

State Dept. Territorial Papers, "ashington. Microcopy 26, Roll No. 1

Territory of "ashington Executive

Office, Olympia Nov. 29, 1858

Hon Lewis Cass, Secretary of State, "ashington City

Sir:

I have the honor to address this communication to you ~~in consideration~~ considering it as I do a part of my duty to render such information as may be of possible importance to your department.

The Colony of British Columbia has been organized and James Douglas Esquire inaugurated as governor at Fort Langley which point has been selected as the seat of government.

This place, distant about twenty miles from the mouth of Frazer river has been selected as a town site and lots (sixty by one hundred and twenty feet) have been sold to the amount of something in the neighborhood of one hundred thousand dollars, some lots selling as high as eight hundred dollars. The principal purchasers were citizens of Victoria on Vancouvers island.

The sale is strong evidence of the confidence ~~of~~ the English themselves have in the value and productiveness of their mines. In connection with this I ~~strongly~~ remain strongly convinced that with the interior of our Territory free from Indian disturbances and the country properly prospected, development will take place such as will not only remunerate the miner but will equal in richness the deposits of Frazier's River. I have seen several persons with whom I have had long been acquainted who have mined at the latter place and they informed me that they had cleaned over one hundred dollars per month above all expenses, There still remain some five or six thousand miners in that regions who intend to winter there.

The land sold to aliens at Fort Langley was on the following conditions:

1st- According to the law of England which is also the law of British Columbia, an alien may hold lands but is liable to have them declared

forfeited to the crown at any time.

2d-No alien can be disturbed in the possession of lands by any other person than the crown authorized by reason only of his being an alien.

3d-The Colonial Government proposes to secure to aliens the full rights and possession and enjoyment of any lands they may purchase at the sale for the space of three years, at the end of that time they must, if they wish to continue to hold the lands, either become themselves naturalized British subjects or else convey their rights to British subjects.

4th-It is the intention of the Colonial government to endeavor to obtain from the Home government their sanction to measures for carrying into effect the above views, which measures are now in course of preparation, but they must depend for their full effect on the ratification of the home government.

The authorities of Vancouver Island have refused further sufferance to American vessels navigating between Victoria and Fraser's river. Another imposition has been established at Victoria although declared to be a free port by the British parliament. Every American vessel has to pay ten dollars for a clearance and one dollar for a permit to unload and one dollar for a permit to load, making an expense of twelve dollars an item which does not occur to the same amount in any other part of the United Kingdom.

From the present and prospective settlement of this country in the coming year I will respectfully call your attention to the necessity of establishing of a new port of entry on Puget Sound, and will recommend that one be established at some place near the boundary line in order that vessels proceeding from different points in our waters, or on the coast may not be necessarily compelled to go out of their way in order to clear at the present customs House at Port Townsend.

I also beg leave to call your attention to the ~~great~~ necessity

of surveying and marking the boundary line from the Gulf of Georgia to the Rocky Mountains. We have ~~instructions~~ intimations of emigrations from the east to this territory and to the newly discovered mines in the spring. If they proceed to the latter after crossing the Rocky Mountains they will bear off to the north.

Fort Colville, a Hudson Bay post is ~~near~~ in their direct route distant only a few miles from the 49th parallel. In order to avoid any possible question as to jurisdiction I deem it of great importance that this line should be positively established.

I have also to inform you that at present there are at Vancouver Island a line of battle ship with a complement of nine hundred men, a heavy armed steamer corvett of twenty two guns and a steam surveying vessel carrying four guns and two frigates are expected. That island is unquestionably to be made the naval depot of England for the Pacific.

In addition to these one hundred sappers and miners have been sent for the purpose of internal improvements.

This information, perhaps more minutely and accurately will be furnished you by Mr. Nugent, but I thought it would not be out of place for me to communicate with you and to report matters as they occurred.

Our legislature will ~~not~~ meet on next Monday, Dec. 6th for which I have prepared a message touching upon various points, a copy of which I shall have the honor to transmit to you by the next mail.

I have the honor to remain

Your obt. servt.

C.H. Mason, secretary and acting gov. Wash. Terry.

