

MEMORIAL
OF
THE LEGISLATURE OF OREGON,

PRAYING

For the extinguishment of the Indian title and the removal of the Indians from certain portions of that Territory; payment of the debt growing out of the recent Indian war, and the debt occasioned by the maintenance of the provisional government; establishment of military posts for the protection of emigrants; donations of land to citizens and emigrants; change in the place for delivering the mails transmitted from New York; construction of roads; purchase of the land held by the Puget Sound Agricultural Society; exploration of the Territory; establishment of a branch mint; and the improvement of the mouth of the Columbia river.

JANUARY 6, 1851.

Referred to the Committee on Territories.

JANUARY 10, 1851.

Bill S. No. 405.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The legislative assembly of Oregon Territory respectfully submit the following memorial:

Your memorialists cannot adequately express the warm emotions of thankfulness with which they, and the people of Oregon generally, hailed the arrival of a territorial government established by your authority, and sustained by your munificence and power. Reposing once more in peaceful security under our country's flag, we feel renewed courage and hope in the adoption of those measures which are necessary to our internal peace and general prosperity. With high considerations of cordial gratitude we derive encouragement; from what you have already done, to lay before you the following brief exhibition of the great wants of this Territory, and ask for them your generous and liberal consideration.

The first, and one of the most momentous interests of this Territory to which we wish to invite your attention, is the extinguishment of the Indian title to the soil, and their early removal from those portions of the Territory needed for settlement, and their location in some district of country where their wretched and unhappy condition may be ameliorated. At present, the thinned and scattered fragments of once numerous tribes are intermingled with the whites. They are mutually annoying to each other; but while, through the operation of natural causes and of

diseases incident to a vicious life, the Indians are rapidly diminishing in numbers, the moral and civil interests of the white race, equally with the claims of humanity, require the removal of the former to some place where, under the fostering care of general government, their condition may be improved. In time past, when they were weak and we were strong, they were preserved in quiet and friendship by the assurance that they should be paid for their lands. This promise has been so long deferred that they begin to manifest more anxiety on the subject; the necessity, therefore, of early attention to this matter becomes the more pressing. May we not, then, cherish the confidence that this subject will receive that consideration which its importance demands?

While on the subject of our Indian affairs we may with propriety call your attention to our pecuniary liabilities, growing out of the late Cayuse war. That war was conducted with all the energy, boldness, and success characteristic of the American people; and though all was not accomplished that was desirable, yet it secured peace and quietness to the country, and made such impressions on the Indian tribes, in reference to the martial prowess of Americans, as forms a strong guarantee for their future peacefulness. The debt, however, contracted in the prosecution of that war remains uncanceled; and when you are made acquainted with all the circumstances under which the debt was contracted, you will doubtless concur with us in the conviction that it should be speedily liquidated. From the very necessity of the case, the war was conducted with reference to the most rigid and scrupulous economy; yet the cost of the whole campaign amounts to a considerable sum. All the claims and accounts have not been as yet fully settled. The sum total, however, will not exceed and may fall short of the sum of \$200,000. So soon as the exact amount is ascertained you will be informed.

This debt, it should be remembered, is due to many of the private citizens of the country, who, as a general thing, are in limited circumstances, and many of them feel sensibly the need of their dues. Having come forth nobly in the hour of need, and having made great personal and pecuniary sacrifices in the public cause, on their behalf we would earnestly pray you to make such an appropriation as will secure to our creditors their dues as speedily as they shall be properly authenticated.

In addition to the above debt, we would further represent that there is a civil debt of about ten thousand dollars, occasioned by the maintenance of a provisional government for the protection of the lives, rights, and liberties of our people, previous to the organization of our present territorial government. That debt we feel in honor bound to pay. But inasmuch as general government is bound, as well by the principles of humanity as by long and well-established practice, to render protection to its own citizens, especially when located upon and cultivating its own soil; and inasmuch as this debt has been contracted by the people in rendering to themselves that protection which general government ordinarily affords, but has in this instance withheld, it certainly appears to your memorialists nothing more than a simple act of common justice to relieve us from the burden of this debt, as well as that growing out of the Cayuse war, by your making an appropriation sufficient for their liquidation.

That emigrants from the States, and the more remote frontier settlements, may enjoy entire security, a number of military posts are essen-

tially necessary. There is but little ground to fear the occurrence of another general war with any of the Indian tribes, yet both the emigrants and remoter settlements may be annoyed, and perhaps experience loss, through the incursions of small predatory bands of Indians. To guard against these evils the erection of a few military posts will be of important service. The erection and maintenance of suitable forts, at appropriate places, is therefore a measure the consummation of which will meet the cordial approbation of your memorialists.

