

ILLUSTRATIVE DOCUMENTS
REFERRED TO IN
THE TEXT

DOCUMENT A

Article 3 of the Convention between the United States of America and Great Britain, signed at London, October 20, 1818.

“It is agreed that any country that may be claimed by either party on the north-west coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects, of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves.”

DOCUMENT B

Convention between the United States of America and Great Britain, signed at London, August 6, 1827.

“Article 1. All the provisions of the third ar-

ticle of the convention concluded between the United States of America and his majesty the king of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

“Art. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

“Art. 3. Nothing contained in this convention, or in the third article of the convention of the 20th October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains.”

DOCUMENT C

Statement concerning merger of Hudson's Bay Company and North-West Company; and grant to Hudson's Bay Company of 1821 and 1838 to trade in the Oregon Country.

A great enmity arose between the Hudson's Bay

Company and the North-West Company. In 1815 a regular war broke out between the two companies, which was, for some time after, openly carried on. In 1821 a compromise was effected, by which the North-West Company became united with, or rather merged, in the Hudson's Bay Company. In connection with this merger the British Parliament July 2, 1821, passed an act entitled, "An act for regulating the fur trade and establishing a criminal and civil jurisdiction in certain parts of North America," containing every provision required to give stability to the Hudson's Bay Company, and efficiency to its operation. Under this act of Parliament, the King was authorized to make grants or give licenses for the exclusive privilege of trading with the Indians in all such parts of North America, not being parts of the territories previously granted to the Hudson's Bay Company, or of any of His Majesty's provinces in North America, or of any territories belonging to the United States of America; "provided, however, that no such grant or license shall be given for a longer period than twenty-one years; that no grant or license for exclusive trade, in the part of America west of the Rocky mountains, which, by the convention of 1818 with the United States, remained free and open to the subjects or citizens of both nations, shall be used to the prejudice or exclusion of citizens of the United States engaged in such trade; and that no British subject shall trade in those territories west of the Rocky mountains without such license or grant."

December 21, 1821, the King of England

granted a license for twenty-one years, to the Hudson's Bay Company and to W. McGillivray, S. McGillivray, and E. Ellice (representing the North-West Company) "the exclusive privilege of trading with the Indians, in all such parts of North America, to the northward and westward of the lands and territories belonging to the United States of America, as shall not form part of any of our provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state, or power." Said grant also provided: "And we do hereby declare that nothing in this our grant contained shall be deemed or construed to authorize the said Governor and Company, or W. McGillivray, S. McGillivray, and E. Ellice, or any person in their employ, to claim or exercise any trade with the Indians on the north-west coast of America, to the westward of the Stony Mountains, to the prejudice or exclusion of any citizen of the United States of America, who may be engaged in the said trade: Provided always, that no British subjects other than and except the said Governor and Company, and the said W. McGillivray, S. McGillivray, and E. Ellice, and the persons authorized to carry on exclusive trade by them on grant, shall trade with the Indians within such limits, during the period of this our grant." Under this license, the parties to whom it was granted continued their operations until 1824, when the claims of the North-West Company were extinguished by mutual consent; the Hudson's Bay Company then became the sole pos-

essor of the privileges conceded, which were enjoyed by that body until the expiration of the grant. Previous to that period, 1838, a new grant was made to the Company, entitled, "Crown Grant to the Hudson's Bay Company of the Exclusive Trade with the Indians in certain parts of North America, for a term of twenty-one Years, and upon Surrender of a former Grant."

Said grant of 1838 provided: "We do hereby grant and give our license, under the hand and seal of one of our principal secretaries of state, to the said Governor and Company, and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America, to the northward and to the westward of the lands and territories belonging to the United States of America, as shall not form part of any of our provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state, or power, but subject, nevertheless, as hereinafter mentioned: And we do, by these presents, give, grant, and secure, to the said Governor and Company, and their successors, the sole and exclusive privilege, for the full period of twenty-one years from the date of this our grant, of trading with the Indians in all such parts of North America as aforesaid (except as hereinafter mentioned)." Said grant of 1838 also provided: "But we do hereby declare that nothing in this our grant contained shall be deemed or construed to authorize the said Governor and Company, or their successors, or any persons in their employ, to claim or

exercise any trade with the Indians on the north-west coast of America, to the westward of the Stony Mountains, to the prejudice or exclusion of any of the subjects of any foreign states, who, under or by force of any convention for the time being, between us and such foreign states, respectively, may be entitled to, and shall be engaged in, the said trade.”⁶⁰

DOCUMENT D

Excerpts from Manuscript Journal of Rev. Jason Lee.

The following excerpts are taken from the manuscript journal of Rev. Jason Lee, all of which is in his handwriting. This original journal is now in the possession of the Oregon Historical Society.

“Vancouver, Teus[day], Sept. 16, 1834.— Arrived at Fort Vancouver 3 o'clock found the Governor and other Gentlemen connected with the Fort on shore waiting our arrival and conducted us to the Fort and gave us food which was very acceptable as we had eaten our last for breakfast. We received every attention from these Gentlemen. Our baggage was brought and put into a spacious room without consulting us and the room assigned for our use and we had the pleasure of sleeping again within the walls of a house after a long and fatiguing journey replete with menaces, deprivations, toil and prosperity.

⁶⁰ Greenhow's *History of Oregon and California*, pp. 323-325, 467-476 (second edition, 1845); Martin's *Hudson Bay Territories and Van-*

"I have been much delighted today in viewing the improvements of the farm, &c. The dinner was as good and served in as good stile as in any gentleman's house in the east. Fine mus[k] & water melons and apples were set before us which were indeed a luxury after the dry living we have had for some time. After dinner took a turn in the Garden and was astonished to find it in such a high state of cultivation. The orchard is young but the quantity of the fruit is so great that many of the branches would break if they were not prevented by props.

"Dr. McLoughlin the Governor of the Fort seems pleased that Missionaries have come to the country and freely offers us any assistance that it is in his power to render. It is his decided opinion that we should commence somewhere in this vicinity. O Lord do thou direct us in the choice of a location. This evening received the joyful intelligence that Capt. Wyeth's Brig was in sight. It is a matter of joy because the last we heard it was on a sand-bar some 70 mi. below and we found we should be obliged to go down for our goods. Is not the hand of Providence in all this? Would to God that I could praise him as I ought for his gracious dealings with us. It is now past 11 o'clock and I must commend myself to divine care and retire.

"Friday Sep. 19, 1834. — Daniel and myself are now on the bank of the Willamette River a little distance from Mr. McKay's place. Wednesday

couver's Island, pp. 151-165; Bryce's *The Remarkable History of the Hudson's Bay Company*, Chapters XXIV to XXIX.

expected that the Brig would come up to Vancouver and we should receive our goods there but the want of wind prevented her coming up. Went on board just at night and ascertained that we could not get them until the cargo was taken out. Slept on board and walked to the Fort 3 mi. in the morning and commenced preparations for a trip up the Willamette. Dr. Mc. made all the necessary preparations of men, boat, food, &c. and we were off about 4 o'clock. Camped upon the sand. Started early this morning and came to the mouth of the W. [Willamette] and found the Brig there. Took breakfast on board. Waited while Capt's Lambert, Wyeth & Thing explored the vicinity in search of a place to suit their business but the[y] could find none to please them. Left them with the expectation that they will unload some of their goods and arms at or near the place where they now are. Arrived $\frac{1}{2}$ past 1 o'clock."

After an exploring trip up the Willamette River, which is described in his journal, Jason Lee sets forth: "Sat. 27 [Sept.]. Arrived at the Fort g. h. found our brethern well.

"After mature deliberation on the subject of our location and earnest prayer for divine direction I have nearly concluded to go to the W. [Willamette]."

"Sun. 28 Sep. 1834. — A. M. Assayed to preach to a mixed congregation English French scotch Irish Indians Americans Half Breeds Japanese &c. some of whom did not understand 5 words of english. Found it extremely difficult to collect my thoughts or find language to express them but am

thankful that I have been permitted to plead the cause of God on this side the Ry. Mountains where the banners of Christ were never before unfurled. Great God grant that it may not be in vain but may some fruit appear even from this feeble attempt to labour for Thee.

“Evening Preached again but with as little liberty as in the morning, but still I find it is good to worship God in the public congregation.”

“Mon. Sep. 29, 1834. This morning began to make preparations in good earnest for our departure to the W. [Willamette] and after dinner embarked in one of the Company’s boats kindly maned for us by Dr. McLoughlin who has treated us with the utmost politeness, attention and liberality. The Gentlemen of the Fort accompanied us to the boat and most heartily wished us great success in our enterprise. Arrived at the lower mouth of the W. where Capt. Wyeth’s Brig is late in the evening.” . . .

“Wednes[day] Sep. 31, 1834. This morning put Br’s D. Lee & Edwards on shore to go to Mr. MKay’s place to get horses and we pursued our course up the river. Met Capt. Wyeth on his return from his farm and shall not see him again til summer. Camped on a small prairie about 9 mi. from the Falls and found here the men which the Dr. had sent with the cattle he has lent us 8 oxen 8 cows & 8 calves.”

After November 9, 1834, there is no entry in this journal until August 18, 1837, where there is an entry by Jason Lee, saying that he has not kept up his journal. There is no further entry until

July 28, 1838, which was written at North Fork, Platte River, when he was on his first trip to the eastern states. He says in his journal that on February 16, 1838: "The 16 Feb. [1838] I set out for Umpqua, and after 23 days, of toil and hard-ship reached home in safety, and after a few days rest found myself rather better for the trip. This was encouraging, considering the difficulties encountered such as being drenched in rain many times, fording creeks high enough to wet our feet, sleeping in wet clothes, and blankets, very bad roads and sometimes hard marching, &c. The subject of the necessity of some one of the Mission Family visiting the U. S. had been agitated during the winter, and it was at length decided by a majority that it was expedient for *me* to go. Previous to leaving for Umpqua, I had written Dr. McLoughlin, requesting a passage, in the companies Boats, with himself by the Hudson Bay route. This I greatly preferred to the route I came, as less fatiguing, less dangerous, better calculated to restore my debilitated system, and much more likely to afford new, interesting and useful information. The answer was near when I left, and was to be brought me by a man, who was to overtake us the second day, but by mistake he sent it to my house, hence I did not get it till my return. The Dr. could not grant my request, and expressed himself 'doubly mortified;' because he could not do me the favour, and should also be deprived of my company." The remainder of the journal is taken up with the account by Jason Lee of his trip East. March 26, 1838, there is an entry that he left the

Mission House on the Willamette for the United States. March 28 he arrived at Fort Vancouver. On April 4 he left Fort Vancouver in company with a Hudson's Bay Company's party bound for the Rocky Mountains. The rest of the journal is taken up with his trip Eastward. The last entry in his journal says that on July 17, 1838, he was at Sweet Water River.

DOCUMENT E

Rev. Jason Lee's visit to the Eastern States in 1838; and his Report to the Missionary Board at New York in 1844.

On arriving in the Eastern States in 1838 Rev. Jason Lee seems to have become imbued with the zeal and fervor of an evangelist in regard to christianizing the Oregon Indians, and the necessity of more missionaries in Oregon. Rev. Dr. Hines in his *Missionary History of the Pacific Northwest*, p. 194, says: "Mr. Lee devoted the winter of 1838 and the summer of 1839 to traveling and delivering missionary addresses in the cities and larger towns of the Atlantic states. He was accompanied in his journeys by the two Indian boys, Wm. Brooks and Thomas Adams, brought with him from his missionary school in Oregon, whose presence and intelligent speeches added greatly to the popular enthusiasm. Lee's appeals were irresistible. The fire of his zeal caught on the altars of the church everywhere. Oregon and the Oregon Mission fired the heart of the church as no

mission ever did before. The age of apostolic fervor seemed to have returned, and Lee was in the eye of the church like the great Apostle to the Gentiles building on no other man's foundation. The thought of distant wilds, where uncounted red men waited and longed for deliverance from the darkness of heathenism that had wrapped all their race for all these ages became an ever present vision to the church of the United States." In this *History*, p. 195, Dr. Hines also says: "Poverty donated its little; wealth gave its 'gold, frankincense, and myrrh.' . . . The culture of Boston responded; the pride of New York cast its jewels into the treasury. The staid sobriety of Philadelphia wept and shouted and gave. Baltimore outdid the renown of her ancient missionary fame. Lee, erst the lumberman of Canada, later the pioneer missionary, who had dipped his banner in the spray of the Pacific was the hero of the hour." But in his oral report to the Missionary Board in July, 1844, after quoting the following from the letter of a complaining fellow missionary who went to Oregon on the Lausanne: "And indeed they [the Indians] have no life or energy and are a melancholy, doomed race," Jason Lee said: "I think this is in part true, the Indians on the Willamette will become, as a distinct race, extinct. But I think there will be more Indian blood through amalgamation, running in the veins of white men a hundred years hence, than would have been running in the veins of the Indians, if they had been left to themselves."

