

MEMORIAL

OF

THE LEGISLATURE OF OREGON,

PRAYING

An appropriation for the payment of expenses incurred by the provisional government of Oregon in the Cayuse war.

FEBRUARY 25, 1851.

Referred to the Committee on Territories, and ordered to be printed.

To the honorable the House of Representatives and Senate of the United States:

Your memorialists, the Legislative Assembly of Oregon Territory, legally assembled on the 2d day of December, A. D. 1850, for themselves and in behalf of the people of said Territory, respectfully represent unto your honorable body, that, on the 27th of November, A. D. 1847, the family of Dr. Marcus Whitman and others, amounting in all to about twelve or fifteen persons, then stationed at the Waitatpoo mission, on the Walla-walla river, in Middle Oregon, were brutally massacred by the Cayuse Indians and others, besides fifty or sixty persons taken prisoners at the same time and place. When the news of this event reached the Willamette valley, a short time afterwards, the people of Oregon had organized a provisional government, his excellency George Abernethy, governor. The provisional legislature was in session at the time. The lives of American citizens, consisting of defenceless women and children, husbands and fathers, had been taken in cold blood. Everything indicated a determined combination on the part of the vast hordes of Middle Oregon to proceed to exterminate the American settlers in the Willamette valley. The government of the United States could not be reached in time to avert the threatened calamity. The safety of the inhabitants called for immediate action; that the war should be carried into the enemy's country; and that we should not by delay invite the Indians (emboldened by their success) into our midst, and thereby make each man's fireside the scene of Indian warfare.

In view of these things, and under circumstances so urgent, the legislature of the late provisional government, then in session, were invoked to adopt such means of defence as were in their power. Accordingly, an act was passed by that body, dated December 9, 1847, authorizing the governor of the Territory to issue a proclamation to the people of the Territory to raise a regiment of riflemen by volunteer enlistment, not to exceed five hundred men, to be subject to the rules and articles of war

of the United States army, and whose term of service shall expire at the end of ten months, unless sooner discharged by the proclamation of the governor. By the terms of this act, this regiment "was to rendezvous at Oregon City on the 25th of December, A. D. 1847, and proceed thence with all possible despatch to the Walla-walla, for the purpose of punishing the Indians, to what tribe or tribes soever they may belong, who may have aided or abetted in the murder of Dr. Marcus Whitman and his wife and others, at Wailatpoo." The act also provides for the appointment of "one colonel," "one lieutenant colonel," and "one major," to officer said regiment with the usual number of subalterns; also one commissary general. By the terms of a subsequent act, passed at the same session of the legislature, each soldier was to receive one dollar and a half per day, and furnish his own horse, arms, and accoutrements. No provision made for officers.

The army was raised and proceeded to the country of the enemy, where, after various success, a peace was at length effected. The army then returned home, and was disbanded by the proclamation of the governor July 5, 1848. The Territorial legislature assembled under the act of Congress approved August 14, A. D. 1848, organizing the Territory of Oregon, passed an act dated August 31, 1849, entitled "An act to provide for settling Cayuse war claims." This act provides that there shall be elected on joint ballot of both houses a "commissioner on Cayuse war claims," whose duty it shall be to investigate all claims growing out of or pertaining to the Cayuse war.

Section 3 of said act provides that, "in the investigation of any claim under this act, the oath of the claimant may be taken; but no claim shall be allowed upon the oath of the claimant alone, unless corroborated by such other circumstances as, in connexion therewith, shall satisfy the commissioner of the truth and justice of the same."

Section 4 provides that, "in all cases wherein the price or value may be fixed by law; for the thing or things upon which a claim may be based, the said commissioner shall be governed thereby; and in all cases wherein no price or value shall be so fixed, he shall determine the value thereof according to the equity and justice of the case."

Section 8 of the act provides that, "at the commencement of every session of the legislature, said commissioner shall report a list of all claimants, and amount allowed each."