But there is a subject of deeper interest to the people of Oregon than any which occupies the attention of your memorialists; a subject the bare mention of which causes a sensation of thrilling solicitude to rush through every heart; a subject involving not only the rights and feelings, but the harmony and contentment of every American citizen in Oregon; a subject of no less interest and importance than the disposition made by your action of the land and land claims in Oregon Territory. Your memorialists deem it entirely unnecessary to inform your honorable body, that every American citizen in Oregon who came hither from the States previous to the organization of the present territorial government, and now above the age of eighteen years, expects now, ever has expected since his arrival here, and ever will expect, until he shall be mortified by your decision to the contrary, to receive at your hands not less than six hundred and forty acres of land. Of the existence of this expectation, engendered and fostered, as your memorialists sincerely believed, alike by the acts of both houses of Congress and of the people in masses, your honorable body must be aware. But your memorialists refrain from entering into a history of the various and numerous facts which have given life to the expectation that a donation of land would be made to every American citizen in Oregon. These facts, and the means of acquiring a knowledge of them, are more immediately in the reach of the members of Congress than of ourselves. Let it suffice to say, that your memorialists are confidently assured that they do no more than utter the universal opinion of American citizens here, when they say they believe that the United States government is solemnly bound, not only by an obligation of honor, but of virtual contract, to donate land to the people of Oregon; and if, as your memorialists and the entire people of Oregon believe, the general government is morally bound, if not so by express contract growing out of her own acts and the acts of her people, to donate to each American citizen here, above the age of eighteen years, six hundred and forty acres of land, and also a smaller quantity to those under eighteen years of age, then certainly your honorable body cannot regard us as stepping aside from our appropriate province if we respectfully remind you of the fact, and ask you to execute her contract according to its tenor.

Believing then, as we do, that simple justice demands in behalf of the people here, at the hand of general government, a land donation as above; and being confidently assured that that government which we are ever proud to call our own will never so far forget the respect due to her own character, to say nothing of the claims of humanity, as to refuse a simple act of justice to an enterprising and self-devoted few of her own citizens, your memorialists would still further pray, that while the land in Oregon be sectionized as speedily as possible, provision may be made by law that each citizen entitled to a donation be secured in the identical land

claim or section of land he was holding by virtue of the laws of the provisional government when that government was superseded by the organization of the present government. All the inconvenience this can occasion will be a number of fractional sections, in those parts of the Territory where land claims have been made. The location and amount of these fractions can be easily ascertained, and no evil to the general interest of the country can result; while, adopting this course, and this alone, the rights of our people will be preserved inviolate. But if you refuse to do this, and donate the sections as they fall in the government survey, the existing land claims of our citizens might be intersected by a number of sections; the claimant's barn falling on one section, his house on another, his well and garden on another, and his wheat fields on another. Such a state of things would work utter ruin to our people; and the determination by Congress to legalize it would cause the hearts of very many to sink within them, and spread blight and mildew over the hitherto prosperous condition of this interesting and growing colony.

Your memorialists would further pray, that your honorable body would pass a law to continue the donation of land in graduated quantities to American citizens who may hereafter wish to locate in this Territory, so long as there remains any of the public domain unoccupied. It is a truth, known to your honorable body as well as to us, that the hope of receiving a donation of land was the chief motive power in bringing into this Territory its present American population; and the same cause will undoubtedly produce a similar effect in the future. But should you resolve to shut down the gate of donation, and bring the land into market, you would at once stop the flowing stream of emigration into this Territory, and thus leave our population to increase by the slow process of its own natural growth; and the consequences will be that we will long remain a feeble burden on your hands. But continue in good faith the inducement which brought our present population hither, and very soon we will be asking for a place in the proud galaxy of your numerous sisterhood.

And your memorialists would still further pray, that your honorable body would so amend the organic law of this Territory as to provide that whenever the school sections of land provided for in that act may include or conflict with a citizen's, the citizen be allowed to hold his land claim entire; and that land of equal value be set apart for school purposes, in some other place where there is no claim.

And your memorialists further pray that arrangements be made with the company carrying the United States mail from New York to Astoria, at the mouth of the Columbia, to deliver the mail at Portland, on the Willamette river, instead of Astoria, its present place for delivery. Nearly the whole population of Oregon reside in the valley of the Willamette, above Portland: so that the interests of the country demand, in the strongest terms, that the mail should not only be delivered at Portland, but also that the steamers, which have not as yet appeared in the Columbia, should be required to commence immediately, and run regularly into this port.