State Department Territorial Papers. Microcopy No. 26, Roll 1
 [Printed] Message of the Governor of the Territory of Washington, Delivered
 December 7th, 1858. House Dec. 7, Laid on the table and 2,000 copies ordered
 printed. Council Dec. 8 Laid on the table and 1,500 copies ordered
 printed. Olympia. Edward Furste Public Printer, 1857

In the absence of the Executive I have the honor to respond to your call,
 not however under the same circumstances as when three years ago his
 duty evolved upon me with an Indian war in our midst--the country ..
 and desolate--and the people gathered together in forts and blockhouses--
 but now with a bright and cheering prospect before us.

I congratulate you, fellowcitizens on the present aspect of affairs,
 Our Territory so long ignored and even geographically known to but
 comparatively a few, has emerged from its unmerited obscurity and at
 ..sprung into importance. The brilliant reports of gold on Fraser's and
 Thompson's rivers have had their natural effect upon the popular mind and
 thousands have flocked to the new El Dorado of the north. Ships from the
 cities of the Atlantic sea-board and from various other parts of the
 globe are advertised as direct for this portion of the world. And heavy
 overland emigrations, in the ensuing spring, are credibly reported. In
 this great influx of population, it may reasonably be expected
 that many will find a new home within our Territory.

From the exaggerated reports that were first circulated, thousands
 at once rushed to the new fields of fortune--ignorant of the
 nature of the country, its rivers and its climate--and many of them, of
 the nature of the occupation they had entered upon. Consequent
 upon this undue excitement was a reaction, and many have returned
 discouraged in proportion as they had been previously elated. Gold
 however is there. From the conflicting nature of the reports it is
 difficult to say in what quantities or how accessible. The best information
 I have been able to obtain leads me to believe that good ^{pages} ~~wagons~~ can be
 made and this is confirmed by the fact that several thousand miners

have remained there with the intention of spending the winter in that region.

In reference to the restrictions imposed upon the free navigation of Fraser's River, the introduction of merchandise into the interior and the general rights of American citizens in that quarter, I have to state that the general government have sent out as Special Agent the Hon John Nugent by whom these and all other grievances of our citizens will be investigated and referred to the proper Department...

In the interest that is being manifested in the mines to the north of our boundary line, the resources within our own limits should not be neglected. Mining has already been carried on successfully in the neighborhood of Fort Colville and gold is known to exist on the Yakima and all its branches. The Indians reduced to peace and subjection and the country thoroughly prospected, it is not hazarding too much to say that we anticipate the development of mines which will equal in richness those of the British Possessions.

[PP above insert] In this connection I will call your attention to the necessity of a port of entry at some point to the north, near the boundary line. Fort Langley near the mouth of Fraser's River, has been selected as the seat of Government for British Columbia and is to be made a port of entry. As a matter of facility and convenience to American commerce and navigation, it is expedient that there should be some point near the British possessions where vessels could effect a clearance without being necessarily compelled to go out of their way to the present Custom House at Port Townsend. I suggest this as a subject for a memorial.

.... Consequent upon the gold excitement miners began to pass through the interior section of the Territory on their way to the mines. This was in 1855, became the occasion for Indian robberies and murders. Col. Steptoe advanced into their country and was utterly routed. Active and vigorous measures were at once taken by Gen. Clarke

commanding general of the United States Army for the Pacific coast, and ample forces under the command of Col. Wright and Maj. Garnett were sent into the field. After a series of brilliant and successful engagements, the Indians were completely routed, and reduced to submission--their property destroyed and hostages given for their future good behavior. Peace has been established. It may, however, be doubted whether a permanent peace such as shall for time to come render the life of a white man secure can be effected without either a winter campaign, or the movement of troops at all seasons of the year through the country and the establishment of permanent posts in their midst, in order that the savage foe may learn in winter as well as in summer, the power of the military arm not to trust the inclemency of the season to baffle its efforts but be ... subject to the authorities placed over him and maintained in a condition in which he can do no harm.

.... the Indian War ~~near~~ over in this Territory, the reflex of emigration setting eastward from the Pacific, will in a single year spread over our interior plains from the Walla-walla to the Spokane, occupying the Yakima and our miners will be found thence to the 49th parallel.