In July, 1844, Rev. Jason Lee made an oral

report to the Missionary Board in New York. This report was not reduced to writing in full but a brief statement of it was made. A copy of this report, as reduced to writing, corrected by, and in Jason Lee's handwriting, is in the possession of the Oregon Historical Society. The principal serious charges made against Jason Lee, and which caused his summary removal as Superintendent of the Oregon Methodist Mission, had been made secretly, and without notice to him, by members of the Oregon Mission. Lee answered these charges in detail, occasionally with some indignation. These charges against Jason Lee were: using the Mission's funds for speculation for his own use; misuse of Mission funds; and failure to report concerning the property of the Mission.

In this report Jason Lee said of certain Methodist missionaries:

"In one of Bro. Abernethy's letters, he tells you that the Superintendent [Jason Lee] refused to send the report of the state of the property home. There is some error in this. I cannot, I will not, believe that A. intended to charge me with opposing the sending of that report.

"Before I had left Oregon I was aware that Bro. Hines had written to the Board. He had read part of his communication to some persons, who had hinted to me about it. He started from Oregon with me, and I was in hopes we should have met face to face before this Board. He returned, however, from the Sandwich Islands to Oregon.

"Bro. Kone complains of my treatment of him, and professes to know my secret reasons for wish-

ing to keep all in the field. I never had any *secret* reasons. . . . Bro. Kone by his injudicious remarks caused great excitement among the laymen, and made much difficulty.

"He considered Dr. Richmond his enemy because he had so declared himself, and sent word to him [Mr. Lee] that he was his antagonist. And he hoped as they had heard his enemy they would hear him.

"Of Bro. Frost I cannot say much. He has made no thorough effort to bring sinners to God. I mean such an effort as would render it probable that these Indians could not be benefited by the Gospel."

In this report Jason Lee also spoke of some other Methodist missionaries who had made charges against him, without giving their names.

As the Board seems to have exonerated Jason Lee from all charges, it must have found that these charges made in Oregon were untrue, or unfounded, or not justified. Exonerating Jason Lee was, in effect, condemning those persons who made the charges, and finding that their charges were false. In this report Rev. Jason Lee also said: "When the Board sent out its last large reinforcement, its object in my view and I believe in theirs was that Methodism should spread throughout Oregon; for what purpose else, I ask, did so large a number of laymen go out? If it was only to form one or two stations, it appears to me that both the Board and myself as their agent must have taken leave of our senses. If my associates had stood firm to their post, and persevered willingly

in the work consigned them, I have not a doubt but far more favorable accounts would have reached you from that distant country. The plans I assert were well formed and had I been sustained the object would have been accomplished. A great mistake was made in selecting some of those who were sent out. I allude not to the number but the qualifications of certain individuals. I forewarned the Oregon Committee that if the persons who applied for situations were not examined by a proper committee the plan would fail. Such proved to be the case. As proof I aver that we had not reached our first stopping place in South America, before some desired to return to the United States, and even after touching at the S. [Sandwich] Islands before we had reached Oregon one wanted to return and secure the Chaplaincy at the Islands. I have had much to contend with, and I regret that men of more steadfast minds had not been chosen. Such persons do more injury to a distant Mission than they do good, and no one knows the difficulties I have had to pass through."

In this report Rev. Jason Lee said further: "He [Dr. McLoughlin] is a Catholic. Previous to the Priests going there, I was his intimate friend, - his confidant. Such was my influence with the Canadian part of the settlement, that they would have been pleased to give me their church and have no Priest come. Since my return I have not time to instruct their children as we used to do, and the Priests have taken them."

DOCUMENT F

Excerpts from Narrative of Commodore Charles Wilkes, U. S. N., published in Philadelphia in 1845.

Commander Charles Wilkes of the United States Navy, (afterwards Commodore) had charge of an exploring expedition during the years 1838-1842, which came to the Oregon Country in 1841. His squadron consisted of six vessels, which arrived at Puget Sound in 1841. He left his ships at Puget Sound and came overland to Vancouver in May, 1841. In his narrative of his exploring expedition, published in 1845, Wilkes says, (vol. IV, p. 327): "He [Dr. McLoughlin] is a tall fine-looking person, of a very robust frame, with a frank, manly, open countenance, and a florid complexion; his hair is perfectly white. He gave us that kind reception we had been led to expect from his well known hospitality. He is of Scotch parentage, but by birth, a Canadian, enthusiastic in disposition, possessing great energy of character, and extremely well suited for the situation he occupies, which requires great talent and industry. He at once ordered dinner for us, and we soon felt ourselves at home, having comfortable rooms assigned us, and being treated as part of the establishment." And on page 331 he says: "The liberality and freedom from sectarian principles of Dr. M'Loughlin may be estimated from his being thus hospitable to missionaries of so many Protestant denominations, although he is a professed Cath-

olic, and has a priest of the same faith officiating daily at the chapel. Religious toleration is allowed in its fullest extent. The dining-hall is given up on Sunday to the use of the ritual of the Anglican Church, and Mr. Douglass or a missionary reads the service. . . . Messrs. Griffith and Clarke were entirely disappointed in finding self-support here, and had it not been for the kindness of Dr. M'Loughlin, who took them in, they would have suffered much. They were advised to settle themselves on the Faulitz Plains, where I have understood they have since taken land, and succeeded in acquiring quite respectable farms."

June 3, 1841, Wilkes left Vancouver to make an exploring trip up the Willamette Valley. In his account of this trip he says in his narrative, (vol. IV, pp. 343-344): "We reached the falls about noon, where we found the missionary station under the charge of the Rev. Mr. Waller. . . . There was a petty dispute between Mr. Waller and the [Hudson's Bay] Company, and he complained of them. It seems that the Company refuse to buy any beaver-skins, except from the hunters and trappers; and he accuses them of monopoly in consequence. The Company, on the other hand, say that they have no idea of selling goods out of their own stores, for the purpose of enabling others to enter into competition with them; and that they will spare no expense to keep the trade, as long as they can, in their own hands. This is certainly not unfair. I cannot help feeling it is quite unsuited to the life of a missionary, to be entering into trade of any kind. To embark in traffic must, I think,

tend to destroy the usefulness of a missionary, or divert his attention from the great cause in which he is engaged. I am very far from attaching any blame on this account to the missionaries, whose avowed object is to teach the arts of civilization, as well as the Word of God, and I have no doubt that they are doing all in their power to promote the latter object; but I am disposed to think, that any complaints against the Hudson Bay Company for endeavouring to keep the trade in their own hands, comes with an ill grace from the members of a Mission who are daily receiving the kindest attentions and hospitality from its officers." In vol. IV, p. 351, he says: "The lands of the Methodist Mission are situated on the banks of the Wilamette river, on a rich plain adjacent to fine forests of oak and pine. They are about eight miles beyond the Catholic Mission, consequently eighteen miles from Champooing, in a southern direction. . . . We had the expectation of getting a sight of the Indians on whom they were inculcating good habits and teaching the word of God; but with the exception of four Indian servants, we saw none since leaving the Catholic Mission. On inquiring, I was informed that they had a school of twenty pupils, some ten miles distant, at the mill; that there were but few adult Indians in the neighborhood; and that their intention and principal hope was to establish a colony, and by their example to induce the white settlers to locate near those over whom they trusted to exercise a moral and religious influence."

In vol. IV, p. 352, he says: "The next day the

gentlemen of the Mission proposed a ride to what they term 'the Mill,' distant about nine miles, in a southeast direction. . . . We reached 'the Mill' by noon, which consists of a small grist and saw mill on the borders of an extensive prairie. They are both under the same roof, and are worked by a horizontal wheel. . . . From the number of persons about the premises, this little spot had the air and stir of a new secular settlement; and I understood that it is intended to be the permanent location of the Mission, being considered more healthy than the bank of the Willamette. The missionaries, as they told me, have made individual selections of lands to the amount of one thousand acres each, in prospect of the whole country falling under our laws."

On page 355 of the same volume he says: "I am aware that the missionaries come out to this country to colonize, and with the Christian religion as their guide and law, to give the necessary instruction, and hold out inducements to the Indians to quit their wandering habits, settle, and become cultivators of the soil. This object has not been yet attained in any degree, as was admitted by the missionaries themselves; and how it is to be effected without having constantly around them large numbers, and without exertions and strenuous efforts, I am at a loss to conceive. I cannot but believe, that the same labour and money which have been expended here, would have been much more appropriately and usefully spent among the tribes about the Straits of Juan de Fuca, who are numerous, and fit objects for instruction." And on

page 356 Commander Wilkes says: "Three years since, O'Neill came to the valley with only a shirt to his back, as he expressed it; he began by working part of this farm, and obtained the loan of cattle and other articles from Dr. M'Loughlin, all of which he has, from the natural increase of his stock and out of his crops, since repaid. He has bought the farm, has two hundred head of stock, horses to ride on, and a good suit of clothes, all earned by his own industry; and he says it is only necessary for him to work one month in the year to make a living; the rest of the time he may amuse himself. He spoke in the highest terms of Dr. M'Loughlin, and the generous aid he had afforded him in the beginning."

The Peacock, one of the vessels of the squadron, was wrecked July 18, 1841, on a spit near Cape Disappointment on the north side of the entrance to the Columbia River, ever since known as Peacock Spit. The vessel was a total loss. Commander Wilkes says that the crew of the Peacock were supplied with clothing through the kindness of Dr. McLoughlin and the officers of the Hudson's Bay Company. Wilkes further says that "every facility has been at all times extended [by Dr. McLoughlin] to newcomers and settlers; it is sufficient that they are of good character, and the use of cattle, horses, farming utensils, and supplies, is invariably extended to facilitate their operations, until such time as they are able to provide for themselves." At the time of the wreck of the Peacock, there was lying at Astoria the American brig Thomas H. Perkins. She was under charter

to the Hudson's Bay Company. Dr. McLoughlin readily agreed to surrender the charter party for a small consideration, if the goods he had on board were delivered at Fort Vancouver. This Wilkes agreed to and purchased the brig. He changed her name to the "Oregon." In August, 1841, the Oregon was taken to Fort Vancouver to be repaired and outfitted. In the meantime Wilkes proceeded slowly up the Columbia River in the naval gun-brig Porpoise, of two hundred and thirty tons, making a survey of the river. The Porpoise arrived at Fort Vancouver August 28, and remained there until September 14, 1841. The expedition was treated with kindness and courtesy while at Fort Vancouver.

Fresh beef seems to have been scarce even in 1841. Wilkes in his narrative says that on September 27, 1841, the Porpoise was at Puget's Island, near Cathlamet. Here he was joined by Michel La Framboise, in the employ of the Hudson's Bay Company, "who brought a supply of fresh beef for the crew, which they were much in need of." On leaving the Columbia River, Wilkes addressed a letter from Baker's Bay, dated October 5, 1841, to Dr. McLoughlin and James Douglas as Chief Factors of the Hudson's Bay Company, giving thanks "for the important aid and facilities which you have afforded the Expedition on all occasions, for carrying out the object of our visit to this part of the world;" and saying, "be assured it will prove a very pleasing part of my duty to make a due representation of it to my government." And also saying: "Your personal kind-

ness and friendly attention to myself and officers, from our first arrival, and also to Captain Hudson and his officers after the wreck of the Peacock, have laid me under many obligations which I trust it may be at some future day in our power to return." (Vol. V, p. 147).

DOCUMENT G

Letter from Henry Brallier to Frederick V. Holman of October 27, 1905.

Since I delivered my address on McLoughlin Day, I have received the following letter. The persons referred to are probably a small party, who came to Oregon prior to 1840. There were several small parties of immigrants to Oregon, who came prior to 1842. Robert Shortess came overland in 1839 and 1840 to Oregon with one of these parties.

"Seaside, Oct. 27, 1905."

"Mr. Frederick V. Holman,

"Portland, Oregon.

"Dear Sir: In the Sunday *Oregonian* of the 15th of this month I see an interesting account of Dr. McLoughlin, but one act of his that showed his human kindness, I have never seen in print. This a man by the name of Marechell told me. He was an old Hudson's Bay man who died here in his eighty-sixth year. He could not recollect the exact year, but it was a year or two after Wyeth came, the emigrants got lost in the head waters of Snake River, and would have all perished but the Indians brought word from one tribe to another

about them being there, until it reached Fort Vancouver. When the Doctor heard it, he rushed around like one wild and called, 'Where is Marechell! Where is La Framboise.' He started them with a lot of provisions in their canoes, with some others to help to the Cascades, there to pack them over, then get them in their canoes again, take them to The Dalles, and there they got ponies to pack them on their journey to the emigrants, a weary trip. And after some two weeks' trip, they found the emigrants encamped in a small valley, there still to live a short time and then starve to death. He said if ever it tried a man's soul, then it did his. The poor women came running to him, fell on their knees, hugging them and crying. Men crying and blessing them and the Doctor for sending them. I often think if there is an upper seat around the throne of God, that the Doctor and some of those men that were so kind to others, are there now.