By the report of said commissioner, made to the present session of the legislature, a copy of which is hereunto annexed (marked A) and made a part of this memorial, it appears that he has investigated, allowed, and certified claims against the late provisional government of Oregon, after deducting all payments and offsets, the sum of \$76,830 24. By the same, it appears that his predecessor "so audited" the sum of \$10,400 29—making the total amount audited and certified by the present commissioner and his predecessor \$87,230 53. In his report, the commissioner estimates the probable expense of the war at one hundred and fifty thousand dollars.

Your memorialists represent unto your honorable body, that the commissioner, by the act appointing him, is empowered with full authority to take in his possession all books and papers, of whatever kind or nature, pertaining to the Cayuse war; to subpoena witnesses and take testimony in the investigation of every claim that may come before him; so that,

in the opinion of your memorialists, it is highly probable that no one claim has been allowed which law and justice would forbid.

The debts due the several individuals, as ascertained and set forth in the commissioner's report, are for services rendered and materials furnished by the citizens of this Territory, many of whom by so doing were left in a suffering condition. Men left families depending on their daily labor for subsistence, farmers turned their horses loose from the plough in the furrow, and furnished them to the army for transportation. They have waited nearly three years, and received as yet no remuneration. Your memorialists respectfully but firmly conceive that the expenses of the war should be borne by the nation at large; that it was a war fought in self-defence for the United States by the people of this Territory. The time has come when the men who spent their time, money, and property in the prosecution of that war should be remunerated. The Territory is too weak to do it, and meet the demands made upon her resources by her growing interests. To conclude, your memorialists respectfully but firmly pray your honorable body at your present session to appropriate the sum estimated by the commissioner on Cayuse war claims, according to the annexed report, to be expended (under the direction of the legislature of this Territory, or by such officer as Congress may direct) in the payment of the expenses incurred by the late provisional government of Oregon in the Cayuse war. And your memorialists, as in duty bound, shall ever pray, &c.

Passed the House of Representatives December 12, 1850.

Passed the Council December 12, 1850.

R. WILCOX,

Speaker House of Representatives.

WM. W. BUCK,

President of Council.

A.

To the honorable the Legislative Assembly of the Territory of Oregon:

The undersigned, commissioner on Cayuse war claims, in compliance with his duty as enjoined by law, hereby respectfully makes report to your honorable bodies, that, since his appointment as said commissioner, he has investigated, allowed, and certified claims against the late provisional government of Oregon, growing out of the Cayuse war, as follows, that is to say:

William Shaw.....	\$460 87
William Martin.....	667 68
William P. Hughes.....	474 68
George W. Shaw....	264 50
John Monroe.....	245 13
John Keiser.....	173 72
P. Cicero Keiser.....	178 72
Joseph M. Garrison.....	451 53
Lewis Stewart.....	258 00

Estate of John W. Jackson, deceased.....	\$254 94
H. Baker.....	2 42
Nathaniel D. Jack.....	380 00
Jeremiah Jack.....	246 00
Daniel C. Garland.....	457 00
William A. Jack.....	289 80
Robert Moore.....	28 08
John Peterson.....	216 00
Joseph Smith.....	104 50
Joseph R. Ralston.....	252 90
Shainas Waimue.....	310 53
Joel Welsh.....	117 25
Robert W. Morrison.....	76 07
William Sheppard.....	357 88
John W. Neil.....	121 00
Abraham E. Garrison.....	418 46
William Cooper.....	149 50
William J. Garrison.....	249 15
John C. Holgate.....	267 00
James R. Lebo.....	221 25
Hiram B. Simkins.....	248 08
Albert H. Fish.....	259 91
Felix Scott.....	559 40
Joel Palmer.....	3,492 08
Benjamin Jennings.....	1,562 20
John Fleming.....	503 01
Estate of Thomas McKay, deceased.....	164 25
William N. Griffith.....	113 65
Andrew Limbuger.....	199 93
William Case.....	57 00
David Crawford.....	284 00
Joseph Maguire.....	772 52
Medoram Crawford.....	70 72
John Q. Zachary.....	186 80
John Sylvester.....	118 00
George E. Frasier.....	241 05
Thomas Gregory.....	122 70
George Abernathy.....	1,482 18
Edward A. Wilson.....	82 74
William D.....	116 00
Robert Walker.....	258 69
David Weston.....	616 24
Albert F. Davidson.....	57 25
John B. Price.....	97 75
James N. Harty.....	282 25
Adam Matheny.....	246 00
William L. C. Eades.....	250 65
William M. Carpenter.....	661 99
Sidney W. Moss.....	59 98
A. Lawrence Lovejoy.....	2,386 30
Henry Cooper.....	327 60
Andrew Gribble.....	118 00

