

EXPENSES OF THE CAYUSE WAR.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN REFERENCE TO

*A further appropriation for defraying expenses of the Cayuse war of 1847-'48
in Oregon.*

FEBRUARY 6, 1854.—Referred to the Committee of Ways and Means.

TREASURY DEPARTMENT,
February 4, 1854.

SIR: I have the honor to submit to the House of Representatives a copy of a letter addressed to the department by the Hon. Jno. W. Davis, governor of the Territory of Oregon, and of the papers therein referred to, the object of which is to obtain a further appropriation by Congress to defray the expenses incurred in the prosecution of the Cayuse war in that country in the years 1847-'48, prior to the organization of the territorial government.

I also submit a communication from the Comptroller of the Treasury, to whom these papers had been referred for examination, embracing a statement, with suitable references, of former appropriations and payments on account of said expenses.

I am, very respectfully,

JAMES GUTHRIE,
Secretary of the Treasury.

HON. LINN BOYD,
Speaker of the House of Representatives.

EXECUTIVE OFFICE, OREGON TERRITORY,
December 21, 1853.

SIR: By the enclosed joint resolution you will perceive that the legislature asks that Congress will appropriate the further sum of seventy-five thousand dollars to defray the expenses of the Cayuse war, and also an appropriation to pay the expenses necessarily incurred in determining such indebtedness.

Under an act of the Territorial legislature, consummated August 31, 1849, entitled "An act to provide for settling Cayuse war claims," five several commissioners have been elected or appointed to settle and adjust Cayuse war claims, at as many different times, since the passage of the above-named law, viz:

Alonzo A. Skinner, amount of account.....	\$163 75
Aaron E. Wait.....	846 00
Levi A. Rice.....	465 00
B. F. Harding.....	145 00
C. N. Terry.....	228 00
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	1,847 75

The four first-named persons were elected by the legislature under the act above referred to; the latter (Mr. Terry) was appointed by the governor, during the recess of the legislature, under the provisions of an act entitled "An act to authorize the governor to fill vacancies," passed May 16, 1850. Governor Gaines audited Cayuse war claims during a part of his term of service as governor, but there is no account on file in this office, to my knowledge, making any charge for his service, or for that of a clerk.*

The accounts of Mr. Wait, Mr. Harding, and Mr. Terry, regularly authenticated, are herewith submitted.

Mr. Skinner has been paid the amount of his claim from the Territorial treasury.

Mr. Rice resides at the extreme southern part of the Territory, and I have not been able to obtain an authenticated copy of his account; but from evidence on file in the archives of the Territory, I have no doubt of its correctness.

I respectfully submit these claims, in the form herein presented, in obedience to the instructions of the First Comptroller of the Treasury of the United States, in his letter to Mr. Wait, dated September 12, 1853, and beg to say that in my opinion it is but justice that Congress should provide for their payment.

I have the honor to be, very respectfully, yours, &c.,

JNO. W. DAVIS.

HON. JAMES GUTHRIE,
Secretary of the Treasury.

Resolved by the House, (the Council concurring,) That our delegate in Congress be requested to urge upon Congress the propriety and justice of the further appropriation of seventy-five thousand dollars, the sum deemed necessary to discharge the expenses of the late provisional gov-

* See press copy of letter-book of Comptroller, letter of 7th February, 1853, to Hon. Joseph Lane, sending a bill, the last clause of which was as follows: "That said secretary" (Secretary of the Treasury, as expressed in the previous clause) "pay to Benjamin F. Goodwin three hundred and forty dollars, for eighty-five days' services in preparing papers and copies in Oregon, for the Treasury Department, respecting said claim as certified by Governor Gaines."

ernment of Oregon, growing out of the Cayuse war; and also an appropriation by Congress for the payment of the expense necessarily incurred in determining such indebtedness.

Passed House of Representatives December 16, 1853.

Passed Council December 17, 1853.

H. BISHOP,
Speaker of the House of Representatives.
 R. WILCOX,
President of the Council.

UNITED STATES OF AMERICA,

To AARON E. WAIT, DR.

For services as Cayuse war commissioner, as follows:

1850, May.	For services on 21st, 22d, 23d, 24th, 27th, 28th, 29th, 30th, and 31st May, 1850, 9 days, at \$5 per day.....	\$45 00
June.	For services on 3d, 4th, 8th, 9th, 11th, 12th, 15th, 18th, 19th, 20th, 21st, 24th, 25th, 26th, 27th, 28th, and 29th June, 1850, 17 days, at \$5 per day.....	85 00
July.	For services from 1st to 31st July, 1850, inclusive, Sundays excepted, 27 days, at \$5 per day.....	135 00
Aug.	For services from 1st to 31st August, 1850, inclusive, Sundays excepted, 27 days, at \$5 per day.....	135 00
Sept.	For services from 2d to 30th September, 1850, inclusive, Sundays excepted, 25 days, at \$5 per day.....	125 00
Oct.	For services from 1st to 31st October, 1850, inclusive, Sundays excepted, 27 days, at \$5 per day.....	135 00
Nov.	For services from 1st to 7th, and from 18th to 30th November, 1850, inclusive, Sundays excepted, 18 days, at \$5 per day.....	90 00
Dec.	For services on 2d, 3d, 4th, 5th, 6th, 7th, 9th, 10th, 11th, 12th, 13th, 14th, 17th, 18th, 19th, 20th, and 21st December, 1850, 17 days, at \$5 per day.....	85 00
	For cash paid for advertising notice of claimants to present claims.....	5 00
	For cash paid for stationery necessary and used in discharge of duties of Cayuse war commissioner.....	6 00
	Total.....	<u>846 00</u>