Your memorialists would further represent that the people of this Territory, having been long deprived of the pleasures of social correspondence and the means of general intelligence, feel a solicitude warm and deep in having post offices and mail routes established in this Territory, and that they be speedily and efficiently put in operation; and, still further, we

would pray your honorable body to place your wandering children on the Pacific shores on the same footing with their transmontane brethren, and deliver us our letters and papers at the same rates of postage you do to them. We cannot feel that to distinguish us in this manner from all other American citizens is either generous or liberal; and may we not indulge the hope that the liberal and noble spirit of the American heart will prompt you to grant our prayers in this behalf?

Your memorialists respectfully call the attention of your honorable body to the pressing necessity of having some important territorial roads located and opened as soon as practicable. It is important, both for civil and military purposes, that a road be opened from Puget sound to some point on the Columbia below the Cascades; one from Puget sound to a point on the Columbia near Walla-Walla; one from the Dalles of the Columbia to the Willamette valley; and one from Astoria, or some other point at the mouth of the Columbia, to Willamette falls; one up each side of the Willamette, from the Columbia to the upper end of the valley, and thence one to some point in Sacramento valley, in California. For these roads we ask your liberal consideration.

Your memorialists wish the attention of your honorable body to be directed to a matter of difficulty between American citizens and "the Puget Sound Agricultural Company" in relation to the extent of their claims. The company claim a large tract of country enclosed by arbitrary and imaginary lines, and deny the right and resist the attempts of American citizens to locate on said lands; while our people contend that the company have no right to any other lands than those actually enclosed, and in use by them at the time of the ratification of the Oregon treaty, under which they hold their claim. This state of things is a great detriment to that part of our Territory, and must retard its settlement. We therefore pray your honorable body to purchase the land which that company hold by treaty, and throw open the door of that country to our hardy and industrious citizens.

Your memorialists further respectfully invite your attention to a matter of great interest not only to us, but to yourselves and to the scientific world. We refer to a thorough scientific exploration of the geological and mineralogical character of this country. From the disturbed and broken appearance of the whole country, the numerous caverns, hot and boiling springs, and the scattered masses of lava and scoriated rocks, it must be evident, even to the casual observer, that this part of the continent has been riven and broken up by fearful earthquakes and fiery volcanoes. It cannot be doubted by any that such a survey would tend greatly to the development of the hidden treasures of mineral wealth concealed in our mountains, as well as to add to science and the natural history of the American continent. Enough has already been done in the way of discovery, by private enterprise, to assure us that not only iron, coal, and lead, but also gold and other precious minerals, do exist, perhaps in great abundance, in this Territory. We therefore ask for this subject your calm consideration.

Your memorialists respectfully represent to your honorable body the importance of establishing a branch mint in this Territory. In consequence of our proximity to the gold regions of California, our citizens are constantly going and returning to and from the mines. Large amounts of gold dust are thus brought into this Territory; and though this adds to

individual wealth, yet it constitutes an inconvenient and troublesome medium of commerce, subjecting our worthy and laborious people to great losses and pecuniary embarrassments. The establishment of a branch mint here would not only remove this evil from our people, but the profits of the establishment would go far towards the early liquidation of the indebtedness of this Territory. Permit this prayer of your memorialists to enlist your early and favorable consideration.

And your memorialists finally pray your honorable body to direct your attention to the appropriation made for the improvement of the entrance into the Columbia river. This appropriation your memorialists assure you is, at the present prices for material and mechanical labor, so entirely inadequate to the purpose, as not to justify even commencing the work. Yet the interest of this Territory, as well as of the general commerce of the Pacific, require the early improvement of the mouth of the Columbia. We therefore earnestly pray your honorable body so to enlarge the appropriation for this purpose as to secure the early completion of the improvements proposed.

By favorable action on the various subjects brought to your notice in the foregoing memorial, and on such other matters as our delegate may bring before your honorable body, you will perform acts of appropriate duty; and your memorialists, as in duty bound, will ever pray, &c., &c.

Signed by

THE COMMITTEE.

C. M. WALKER, *Chief Clerk.*

JULY 20, 1849.

OREGON TERRITORY, ss:

This shall certify that the foregoing is a true copy of the original draught of a memorial, as the same remains on file in my office amongst the documents of the legislative council of the Territory of Oregon.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the Territory of Oregon, at Oregon City, this
[L. s.] twenty-seventh day of February, in the year of our Lord one thousand eight hundred and fifty, and of the independence of the United States the seventy-third.

KINTZING PRITCHETTE,

Secretary of the Territory.