

1866

U.S. Army Subsistence Office.

San Francisco January 29-1866.

Genl Henry M. Naglee.

Dear Sir,

I received from Messrs Patterson Hallard & Ward, to day, their notification to the following effect "that I should accept of the division as proposed and pay my 1/3 of the principal and interest." I cannot with confidence to my wife and family (for when benefit the property was purchased, by Col Kinggood at the time my friends supposed I was upon my death bed,) act as their agent, accept of this division, consider it as to be a very unfair one. I have reflected considerably upon the matter and the manner in which this particular division was arrived at the acceptance of the rear lots as a portion of my wife's share of the property being a suggestion of my own. I am therefore surprised that you should be so tentative regarding it when some other equitable division might prove mutually satisfactory. I entertain no harsh feelings towards you and believe you should entertain none towards me. Other simply exists and is

understanding between us. The relations exist-
ing between Col. Stingsgold's family and ourselves
were always of the most friendly nature, which
makes me regret exceedingly the unpleasantness
which has occurred and more particularly
anxious to remove it. Neither you nor I own the
property in dispute. It belongs to our wives, who
hold a portion in trust for the benefit of others.
You wife for the benefit of your sisters, and my
wife for the benefit of her children. Why then
should we, owing to any misunderstanding
between us seek to involve the property with
law expenses, to their detriment, when by con-
sulting their interests, it would be so much
better to pay off this mortgage, you 2/3 and
I 1/3 and when the suit pending in the
Supreme Court is decided, which will proba-
bly be the 13th February, make a division
of the property or sell it at auction dividing
the proceeds according to their proportionate
shares between our wives. Would to me this
is for the wisest and best plan. You will not
find me hard to deal with and as to the
point your wife and her grandmother, who have

long known
must advise
Stocks, and
my mind
which I
very soon
think, you
show you
would you
for close
wife and
ing had

and expect-
and ourselves
s, which
respective
tendency
I am the
wives, who
of others.
and my
They then
standing
ity with
by con-
So much
one's an-
ing in the
will proba-
division
s dividing
timate
I see this
will not
s to the
s, who have

long known me will readily satisfy you. I am
most anxious to get clear of the annoyance of
Stocks and real estate and desire to have
my mind free to attend to the business in
which I am engaged, feeling assured I shall
very soon retrieve my serious losses. I
think, generally, I have written sufficient to
show you the disposition I entertain to-
wards you and the position I am in, there-
fore closing my regards to your estimable
wife and her grandmother (Mrs Whalley join-
ing her with mine) I remain

Very Respectfully
Thos Whalley

New York Feb 18 - 1868

Dear Son

I will be informing you that I have
rec'd a letter from Brother J. L., saying that he
is about to purchase some land and would
like to have the money I have so frequently
written to him about, I trust he is prospering
I have answered his letter telling him
the money was at his order on me it will
be a benefit to him I hope also he writes
in good spirits. he went away with a load
to some place gone five weeks got home a
week before Christmas enjoyed the holidays
likewise a letter from my dear boy Harry he writes
better than I expected, from what Kate wrote
speaks very kindly about his poor father says
"I have had to be my poor pa's left hand"
he is to go to school I hadly need for some time
no doubt he is a great assistance to his father
The boy says he will not have any more of the
my typist 20 hrs in my own house

Mr. J. Emerson gives you very much employment
how are the young ones as ever your wife
I wish he was more than I should be considerable

you being as he has renounced to be refused of his
advantages, you follow he appears to lament his father's
misfortune. I wish, I think, it is for you to show to
- say things do inform me and likewise write me
how you are receiving what expenses do not pay.
I am waiting for my letter, it is time I was here
I hope your family are pretty comfortable now
I hope you do not forget to write because you
are doing pretty well, in your business concerns.
your Aunt Angeline was here the day not
very well. all the rest are ^{well} comfortable including
children family. but some had a cold during.