OREGON TERRITORY, *Marion county, ss :*

I, Aaron E. Wait, do solemnly swear that I was actually engaged in the discharge of the duties of the office of Cayuse war commissioner, at Oregon city, county of Clackamas, in said Territory, in 1850, on the days above specified; that said account is just and true in all its items and specifications, and that no part of said account or said services has been paid : so help me God.

AARON E. WAIT.

Subscribed and sworn to before me, this 9th December, 1853.

GEO. H. WILLIAMS,
Chief Justice Oregon Territory.

UNITED STATES,

To BENJAMIN F. HARDING, Dr.

To services as commissioner on Cayuse war claims, as follows :

1852.	To services on 27th August, 1852, 1 day, at \$5 per day.....	\$5 00
	To services on 10th, 17th, 20th, 22d, and 24th, of September, 1852, 5 days, at \$5 per day.....	25 00
	To services on 10th and 20th October, 1852, 2 days, at \$5 per day.....	10 00
	To services on 7th, 8th, 24th, and 30th December, 1852, 4 days, at \$5 per day.....	20 00
1853.	To services on 5th, 15th, and 17th January, 1853, 3 days, at \$5 per day.....	15 00
	To services on 6th and 8th February, 1853, 2 days, at \$5 per day.....	10 00
	To services on 2d, 3d, 11th, 21st, 26th, and 30th March, 1853, 6 days, at \$5 per day.....	30 00
	To services on 2d, 14th, 17th, 18th, and 19th April, 1853, 5 days, at \$5 per day.....	25 00
	To services on 2d May, 1853, 1 day, at \$5 per day.....	5 00
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		145 00
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TERRITORY OF OREGON, *County of Marion, ss :*

I, Benjamin F. Harding, do solemnly swear that I was actually engaged in the discharge of the duties of the office of commissioner on Cayuse war claims, at Salem, in said Territory, in the years 1852 and 1853, on the days above specified, and that the foregoing account is just and true in all its items and specifications ; and that no part of said account or sums has been paid.

B. F. HARDING.

Subscribed and sworn to before me, this 15th December, 1853.

GEO. H. WILLIAMS,
Chief Justice Oregon Territory.

UNITED STATES OF AMERICA,

TO CHESTER N. TERRY, DR.

For services as Cayuse war commissioner, as follows :

1853, May.	For services on 23d May, 1853, 1 day, at \$5 per day.....	\$5 00
June.	For services on 13th, 24th, and 28th June, 1853, 3 days, at \$5 per day.....	15 00
July.	For services on 2d, 12th, 18th, 21st, and 27th July, 1853, 5 days, at \$5 per day.....	25 00
Aug.	For services on 1st, 3d, 6th, 8th, 11th, 13th, 18th, 20th, 29th, and 31st August, 1853, 10 days, at \$5 per day.....	50 00
Sept.	For services on the 8th, 16th, and 27th September, 1853, 3 days, at \$5 per day.....	15 00
Oct.	For services on 1st, 7th, 20th, 21st, 26th, 28th, 29th, and 31st October, 1853, 8 days, at \$5 per day.....	40 00
Nov.	For services on 1st, 3d, and 12th November, 1853, 3 days, at \$5 per day.....	15 00
Dec.	For services on 1st, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 14th, and 17th December, 1853, 10 days, at \$5 per day.....	50 00
	For cash paid for advertising notice by claimants to present claims.....	10 00
	For cash paid for stationery necessary and used in discharge of the duties of Cayuse war commissioner.....	3 00
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		228 00
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TERRITORY OF OREGON, *County of Marion, ss :*

I, Chester N. Terry, do solemnly swear that I was actually engaged in the discharge of the duties of the office of Cayuse war commissioner at Salem, in said county and Territory, in the year 1853, on the days above specified; that said account is just and true in all its items and specifications, and that no part of said account or said services has been paid: so help me God.

CHESTER N. TERRY.

Subscribed and sworn to before me, this 21st December, 1853.

GEO. H. WILLIAMS,
Chief Justice Oregon Territory

TREASURY DEPARTMENT,

Comptroller's Office, February 3, 1854.

SIR: The honorable John W. Davis, governor of Oregon, addressed a letter to you on the 21st day of December last, accompanied by the copy of a joint resolution of the Territorial legislature, instructing the delegate in Congress to urge upon Congress a further appropriation of seventy-five thousand dollars to discharge the expenses of the late provisional government of Oregon, growing out of the Cayuse war; and to urge, also, that an appropriation be made for the expenses necessarily incurred in determining the amount due the claimants. It was also accompanied by the accounts of A. E. Wait, B. F. Harding, and C. N. Terry, who have been commissioners to decide the amount due to the claimants respectively.