Ninian A. Eborman.....	\$118 50
Frederick Ketcham.....	118 50
Daniel B. Matheny.....	261 25
Chevalier Richardson.....	299 17
Andrew J. Adams.....	111 00
Estate of Cornelius Gilliam, deceased.....	587 83
Caleb J. Payne.....	58 55
William Stephens.....	120 00
Henry N. Stephens.....	202 30
James B. Stephens.....	292 59
James Twiliger.....	30 15
Thomas Stephens.....	55 10
Thomas Leany.....	37 63
Ann Woodsides.....	56 51
Ashby Peirce.....	202 60
Benjamin F. Nichols.....	79 50
Manly Currier.....	261 50
Daniel P. Barnes.....	273 65
Wilson R. Doty.....	209 14
John G. Gibson.....	87 97
Estate of Antoine Bonnefaut, deceased.....	123 00
Ludwell J. Rector.....	134 25
William Sheldon.....	255 35
J. William Rogers.....	14 35
Stephen Jenkins.....	259 05
Isaac Peters.....	113 50
David Harper.....	163 80
Isaac M. Foster.....	264 64
James Davidson.....	62 91
William P. Breeding.....	116 00
Martin T. Brown.....	266 00
Richard H. Pollard.....	189 05
Charles Craft.....	44 36
Elias J. Crandell.....	242 00
Isaiah M. Johns.....	294 06
John H. Rigler.....	384 00
James Layton.....	118 30
Josiah W. Lingefelter.....	230 70
Samuel W. Shannon.....	54 40
Walter Pomeroy.....	295 12
Samuel K. Barlow.....	68 67
Clark Rodgers.....	160 20
Archibald L. Welter.....	135 50
Absalom J. Hembree.....	664 00
Amos Harvey.....	31 40
Peter Smith.....	50 38
John T. Foster.....	226 58
Thomas Wilson.....	140 88
Isaiah Metheny.....	197 00
Alvah C. R. Shaw.....	187 14
John Layton.....	25 05
Charles P. Fullerton.....	208 83

Goleman Hubbard.....	\$164 52
James R. Bean.....	217 17
Nathan Eaton.....	118 50
Edward Dupuis.....	141 70
Andrew Harper,.....	10 48
Eldridge Hartles.....	213 36
Isaac N. Gilbert.....	440 12
William Bunton.....	115 00
Samuel Feilds.....	279 50
Alvin T. Smith.....	172 88
Mathew Hunter.....	113 50
Joseph W. Downer.....	282 29
Jesse Cadwallader.....	265 75
John T. Cox.....	178 97
Jesse D. Walling.....	8 90
Peter H. Hatch.....	69 50
M. M. McCarver.....	30 00
La Fayette Hembree.....	75 50
Andrew T. Hembree.....	99 85
Joel J. Hembree.....	120 51
Samuel H. Goodhue.....	474 44
Solomon Derbin.....	122 00
Gilbert Mundan.....	199 49
Samuel Burck.....	200 00
John Bowman.....	100 00
Benjamin F. Burch.....	414 01
John W. Burch.....	128 20
David H. Smith.....	118 50
Thomas Allphine.....	216 25
Levin N. English.....	524 56
Alexis Vitrias.....	297 50
Levin N. English, jr.....	110 35
Hiram English.....	117 00
Gideon Gravell.....	76 85
Thomas J. Jackson.....	267 00
Gavel W. Iler.....	119 10
John W. Newman.....	66 70
Asa Stone.....	74 94
Clark G. Pringle.....	93 50
David Colver.....	126 75
John H. Edwardson.....	213 42
Davis Layton.....	272 50
Alvan C. Brown.....	113 88
Orus Brown.....	61 80
John McGregor.....	25 00
Perrin B. Whitman.....	251 84
Jeremiah Fuller.....	268 50
Hiram Graham.....	264 55
Wesley Howell.....	148 00
Joseph Crank.....	236 75
Thomas Canby.....	309 33
Nathaniel G. McDuval.....	249 75