...Of equal importance (to the Mullan road) is it, that there should be roads from Fort Colville to Walla-Walla, or the Dalles--and also across the Cascades Mountains to some point on Puget Sound. Fort Colville, situated as it is in the centre of a rich and fertile valley, already is the nucleus of considerable settlement, is the general rendezvous of Indians residing north of the 49th parallel and is in the direct route of miners moving from the east and south and by land from Puget Sound on the west and its proximity to the boundary line, and to the mining regions of Ben d'Oreille, the Wenatchapam, and the Yakima, all call for its being the site of a military post and being thus more closely connected with the settled portions of the country.

The subject of Indian Treaties so long contracted and still unconfirmed is worthy of your most serious attention. Since the influx

of population occasioned by the newly discovered gold mines, several murders have been committed on Puget Sound--and though in some instances the officers of the Indian Department have succeeded in arresting criminals, ~~xxxx~~ several remain at large. The executive power of the .. is weakened as they cannot compel the Indians to remain upon the reservations which have not been guaranteed to them, and the Indians themselves are dissatisfied from not having received the remuneration promised them. Sheer justice to the Indian and the better security of lives and property of the citizens, demand the speedy confirmation of the Treaties.

In connection with these Treaties I will call your attention to the necessity of a separate Indian superintendent for the Territory of Washington. The extent of Territory, the number of Indians (some twenty-five thousand) and the amount of business to be transacted, render imperative that this office should be created. It must be borne in mind that the faster settlements progress, and the more rapidly citizens ... upon lands over which the Indian has been accustomed to rove the more intricate and laborious become the duties of the officers of that department. The present state of affairs demands that there should be a .. o to this department of the public service in the Territory. The present superintendent has recommended it, and I suggest it to your attention as a subject of memorial.

[p. 5 The organization of the Department of Oregon I ~~conceive~~ conceive to be one of the most important measures that has been adopted for our welfare. The force and the Commander, being in our midst, furnish from their very presence additional protection--and , in case of difficulty, the blow can be struck at once without the former delay of transporting troops and munitions of war from San Francisco. Moreover it will furnish an incentive to the settlement of the interior--the various posts furnishing a market for the forage and

and subsistence that may be raised. And it is hardly necessary to state that, by the gallant and distinguished officer who has been assigned to the command of this Department, we may feel assured every step will be taken, with his usual promptness, zeal and energy to render the country safe, and to effect an actually permanent peace.]

p. ~~ix~~ 9-

The great and importaant lumber interests of the Territory are shown in extensive establishments, both of the Columbia river and Puget Sound which export to all parts of the world manufactured lumber spars ... and carry on a business of not less than two millions of dollars a year. Our magnificent forests of the most valuable timber of fir, .. and pine are unequalled in extent and unrivalled in accessibility. ... p. 10

The extension of the public surveys during the past year developed large bodies of excellent farming lands upon the lower Cowlitz (? folded and difficult to decipher) and Chehalis rivers--upon Grey's Harbor, the Cowlitz, the Pe... between Puget Sound and Hood's Canal--and also upon the shores of the Straits of Juan de Fuca.

p. 11

In this connection I will add that just complaints have been made ..the orders issued by the Military authorities in 1857 prohibiting settlement in that portion of the Territory east of the Cascade Mountains, .. infringement of the rights and privileges guaranteed by the Donation Land Law. This order I am informed, has been practically rescinded by congress at its last session, extended the land surveys over that section of the Territory. Estimates have been made for the same and as soon as appropriations are made, and the state of the country will permit they will be put under contract..

The 4th section of the Act of July 17th, 1854 (amendatory to the Donation Act) provides that, "there shall be reserved to each of the

of Washington and Oregon two townships of land, of thirty-six sections each to be selected in legal sub-divisions, for University purposes. under the direction of the Legislature of said Territories respectively."

pg 12

Since the last annual message, four light houses have been completed and are now in full operation--one at Cape Flattery, one at New Dungeness--one at Shoalwater Bay and one on Smith's Islands in the Straits of Fuca. There is an appropriation for one at Red Bluff on Whidbey's Island which will be erected in the coming spring...

