

8/25/91

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Translation.

Department of Communications & Public Works.
Section 2nd - No. 1555.

In answer to your application, dated the 21st inst., wherein you ask for a duplicate of this Department's communication, No. 471, of July 15, 1891, the principal of which has never reached you, please find inclosed said duplicate.

Liberty and Constitution, City of Mexico, August 25th, 1891.

(Signed) = G. Cosío =

To the Representative
of the Topolobampo & Presidio del Rio Grande
Railroad Company, Señor Ign. de la Torre.
City.

Mexico City July 30th/91

Dear Mr Hussey:

I acknowledge receipt of your favor of the 23rd inst., with list of Colonists (June Party) for which please accept my thanks. In an indirect manner I know they landed at Topolobampo, on the 11th inst.

I have not heard from Mr Owen, although he promised me to write from Guaymas.

I have been mailing to you instalments of the "Railroad Regulations." I hand you, now, some more pages, (to Article 149 inclusive).

Yours truly
Ed. S. Herrera

Copies of Letters from Mr Herrera.

Mexico City, July 22/91
Mr Edw. M. Hussey,
New York

Dear Mr Hussey:

Yours of 7th inst. came
duly to hand. Contents noted.

Please find inclosed translation of Chapter
I. of the "Regulations" for the Construction, Main-
tenance and Operation of Railroads, actually
in force.

It was my intention to go on with the trans-
lation of this whole Law, (209 articles) and,
when completed, to forward it to you, or to Mr
Owen, to have it printed in pamphlet form;
but I have thought that, although Mr Owen has
a copy of it, in Spanish, it will be a good
thing for him - now that he is going to begin
work on the railroad - to have an English
translation of these "Regulations," in order
to comply with their requirements. You will,
therefore, please keep a copy of the part I now
inclose, and send my original to Mr Owen. I will
continue to send instalments until completed.
I have not heard from Mr Owen. Yours truly
Have good.

Copy of letter from Ed. S. Herrera
to A. K. Owen.

July 22, 1891

Dear Friend:

I have recd. from Consul Will-
lard, of Guaymas, through Wells Fargo & Co. an
envelope containing sundry papers and certi-
ficates, about the payment of \$722. 84. to the
Guaymas Custom House.

As I have no instructions from you
about these documents, I'll keep them, waiting
to hear from you on their subject.

I have paid W. F. & Co. \$8. ⁶⁵

Yours truly

Copy

City of Mexico, July 2nd 1891

Mr. E. M. Hussey

Dear Mr. Hussey:

I have none
of your favors to answer.

Mr. Fred R. Kellogg, of your City, has written me (the 22nd ult.) informing me that the Power of Attorney for Señor De la Torre, and other papers, had been addressed to me through Wells Fargo & Co.. These papers have not been received yet, but Wells Fargo say they will be here tomorrow. As soon as received, I shall attend to their filing at the Department.

The Secretary of the newly created Department of Communications & Public Works has just been appointed by President Diaz: the new Secretary is Gen. Manuel Gonzales Cosío, late Mayor of the City. A very intimate friend of mine is on excellent terms with Gen. Gonzales Cosío, and this ensures for us the certainty of having most pleasant relations in the transaction of our Railroad and other business.

Mr. Owen, when he was here, in May last, authorized me - should I be in need of money to meet some extraordinary expenses - to draw on Mr. Lovell, @ 3 days. As this will be the case, as soon as

the papers arrive, I have drawn, yesterday, on Mr. Lovell, at 3 days, for \$100.⁰⁰ gold, to the order of Mr. Francisco R. Blanco. I have written Mr. Lovell on the subject, and expect that my signature will be duly honored. As a matter of course, I shall account for the money.

When do you expect to hear from Mr. Owen? When you hear from him, please do not fail to inform me about his trip to Sinaloa, etc..

Señor De la Torre came back from his hacienda Monday last; but he has left again this morning, and will not return before Tuesday. He has told me that, when he returns, he will attend to the opening-of-the-port matter, etc..

Yours truly
Ed. J. Herrera.

copy

City of Mexico, June 27th 1891.