Isaac Butler.....	\$255 73
Sebastian Ritner.....	257 55
Samuel Seaton.....	238 50
Alexander Gock.....	328 50
George W. Howell.....	120 00
Estate of Thomas R. Zumwalt, deceased.....	243 59
Daniel Waldo.....	648 69
Reuben Lewis.....	22 00
Archibald Rader.....	244 00
Estate of Francis M. Munkers, deceased.....	340 54
Benjamin Munkers.....	37 95
Harvey Shelton.....	117 60
George Crabtree.....	179 75
John H. Whitby.....	116 00
Richard Jenkins.....	115 00
Harrison Davis.....	338 35
James T. Hembree.....	51 30
James Smith.....	211 40
Joseph Waldo.....	45 00
William W. Walter.....	265 50
Asa Williams.....	136 25
Alexander W. Rainwater.....	144 00
Sherry Röss.....	258 50
Isaac Baker.....	186 25
Jacob T. Reed.....	103 34
John S. Thomas.....	114 85
George B. Thomas.....	\$8 15 over-paid
Caleb W. Curl.....	118 00
Thomas Wegu.....	119 50
Daniel M. Guthrie.....	118 50
Thomas C. Shaw.....	552 51
John Johnson.....	118 50
Martin Wright.....	231 38
William C. Smith.....	325 50
William D. Stillwell.....	190 73
John G. Gerrish.....	265 80
Andrew Layson.....	249 15
Pardeu Potter.....	117 80
William Hawk.....	130 50
James M. Rowell.....	276 75
Green L. Rowland.....	268 80
Jeremiah Rowland.....	41 75
Maxwell Ramsby.....	244 94
Daniel Delancy, jr.....	118 50
Enoch Wemberly.....	233 83
Daniel Delancy.....	424 33
John McCoy.....	263 84
Jason Wheeler.....	305 69
Albert G. Davis.....	172 50
Henry Hawkins.....	30 94
Douglass James.....	112 25
John Orehard.....	315 95

Joseph Earl.....	\$147 00
James Kester.....	71 05
John B. Rowland.....	18 96
John Allbright.....	107 50
John R. Camtress.....	166 23
Robert Smith.....	266 80
James Butler.....	121 23
Isaac Cook.....	118 70
William Roberts.....	1,877 69
Henry Colman.....	118 50
Absalom B. Robinson.....	114 15
Vincent Watson.....	12 55
John Scales.....	244 23
James W. Nesmith.....	264 65
Lucius Marsh.....	66 30
Wesley Cook.....	100 98
William Williams.....	122 05
William M. Smith.....	223 90
Samuel Kingery.....	76 50
James Pritchett.....	20 00
John D. Boone.....	12 42
Francis Fletcher.....	130 79
Joseph Kelsey.....	236 75
David D. Smith.....	50 70
Estate of Baptiste Dorion, deceased.....	204 34
Thómas Powell.....	153 02
Hugh D. O'Bryant.....	493 32
George W. Burnett.....	263 40
John Carlin.....	72 25
David Waldo.....	341 79
William Waldo.....	118 50
Woodford Holman.....	106 00
Solomon Allen.....	100 00
John Eads.....	238 47
Joseph Holman.....	58 50
Lindon Wright.....	233 00
John Dvinney.....	117 75
Thomas J. Hubbard.....	1,503 00
John H. Smith.....	184 95
William H. Wilson.....	264 73
John Switzler.....	408 18
Joshua McDaniel.....	307 12
Thomas Cox.....	165 13
Mitchel V. Gilliam.....	117 75
Norris Humphrey.....	13 45
John G. Hunt.....	24 00
Miles Winchester.....	27 00
Alexander P. Caldwell.....	121 50
John E. Davidson.....	118 50
Alvin T. Lloyd.....	231 08
Nelso Hoyt.....	25 99
Jesse H. Cayton.....	117 85