O.H. Mason

State Dept. Territorial Papers. Washington. No. 26, Roll 21

Executive Office, Olympia, December 23d, 1858

Hon Lewis Cass, Secretary of State, Washington City

Sir:

In view of the recent developmēnts of gold in the British possessions, the formation of the Colony of British Columbia, the influx of population and the military and naval preparations there, the definite determination of the boundary line under the Treaty of 1846 from the point which the 49th parallel strikes the Gulf of Georgia to the Pacific Ocean assumes new and grave importance.

The language of the Treaty is westward along the said 49th parallel of north latitude to the middle of the channel which separates the continent from Vancouvers Island and then southerly through the middle of said channel and of Fuca's Straits to the Pacific Ocean. The language would naturally be supposed to be plain enough. But it seems to have been misunderstood on the part of the British Government there being two channels in use, the Canal (sic) de Haro on the West and Rosario Straits on the East leaving between them a group of islands commonly termed the Haro Archipeligo. It is hereby necessary to state that islands are considered as appurtenant to a continent and not a continent to an island; and that the sole reason why the 49th parallel was not carried to the Pacific Ocean was to give to Great Britain Vancouver's Island. If the word channel is to be interpreted as meaning the main channel there can scarcely be a moments hesitation upon the subject. For the canal de Haro is the broadest, deepest and most direct route from the centre of the Gulf of Georgia to the Straits of Fuca and is shorter by some twenty miles than Rosario Straits. There is no point so narrow in the strait of Haro as in Rosario and the widest portions of the former are much wider than the widest portions of the latter. Furthermore the course from the mouth of Fraser River is almost due south through the Canal de Haro and all vessels proceeding from Van

Francisco or Victoria to Frazer River (just north of the 49th parallel) invariably proceed through this channel, thus showing it to be the direct route from the Pacific Ocean via Fuca's strait to the Gulf of Georgia.

To assume Rosario Straits to be the line of separation would be to abandon the key to Puget Sound. It would yield a large group of islands, the various inlets between which form of themselves a vast harbor easily rendered secure by moderate fortifications--the islands rich in limestone and sandstone and probably coal and that of San Juan possessing a large amount of arable land. It would also give to Great Britain the exclusive navigation of the Straits of Haro and bring the boundary (sic) in close proximity with Whitby's Island and the main land and would also, as claimed, take in Smith's Island on which already the United States have erected a light house.

In travelling amongst these islands in a canoe I have been particularly struck with their capability for defence their great importance in a military point of view both as a point for attack or for refuge and (now having lost Vancouver's Island) of their relative importance to the waters of Puget Sound.

The Island of San Juan is one most adapted to settlement and cultivation containing large prairies and fine arable lands. There are at present upon it large flocks of sheep belonging to the Hudson Bay Co. and also several houses for the accommodation of the persons in charge. The latter however have been but recently erected as when I visited it in June, 1854 the buildings were not completed. I am not aware of any attempt on the part of the British Government to assume jurisdiction over these islands until subsequent to the organization of the county (sic) of Islands by the Legislature of Oregon as its ~~se~~^{second} session of 1852-53, the western boundary of which was carried through the Canal de Haro followed by the first legislature of the Territory of Washington in organizing the county of Whatcom and laying down its

boundary in a similar manner. Moreover on Arrowsmiths map of Vancouver Island and the adjacent coast published in London April 11, 1849 and compiled from the surveys of Vancouver, Kellet , Simpson and other eminent English navigators and hydrographers, the line is laid down as running through this channel. Furthermore that a doubt existed on this subject in the minds of the British Government is manifested by Mr Crampton's note of January 19, 1848 to Mr. Buchanan then secretary of state in which he expressly omits the fact and submits a draft of instructions by which a joint commission was to be organized and governed and suggests that Rosario Strait should be assumed as the boundary line.

So much interest is felt in the matter by the citizens of this territory that I deem it my duty to call your attention to the above fact.

On I am sir, very respectfully

Your obedient servant

C.H. Mason

Acting Governor, Washington Territory.