Well, I hope the weather will soon be pleasant
I shall go out in the next week, I wish
heart and soul, never idle I love to be busy.
I sometimes speak and forget me no letter
the does as the pleasure, well that will do.
but, well, as well my George, can write I
know the next day me first take letters.
I hope them I was employment I am sorry

the feels of friends with me as before had the

business to transact, why does he not write to him
I hope you have done your work well from before
how does the child come on with English you
I should be pleased to hear of their air not as
mind of the Christopher my regards to the husband
how I have not in my last letter a state
ment of sales of real estate, in city. you must
inquire for yourself, I hope you get the privilege
by the Day's to write, I would not stay I shall not
inquire you with in many letters, as my time
will be occupied in other ways. I will answer
all you send, that is your business. the Smiths send
regards to you and family, they are ought to be with
being in Paris is very nice enjoys tolerable health
I want you to answer all my questions,
in this letter I hope them will not say I am
in fact as I wish them to come home, I hope had
returned from journey left his journey to return more
the speak of your very well is about 10 a good
day I expect. I stay a pretty smart man.

Thomas is ~~sure~~ to write what Green
Bricks, has from in San Francisco. I says
50 cents I say more if not at par. You know
This money will be in Green's hands, then said
go to Coleman & Co. or Tuttle & Co. who transact business
in San F - they will take it and ^{pay} it to his
order, he says some will pay a premium but
my main object, is to get it safe to him with
as little expense as possible, it will amount to
\$70 or 80, a nice little sum. If you know of
any safe way to send it, inform me next mail
all particulars, as he needs the money so don't
I think he is wise to send for it I feel very
sorry that he has been so foolish. You know it is
a voluntary act of his own. Kate is home but sick
Los Angeles does agree with her. Harry says he has the
prettiest baby sister in the world named, Carrie Regina
I tell ^{them} him he had better come home, not stay in that
poor place, I hope he will be well educated, if I have to
assist, which I am willing to do, as his father has been
so unfortunate, he, is a good boy, I hope and helps
his pa, John Thomas, he says is very useful to pa.
I will write next mail which will be near 60 days
ere I hear from you. I am bulky continue to patronize
you in business, this will go on the 21st don't do not forget George
since last. All send love to you and family your
Affec^t - Mother Dr. Whaley. You had better not buy any
more land. Estate, in Cal, as you wish to return home
keep your money in gold

January 29th 1866.