These papers were received to-day from your office, that a report might be made to you on the subjects to which they relate.

On the 27th of November, 1847, the Cayuse Indians murdered the family of Dr. Marcus Whitman and others, to the number of 12 or 15 persons, at the Waitatpoo mission, in Middle Oregon, and captured from 50 to 60 persons prisoners.

The provisional legislature being in session, an act was passed on the 9th of December, 1847, authorizing the governor to raise a regiment of riflemen, not exceeding 500 men, by voluntary enlistment.

Each soldier was to be entitled to \$1 50 per day, and to furnish his own horse, arms, and accoutrements. Having subdued the Indians, peace was proclaimed, and the troops were disbanded on the 5th of July, 1848. On the 14th of August, 1848, Congress passed an act to organize the Territory of Oregon. (Vol. 9, page 323.)

The Territorial government being organized, the legislature on the 31st of October, 1849, passed an act for settling the Cayuse war claims by a commissioner, who was required to report a list of all claimants, and amount allowed to each, at the commencement of every session of the said legislature.

The first commissioner was Alonzo A. Skinner. He reported claims to the amount of..... \$10,400 29

The second commissioner was Aaron E. Wait. He reported claims to the amount of..... 76,830 24

87,230 53

The Territorial legislature at its session in December, 1850, memorialized Congress in regard to the payment of the expenses incurred in defence of the inhabitants, and in suppressing the Indian hostilities.

Reference is made by me to "Miscellaneous document No. 5, of the Senate, at the 2d session of the 31st Congress," where the report of the committee of said legislature, the memorial to Congress mentioned above, containing parts of the territorial acts, and a list of the claims allowed to the 3d of December, 1850, will be found; and in Miscellaneous Senate document 29.

The subject presented by said memorial being before Congress, an act was passed on the 14th of February, 1851, appropriating \$100,000

for paying the expenses incurred by the people of Oregon in the defence and hostilities mentioned above.

"The claims were to be settled by the Secretary of the Treasury, upon the presentation, by the governor of said Territory, of a full, accurate, and detailed statement of the actual and necessary expenses of said defence and hostilities, accompanied by proper vouchers and satisfactory proof of the correctness thereof, authenticated in conformity with the usages of the department." (Vol. 9, page 566.)

It being found impracticable to carry said act into effect, it was amended by an act approved on the 21st of August, 1852. (Session laws, page 30.)

By the amendatory act the Secretary of the Treasury was authorized to pay the amount found due in the report of A. E. Wait. Afterwards Levi A. Rice was appointed a commissioner, and some claims were examined and allowed by Governor Gaines; but as they were not authorized to be paid by either act mentioned, the awards made by them were not paid until another amendatory act was passed to embrace them, on the 2d of March, 1853. (Session laws, page 180.)

Claims have been paid to the amount of..... \$96,775 41
 Leaving a balance of the appropriation to the amount of... 3,224 59

100,000 00

The committee of the Territorial legislature reported on the 20th of July, 1849, that the whole amount of the claims would not exceed \$200,000, and they said they might be less than that sum. (Senate document mentioned above as Miscellaneous No. 2, page 2.)

In the memorial of the Territorial legislature to Congress, dated December 12th, 1850, it is stated, that the commissioner in his report estimated the probable expense of the war at \$150,000. (Senate Miscellaneous document No. 29, 2d session 31st Congress.)

B. F. Harding was appointed a commissioner by the Territorial legislature after Levi A. Rice; and C. N. Terry has been lately appointed by the governor, under an authority vested in him to fill vacancies. The awards of neither of the two last named commissioners can be paid under existing laws.

No provision has been made by Congress to the commissioners for their services. It appears from the letter of Governor Davis, that Mr. Skinner was paid from the Territorial treasury.

Governor Gaines rendered important services in making some of the awards; in forwarding the awards of several of the commissioners; in communicating information to this office; and in receiving drafts for paying most of the claims that have been discharged. To avoid, as far as seemed to be practicable, all expense to the claimants, and to prevent the depreciation of the claims by sale and transfer, drafts were sent to the governor, drawn in favor of the original claimants, payable in New York, with the request that he would deliver them to whom they were due.

Governor Gaines employed Benjamin F. Goodwin eighty-five days in preparing and copying papers for the Treasury Department, in the matter of these claims, for which Mr. Goodwin charged \$4 per day—

\$340. This remains unpaid. I sent Mr. Goodwin's account to the honorable Joseph Lane, delegate from Oregon, (with the certificate of Governor Gaines,) on the 7th of February, 1853.

The above contains a brief statement of all the facts in regard to these claims, that may be necessary for the information of yourself or of Congress.

The papers referred to this office are returned.

Most respectfully, yours,

ELISHA WHITTLESEY.

HON. JAMES GUTHRIE,

Secretary of the Treasury.