"This man Marechell came with the Hudson's Bay Company, when he was 12 years of age, with his father. As near as he could tell he was about 22 years of age when he took the trip to find the emigrants.

"I came to the Coast in early '52; to Oregon in '58; to Astoria in '63, and to Seaside soon after. So I knew Marechell well, and did see La Framboise a number of times. So what Marechell told me I believe is true.

"Beg pardon if this intrudes on your time and patience.

"Respectfully,

"HENRY BRALLIER,

"Seaside, Oregon."

DOCUMENT H

Shortess Petition; excerpts from Gray's "History of Oregon" relating to Shortess Petition; and excerpt from speech of Samuel R. Thurston in Congress, December 26, 1850, as to author of Shortess Petition.

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

"We, the undersigned, settlers south of the Columbia river, beg leave respectfully to represent to your honorable body:

"As has been before represented to your honorable body, we consider ourselves citizens of the United States, and acknowledge the right of the United States to extend its jurisdiction over us; and the object of the present memorial is to ask that the protection of the United States Government may be extended to us as soon as possible. Hitherto, our numbers have been small, and the few difficulties that arose in the settlement were speedily and satisfactorily settled. But as our settlement increases in numbers, so our difficulties increase in number and importance; and unless we can have laws to govern us that will be respected and obeyed, our situation will be a deplorable one. Where the highest court of appeal is the rifle, safety in life and property cannot be depended on.

"The state of the country, its climate, resources, soil, productions, &c., has already been laid before

your honorable body, in Captain Wyeth's memoir and in former memorials from the inhabitants of this place.

"Laws are made to protect the weak against the mighty; and we feel the necessity of them in the steps that are constantly taken by the honorable Hudson Bay Company, in their opposition to the improvement and enterprise of American citizens. You have been apprized already of their opposition to Captains Wyeth, Bonneville, and others; and we find that the same spirit dwells with them at the present day. Some years ago, when the Hudson Bay Company owned all the cattle in Oregon, they would not sell on any conditions; but they would lend their cows to the settler - he returning to the company the cows loaned, with all the increase; and, in case of the death of a cow, he then had the privilege of paying for it. But, after the settlers, at great risk and expense, went to California, and purchased cattle for themselves, and there was a fair prospect of the settlement being supplied, then the Hudson Bay Company were willing to sell, and at lower rates than the settler could sell.

"In the year 1841, feeling the necessity of having mills erected that could supply the settlement with flour and lumber, a number of the inhabitants formed themselves into a joint stock company, for the purpose of supplying the growing wants of the community. [Many of the farmers were obliged to leave their farms on the Willamette, and go six miles above Vancouver, on the Columbia River - making the whole distance

about sixty miles – to get their wheat ground, at a great loss of time and expense.] The company was formed, and proceeded to select a site. They selected an island at the falls of the Willamette, and concluded to commence their operations. After commencing, they are informed by Dr. McLoughlin, who is at the head of the Hudson Bay Company's affairs west of the Rocky Mountains, that the island is his, and that he (although a chief factor of the Hudson Bay Company) claims all the lands at the east side of the Willamette, embracing the falls down to the Klakamus river, a distance of about two miles. He had no idea, we presume, that the company would succeed. However, he erected a shed on the island, after the stuff was on the island to build a house, and then gave them permission to build under certain restrictions. They took the paper he wrote them, containing his conditions; but did not obligate themselves to comply with the conditions, as they did not think his claim just or reasonable.

“Many projects had been started by the inhabitants, but, for want of means and encouragement, failed. This fate was predicted for the Milling Company. But, after much labor and difficulty, they succeeded in getting a saw mill erected, and ready to run; and entered into a contract to have a grist mill erected forthwith. And now, as they have succeeded, where is the Hudson Bay Company? Dr. McLoughlin employs hands to get out a frame for a saw mill, and erect it at the Willamette falls; and we find, as soon as the frame is up, the gearing which has been made at Vancouver is

brought up in boats; and that which caused a feeble company of American citizens months of toil and embarrassment is accomplished by the chief factor of the Hudson Bay Company in a few weeks; (he has men and means); and it is said by him, that in two weeks his mill will be sawing. And what will be the consequences? Why, if the Milling Company sell for \$15 per thousand, he can sell for \$12; if they reduce the price to \$10, he can come to \$8, or \$5, or \$2 per thousand. He says he will have a grist mill started as soon as he gets the saw mill in operation.

“All the wheat raised in Oregon they are anxious to get, as they ship it to the Russians on the Northwest coast. In the first place, they measured the wheat in a half bushel, called by them imperial measure, much larger than the standard measure of the United States; this not answering, they next proceeded to kick the half bushel with the foot, to settle the wheat; then they brought up a measure larger than the former one; and now they fill this measure, then strike it three times with a stout club, and then fill it up, and call it fair measure. Against such proceedings we need law that will be respected and obeyed.

“About twelve or fourteen years ago the Hudson Bay Company blasted a canal a few feet to conduct water to a mill they were going to build, the timber for which is now lying at the falls rotting. They, however, abandoned the thing altogether, and built their mills on the Columbia, about six miles above Fort Vancouver, on the north side of the river.

“In the year 1838, agreeably to orders left by Mr. Slacum, a house was erected at the falls, to secure the claim for him.

“In 1840, the Methodist mission erected buildings at the falls, and stationed two families there, and made a claim to sufficient land for their buildings, not interfering with any others who might wish to build. A short time previous to this, Dr. McLoughlin had a storehouse erected for the company, not occupied, however, further than to store wheat and other articles in, and as a trading house during the salmon season.

“After this, in 1841, a shantee was erected, and a man kept at the falls, whose business it was to trade with the Indians for furs and salmon, and look out for the Doctor’s claim, he said, and to forbid persons building at the falls, as some had built, and others were about building. This man was, and still is, a servant of the Hudson Bay Company.

“During the years 1841 and 1842, several families settled at the falls, when Dr. McLoughlin, who still resides at Fort Vancouver, comes on the ground, and says the land is his, and any person building without his permission is held as a trespasser. Without reference to any person’s right or claim, he employs a surveyor to lay out the plat; and as a bill was before the Senate of the United States to grant to every white male inhabitant a mile square, he has a mile run out to suit his views, and lays out a town plat at the falls, and calls it Oregon City. And although some, for peace sake, asked him for the lots they had already in posses-

sion, and which he appeared very willing to grant, the Doctor now felt himself secure, and posted up the annexed paper, (marked A) which is the original; and all who had lots were required to pay Mr. Hastings five dollars for a deed of land which they knew very well the grantor did not own, and which we hope he never will own, but that Congress will pass a special act granting to each man his lot and improvements. Those that applied received (if they had a house on the lot) a deed, a copy of which is annexed, (marked B); if they had no house, a bond was given for five dollars, a copy of which is annexed, (marked C). To those that applied and paid their five dollars, all was right with the Doctor; while those who considered his title to the land not good, and that therefore he had no right to direct who should build and who should not, had their lots sold to others. In one case the purchaser came to the original claimant, and ordered him to stop digging the ground which he was preparing for a garden, and commanded him to remove his fences, as he had Dr. McLoughlin's bond in his pocket for the lots; and if he did not move his fence he would, and take forcible possession. Those who desired to have no difficulty, and did not apply for a deed, have lost their lots, the Doctor's promise, and all. And Mr. Hastings (the Doctor's agent) is now offering for sale the lots on which part of the mission buildings stand; and if he succeeds in finding a purchaser, they must either contend or lose their buildings.

“Dr. McLoughlin had held claims in other places south of the Columbia river – at the Tua-

latin plains and Klakamus plains he had huts erected, to prevent others from building; and such is the power of Dr. McLoughlin, that many persons are actually afraid to make their situation known, thinking, if he hears of it, he will stop their supplies. Letters were received here from Messrs. Ladd & Co., of the Sandwich Islands, in answer to a letter written by the late Mr. Ewing Young, for a few supplies, that orders were received, forbidding the company's vessels carrying any goods for the settlers of Oregon. Every means will be made use of by them to break down everything that will draw trade to this country, or enable persons to get goods at any other place than their store.

"One other item, and we are done. When any United States Government officers of distinction arrive, Vancouver is thrown open, and every facility afforded them. They were even more condescending to the settlers during the time the exploring squadron was in the Columbia; nothing was left undone to give the officers a high opinion of the honorable Hudson Bay Company. Our Indian agent is entirely dependent on them for supplies and funds to carry on his operations.

"And now your memorialists pray your honorable body, that immediate action of Congress be taken in regard to this country, and good and wholesome laws be enacted for our Territory, as may, in your wisdom, be thought best for the good of the American citizens residing here.

"And your memorialists will ever pray.

"Robert Shortess, A. E. Wilson, William C.

Remick, Jeffrey Brown, E. N. Coombs, Reuben Lewis, George Davis, V. Bennet, J. Rekener, T. J. Hubbard, James A. O'Neil, Jer. Horregon, William McKarty, Charles Compo, John Howard, his + mark, R. Williams, G. Brown, John Turner, Theodore Pancott, A. F. Waller, John Hofstatter, G. W. Bellamy, William Brown, A. Beers, J. L. Parrish, William H. Gray, A. D. Smith, J. C. Bridges, Aaron Cook, A. Copeland, S. W. Moss, Gustavus Hines, George W. LeBreton, J. R. Robb, J. L. Morrison, M. Crawford, John Anderson, James M. Bates, L. H. Judson, Joel Turnham, Richard H. Ekin, H. Campbell, James Force, W. H. Willson, Felix Hathaway, J. Lawson, Thomas J. Shadden, Joseph Gibbs, his + mark, S. Lewis, Jr., Charles Roy, William Brum, S. Davis, Joseph Yatten, Daniel Girtman, C. T. Arrendrill, A. Tonner, David Carter, J. J. Campbell, W. Johnson, John Edmunds, W. Hauxhurst, W. A. Pfeiffer, J. Holman, H. B. Brewer, William C. Sutton.

"Willamette, Oregon Territory, March 25, 1843."

A

NOTICE

"Notice is hereby given to all whom it may concern, that those who have obtained grants of lots in Oregon City will be expected to call upon L. W. Hastings, my authorized agent at Oregon City, and obtain a bond for a deed or deeds, as the case may be. Those who hold claims to any lot, and

who comply with the above requisite on or before the first day of February next, will be entitled to their lot or lots; otherwise, the lots upon which they hold a claim will thereafter be subject to any disposition which the undersigned may think proper to make of them.

“JOHN McLOUGHLIN.”

“January 18, 1843.”

“Oregon City, March 27, 1843.”

“We, the undersigned, do hereby certify that the within [above] notice of John McLoughlin was posted up in the most public place in this town.

“R. SHORTESS.”

“A. E. WILSON.”

B.

DEED—JOHN McLOUGHLIN TO WALTER POMEROY

“Know all men by these presents, that I, John McLoughlin, of Fort Vancouver, in the Territory of Oregon, for and in consideration of the sum of one dollar, to me in hand paid by Walter Pomeroy, of Oregon City, of the Territory aforesaid, the receipt whereof is hereby acknowledged, have this day, and do by these presents, remit, release, and forever quit claim, unto the said Pomeroy, his heirs and assigns, all and singular the following piece, parcel, and lot of land, bounded and described as follows, to wit: commencing at the northeast corner, running thence southerly sixty-six (66) feet to a stake; thence westerly one hundred (100) feet to a stake; thence northerly sixty-

six (66) feet to a stake; thence easterly one hundred (100) feet to a stake at the place of beginning – being lot number four, (4,) in block number three, (3,) in the town of Oregon City, in the Territory of Oregon, which will more fully appear from a reference to the map and plan of said town:

“To have and to hold the same, together with all and singular the privileges and appurtenances thereunto in any wise appertaining or belonging, unto the said Pomeroy, his heirs, executors, administrators, or assigns, forever.

“And I, the said McLoughlin, for myself, do avouch and declare, that I am the true and proper claimant of and to the said premises and lot of land, and that I have in myself full power, good right, and sufficient authority, to remit, release, and quit by claim, to all and singular my right, title, interest, and claim, in and to said lot and premises, in manner and form aforesaid.

“And I, the said McLoughlin, do hereby covenant and agree to warrant and defend the said premises, together with the privileges and appurtenances thereunto appertaining or belonging, to the said Pomeroy, his heirs and assigns, against all lawful claims of all persons whomsoever, the claims of the Government only excepted.