Report of Special Agent for Fraser River, John Nugent

In Sen. Ex. Doc No. 29, 35 Cong. 2 Sess Vol X

State Dept. Territorial Papers, Washington No. 28, Roll 1

State Department Territorial Papers, Washington, No. 26, Roll 1

Washington City, D.C. Jan. 8, 1859

Sir:

I went from San Francisco to Vancouver's Island in 1852 to explore in that vicinity and to see what advantages there were to start a commercial business. After visiting all parts of Puget Sound Admiralty Inlet, Strait of De Fuca, Gulf of Georgia and other places, I concluded to take a claim on one of the islands in the Straits called San Juan, where I built a big house and store and erected other improvements necessary for the intended business, and about the same time I purchased a lease to a piece of property on Van Couver's Island at a place called Yoke, near the entrance of Fuca Straits. On this property were a number of working oxen and utensils of different sorts necessary for my intended operations. As I was to leave soon to attend to business here at Washington, my object was to secure the best location there for the foundation of a great commercial business that I intended to commence as soon as possible. Soon after I had made my locations on the Island, Gov. Douglas of Van Couvers, claimed these islands. I had sundry correspondence with him on the subject (See file at State Dept. p 2

I claiming that as Van Couvers Island and no mention of other islands were inserted in the Treaty that he had no justice on his side in making such a claim, he became very angry with me and soon after commenced to put up buildings and land live stock on the island (nothing of the sort was there when I arrived except a place for coopering casks & where they sent in ~~kaxxx~~ the season to trade with the Indians for salmon. I forwarded all the correspondence between Mr. Douglas and myself to the Department at Washington and soon after I returned to California. I found that my affairs would keep me longer in the

Pacific than I expected and I entered into an agreement with the Captain and Agent of a fine first class ship to go to Yoke on Van Couver's (See Captain 'ardings' affidavit marked B) to load a cargo of spars for Hongkong, China. We took everything that could be required in the ship with us to commence our noble enterprise but to our surprise on our arrival at Yoke I found that Gov. Douglas with the assistance of his friends had tampered with the man I left in charge of my property and had managed to turn it over into other hands, and I found two vessels loading with my cargo p. 3

I served a notice on the masters of ~~these~~ vessels forbidding them from taking my cargo. I had 32 carpenters and axe men on board and was subject to fifty dollars per day so dunnage for the ship, if not loaded in so many days. I had no chance of getting possession of my property and I immediately got underweight and went to another place on our side of the Straits and after a long delay I completed the loading and the ship sailed for China, but in the mean time and after the ship commenced her loading I crossed the Straits in my boat and went to one of the Judges of the Island and stated my case, he immediately issued a restraining order without the knowledge of Douglas (see Order C) and put it into the hands of an officer, to prevent the two ships from taking away my cargo; the two Captains of the vessels went to him (Douglas) and the next day and he released both vessels without any hearing on my part. I could not reach Douglas by any legal process, as he was Supreme Judge, High Sheriff and Dictator General of the whole island.

I then commenced actions against the parties that had injured me for damages and p 4

at the meeting of the court I employed an attorney in Puget Sound and took him over to Victoria to plead my case; but when the court orgaized and the docket was called an order came from Douglas preventing any American Attorney from practicing in their

courts and have me, as he supposed, all aback, but I got up and without a minute's notice commenced on my case it being the first on the docket and had been called at the same time. 'Douglas' order came to deprive me of my legal adviser. I brought forward my proof both witnesses and paper and the ~~very~~ result was that the jury gave me a verdict in one case and the court committed the fellow Munro (who I had left in charge at Yoke) for perjury and sent him forth to prison. My other case stood over ~~on~~ till the next term of court to take place in three months after. I went home to my place at Port Townsend, W.T. Gov. Douglas found how matters stood and saw that I had the justice on my side and that all the members of the court were for doing me justice, he arranged a plan to arrest me on my arrival there at the next term of court, and this is the plan, he called a meeting of his legislative council and appointed a man named Cameron (who is his brother in law) as a sort of Superior Judge and chairman of the court after this was completed he (Douglas) said to a gentleman in speaking of my case that he had a place prepared to keep me in on my arrival there. I was warned of this threat on my arrival, but could not understand it until the court met, and here is what happened: As soon as the court was organized and the docket called over, the Munro case for perjury was the first called up, and the prisoner was brought into court, the new Judge Cameron (who knew nothing whatever of the legal practice, addressed the court to the following effect, that as the prisoner Munro had been three months in prison, he thought he had been punished enough for so simple a case of perjury. The former chairman, Mr. Langford who had been superseded that day by Cameron as chairman said, "Mr. Cameron this is one of the worst cases of perjury that I have ever know, and the prisoner should be punished ~~for~~ the full extent of the law.." Cameron replied "I propose we release the prisoner and send him to the other side (meaning Washington Territory) where all rogues and villains should be sent and where they belong and where they