Reason: D. Foster.....	\$236 50
Edward Marsh.....	88 50
John Vaughn.....	116 69
Richard Arthur.....	118 50
Henry Fuller.....	264 50
G. Tibbetts.....	63 26
Alexander McRay.....	252 10
Estate of Charles V. Mott, deceased.....	374 75
Caleb M. Gwin.....	186 05
Estate of Henry Burden, deceased.....	195 00
James Officer.....	242 70
William Hailey.....	244 65
Hugh Burns.....	1,000 00
O. Zachery.....	113 00
Pleasant Saunders.....	266 50
James C. Robinson.....	269 60
Horace Hart.....	211 75
American Board Commissioners for Foreign Missions.	1,407 50
Philip F. Thompson.....	584 13
Estate of William J. Smith, deceased.....	149 97
Joseph Pearson.....	211 00
William Lancy.....	118 50
Eli Staut.....	237 68
Thomas Deakins.....	118 10
Thomas T. Eyre.....	259 85
Prior Scott.....	121 50
Estate of L. Wilcox, deceased.....	169 56
Chautfield & Wilcox.....	12 60
Joseph W. Wagner.....	68 55
Jacob Witchey.....	114 31
Jonas Davis.....	242 33
Mauley Danforth.....	288 45
Samuel Clark.....	247 14
James Killingsworth.....	139 00
Thomas Sherman.....	242 25
Henry Sherman.....	24 00
James McGinnis.....	73 50
James O. Holderselt.....	167 85
Henry Saffanes.....	554 79
William Vaughn.....	102 00
Philip Peters.....	116 50
John N. Cushing.....	498 27
Estate of Henry H. Sargent, deceased.....	131 80
William Simmons.....	256 99
William H. Bradford.....	220 20
Isaac Mills.....	100 00
Champney Pendleton.....	25 00
Horace Holden.....	151 12
John Kueel.....	244 40
Philester Lee.....	29 60
Estate of John W. McNary, deceased.....	115 00
Peter Shaffer.....	121 50

James Campbell.....	\$112 00
Samuel Gothard.....	429 25
Danforth Balch.....	9 00
Peter A. Weis.....	118 30
Estate of Frederick Prigg, deceased.....	168 40
William H. Wilson.....	564 40
William Crabtree.....	118 50
James G. Dixon.....	275 00
James H. Peirce.....	220 12
John Wilson.....	36 04
George W. Vanoc.....	269 90
Silas G. Pugh.....	179 75
Michael Barnes.....	44 16
John Spence.....	130 75
Charles Caweniah.....	107 29
William Allphine.....	18 49
Nathaniel Crosby.....	109 35
Estate of Alphonso Bean, deceased.....	48 55
Lanscome Hall.....	521 18
Thomas M. Burkan.....	284 35
Lewis M. Savage.....	144 50
John Savage.....	190 00
John S. Harper.....	52 50
Samuel Parker.....	6 43
M. Vanderpool.....	200 00

Amount audited and certified by me as due, after deducting all payments and off-sets.....	76,830 24
Amount so audited by my predecessor.....	10,400 29

Total amount audited and certified by myself and prede- cessor, as due after deducting all payments and off-sets..	87,230 53
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The undersigned is unable to state the exact amount of remaining indebtedness; but he is of the opinion, after careful examination, that the entire indebtedness growing out of the Cayuse war amounts to about one hundred and fifty thousand dollars.

The undersigned further reports unto your honorable bodies, that he has disallowed the following claims, to wit: William L. C. Eades, \$10 for a horse, charged against him by the government, and subsequently taken from him and given to the Indians; Philester Lee \$11 90, appearing due him on book account; and property left at the Dalles, as follows, to wit:

6 head of oxen.....	\$138 00
1 cow.....	25 00
1 wagon-box.....	15 00
Freight on wagon-box.....	4 00
2 ox chains.....	10 00
9 sacks.....	4 00

196 00

The length of time actually devoted by the undersigned to the duties of the Cayuse war commission, between the time of his appointment and this date, amounts to one hundred and forty-seven days, and the expense of stationery, during that time, to six dollars; advertising, five dollars.

AARON E. WAIT,
Commissioner.

OREGON CITY, *December 3, 1850.*