“In testimony whereof, I, the said McLoughlin, have hereunto set my hand and affixed my seal, this the 2d day of March, A. D. 1843.

“JOHN MCLOUGHLIN, (L. S.)”

“Per L. W. HASTINGS, his Agent.”

“We, the undersigned, do hereby acknowledge

that the above is a true and correct copy of the original.

“R. SHORTESS.”

“A. E. WILSON.”

C.

BOND—JOHN McLOUGHLIN TO ALBERT E.
WILSON

“Know all men by these presents, that I, John McLoughlin, of Fort Vancouver, in the Territory of Oregon, am held and firmly bound unto Albert E. Wilson, of Oregon City, in the Territory afore-said, in the full sum of five hundred, federal money; for the punctual payment of which, well and truly to be made, I bind myself, my heirs, executors, or administrators, firmly by these presents.

“In testimony whereof, I have hereunto, below, set my hand and affixed my seal, this the 26th day of December, A. D. 1842.

“Now, know ye, that the condition of the above obligation is such, that whereas the said Wilson hath this day, and doth by these presents, purchase of the said McLoughlin all and singular the following pieces, parcels, tracts, and lots of land, namely: lots No. four (4) and five (5) in block No. two, (2), in the town of Oregon City, in the Territory of Oregon, as is more fully shown by the map and plan of the said town; and hath, and by these presents doth, agree to build upon and improve each of the said lots within the term of one year from the date of these presents. In considera-

tion of which, the said McLoughlin hath and doth by these presents covenant and agree to make to the said Wilson a good and sufficient quit claim deed for and to all and singular the above-mentioned pieces, parcels, tracts, and lots of land, whenever he, the said Wilson, shall have complied with the above conditions on his part. Now, if the said McLoughlin shall well and truly make, or cause to be made, the said deed to the said Wilson, upon the said Wilson's complying on his part with the above condition, then and in such case the within obligation shall become entirely void and of no effect; otherwise, to be and remain of full force and virtue.

“JOHN MCLOUGHLIN, (L. S.)”

“Per L. W. HASTINGS, his Agent.”

“We, the undersigned, do hereby acknowledge the above to be a true and correct copy of the original.

“R. SHORTESS.”

“A. E. WILSON.”⁶¹

W. H. Gray was one of the signers of the Shortess petition. In his *History of Oregon*, pp. 296, 297, he says, in relation to certain persons who did not sign the Shortess petition:

“Mr. George Abernethy declined to sign this

⁶¹ This copy of the Shortess petition is made from the United States Senate Document as printed by its order of February 7, 1844. It is Senate Document 105, 28th Congress, 1st Session. One copy of this original Senate Document is in the possession of Milton W. Smith, Esq., of Portland, Oregon. By his courtesy the foregoing copy was made from said Senate Document. The purported copy of the Shortess petition in Gray's *History of Oregon* and in Brown's *Political History of Oregon* are not true copies.

petition through fear of injuring the Methodist Mission in its secular or business relations with the Hudson's Bay Company.

"Hugh Burns would not sign it because he did not wish Congress to be asked to confirm his title to lots and improvements.

"Jason Lee, though he thought it right to petition Congress for protection, yet on account of his position as Superintendent of the Methodist Mission, and the influence of the [Hudson's Bay] Company against them should he sign it, thought it best not to give his name.

"Dr. I. L. Babcock refused, because, by signing he would lose his influence with the [Hudson's Bay] company.

"Walter Pomeroy, ditto.

"Dr. Bailey did not wish any protection from the Congress of the United States.

"Rev. H. K. W. Perkins was *ashamed* of the petition. 'What does Congress care about measuring wheat? or a contest between two milling companies?'

"George Gay did not care anything about it. Congress might do as it pleased; he did not want its protection.

"The people in Tualatin Plains did not have an opportunity to sign or refuse for want of time to circulate it in that section. The bearer of it, William C. Sutton, was on his way to the States across the Rocky Mountains."

Thurston in his speech in Congress December 26, 1850, said, as to the author of the Shortess petition: "I know the gentleman who wrote the orig-

inal, whom to know is to respect, to listen to to believe. He is a gentleman of the highest standing in Oregon, of some twelve or fourteen years residence and who would be universally believed on any subject on which he would presume to speak."⁶² Thurston certainly did not refer to Shortess. The latter, while a man of ability and some education, was of an ascetic disposition, intense in his dislikes and given to sarcasm. He was not a popular man.

That the Shortess petition was written by George Abernethy is shown in a foot-note on page 207 of volume 1, *History of Oregon*, Bancroft's Works, where it is said that "such is the statement of Shortess made to Elwood Evans by letter in 1867," quoting from a manuscript history of Oregon written by Evans for Bancroft. Subsequently Evans wrote an elaborate history of Oregon and Washington, entitled "History of the Pacific Northwest," which was published in 1889. On page 243 of volume 1 of this history Evans says that September 1, 1867, Shortess wrote an autograph letter to Evans that Shortess originally drew up notes or a summary of the subjects he intended to embrace in the petition. That Shortess requested Abernethy "to write it in proper form, which he did, but refused to sign it or allow it to be circulated in his handwriting, fearing it might injure the mission. I had it copied by A. E. Wilson. It was circulated and, through his assistance, sent to Washington."

Shortess arrived in the Willamette Valley in

⁶² See Document N.

April, 1840. He afterwards took up a land claim near Upper Astoria. He sold his claim and became a recluse. He died in 1877. Some time after he signed the Shortess petition he appears to have changed his opinions of the Hudson's Bay Company, and especially of the Methodist missionaries. He wrote a document about his trip to Oregon which he gave to Mr. William Chance. The latter gave this document to the Oregon Pioneer Association. It is published in full in the *Transactions* of the Oregon Pioneer Association for 1896, pp. 92-107. It is a very interesting document. In it he refers to the Methodist missionaries in terms which, at least, are not complimentary.

DOCUMENT I

Ricord's Proclamation; letters of A. Lawrence Lovejoy and Rev. A. F. Waller of March 20, 1844; Ricord's Caveat; invalidity of Waller's claim to Dr. McLoughlin's land; and excerpts from letters of Rev. Jason Lee to Rev. A. F. Waller and Rev. Gustavus Hines, written in 1844.

The following is a copy of a proclamation dated December 20, 1843, and issued by John Ricord, as attorney for Rev. Alvin F. Waller. The original of this document in the handwriting of Ricord, and signed by him, pasted on cloth, is in the possession of the Oregon Historical Society. Said original was publicly posted at Oregon City by Waller after Ricord left for the Hawaiian Is-

lands. It shows weather stains, but is perfectly legible.

“TO THE PEOPLE OF OREGON.

“Fellow Citizens,

“Having been Retained professionally to establish the Claim of Mr. Alvin F. Waller to the Tract of Land on the East Bank of the Wallammette River, sometimes called the Wallammette Falls Settlement and sometimes Oregon City, I consider it a duty to my Client and the public, to state briefly and concisely the several circumstances of his case, as they really exist, in order that his motives may not be impugned and his intentions misunderstood and misrepresented.

“The public are already aware that my client commenced the Occupancy of his Farm, in the spring of A. D. 1840, when no one resided at the falls; and that, in the course of that Summer, he built his Home, moved his family into it, and cleared and fenced a good portion of the Land, from which, in the ensuing years A. D. 1841 & 1842 he raised successive crops of corn, Potatoes and other vegetables usually cultivated by Farmers. That he remained thus occupying undisturbed, until the month of December A. D. 1842, about two years and six months, when Doctor McLoughlin caused his Farm to be surveyed, for the purpose of selling it in subdivisions to American Citizens. It has since been currently reported and quite generally believed, that my client had renounced his right in favor of Doctor McLoughlin. This I am authorized to contradict, having perused the letter written by Mr. Waller, which

not only contains no renunciation, but on the contrary, is replete with modest and firm assertions of his rights in the premises: offering at the same time to relinquish his claim, if the Doctor would comply with certain very reasonable and just conditions. Upon this offer, the parties had come to no final conclusion, until my arrival in the Colony, when Doctor McLoughlin attempted to employ me to establish his claim, disregarding the rights of all other persons – which, I declined doing. Mr. Waller thereupon engaged me to submit the conditions a second time to the Doctor, for his acceptance or rejection; which I did in the following words:

“1st. That your preemptive line be so run as to exclude the Island upon which a private Company of Citizens have already erected a Grist Mill – conceding to them so much water as may be necessary for the use of said Mill.

“2d. That Mr. Waller be secured in the ultimate Title to the two city Lots now in his possession and other lots not exceeding in superficial area five Acres, to be chosen by him from among the unsold lots of your present Survey.

“3d. That the Rev. Mr. Lee on behalf of the Methodist Episcopal Mission, be in like manner secured in the lots claimed for the use of said Mission. They consist of Church and Parsonage lots and are well known to the public.

“I received a letter from Dr. McLoughlin dated 10th Novr. 1843, in answer to mine, in which he declines complying with the above Conditions, and thus puts an end to the offer of my Client to relinquish his right of Preemption. Under these

circumstances Mr. Waller has now applied to the Supreme Court of the United States, which, under the Constitution has original jurisdiction of "all cases in Law & Equity, arising under Treaties," to grant him a Commission for perpetuating the testimony of the facts in his case, *de bene esse*, in order that, whenever Congress shall hereafter see fit to prescribe by law the conditions and Considerations, he may be enabled to demand of the United States, a Patent; also praying the Court to grant him such other relief in the premises as may be consonant with Equity and good conscience.

"The Legality of Mr. Waller's claim rests upon the following Grounds:—

"1st. He was a citizen of the United States of full age and possessed of a family when he first came to reside on the premises. 2d. He built a House upon them and moved his family into it; thus becoming in Fact and in Law a Householder on the land. 3d. He cleared, fenced and cultivated a portion of it during two years and six months, before he was disturbed in his actual possession. And 4th. That he is not at this moment continuing the cultivation of his Farm, is not his fault since it was wrested from him.

"The Illegality of Doctor McLoughlin's Claim rests upon the following Grounds:—

"1st. He is a British Subject, owing allegiance to a Foreign Power, and has so continued to be ever since the Spring of A. D. 1840. For this reason alone he could not acquire preemption to lands in the United States.

"2d. He is the Chief Officer of a Foreign Cor-

porate Monopoly. For this reason alone he could not acquire preemption to lands in the United States.

"3d. He does not now and never did reside on the land in question, but on the contrary, he resides and has always continued to reside on the North side of the Columbia River, the Section of country actually in dispute between the two Governments, about Twenty miles from the land claimed by Mr. Waller, and there he is obliged to remain, so long as he continues to be Chief Factor.

"4th. He is not in fact the Claimant. The Hudson's Bay Company, a Foreign Corporation, is in fact the Claimant while Doctor McLoughlin only lends his name; well knowing, that a Corporation even though it be an American one, can not acquire a preemption. This is evinced by the employment of men to be his Agents and to sell lots for him, who are at the same time partners in and receiving dividends and Salaries from the Company.

"5th. The pretensions of Doctor McLoughlin arose, if at all, two years and six months after the actual Settlement of Mr. Waller; and therefore they are in direct violation of the Treaty of A. D. 1827: Converting the mutual and joint occupancy into an exclusive occupancy by British subjects.

"6th. The Treaty of joint occupancy [1827] does not and was never intended on the part of the United States, to confer any rights of citizenship upon Foreigners. The Power to confer such

rights is by the Constitution reserved to Congress. And the right to acquire title by preemption is peculiar to citizens.

“Those fellow citizens are the Facts and some of the Points of Law in my client’s case. Upon the same principle contended for by Dr. McLoughlin, any of you may incur the risk of being ousted from your Farms in this Colony, by the next rich foreigner who chooses to take a fancy so to do, unless in the first instance, you come unanimously forward and resist these usurpations. It is not my client’s intention to wrong any who have purchased Lots of the Doctor, and to guard against the injury which might result to individuals in this respect, I have carefully drawn up the Form of a Bond for a Warantee Deed, which Mr. Waller is at all times ready, without any further consideration, to execute to any person who has, in good faith, bought of the Doctor, prior to the date of this notice, by being applied to at his residence. Mr. Waller does not require one cent of money to be paid to him as a Consideration for his Bonds – the trouble, expense and outlays they have already incurred, with the desire to save all such persons harmless from pecuniary loss, is a good and sufficient Consideration in Law to bind him in the proposed penalty of One Thousand Dollars. See Comyns. Digest, Assumpsit B.

“I am of opinion that Mr. Waller has rights in the premises, which neither Doctor McLoughlin nor even Congress by any retrospective legislation can take away from him; – and therefore, fellow

citizens, in sincere friendship, I would counsel you to lose no time in applying to him for your new Bonds.