C. M. Hussey Esq.

Dear Mr Hussey:

Mr Owen, in his last letter, from New York, to me, stated that The Mexican Western Railroad Company, had had a meeting, when Señor de la Torre had been appointed their representative here; and that the papers relating to his nomination, and other documents, would be ready the next day (June 17th) and be mailed. I have received no such papers. Perhaps they have been addressed to Señor de la Torre; but this I have not been able to verify, as Señor de la Torre is out of town - in one of his haciendas - and will not be back before Monday next.

I have received from Mr Tays, the certified papers about the surveys. I have perused them, and believe they are just the thing we wanted. These papers I shall submit to the Department next Monday, and expect they will be accepted.

Please communicate this letter to Mr Owen, and tell him, besides, that the Department of the Treasury has already wired the Nogales Collector of Customs,

instructing him to facilitate things to the June
party, and delay them the least possible.

Yours truly

Ed. S. Herrera

Copy

City of Mexico June 24th 1891

Mr A. K. Owen

Dear Friend:

Mr Hussey has written me twice (9th & 12th inst) informing me of your safe arrival in New York and other particulars, for which I thank him.

Your favor of the 16th, I have received. Contents duly noted.

I have made application to the Dept. for orders to the Nogales Collector of Customs, for the passage of Colonists and of Colonists' goods (June Party); also, for the types, Chemicals, etc., - all these orders will reach Nogales in time to avoid delays and make everything smooth.

Señor de la Torre has been, and still is, out of town - in one of his haciendas; it is for this reason that I have not communicated your last information to him. He is expected back on Saturday next. Next Monday, I'll attend, with him, to pushing the dispatch of what we have pending; i. e., the opening of the port of Topolobampo, the letter from President Diaz to the Prefect of Fuente, etc., etc..

I read, in your letter, that the M. W. R. Co. had a meeting on the 16th inst., and that they approved Señor de la Torre's as the Company's representative in this City, and passed upon the papers of transfer, ordering authorized copies to be sent here. According to what you write, I expect to see these papers arriving to-night, or to-morrow.

I am very glad to hear that everything goes "all right", and that you will move forward to construct our railroad, in spite of hot weather and rains.

If you have left New York City, on the 22nd, of course this letter will not find you there; but I address it, nevertheless, to the New York office, and Mr. Hussey will have the kindness to forward it to you.

The new Secretary of the Treasury, Señor Benito Gomez Farias, is friendly to us.

Truly yours

Ed. S. Herrera

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COPY.

Fuerte, Sinaloa, Mex. March 7th.
1891.

Mr. Edward S. Herrera,
Mexico City,

Dear Sir:-

In answer to your favor of Feb. 11th. please find enclosed another copy of the "Ditch" map. I only sent one copy to you as that is all Mr. Owen instructed me to. I sent one also to the New York office but the profile will not answer for you, as it is the profile of the preliminary survey, and the one I sent you is of the line (straight) as now located. I would send a profile at this time but my level notes are at the Ditch camp, but early next week I will send it ~~to~~ you, with the report. Work on the Ditch progresses finely; about 80,000 cubic yards have been taken out to date.

Yours very Respectfully,

(Signed) E.A.H. Tays.

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Las Tastes-Ditch Camp-Sinaloa, Mex.
February 16th 1891.

Mr A. K. Owen, C. E.

My dear Owen:

The ways of the Custom-house are past finding out. I am in receipt of a letter from Sandoval dated January 31st, at Nogales, a part of which reads:

"The Custom-house here returned to us \$1,480.21, amount of duties charged on last lot of goods, which amount we have credited to you against amount of our old bonds given for you and Mr Lamb, which are still uncanceled at this Custom-house".

What does this mean? Why did Aspe return the amount? Have you given bonds for that amount directly to the Mexican Government which instructed Aspe to pay the duties back to Sandoval; or have you made arrangements with Wells Fargo to give bonds to release the money? If this

latter theory is correct the money should have gone to you, I presume (but this theory cannot be correct). What right had Sandoval to receive the money and apply it on the bonds which he is not to pay until the Government calls for them? One thing remains certain: that I got \$1600, silver, from Willard which repaid the friends who had advanced the money in the first instance, and now it seems that Aspe is out of the money; at any rate, I hold the receipt against Aspe as Collector, for the amount, and it seems to me that he would be in an uncomfortable position were that receipt turned into the Mexican treasury for settlement. I sent you from Guaymas, copy and translation of said receipt. I have the original.