Genl H. M. Maglee

I have received the letter from ~~the~~ ^{the} ~~attorney~~ ^{attorney} and all the
 information ~~in respect to~~ ^{in respect to} the mortgage ~~and~~ ^{and} the assignment of
 & ~~Watterson~~ ^{Watterson} "to submit to the division ~~and~~ ^{and} pay 1/2 as
 proposed ~~and~~ ^{and} pay 1/2 principal and interest
 due on the mortgage ~~due~~ ^{due} to the assignee of
 "Mr Jones." If this be really so, then ~~the~~ ^{the} ~~division~~ ^{division} and
 the ~~division~~ ^{division} ~~and~~ ^{and} ~~the~~ ^{the} ~~division~~ ^{division} ~~and~~ ^{and} ~~the~~ ^{the} ~~division~~ ^{division}
 must be in the division ~~and~~ ^{and} ~~the~~ ^{the} ~~division~~ ^{division} ~~and~~ ^{and} ~~the~~ ^{the} ~~division~~ ^{division}
 term. I cannot with ~~conscience~~ ^{conscience} ~~to~~ ^{to} my wife
 and family for whose ~~benefit~~ ^{benefit} the property was pur-
 chased by my friend ~~for~~ ^{for} ~~the~~ ^{the} ~~division~~ ^{division} at the time ~~and~~ ^{and} ~~every~~ ^{every}
~~supposed~~ ^{supposed} ~~or~~ ^{or} ~~if~~ ^{if} ~~it~~ ^{it} ~~was~~ ^{was} ~~in~~ ⁱⁿ ~~my~~ ^{my} ~~debt~~ ^{debt} ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~an~~ ^{an} ~~agent~~ ^{agent}
 agent, ~~submit~~ ^{submit} ~~to~~ ^{to} ~~any~~ ^{any} ~~such~~ ^{such} ~~division~~ ^{division} ~~as~~ ^{as} ~~you~~ ^{you} ~~would~~ ^{would} ~~have~~ ^{have}
 me accept as ~~their~~ ^{their} ~~division~~ ^{division} of ~~the~~ ^{the} ~~property~~ ^{property} ~~if~~ ^{if}
 being ~~unavoidable~~ ^{unavoidable} ~~and~~ ^{and} ~~conditions~~ ^{conditions} ~~the~~ ^{the} ~~most~~ ^{most} ~~unsa-~~ ^{unsa-}
 lable ~~lots~~ ^{lots}. You will ~~perhaps~~ ^{perhaps} ~~remember~~ ^{remember} ~~that~~ ^{that} ~~the~~ ^{the} ~~day~~ ^{day} ~~the~~ ^{the} ~~division~~ ^{division}
 proposed ~~me~~ ^{me} ~~submit~~ ^{submit} ~~and~~ ^{and} ~~myself~~ ^{myself} ~~to~~ ^{to} ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his}
 office ~~was~~ ^{was} ~~a~~ ^a ~~very~~ ^{very} ~~busy~~ ^{busy} ~~day~~ ^{day}. It was very busy indeed
 but ~~to~~ ^{to} ~~obtain~~ ^{obtain} ~~the~~ ^{the} ~~division~~ ^{division} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~case~~ ^{case} ~~of~~ ^{of} ~~a~~ ^a ~~fund~~ ^{fund}
~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able} ~~to~~ ^{to} ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office} ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able}
 to ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office} ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able} ~~to~~ ^{to} ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office}
 "was at the office with the Education Bureau ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able}
 to ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office} ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able} ~~to~~ ^{to} ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office}
 the ~~Commissioner~~ ^{Commissioner} ~~of~~ ^{of} ~~the~~ ^{the} ~~Department~~ ^{Department} ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able}
 to ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office} ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able} ~~to~~ ^{to} ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office}
 in a very excellent State building ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able} ~~to~~ ^{to} ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office}
 to ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office} ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able} ~~to~~ ^{to} ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office}
 or ~~to~~ ^{to} ~~attend~~ ^{attend} ~~at~~ ^{at} ~~his~~ ^{his} ~~office~~ ^{office}. You were there with your ~~own~~ ^{own} ~~eyes~~ ^{eyes} ~~and~~ ^{and} ~~not~~ ^{not} ~~being~~ ^{being} ~~able~~ ^{able}

in the law ~~made~~ which ~~is~~ ~~them~~ ~~no~~ ~~one~~ ~~to~~ ~~endorse~~ ~~us~~.
The match proved an unequal one in every way. A lease ad-
visor would have informed us like such things as the suits
pending in the Supreme Court were decided no division
of the property could be made in ^{the} ~~the~~ ^{way} ~~the~~ ^{as} ~~we~~
Sheldon and myself supposed to make arrangements
to pay off the mortgage to Jones and these were
made to discuss. He supposed this the most important
and primary object. When a division of the property
was ~~was~~ ~~proposed~~ I objected to it, but upon Mr Stow
assuring ~~that~~ ~~us~~ that it could be done at the same
time paying off the mortgage we consented. I immedi-
ately Stow ~~that~~ ~~down~~ wrote to Jones, whom he him-
self proposed, and we consented to. I was not
entirely satisfied with the wording of that note and
suggested an alteration which Mr Stow's made
the matter worse for me. A short time after dispatch
in the note to Jones, he returned with it and the di-
vision made by him. — You were perfectly satisfied
I was not. Being clearly an unfair division as I can
demonstrate by the case of that same lot in 1868 and
the case of several other since. — I wished to leave
it to some other real estate man to decide, thinking
that Mr Jones could not possibly in so short a
time have fairly decided. — but Mr Stow ~~beat~~
me into it and consented to Jones' plan by Mr
Jones. This you ~~could~~ have been well ~~not~~ and I
should not have worn a single word of my land
to make had I refer you to a division have

made it conc
of this year p
that day a
expense in
steam da
to attend. Fo
ally unfitte
property. 4
I had done
she would u
reflected up
mitted and
The division
by the next
been done. I
termination
condition
but I had
be again by
enormous
should ac
the enquir
Have I mea
and fairly
obliga an
mortgage in
I hope to
Mr Shelc
to pay 40

advice as
legal ad-
to suits
division
to as we
gements
I was
important
- properly
in this
the claim
immedi-
to him -
not
to be and
made
the dispatc
which
Satisfy
as I can
it be and
a to leave
thinking
short a
a. how that
de by me
and I
complain
you have