should remain."

I saw at once that the insult was offered to me, that I might commit contempt of court and be imprisoned when I would have been kept for years--I made no reply to the insult, but immediately withdrew my civil suit and paid the costs, and wrote a short protest against the proceedings, handed it to the clerk and left the court)

(See Clark's certificate marked D) Cameron was so disappointed at my escape from their foul scheme that he immediately adjourned court and sent for Douglas. They, the court, had a long consultation. Douglas and Cameron insisting on my arrest for contempt for making the protest, the other judges could not see anything in my protest to warrant my arrest for contempt, it was at last left to vote, and the majority decided for me and I was at liberty--the next day I received a summons (See summons E) to appear before him to answer a claim in favor of the Yoke Indians. I appeared and found fifty six (56) forged orders on me by Munro p 7

when he was at Yoke the forgery was clearly proven, but Mr. Douglas gave judgment against me and sent the sheriff and Clerk of the court to see the amount paid some 500 or 600 dollars, or I go to prison.

I fortunately had the means at my command and in a few hours the notes were all paid (See notes and receipts marked F) I left the Island the next day and left a letter for Douglas with amount of damages (see copy of letter marked G)

I will state that it appears that my first offence to Douglas was in my saying that they had no right to our islands--and my second was in consequence of my starting a large commercial business at Yoke Harbor and on the island of San Juan., he was determined to break it up and he succeeded. He wanted no opposition to his friends and the Hudson Bay Co's trade etc. and is determined in keeping those islands which belong to the United States. Yours respectfully

Yours respectfully
Wm Webster

State Department Territorial Papers, Wash. No. 26, Roll 1

Last part of reel, dozen and more letters and statements of those imprisoned in Victoria, those whose goods were seized, various complaints against their treatment on Fraser river, United States House episode on the Fraser, complaints against arrest, Dounie expedition and seizure,

Sp Terr. Papers Wash. Series Copy 26, Vol 1, pt. 1

Oath of Governor

District of Columbia Washington

Personally appeared before me Isaac I. Stevens, who having been nominated by the President of the United States to the Senate of the United States and by and with the advice and consent of the Senate having been appointed governor of the Territory of Washington who being by me sworn upon the Evangelists of Almighty God, declares that he will faithfully discharge the duties of said office and that he will support the Constitution of the United States.

(signed) Isaac I. Stevens

Sworn to before me

this 21st March 1853

(signed) James M. Wayne

Associate Justice Supreme Court

U. S. States

Recorded January and 1854

(signed) C.H. Mason, secretary of the Territory of Washington.

SD Terr. Papers Wash. Series. Copy 26, Roll 1, pt. 1

Record of Oath of Associate Justice

District of Columbia, Washington City

Personally appeared before me, Victor Monroe, who having been nominated by the President of the United States to the Senate of the United States, and by and with the advice and consent of the Senate having been appointed an Associate Justice of the Territory of Washington, who being by me sworn upon the Evangelists of Almighty God declares that he will faithfully discharge the duties of the said office and that he will support the Constitution of the United States.

(Signed) V. Monroe

Sworn to before me

the 26th day of March 1853

(signed) Isaac I. Stevens, Governor of the Territory of Washington

Recorded Nov. 28, 1854

(Signed) C.H. Mason, secretary of the Territory of Washington.