A Spring party is being organized in Kansas. While you are in the City of Mexico, do arrange for the bonds for duties for that party, which will be light. I am advising them to take as few dutiable articles as

possible. There will be little or no live stock, the object being to put the party through rapidly.

We want a Car-load of flour. Sandoval assures me that it is duty free to Colonists; but as one is never certain, you will "make assurance doubly sure" if such a thing can be done in Mexico, by having the "head man" there say to Aspe that that flour for the Credit Foncier Colonists must come through duty free; and also instruct the Custom-house officials at Guaymas to so treat it. I had some difficulty at Guaymas to convince the Custom-house officials that the Nogales officials knew their business in admitting our live stock duty-free. The Comandante at Guaymas insisting that we had to pay duties upon our live stock and not having done so at Nogales, he would compel us to put up.

The work here progresses rapidly for the force at work. We have 93 men on the payroll; some 13 women. There are about 50 teams at work which average daily 50 cubic yards per team, for every team actually at work on the dump. I think that the dirt can be moved for about 13 cents total cost per cubic yard - may be less.

The health is good; the spirit excellent. The enemies to our cause in our own midst are singing very low - and continued activity and prosperity will obliterate them entirely.

Yours truly

C. B. Hoffman.

58 West 39th St. New York.
Jan. 16th 1891.

Col. A. K. Owen.
32 Nassau St.
New York City.

My dear Col.:
I am in the receipt of a letter from Col. Sutherland of the 7th instant, in relation to Topolobampo. The Col. is extremely anxious that there should be no further delays in this matter. As the case now presents itself, he fears that it will require considerable explanation to show why it was not necessary for the Congress of the U. S. of Mexico to alter and reform all three of the provisions, wherein changes were required, instead of one. He is aware that it is claimed, that the authority to make two of the changes is vested in the Executive Department, which authority has been duly exercised, as he understands. The two clauses, interpreted by virtue of this power, were quite as important as the

One which it was necessary for Congress
 to pass upon. He does not know what
 effect these clauses and explanations may
 have upon the parties engaging to go into
 Topolobampo. To avoid the possible im-
 pression, that the Mexican Congress would
not alter and reform the Concessions, in
 the two instances named, it is suggested that
 the Certificate of the Consul General of Mex-
 ico at New York be secured to the effect,
 that the Executive Department of Mexico
 has the lawful authority to construe, inter-
 pret and explain Articles 9th and 10th and
 to grant the permissions they appear to have
 done on Sept. 17th 1890, in relation to your
 Contract made with the Department of
 Public Works, Colonization, &c, &c, of the Re-
 public of Mexico on the 28th day of Feb, 1890.
 I also suggest that said Consul General, if
 he can, state the Mexican Statute, or law

and date from which such authority is derived. You also had better have him certify to the genuineness of the letter addressed you Sept. 17th 1890, by Mr. Fernandez, Chief Clerk, giving the construction &c, alluded to and that he Mr. Fernandez was authorized to sign such letter and that his signature is genuine.

A corresponding Certificate should be made by Romero, the Mexican Minister at Washington.

Upon ~~your~~ furnishing these certificates, you will distinctly understand that no reflection upon the Executive authorities of Mexico, is implied. I have not, neither has Col. Sutherland, any doubt, that everything done in the premises by the Executive Department of Mexico, is properly and legally done, but he is dealing with foreign Capital.

-ists, men whose peculiarities and methods may authoritatively require every t. to be crossed and dotted. As they are important factors in this case, it is wise to humor their caprices, their exactness and their place matters beyond the possibility of a quibble or an uncertainty.

Dear Col. I hope you understand me. I have tried to make the possibilities as clear as I could.

I am in the receipt of your letter of yesterday with two inclosures and the official copy of the last reformation, accompanied by letter

Very truly yours
S. C. Boynton.