made it conditional upon my making a sale
of this real portion. This is the great error. I made
that day and for which I blamed myself, but
I excuse myself because on account of being
sick on that day and the amount of business I had
to attend to, and the excitement I was in gener-
ally unfitted me from attending to the matter
properly. That evening when I told my wife what
I had done she blamed me very much and said
she would not consent to the same papers. I then
reflected upon the matter and saw the error I had com-
mitted and that it would never do to accept of
the division except conditionally. Accordingly
by the next morning before anything could have
been done I saw Mr. [Name] and told him my de-
termination ~~not~~ to accept the division except
conditionally when he sailed at me terribly
but I had no choice of my senses and was not to
be again troubled by him. Now in what
enormous crime have I committed that you
should act so ungenerously towards me visiting
the enjoyment of it upon my wife and children.
Have I treated you otherwise than gentlemanly
and fairly equitably. I offer the option to
oblige and facilitate the settlement of this
mortgage by [Name] if you wish. I can
lose the see [Name] to [Name] matters. I told you
Mr. [Name] should pay [Name] and asked you
to pay [Name]. You said you would not pay the

1935

the money that was ~~due~~ ^{owed} that ~~the~~ ^{the} ~~you~~ ^{you} ~~see~~ ^{see}
 for ~~code~~ ^{code} we talked over the ~~probable~~ ^{probable} ex-
 pense of ~~for~~ ^{for} ~~code~~ ^{code} ~~and~~ ^{and} ~~now~~ ^{now} ~~to~~ ^{to} ~~you~~ ^{you}
 thing we were ~~at~~ ^{at} ~~the~~ ^{the} ~~time~~ ^{time} ~~to~~ ^{to} ~~prevent~~ ^{prevent} ~~you~~ ^{you}
 are now doing yourself - I assumed that in-
 life Jones would take his money, either by settle-
 ment from us or by an assignment of the
 mortgage to some one else he certainly would
 for ~~code~~ ^{code}, that I had his own word for it.
 I informed you ~~subsequent~~ ^{subsequent} to that unless you paid
 your 2/3 ~~share~~ ^{share} would take an assignment
 from Jones, that he had given the mortgage as
 a ~~discharge~~ ^{discharge} of \$100.00. That he would be com-
 pelled to do this to secure himself. At all times
 my ~~share~~ ^{share} had been ~~to~~ ^{to} pay 1/3 provided
 you would pay 2/3 ~~later~~ ^{later} ~~under~~ ^{under} ~~assignment~~ ^{assignment}
 of the mortgage from Jones. And the only
 time you offered to pay 2/3 was when you
 supposed the ~~discharge~~ ^{discharge} was to be made, but
 failing in this you go yourself, take an as-
 signment of the mortgage from Jones, in the
 name of a friend without giving him the
 due an opportunity of paying you ~~what~~ ^{what}
 forgetting the like of ~~the~~ ^{the} ~~money~~ ^{money} ~~they~~ ^{they} ~~gave~~ ^{gave} ~~to~~ ^{to} ~~you~~ ^{you}
 I was ~~thus~~ ^{thus} ~~fair~~ ^{fair} ~~to~~ ^{to} ~~him~~ ^{him}, was it treating
 him ~~fairly~~ ^{fairly} ~~at~~ ^{at} ~~all~~ ^{at} ~~any~~ ^{any} ~~time~~ ^{time} ~~at~~ ^{at} ~~all~~ ^{at} ~~any~~ ^{any} ~~time~~ ^{time}
 bitter towards him, but had ~~you~~ ^{you} ~~not~~ ^{not} ~~listened~~ ^{listened}

to the explanation which I gave you
given you you would have had no reason
able cause for such a feeling towards me - In consequence of this
feeling towards me - In consequence of this
you & come suit your own mind & do as you
yourself or rather do as you see fit - The
very expense was not a great one - It was
to prevent some persons from making a mistake
what for simply because I had a mistake
for the want of reflection. I was giving my
word, then was it not a mistake on my part
my part - and I am not at all sorry for it
than you probably I have been often
times, before fully committing yourself - You
then do proper business - you will be
price good, and I am sure you will be
such an article and the thing was done in the
next day they come and say they do not want
it unless they can dispose of it to someone
else whom they think will buy it. They
is a parallel case to yours - I could not see an
no words of my not accepting the offer than
you were approaching was made and that therefore
you should not have done me in the manner
and treat me in the ungentlemanly manner
and that was said - and that is certainly
by me and that is certainly unjust when you
knew Mr. Stedman was to die to pay, I was
willing to pay for it - and I was