“JOHN RICORD,”

“Counsellor in the Supreme Court of
the United States and Attorney
for Alvin F. Waller.”

“Dated 20th December, 1843.”

The following two letters from A. L. Lovejoy to A. F. Waller and from Waller to Lovejoy, each dated March 20, 1844, are in reference to the foregoing proclamation by Ricord as attorney for Waller. These letters are in the handwriting of Lovejoy and Waller, respectively. The letter of Waller is shown by the line below Waller's signature to be a copy which he made and kept to show what he had written. These letters are in the possession of the Oregon Historical Society. They were among Waller's private papers at the time of his death.

“Wallamette Falls 20 Mar. 1844.”

“To the

“Revd. A. F. Waller—

“I have been directed by Dr. McLoughlin to make some enquiries of you in relation to a letter which appears to have been written by yourself to him relative to his claim. Dr. McLoughlin observes in your notice to the People of Oregon words like the following:

“‘It has since been currently reported and quite generally believed that my client had renounced his right in favor of Dr. McLoughlin. This I am authorized to contradict having perused the let-

ter written by Mr. Waller which not only contains no renunciation but on the contrary is replete with modest and firm assertions of his rights in the premises.'

"Please have the kindness to say whether you wrote such a letter as there referred to and if so. As Dr. McLoughlin has never received anything of the kind allow him through me to solicit a copy thereof and much oblige.

"I am Revd. Sir,

"Your humble and obt. servant,

"A. LAWRENCE LOVEJOY."

"Willamette Falls, 20 Mar. 1844."

"Mr. Lovejoy.

"Dear Sir:

"The letter referred to in the Notice was one written to Rev. J. Lee in answer to one he wrote me. I think I have never written a line to Dr. McLoughlin on any subject. Mr. Lee I presume has the letter with him.

"I am yours truly,

"A. F. WALLER."

"Copy of a reply to the within."

The following copy and statement of John Ricord's caveat or notice as attorney for Rev. Alvin F. Waller to Dr. McLoughlin is taken from Mrs. Frances Fuller Victor's volume, *The River of the West*, page 358: "You will please to take notice that my client, Mr. A. F. Waller, has taken formal measures at Washington to substantiate his claim as a preemptor and actual settler upon the tract of land, sometimes called the Wallamet Falls settlement and sometimes Oregon City, compris-

ing six hundred and forty acres; and being aware that, although a foreigner, you claim to exercise acts of ownership over said land, this notice is given to apprise you that all sales you may make of lots or other subdivisions of said farm, after the receipt hereof, will be regarded by my client, and by the government, as absolutely fraudulent, and will be made at your peril.' ”

Then followed the grounds upon which the Doctor's claim was denied. “First, that he was an alien; Secondly, that he was the chief of a foreign corporate monopoly; Thirdly, that he had not resided upon the land in question for a year previous; Fourthly, that he did not hold the land for himself but the Company; Fifthly, that his claim, if he had any, arose two years subsequent to Mr. Waller's settlement thereon. This flattering document closed with Mr. Ricord's regrets that he had ‘failed to make an amicable compromise’ of the matter between the Doctor and his client, and also that his ‘client had been driven to the vexatious proceedings of the law, in order to establish his rights as an American citizen.’ ” This caveat or notice was served on Dr. McLoughlin in 1844 prior to April 4, after Ricord left Oregon for the Sandwich Islands.

The attempt of Rev. A. F. Waller to assert any right to, or to procure the land claim of Dr. McLoughlin, or any part of it, at Oregon City, under the law relating to pre-empting lands was absurd as well as invalid. Under the act of Congress of September 4, 1841, then in force, relating to the pre-emption of public lands of the United States, it

was necessary that the lands should be a part of the public lands of the United States. The Conventions of joint-occupancy were then in force and neither Great Britain nor the United States exercised jurisdiction over the lands in the Oregon Country.

In addition to other requisites of the pre-emption law, no person could pre-empt more than one hundred and sixty acres, and the law required the intending pre-emptor "to enter with the Register of the Land-Office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter-section of land," etc.

There was no United States land district in Oregon nor any Register of any United States land-office. There had been no public surveys of land in Oregon. No lands could be legally pre-empted which had not been officially surveyed by authority of the United States.⁶³

In the case of *Lytle v. State of Arkansas*, 9 *Howard* (U. S. Supreme Court) 314, it was held, concerning a claim to pre-emption, that "until sanctioned by law, it has no existence as a substantive right." In the case of *Brown v. Coursen*, 16 *Oregon*, 388, it was held that a pre-emption is a right derived wholly from statute and a substantial compliance with the statute is necessary; and the condition must exist which would enable the pre-emptor to acquire the land under the statute. In

⁶³ *Bernard's Heirs v. Ashley's Heirs*, 18 *Howard* (U. S. Supreme Court) 43; *Hot Spring Cases*, 2 *Otto* (U. S. Supreme Court) 698, 706.

the case of *Stark v. Starrs*, 6 *Wallace* (U. S. Supreme Court) 402, it was held that even the act of August 14, 1848, organizing the Territory of Oregon, did not extend over Oregon any portion of the preëmption act of September 4, 1841.

Ricord and Rev. Jason Lee sailed on the same vessel from the Columbia River bound to the Hawaiian Islands. They left Oregon City January 4, but did not cross the Columbia River bar until February 3, 1844. Ricord did not intend to return to Oregon. He made his home at the Hawaiian Islands (then called Sandwich Islands) and died there. Rev. Jason Lee intended merely to make a trip to the Eastern States and return to Oregon. He wished to see the Missionary Board in New York. He also wished to go to Washington to see about land matters, particularly those which the Methodist Mission wished to obtain the title to. When he arrived at Honolulu he first learned that he had been removed as Superintendent of the Oregon Mission, and that Rev. George Gary was on his way to take charge. February 28, 1844, Rev. Jason Lee sailed on a small schooner called the "Hoaiikaika" for Mazatlan, Mexico.⁶⁴ After his arrival at Mazatlan, Jason Lee crossed Mexico. He arrived in New York May 27, 1844. In June he went to Washington. On his return to New York he appeared before the Missionary Board for several days, beginning with July 1, 1844, and submitted his oral report on the Oregon Mission.

As relating to land claims in Oregon, I make the following excerpts from two letters written by

⁶⁴ Rev. Gustavus Hines, *History of Oregon*, Chapter x.

Rev. Jason Lee after leaving Oregon. The originals of these letters are in the possession of the Oregon Historical Society. The first of these letters was written on board the schooner *Hoaiikaika*, March 23, 1844, to Rev. A. F. Waller. In this letter Jason Lee says: "I paid Mr. Ricord Two hundred and Fifty dollars for you and shall inclose your order to Bro. Abernethy. . . . What the result of your land claim will be, of course, I can form no better opinion than when I left. But I have less hopes of effecting anything for the Mission more than to prepare the way for something to be done at the proper stage, that is, whenever the Government shall be prepared to grant title. . . . I long to hear how you are getting on with Dr. — &c., and how the good cause is prospering. May the Lord bless all who have embraced his cause and keep them unto 'that day.'"

The second of these letters is to Rev. Gustavus Hines. It is dated at New York July 1, 1844, and written after the return of Rev. Jason Lee from Washington. He wrote: "Met a favorable reception there [Washington] and there is every reason to expect that the land claimed will be cheerfully accorded to us. . . . Please tell Bro. Waller that his claim is filed in the Office of the Commissioner General of the land office. This will probably secure his claim, though the Supreme Court will probably take no action till an Oregon Bill passes." Waller, however, had "surrendered" all his rights in "his" (the McLoughlin) "land claim" April 4, 1844.⁶⁵

⁶⁵ See Document J.

DOCUMENT J

Agreement between Dr. John McLoughlin, Rev. A. F. Waller, and Rev. David Leslie, of April 4, 1844; statement of cause and manner of making said agreement.

The following agreement is in the possession of the Oregon Historical Society. It was among the private papers of Rev. A. F. Waller at the time of his death. This instrument is certified to be a true copy of the original by W. W. Raymond, one of the lay Methodist missionaries. Apparently there was but one original of this instrument, although executed by Dr. McLoughlin, Rev. Alvan F. Waller and Rev. David Leslie, and therefore a copy was made of the same and certified by Raymond for Waller's use.

ARTICLES OF AGREEMENT

“ARTICLE OF AGREEMENT made and entered into this fourth day of April A. D. 1844 between John McLoughlin and Alvan F. Waller both of Oregon City in the Territory of Oregon:

“Whereas certain conflicting claims to a tract of land situated at the Falls of the Wallamette River on the east side of said River containing six [hundred] and forty acres and surveyed by Jesse Applegate in the month of December A. D. 1843 have existed between the aforesaid parties and the said parties are now willing and desirous to arrange all differences existing between them in regard to the same;

“It is therefore agreed as follows: The said Al-

van F. Waller agrees to surrender make over and forever abandon unto the said John McLoughlin his heirs administrators and assigns and in his favor, all claims rights and pretensions whatsoever which he now has within or to the said above mentioned Tract or survey of land or any part thereof. The said Waller further agrees to withdraw any proceedings which he or his attorney may have commenced in any of the courts of the United States touching the said tract or survey of land and to abstain from at any future time instituting any proceedings to secure to himself the title of the said tract or survey of land in opposition to the said McLoughlin or to his detriment in any way whatsoever, or to sell or otherwise dispose of to any person whatsoever other than the said McLoughlin any claim or right which he the said Waller may have in the same.

“And the said John McLoughlin agrees in consideration of the above mentioned acts and agreements on the part of the said Alvan F. Waller to pay to the said Waller the sum of five hundred dollars and further to convey to the said Waller the premises now occupied by him being lots number two and seven in Blocks number one in Oregon City in said survey – also the entire Blocks numbers fifty four, forty one and eighteen and lots one, two, three, six, seven, and eight in Block number eleven all included in the plot Oregon City aforesaid; and the said John McLoughlin further agrees to give to said Alvan F. Waller his Bond conditioned for a good and sufficient Warrantee Deed to all the above specified premises.

“And the said John McLoughlin further agrees

to convey to David Leslie now acting superintendent of the Oregon Methodist Episcopal Mission lots three, four, five and six in Block number one and also lots numbers four and five in Block twenty eight and also the entire Block number twenty nine on the plot of Oregon City aforesaid; and the said John McLoughlin further agrees to give to the said David Leslie his Bond conditioned for a good and sufficient warrantee deed accordingly to all the above specified premises.

"Signed with our names and sealed with our seals this day and year first above mentioned.

"JOHN MCLOUGHLIN"
 "ALVAN F. WALLER" } L. S. }
 "DAVID LESLIE"

"Witnesses"

"JAMES DOUGLAS"

"ELIJAH WHITE"

"A. L. LOVEJOY"

"W. GILPIN."

"True Copy of the original.

"Attest: W. W. RAYMOND.

"Wallamette Falls July 24, 1844."

A copy of the bond, dated April 4, 1844, given by Dr. John McLoughlin to Rev. A. F. Waller, as provided in said Articles of Agreement of the same date, is in the possession of the Oregon Historical Society. It is also certified to be a true copy by said W. W. Raymond. This certified copy was, also, among the private papers of Rev. A. F. Waller at the time of his death.

Frances Fuller Victor, who had access to orig-

inal documents, says that the reasons why the agreement set forth in this Document J, came to be entered into are as follows: In April, 1844, Dr. Elijah White suggested that the differences between Dr. McLoughlin and A. F. Waller about the Oregon City land claim might be settled by arbitration. Dr. McLoughlin finally consented to this plan. The arbitrators chosen were Dr. Elijah White, Major Gilpin, and James Douglas, on the side of Dr. McLoughlin, and Revs. David Leslie and A. F. Waller on the side of Waller and the Methodist Mission. All the arbitrators, except Douglas, were citizens of the United States. Major Gilpin had attended West Point and had been an officer in the regular army of the United States. He came to Oregon with Fremont's expedition. Rev. David Leslie was then the acting Superintendent of the Methodist Mission.

Waller insisted that he should receive five hundred dollars and five acres for himself and the Methodist Mission should receive fourteen lots. White and Gilpin considered this exorbitant and opposed it. They were finally persuaded by Douglas to agree to Waller's terms. Douglas said to Dr. McLoughlin, "I thought it best to give you one fever and have done with it. I have acceded to the terms and signed the papers."⁶⁶

While Dr. McLoughlin signed these agreements and executed these bonds and carried them out as far as he was able to, he was not pleased with being compelled to accede to these demands,

⁶⁶ Mrs. Frances F. Victor, *The River of the West*, pp. 359, 360; *History of Oregon*, Bancroft's Works, Vol. 1, p. 223.

which he considered unjust. If Waller, either for himself alone or for himself and the Methodist Mission, were entitled to the 640 acres of Dr. McLoughlin's land claim, Waller and it should have insisted on having the whole claim. The proposition of Waller to accept \$500 and five acres of land and for Dr. McLoughlin to give the Mission fourteen lots shows that in the minds of Waller and the Mission his and its claims were, to say the least, very dubious ones. Dr. McLoughlin could but consider that he had been forced to comply with these demands, not as a question of right, but as a question of expediency and to get rid of these false claims.

