that this pass was better for a railway line than the other mountain passes to the south of it.

Railroad Land Grants and the Early Railroad History of the Livermore Valley

According to an abstract of title for Rancho Las Positas, in the year 1855, Robert Livermore signed an agreement with Francis P. O'Byrne that for \$5 allowed O'Byrne to construct either a single or a double track railroad through his ranch, the work to be commenced within two years. The document says that O'Byrne had been engaged for a long time in promoting the construction of a railway from San Francisco Bay to Stockton.

The first railway in California was the Sacramento Valley Railroad from Sacramento to Folsom. As late as 1856 it was the only railroad in California.

But not long afterwards a Western Pacific Railroad Company was organized. It was for the purpose of constructing and maintaining a railroad from San Jose to Sacramento by way of the Livermore Valley, a distance of 125 miles. This railway was not in any way connected with the present Western Pacific.

Stuart Daggett in his History of the Southern Pacific says that it was perfectly well understood on the Pacific Coast that no transcontinental railroad could be built without the assistance of the national government.

Theodore Judah, a young railroad engineer who had worked on the earliest railroads in California, was convinced that Congress favored granting federal aid for such a project and that in due course the necessary legislation would be passed. He made a trip to Washington to lobby for approval of a bill that was eventually passed.

The Pacific Railroad Act of 1862 provided subsidies for the cost of the railroad but the subsidies alone were not sufficient for the raising of the needed capital. In 1864, by which time Congress was actively legislating acts to promote the building of the transcontinental line, every form of assistance which could be transmuted into funds was used.

In addition to the authority to build, the Central Pacific was given a free right of way 400 feet wide across all government lands, besides necessary ground for stations, machine shops, etc.

The Company was also granted ten alternate sections per mile of public land on each side of the railroad on the line and within the limits of 20 miles on each side of the road. These grants did not include lands otherwise disposed of by the United States, or lands to which a preemption, homestead, swamp-land, or other lawful claim might have attached.

"In lieu" lands were given to the railroad in place of lands in the primary strip that had previously been granted to others (Stewart Holbrook, The Story of American Railroads.)

In the case of the land grants in the Livermore Valley, the land rights of the Central Pacific were assigned to a group of men that included Charles McLaughlin. The Central Pacific, with the agreement of this group, then

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assigned these rights to the Western Pacific which then let construction contracts to A. H. Houston and Charles McLaughlin. (Daggett, page 84)

Again quoting Daggett: "...in order to prevent speculation and in a measure to safeguard the company's interest, it was provided that at any time after the passage of the act and before July 1, 1865, without waiting for definite location of the road, the company might designate the general route and file a map, whereupon the Secretary of the Interior should cause the lands within 25 miles of said route to be withdrawn from pre-emption, private entry and sale. When any portion of the route should be finally located, the Secretary of the Interior should cause the granted lands to be surveyed and set off so far as might be necessary...Lands were to be conveyed to the company upon completion of stretches of 20 consecutive miles. A special clause, never enforced, provided that all granted lands not sold or disposed of by the company within three years after the entire road should have been completed, should be subject to settlement and pre-emption like other lands, at a price not exceeding \$1.25 per acre to be paid to the company."

In Wm. Halley's Centennial Year Book of Alameda County, published in Oakland in 1876, he says: "A great deal of the land in this township (Murray) was given away to the railroad and bears the mark of Charles McLaughlin, one of the contractors, who received it in payment for work done. There has been a continual conflict, not yet entirely ended, between the purchasers of the lands belonging to the original Mexican grants and the railroad. The latter, in its insatiable greed, has claimed land within the Spanish grants and lands possessed by pre-emptors, and expensive litigation has been the result. The government settlers and some of the settlers on Mexican grants have thus been greatly harassed."

In the case of the Livermore Valley area, it is likely that this refers to the part of the railroad that went through Robert Livermore's Rancho Las Positas. The boundaries of Las Positas, like all Spanish and Mexican grants, were defined by geographic and natural landmarks. It was not until the 1870s that the boundaries of Rancho Las Positas were precisely defined by the United States Land Commission. The resulting shape of the rancho was straight edged and angular, leaving land around the periphery open to settlement that had previously been claimed by the Livermore family. In the case of the southern border of the rancho the sobrante or residue lands were where the main traffic was, including the railroad. It is easy to see that many interests were affected by the uncertainty of the title to these lands. Not only the railroad had an interest in them, but also the area's many homesteaders and all those who wanted to develop the town.

The first train to run through the Livermore Valley, in August, 1869, was a Western Pacific train, but at that date, the company had already been bought by a group of men that included Stanford, Huntington, Hopkins, and Crocker who were among the directors of the Central Pacific Railroad of California. The two companies were amalgamated in June, 1870. The name Charles McLaughlin is familiar to readers of old maps of the Livermore area. (Historians are greatly benefited by the fact that the early maps show the names of the land-owners.) It appears on alternate sections in many areas.

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