and I could not
sugar refinery
ing several of
back out of a
I firmly believe
refining refuse
were I perhaps
lawyer Edmund
~~Case~~ Another
accepted of the
owing to the
justice Court
to me on the
title sale -
getting a de-
myself -) to
could not a
customer - if
portion of the
if providing
Refinery were
the amount
going to make
had I accept
else probable
if we failed I
have been ma-
ultimate dis-
ly would be

have
ed reason
ast favor
in this
and
resent the
— and
mistake
giveness
upon
more
of often
of How
time to
take
for it. The
not want
someone
at it. They
ed you an
Man
Therefore
you
by man-
when you
I was
Provi

dino & could then... the... portion. To the
subas... and I was had to do it, giv-
ing several days attention... rather than
back out of... the division, although
I finally... it... The
Refinery... to buy... These suits
were... in the Supreme Court, their
lawyer... rather to do...
... Another... I should... have
accepted of that... besides the one given
owing to the... the suits in the Su-
preme... the lot assigned
to me... it is... to a tax
title... that... have... ac-
cepting a... proposed by
myself... the... if I
could not... them to a cash
customer... the... their
portion of the... to take
it... the... The
Refinery... previously
the amount... I was not
going to... by... I
had... it to anyone
else... of...
If we... I may
have been... an
ultimate... certainly
by...

particularly as I have been very particular
of expenses for planking grading &c of firm
which the front lot derive all the ben-
efit. This was an other point not taken
into consideration in the division made.
The Ringwood street being neither graded
or planked. This was a point which
was in a way possible to have been made
when some division was made. It will
notice for the road is now used to cut the
road the land is subject of my wife prin-
cipal and interest from the road and to
make both clear on the property and will
be fair an equitable division of the value by
value to division. Now for the road and the
time sufficient for the road. If you de-
sire to purchase the whole lot and the
interest is a fair price as have company to get
out of it and have my mind free for benefit of
If however you

San Francisco
Mon Sept 1866

Dear Sir

This will
introduce Col. Walker who
has charge of our purchases
Trust that you can
fill his orders on fair
terms

I am
Yours truly
Chas. D. Burtles

To
Thos. K. Walker Esq
San Francisco
Cal

San Francisco, November 14th 1866.

Genl. Robt. Allen,

Chief S. M. Dept. Case, ~~San Francisco~~

Dear Sir,

Anticipating the probability of changes in the Quartermaster's Department under your charge, I would respectfully solicit the position of Quartermaster, in case there should be such a vacancy, having had over seven years experience in that capacity, here, under Genl. Simpson, Col. Kellogg, Col. Kirkham, (acting), and Capt. Silliman, from whom I bear testimonials of my integrity. I believe that I may not be an entire stranger to you, having known you through our mutual friend Col. Kingbird, deceased.

If you can possibly confer upon me the position for which I apply, or any other, that I may be found competent to fill, you will greatly aid one who has seen rough times, and finds it hard - (I might say, impossible.)

to support the large family dependent upon him,
and who will at all times aim to merit your
approval in the discharge of his duties.

I enclose testimonials of Army Officers, and others,
who have long known me, and will vouch for my
good standing.

With great respect, I remain,

Your Obedt. Servant,

The Whaley.

San Francisco, November 14th 1866.

Genl. Robt. Allen,

Chief Q. M. Dept. Calif.

Dear Sir,

We, the undersigned, take pleasure in recommending to you Thomas Whaley, late Commissary Quartermaster, whom we have long and favorably known. In a similar position in the Quartermaster's Department, (in case a vacancy should occur,) or to act in any other capacity that he may be capable of filling. We believe that you will find his services in every way beneficial to your interests in his line of duty.

Very Respectfully,

Wm. C. Foster