DOCUMENT K

Statement of the career in Oregon of Judge W. P. Bryant.

I have been unable to learn much about Judge W. P. Bryant, except his actions in connection with Abernethy Island and against Dr. McLoughlin. To his *Biennial Report* of 1899 (page 190) Hon. H. R. Kincaid, as Secretary of State for Oregon, added an Appendix giving short biographies of the Chief Justices of Oregon and of other Oregon officials. Of Judge Bryant the Secretary of State said only: "There are no official records in the Department of State to show when Mr. Bryant assumed the duties of his office nor for what period he served. The decisions of the Supreme Court at the time when he served were not reported. Mr. Bryant was appointed by the Presi-

dent from some eastern state and only served here a short time when he again returned east."

In the *History of Oregon* in Bancroft's Works, it is said: That Judge Bryant's home was in Indiana; that he was appointed Chief Justice of Oregon in August, 1848, and arrived in Oregon April 9, 1849; that he resigned as Chief Justice January 1, 1851, having spent but five months in Oregon; that upon his resignation he returned to Indiana, where he soon died.

DOCUMENT L

Letter of Dr. John McLoughlin, published in the "Oregon Spectator," Thursday, September 12, 1850.

"Mr. Editor:

"In the Congressional Globe of May 30th, 1850, is the following language of Mr. Thurston, the Delegate from Oregon, to which I wish to invite the attention of the public.

"'And as to the humbug about the Hudson's Bay Company, mentioned by the gentleman from Missouri [Mr. Bowlin], I have to say that I know of no humbug about it; this Company has been warring against our Government for these forty years. Dr. McLoughlin has been the chief fogleman, first to cheat our Government, out of the whole country, and next to prevent its settlement. He has driven men from their claims, and from the country, to stifle its efforts at settlement. In 1845 he sent an express to Fort Hall, eight hundred miles,

to warn the emigrants, if they attempted to come to the Willamette, they would all be cut off; they went and none were cut off. How, sir, would you reward Benedict Arnold, were he living; he fought the battles of the country, yet, by one act of treason, forfeited the respect of that country. A bill for his relief would fail, I am sure; yet this Bill proposes to reward those who are now, have been, and ever will be, more hostile to our country, because more Jesuitical."

"What Mr. Thurston means by 'warring against our government for these forty years,' I know not. I am certain, however, that the H. B. Co. had a right to carry on trade under the treaty of joint occupation of the country — even were we to look no farther for another foundation of the right. I am sure, moreover, that the business of the Company was so managed as to bear the strictest scrutiny, and to be in all respects subservient to the best interests of the country, and the duties of religion and humanity. The government and policy of the Company were such as to render traveling safe, and the Indians were friendly to whites. When the Hudson's Bay Company first began to trade with these Indians they were so hostile to the whites that they had to mount guard day and night at the establishment, have sentinels at the gates to prevent any Indian entering, unless to trade, and when they entered, to take their arms from them. The Columbia could not be traveled in parties of less than sixty well armed men; but, by the management of the Company, they were brought to that friendly disposition that *two* men,

for several years back, can travel in *safety* between this and Fort Hall.

“Mr. Thurston is pleased to describe me as ‘chief fogleman to the Hudson’s Bay Company.’ This is a term which he probably gathered from the vocabulary in which he found the word ‘gumption,’ with which he recently garnished another dish, and which he seems to have prepared for appetites similar to his own. By the use of this, and such like epithets it will at once be seen that he has a field of literature which he is likely to occupy without a rival, and the exclusive possession of which no one will deny him. Neither my principles nor my tastes lead me in that direction. But I am described as a ‘fogleman’ of the Hudson’s Bay Company; first to cheat our Government out of the whole country, and next to prevent its settlement. I am an old man, and my head is very white with the frost of many winters, but I have never before been accused as a cheat. I was born a British subject – I have had for twenty years the superintendence of the Hudson’s Bay Company’s trade, in Oregon, and on the North West Coast; and may be said to have been the representative of British interests in this country; but I have never descended to court popularity, by pandering to prejudice, and doing wrong to anyone. I have, on the other hand, afforded every assistance to all who required it, and which religion and humanity dictated; and this community can say if I did so or not. My language to all who spoke to me on the subject of politics, was that situated as we were we ought to say nothing about the boundary ques-

tion, as that was an affair of the Government; but to live as Christians in peace and concord, and in acting as I did I consider that I have rendered services to the British and American Governments. But if I had acted differently, the Government would have had difficulties, and this community would perhaps not have enjoyed the peace it has, nor be in so prosperous a condition as it is, and certainly there is not a man in it who will say that I have sought to prevent its settlement. There are, in this Valley, very many persons, and especially among the earliest immigrants, of the first years of the settlement of the country, who are sufficiently honest to admit that the country could never have been colonized as easily as it was, but for the timely, ample, and continuous assistance rendered by me, to them, with the means of the Hudson's Bay Company under my charge. Provisions were sent to meet the immigrants—boats were dispatched to convey them down the Columbia,—when arrived on their claims, cattle were loaned them—they were supplied with clothing, food, farming utensils, and wheat for seed. Very many of these men honorably paid, as soon as they could; others, though able to pay, and though their notes have been standing for many years, testify their sense of the number and magnitude of my favors by signing a *secret* Memorial to the Congress of the United States, to take from me my property, and to leave me in the decline of life, and in the decrepitude of old age, to the companionship of adders, who—when they were benumbed with frost, I gathered from the hedges and warmed

into life, to feel, when alas! too late, the stings of their ingratitude.

“For additional proof, in repelling these calumnies, I could refer to many sources: Wilkes’ Journal, Fremont’s Narrative, to American travelers and writers, and to letters from many and many an immigrant to this country, and now residents in this valley, stating to their friends in the States the kindness I had shewn them, and who, I am sure, would acknowledge it, and are as much surprised at the charge brought against me as I am myself. But, moreover, it is well known that the fact of my having aided in the settlement of this country has been a subject of serious complaints, and grave charges made against me, by subjects of Her Britannic Majesty, during the pending of the boundary question – who seem to have been imbued with the same kind disposition toward their fellow men as Mr. Thurston.

“Mr. Thurston says, ‘In 1845 he [Dr. McLoughlin] sent an express to Fort Hall, eight hundred miles, to warn the immigration that if they attempted to come to the Willamette, they would be all cut off.’ This is a calumny as gratuitous as it is unprovoked; but it is with mingled emotions of astonishment and indignation that I have accidentally become acquainted with the contents of another document, entitled a ‘Letter of the Delegate from Oregon to the members of the House of Representatives, in behalf of his constituents touching the Oregon Land Bill.’ On the back of the only copy sent, is written in the handwriting of Mr. Thurston – ‘Keep this still till next

mail, when I shall send them generally. The debate on the California Bill closes next Tuesday, when I hope to get it and passed – my land bill; keep dark till next mail.

“ ‘THURSTON.’ ”

“ ‘June 9, 1850.’ ”

“In the paragraph already quoted from the *Globe* of June 30, Mr. Thurston affirms that I am a more dangerous man than Benedict Arnold was; because, as he states, I am more ‘Jesuitical.’ Webster, the celebrated American Lexicographer, defines Jesuitism thus: ‘Cunning, deceit, prevarication, deceptive practices’ – yet this same man, Mr. Thurston, who bestows epithets upon me without stint and beyond measure; who accuses me of being ‘Jesuitical,’ and who occupies the situation of a grave legislator, admits that his measures will not bear the light of truth, and he requires his friend to keep still, until he shall complete the perpetration of a deed of wickedness. Is this not the cunning of the fox? who prowls around in the darkness, that he may rob the hen-roost of the farmer while he is sleeping, without a suspicion of a meditated evil. Is not the sending of such a document, with the request written upon it to keep ‘dark,’ a deceptive practice, within the very letter and meaning of Webster’s definition of Jesuitism? Mr. Thurston, it appears, was afraid of the light of facts, which he did not desire to have communicated to the Government at Washington, before he completed an act of contemplated wrong doing.

“In the letter referred to, speaking of Oregon City, he says, ‘The Methodist Mission first took the

claim with the view of establishing here their Mills and Mission – they were forced to leave it under the fear of having the savages of Oregon let loose upon them.’ This charge is likewise without a fraction of truth, as a few facts will demonstrate. In 1829, I commenced making preparations at the falls of the Willamette, for building a sawmill. I had a party residing there during the winter of 1829 and 1830. This party, in my employment, and paid with my money, built three houses, and prepared the timber for the erection of a mill. Circumstances rendered the suspension of the mill for a while necessary. In the spring of 1830 I commenced cultivating the ground at the Falls. In the year 1832 I had a mill race blasted out of the rocks, from near the head of the island which Mr. Thurston calls Abernethy Island – but Mr. Thurston found it convenient to conceal from the United States Government that Mr. Abernethy and others purchased the island from F. Hathaway, who jumped the island in the first instance, and that Judge Bryant and Gov. Lane finally purchased whatever right Mr. Abernethy had acquired. The Indians having burnt in 1829 the timber which during that same year had been prepared for the erection of the mill, I had, in the summer of 1838, another house built at the Falls; during the same year I had squared timber prepared and hauled to the place at which I had originally proposed to erect a mill; the erection of the mill was again postponed. In 1840 the Rev. Jason Lee, superintendent of the Methodist Mission in Oregon, applied to me for the loan of some

of the above mentioned timber, for the purpose of erecting a Mission building. To this request I assented, and at the same time sent Dr. F. W. Tolle to point out to the Rev. Mr. Lee the spot upon which he might build. Up to this time, it should be observed that no effort had been made to interfere with my claim, and no one called in question my perfect right to make it. It should be borne in mind, too, that I commenced improving in 1829, and that the missionaries did not come here till 1834. To prevent, however, any future misunderstanding, growing out of any occupancy of sufferance, I handed Mr. Lee a letter, dated Vancouver, 21st July, 1840, in which I described the extent of my claim, as embracing 'the upper end of the Falls, across to the Clackamas Falls, in the Willamette, including the whole point of land *and the small Island in the falls, on which the portage is made and which I intend to claim when the boundary line is drawn.*' The words italicised are not so in the original. I now do this to call attention to them. Up to this time no one but myself claimed the island. Mr. Lee promised to return the timber he procured to erect the building, with the wood thus loaned Mr. Waller and family, who were placed in it by Mr. Lee. I gave Mr. Lee permission to occupy, as a mission store room, a house I had got erected for myself. Up to 1841 my claim to the island had never been interfered with; in this year Mr. Felix Hathaway put some logs on the island. I gave him notice of my claim, and erected a small house upon the island. Hathaway finally proceeded with his building. I did

not forcibly eject him because I wished to preserve the peace of the country. In the autumn of 1842, I first heard that the Rev. Mr. Waller, as I was informed, set up a claim in conflict with mine, (not for the Mission, but in his own name.) I subsequently bought off Mr. Waller, in the same anxious desire to preserve the peace.

“In conclusion of this part of the subject I will remark that when Mr. Waller requested Capt. W. K. Kilbourn, who resides in this place, to assist him in putting up the logs which I had loaned to Mr. Lee, Capt. Kilbourn said to him: ‘I will not assist to build the house, if you intend to set up any claim here.’ Mr. Waller disavowed any such intention.

“In 1842 I had the claim surveyed by Mr. Hudspath, and laid off some lots; in the fall of 1843, there being better instruments in the country, I had my claim surveyed by Jesse Applegate, Esq., who more accurately marked its streets, alleys, lots, etc., etc. When the Oregon Provisional Government was formed, I recorded my claim in accordance with the provisions of its organic laws; this record covers the island and the site of Oregon City. In making this record, I circumscribed the limits of my claim, so that instead of extending down to the Clackamas River, as I had made it previous to there being any government in the country, I made it so as to extend only about half way down. This I did because the Organic Law provided that no one should hold more than six hundred and forty acres. This I did also for the sake of peace, notwithstanding Mr. Thurston is not ashamed to

more than intimate a disposition to 'let loose upon them savages of Oregon.' Mr. Thurston says, 'He has held it by violence and dint of threats up to this time.' – That I have held my claim or any part of it by violence or threats, no man will assert, and far less will one be found to swear so, who will be believed on his oath, in a court of justice. I have probably no other enemy than Mr. Thurston, so lost to the *suggestions* of conscience as to make a statement so much at variance with my whole character.

"He says that I have realized, up to the 4th of March, 1849, \$200,000 from the sale of lots; this is also wholly untrue. I have given away lots to the Methodists, Catholics, Presbyterians, Congregationalists, and Baptists. I have given 8 lots to a Roman Catholic Nunnery, 8 lots to the Clackamas Female Protestant Seminary, incorporated by the Oregon Legislature. The Trustees are all Protestants, although it is well known I am a Roman Catholic. In short, in one way and another I have donated to the county, to schools, to churches, and private individuals, more than three hundred town lots, and I never realized in cash \$20,000, from all the original sales I have made. He continues, 'He is still an Englishman, still connected with the Hudson's Bay Company, and refuses to file his intentions to become an American citizen.' If I was an Englishman, I know no reason why I should not acknowledge it; but I am a Canadian by birth, and an Irishman by descent. I am neither ashamed of my birth-place or lineage – but it has always appeared to me that a man who can only boast of his country has little to be proud of:

“ ‘A wit’s a feather, a chief, a rod –
An honest man’s the noblest work of God.’ ”

“I was a Chief Factor in the Hudson’s Bay Company’s service, and by the rules of the Company, enjoy a retired interest, as a matter of right. – Capt. McNeil, a native born citizen of the United States of America, holds the same rank as I held in the Hudson’s Bay Company service. He never was required to become a British subject; he will be entitled, by the laws of the Company, to the same retired interest, no matter to what country he may owe allegiance.

“I declared my intention to become an American citizen on the 30th May, 1849, as any one may see who will examine the records of the court, in this place. Mr. Thurston knew this fact – he asked me for my vote and influence. Why did he ask me for my vote if I had not one to give? I voted and voted against him, as he well knew, and as he seems well to remember. But he proceeds to refer to Judge Bryant for the truth of his statement, in which he affirms that I assigned to Judge Bryant, as a reason why I still refuse to declare my intention to become an American citizen, that I cannot do it without prejudicing my standing in England. I am astonished how the Supreme Judge could have made such a statement! as he had a letter from me pointing out my intention of becoming an American citizen. The cause, which led to my writing this letter, is that the island, called Abernethy’s Island by Mr. Thurston, and which he proposes to donate to Mr. Abernethy, his heirs and assigns, is the same island which Mr. Hathaway and others jumped in 1841, and formed

themselves into a joint stock company, and erected a saw and grist mill on it, as already stated. From a desire to preserve peace in the country, I deferred bringing the case to trial, till the government extended its jurisdiction over the country; but when it had done so, a few days after the arrival of Judge Bryant and before the courts were organized, Judge Bryant bought the island of George Abernethy, Esq., who had bought the stock of the other associates, and as the Island was in Judge Bryant's district, and as there was only two judges in the Territory, I thought I could not at the time bring the case to a satisfactory decision. I therefore deferred bringing the case forward to a time when the bench would be full. In July or August, 1849, Gov. Lane told me Judge Bryant would speak to me in regard to my claim on the Island; the Judge did so and asked me to state the extent of my claim. To avoid mistakes and misunderstandings, to which verbal communications are subject, I told him I would write him, and accordingly addressed him the following letter:

"OREGON CITY, 21st Aug. 1849."

"*To the Hon. W. P. Bryant:*

"Sir -

"I hasten to comply with your request, 'that I state the extent of my claim to the Island within ten days,' and I beg to refer you to the books of recorded land claims, kept by Theo. McGruder, Esq., for the extent of my claim; and I shall expect a transfer of the fee simple of the whole ground, with all and every privilege from the United States

of America, as soon as it shall meet the pleasure of my adopted government to act in the matter.

"I have the honor to be

"Your obedient humble servant,

[*Signed*] "JOHN MCLOUGHLIN."

"This letter was handed to Judge Bryant by J. D. Holman, Esq., and it seems quite incomprehensible to me, how, after receiving and perusing this letter, Judge Bryant could corroborate (if he did so) Mr. Thurston's statement, that I had declined to file my intention to become an American citizen. I filed my intention on the 30th May. Mr. Thurston left this (Territory) in August, and Judge Bryant in October. Is it probable! nay, is it possible! in so small a place as Oregon City, where every little occurrence is so soon known — where the right of voting is so scrutinized — that I should have voted, and against Mr. Thurston, and that his partisans and supporters did not inform him of it, or that Judge Bryant did not know that I had filed my intention to become an American citizen? But Mr. Thurston makes another statement in which there is not more truth. He says, 'Last summer he,' meaning myself, 'informed the writer of this that whatever was made out of the claim was to go to the common fund of the Hudson's Bay Company, of which he and other stockholders would share in proportion to their stock; in other words, that he was holding this claim in trust for the Hudson's Bay Company.'

"Mr. Thurston had just before said that I had made for myself \$200,000 from the sale of lots; but

now after having made my conservative purse vastly capacious finds it convenient to shrivel it up by transferring this cheering amount of coin to the coffers of the Hudson's Bay Company. I assert I never made such a statement to Mr. Thurston, and I assert that I hold my claim for myself alone, and that the Hudson's Bay Company, nor no other person or persons, hold or have any interest in it with me.

"Mr. Thurston says that on the 4th March, 1849, Governor Lane apprised Dr. McLoughlin and all others that no one had a right to sell or meddle with government lands. This is given as a reason why every man that has bought a lot since that time shall lose it. If by this statement anything more is meant than at that date the Territorial government was put in operation, then it is wholly untrue; but were it otherwise, what is the motive for the commission of such an act of injustice that necessarily involves in pecuniary loss half the inhabitants of this place, in addition to many who do not reside here? Mr. Thurston says, Abernethy's Island is in the middle of the river. Such a statement could only be made to persons unacquainted with this place, and conveys a wrong impression, as every one who knows the place will admit the island is not in the middle of the river, but separated from the main land only by a chasm over which there is a bridge about 100 feet long. In the dry season, the stream is not more than forty feet broad at the Falls, which separates it from the main land, and can the people of Oregon City and its vicinity believe Mr. Thurston did not know, some months

before he left this, that Mr. Abernethy had sold his rights, whatever they were, to Judge Bryant, and therefore proposing to Congress to donate this Island to Mr. Abernethy, his heirs and assigns, was, in fact, proposing to donate it to Judge Bryant, his heirs and assigns.

“JNO. MCLOUGHLIN.”

“[At the request of Dr. McLoughlin, we stepped into the Clerk’s office and read upon a paper filed in the office that on the 30th day of May, 1849, John McLoughlin filed his intention to become an American citizen, and that the said paper was duly certified to, by the then acting Clerk, Geo. L. Curry. – ED.]”

DOCUMENT M

*Letter by William J. Berry, published in the
“Oregon Spectator,” December 26, 1850.*

“FOREST CREEK, Polk Co., December 15, 1850.”

“*Mr. Editor:*

“Truth crush’d to earth, shall rise again:
The eternal years of God are hers;
But error, wounded, withers with pain,
And dies among his worshippers.”

“Believing that the characters of public men are public property, I desire, with your permission, to speak through the columns of the ‘Spectator’ about some of the doings of our Delegate in Congress.

“I am dissatisfied with his course in regard to the ‘Oregon City Claim.’ And now permit me to say, that I am not influenced in this matter by mercenary motives of any kind. I never owned any

property in or about Oregon City, nor do I ever expect to; but I am influenced by motives of a certain kind, which are: the veneration I feel for the sacred principles of truth and justice, — and the mortification I feel at seeing these principles not only overlooked, but indignantly trampled under foot.

“Up to the time of writing his celebrated ‘letter to the members of the House of Representatives,’ I, in common with a large portion of the people here, was led to admire the ability, the zeal, and industry, with which Mr. Thurston conducted the business of this Territory. But in that portion of said letter, where he speaks of the Oregon City claim, I think he has placed himself in the position of the old cow, who, after giving a fine pail of milk, kicked it all over. With the disposal of said claim as contemplated in the bill, I have no fault to find; but with the means employed by Mr. Thurston to effect that end, I do find most serious fault.

“Some of these I will notice. Speaking of Dr. McLoughlin, he says: ‘He still refuses to file his intentions to become an American citizen.’ Now, I assert that Mr. Thurston *knew*, previous to the election, that Dr. McLoughlin had filed his intentions. I heard him say in a stump speech, at the City Hotel, that he expected his (the Doctor’s) vote. At the election I happened to be one of the Judges; Dr. McLoughlin came up to vote; the question was asked by myself, if he had filed his intentions? The Clerk of the Court, George L. Curry, Esq., who was standing near the window,

said that he had. He voted. Some time after the election, when I was holding the office of Justice of the Peace, in Oregon City, Mr. Thurston came to me, in company with a man whose name I have forgotten, having an affidavit already prepared which he wished sworn to, and subscribed by this man; which was done. Said affidavit went to state that Dr. McLoughlin had written a letter, or letters, to some French settlers north of the Columbia, directing them to oppose Thurston and vote for Lancaster, &c., &c. I merely mention this circumstance to show that Mr. Thurston knew exactly how Dr. McLoughlin stood. The assertion of Mr. Thurston that Dr. McLoughlin has 'worked diligently to break down the settlements,' is also without foundation. There are scores of persons in this valley of the early emigrants, who testify to the kindness received at the hands of Dr. McLoughlin. And many there are who would doubtless have perished had it not been for his humane attention. He helped them to descend the Columbia - fed them, clothed them; and now he is accused of 'working diligently to break down the settlements!'

"I shall notice but one more of Mr. Thurston's assertions in regard to this claim. Mr. Thurston says: 'The Methodist Mission first took this claim.' Now this is an assertion which any one who knows anything about the history of Oregon City, knows to be utterly without foundation. - On the contrary the said Methodist Mission never had a right to any part of said claim, unless jumping constitutes right.

“In what I have said about Dr. McLoughlin, I have not spoken from interested motives. I never received any favor at his hands, nor do I expect to. But I am ashamed of the course of our Delegate; I think it is unbecoming the Representative of a magnanimous people.

“What must be the feelings of Dr. McLoughlin? A man whose head is whitened by the frosts of perhaps eighty winters! Who, during that long period has been living subject to the nation under whose flag he was born. And who, at that advanced age declares his intention of becoming a citizen of our great Republic. – I say what must be his feelings? and what must be the feelings of all candid men – of all men of honor and magnanimity, who have read Mr. Thurston’s letter. And yet this same Honorable (?) Delegate in his address to his constituents lectures us upon Religion and Morality.

“Very respectfully, yours,

“WM. J. BERRY.”

DOCUMENT N

Excerpts from speech of Samuel R. Thurston in Congress, December 26, 1850.

December 26, 1850, Thurston attempted to answer, by a speech in Congress, Dr. McLoughlin’s letter, published in the *Oregon Spectator*, September 12, 1850. It is a scurrilous speech. Most of its asserted statements of fact are untrue. It is too long to be set forth here in full. It will be found at pages 36 to 45 of the Appendix to volume 23 of

the *Congressional Globe*. The italics in this Document N are those appearing in the *Congressional Globe*.

He first discussed the petition of the fifty-six persons who signed the petition at Oregon City, September 19, 1850, against the passage of the eleventh section of the Donation Land Bill, and attempted to show that the petition was against Dr. McLoughlin instead of being in his favor. This was pettifogging. Thurston set forth that he had not been in favor of recognizing in the bill transfers of land by Dr. McLoughlin after March 3, 1849, for the reason that "If such transfers were confirmed in general terms, up to the passage of the bill, the whole of what the Doctor claimed would be covered by fictitious transfers for his benefit." Thurston attacked J. Quinn Thornton and Aaron E. Wait, the attorneys of Dr. McLoughlin, and called them names too vile to be inserted in this address.

Referring to Dr. McLoughlin's statement in his letter that the Hudson's Bay Company's business was so managed "in all respects subservient to the best interests of the country, and the duties of religion and humanity," Thurston said: "If to make the settler pay *with his life* the penalty of settling where they did not want him to, or to oppress him until he was compelled to yield; if tearing down houses over families' heads, and burning them up, and leaving a poor woman in the rain, houseless and homeless; if attempting to break down all American enterprises, and to prevent the settlement of the country - if, sir, to do all these things,

and many more, which are hereafter proved, then is the quotation true. If this is their religion, then have they adorned, for the last ten years, the religion they profess." These charges are maliciously false.

Thurston charged that Dr. McLoughlin was "for all practical purposes, as much in, of, and connected with the [Hudson's Bay] Company as he ever was . . . yet he comes up here with a hypocritical face and pleads poverty! and says that he has picked up my people out of ditches, mud-puddles, from under the ice, and warmed them into life; which Wait and Thornton virtually testify to. . . . Who ever heard a Jew or a Gypsy making up a more pitiful face than this." Thurston further said that Dr. McLoughlin persuaded some of the immigrants of 1842 to go to California; that he provided outfits for them "and took notes, payable in California. And this was done for the purpose of ridding the country of these unwelcome visitors. . . . That the Doctor was determined to do all he could to prevent the country from finally settling up, and with this object in view, undertook to persuade our early settlers to leave." This is absolutely untrue, except the part that Dr. McLoughlin furnished said immigrants with outfits and took their notes payable in California. Most of these notes were never paid.

Thurston then proceeds to pettifog about his injunction to keep his letter to Congress about the Donation Land Bill "dark till next mail." He had to pettifog or say it was a forgery. He said he wrote this as he feared the bill "never would

pass, and I dreaded the effect the news of its failure, on the first day, would have on business of the territory. . . . It was to avoid the general panic that I adopted this course and this is why I requested to have nothing said till the time of trial might come."⁶⁷ Thurston was compelled to admit that he knew that Dr. McLoughlin had taken the oath of allegiance to the United States prior to the election in June, 1849, but Thurston said he did not know that Dr. McLoughlin had filed his intentions to become a citizen. Thurston endeavored to justify himself by technicalities. He knew that the Circuit Courts of the Provisional Government had ceased to exist May 13, 1849, or prior thereto. It was on that day that Governor Lane assigned the Territorial judges, appointed by the President, to their respective districts. Yet Thurston asserted that "The court, or the tribunal, in which Dr. McLoughlin took his oaths was not such a court as the law requires, but was a creature of the Provisional Government." He asserted that George L. Curry, the Clerk of the court, before whom Dr. McLoughlin took the oath of allegiance and filed his intentions to become an American citizen, did it in his capacity as a clerk of a court of the Provisional Government (which was no longer in existence), instead of in the capacity of a clerk of the new Territorial court, and said that Judge Bryant informed him that this was the case.

May 30, 1849, George L. Curry, if not the *de jure* clerk, was the *de facto* and acting clerk of the

⁶⁷ See Document L, where this injunction by Thurston, written on the copy of his letter, is set forth in full.

Territorial District Court, before whom it was lawful and proper to take the oath of allegiance under the United States naturalization law. If, for any reason, Dr. McLoughlin did not comply technically with the law, it was nevertheless his intention to do so. He subscribed and filed two oaths on May 30, 1849. In these he swore it was his intention to become an American citizen and that "I renounce all allegiance and fidelity to any foreign Prince, Potentate, State and Sovereignty, whatsoever and particularly to Victoria, Queen of the United Kingdom of Great Britain and Ireland, and that I will support the Constitution of the United States, and the provisions of 'An Act to establish the Territorial Government of Oregon.'" Under these oaths, or one of them, Dr. McLoughlin became a citizen of the United States September 5, 1851. In admitting him to citizenship the Judge must have found that Dr. McLoughlin's original declaration was sufficient and was filed in a court of competent jurisdiction. And yet Thurston had said in his letter to the House of Representatives and in his speech of May 28, 1850, that Dr. McLoughlin "refuses to become an American citizen."

In this speech of December 26, 1850, Thurston said that if any persons in Oregon owed money to Dr. McLoughlin, he could proceed in the Courts. This is true. The difficulty was to enforce judgments. Judgments could not then or prior to that time and until long afterwards be enforced against land. An execution could only reach personal property. If a debtor did not wish to pay a debt,

he could sell his crops privately in advance, or he could cover them and other personal property by chattel mortgages. Thurston as a lawyer knew the law. The law establishing the Territorial Government of Oregon provided that "all laws heretofore passed in said Territory [*i.e.*, by the Provisional Government] making grants of land, or otherwise affecting or incumbering the title to lands, shall be, and are hereby declared to be, null and void."

Under the Donation Land Law a settler on public land had merely a possessory right which did not ripen into a title to the land until he had "resided upon and cultivated the same for four consecutive years." It was an estate upon condition. It was not subject to execution sale. If such a sale could have been made, under a law of the Territory of Oregon, a purchaser would take nothing—not even the possessory right of a settler.⁶⁸ The settler was the only one who could complete the four years' residence and cultivation. In fact, it was a long time after the passage of the law before a land claim could be lawfully taken up. The settlers really held a kind of squatter's title until the Surveyor-General was ready to proceed or to receive applications for surveys. The first notifications were not filed until 1852. Besides, the statute of limitations, for bringing suit on these debts, did not exceed six years.

The case of *McLoughlin v. Hoover*, 1 *Oregon Reports*, 32, was decided at the December term, 1853, of the Supreme Court of the Territory of

⁶⁸ *Hall v. Russell*, 101 *U. S.*, 503.

Oregon. This case shows that Dr. McLoughlin did bring a suit shortly after September 29, 1852, the exact date not being given in the decision, against John Hoover to recover from Hoover a promissory note for \$560 dated October 2, 1845, and payable one year after date. Hoover pleaded the Statute of Limitations. It was held by the Supreme Court of Oregon Territory that at no time under the Provisional or Territorial governments of Oregon was the statute of limitations to recover on notes and accounts for a longer period than six years. But by reason of amendments of the law, that the statute of limitations did not run a longer period than three years succeeding the act of September 29, 1849. The full six years from the time said note became due would end October 5, 1853, counting three days of grace, but under this decision the statute of limitations had run September 29, 1852, being less than five years from the time said note became due. The statute of limitations does not extinguish a debt. It merely stops the collection of it by law.

In this speech Thurston was compelled to admit that he had no proper foundation for the statement in his letter to Congress that Dr. McLoughlin had sent word to Fort Hall to turn the immigration to California. He said in this speech that the immigrants to Oregon "at a very early period, perhaps as early as 1842 or 1843, were met with the tale that the Indians were hostile to the immigrants; that they would be cut off if they proceeded further on the Oregon trail; and that this story was told by the officer in charge of Fort Hall, as hav-

ing been received from Vancouver, [the headquarters of Dr. McLoughlin] and that this same officer advised the emigrants to go to California." This statement is not borne out by the facts. That there was danger to the immigrants in coming to Oregon is shown by the intended massacre of the immigrants of 1843, as set forth in this address and in the McLoughlin Document.

Thurston, in this speech, took up the Shortess petition and read numerous parts of it. He said in reference to the phrase that the petitioners hoped that Dr. McLoughlin never would own his land claim, that that is "just what the land bill provides for." Referring to the assertion in the Shortess petition that Dr. McLoughlin "says the land is his, and every person building without his permission is held as a trespasser," Thurston said: "What do you think of this, Mr. Speaker? An Englishman holding an *American citizen* a trespasser for settling on American soil, where the American Government had invited him! This, sir, was before the treaty [of 1846] and before the Provisional Government was formed, and when one American citizen had as good a right to settle there as another, and all a better right than Dr. McLoughlin. Yet this barefaced Jesuit has the effrontery to pretend he did not hold that claim by dint of threats." Thurston does not explain how the American Government invited the immigrants prior to 1847 to settle in Oregon. The truth is that the American settlers who left the East prior to 1849 went on their own initiative. They were neither invited nor helped nor protected by the Government, un-

til after the establishment of the Territorial Government in 1849. Under the Conventions of joint-occupancy Dr. McLoughlin had the same rights, up to the Treaty of 1846, as a British subject, that any citizen of the United States had – no more, no less. This, Thurston as a lawyer, knew.

After quoting further from the Shortess petition, Thurston said: "Now, Mr. Speaker, all this was before the Provisional Government was in operation – before the treaty, when no man had any right to meddle with the soil. Who can contemplate the helpless condition of these few and feeble American citizens, at that time and place, struggling for life, and for subsistence, thus kicked and buffeted round at the mercy of one of the most powerful corporations on earth, headed by a man whose intrigues must have furnished Eugene Sue with a clue to his 'Wandering Jew,' – who, I say, sir, can thus contemplate our flesh, and blood, and kindred, with their land, their houses, their all, thus posted up, and declared subject to *any* disposition this unfeeling man might make of them without shedding tears of pity for their distress. . . . Now, sir, just turn to my correspondence in letters one and two, where he tells you, if a man settled where the company did not allow him to, he paid the *forfeiture with is life*, or from *necessity* was compelled to yield. And here, again, the names of Wait and Thornton rise up before me, and while reading their laudations of McLoughlin, I can think of nothing but two Jews lauding Judas Iscariot. . . .

"This petition is signed by many persons, many of whom I know, who are now living in Oregon.

I can bear unqualified testimony to their character in society, to their honor and to their veracity. I undertake to say, that not a word is uttered in it but the truth, and it is susceptible of any reasonable proof. I know the gentleman who wrote the original, whom to know is to respect, to listen to, to believe. He is a gentleman of the highest standing in Oregon, of some twelve or fourteen years' residence, and who would be universally believed on any subject on which he would presume to speak. That gentleman informs me that every word of it is true to the letter. . . . If in the mouth of two or three witnesses all things are established, then surely sixty-five men are good evidence of the facts stated in the petition to which their names were attached, and, then, you and the country can judge whether this man McLoughlin, by whom all the abuses here complained of were dictated, is entitled to receive gratuities of the American Government for such rascalities, or whether the people of Oregon owe him a debt of gratitude which they refuse to pay."

Thurston set forth the letter of Dr. McLoughlin to Robert Shortess, dated at Vancouver, April 13, 1843, in which Dr. McLoughlin wrote: "I am informed that you have circulated a petition for signatures, complaining of me, and of the Hudson's Bay Company. I hope you will, in common fairness, give me a copy of the petition, with the names of those who signed it, that I may know what is said against us, and who those *are* who think they have cause of complaint against us." Thurston said: "The *names* must be given, and for what? I will not say whether as a sure guide to the toma-

hawk of the Indian, or as a precursor to death by combined and grinding oppression – I leave this to the witnesses who have already spoken. But could you read in the records of heaven the deeds of this power in Oregon, while you would admire the consummate skill with which they were conducted, your whole moral nature would be shocked by the baseness of the design, and the means for their accomplishment.”

Thurston in this speech, without giving names, gave excerpts from a number of letters he had received, sustaining his actions against Dr. McLoughlin in the Donation Land Bill. Shameful as Thurston's actions were against Dr. McLoughlin, Thurston had reason to believe that his actions were sustained and approved by leaders and members of the party which had elected him. Those who thus abetted Thurston in his misstatements and actions against Dr. McLoughlin were as culpable as Thurston was – they became his accessories. Some of these afterwards were ashamed of their actions against Dr. McLoughlin. Their repentances, although late, are commendable.

DOCUMENT O

Correspondence of S. R. Thurston, Nathaniel J. Wyeth, Robert C. Winthrop and Dr. John McLoughlin, published in the "Oregon Spectator," April 3, 1851.

“Chicopee, Mass., Nov. 16, 1850.”

“Capt. Nath. J. Wyeth:

“My Dear Sir – You will excuse me, I am sure,

when I assure you I am from Oregon, and her delegate to the Congress of the United States, for addressing you for a purpose of interest to the country to which I belong.

"I desire you to give me as correct a description as you can at this late period, of the manner in which you and your party, and your enterprise in Oregon, were treated by the Hudson's Bay Company, and particularly by Doc. John McLoughlin, then its Chief Factor. This Dr. McLoughlin has, since you left the country, rendered his name odious among the people of Oregon, by his endeavors to prevent the settlement of the country, and to cripple its growth.

"Now that he wants a few favors of our Government, he pretends that he has been the long tried friend of Americans and American enterprise west of the mountains. Your early reply will be highly appreciated, both for its information, and your relation to my country.

"I am, sir, yours very truly,

"S. R. THURSTON."

"Cambridge, Nov. 21, 1850."

"Hon. Sam'l R. Thurston:

"Dear Sir - Your favor of the 16th inst., was received on the 19th. The first time I visited the Columbia, in the autumn of 1832, I reached Vancouver with a disorganized party of ten persons, the remnant of twenty-four who left the States. Wholly worn out and disheartened, we were received cordially, and liberally supplied, and there the party broke up. I returned to the States in the Spring of 1833 with one man. One of the party, Mr. John Ball, remained and planted wheat on

the Willamette, a little above Camp du Sable, having been supplied with seed and implements from Vancouver, then under the charge of John McLoughlin, Esq., and this gentleman I believe to have been the first American who planted wheat in Oregon. I returned to the country in the autumn of 1834, with a large party and more means, having on the way built Fort Hall, and there met a brig which I sent around the Horn. In the winter and spring of 1835, I planted wheat on the Willamette and on Wappatoo Island.

"The suffering and distressed of the early American visitors and settlers on the Columbia were always treated by Hudson's Bay Company's agents, and particularly so by John McLoughlin, Esq., with consideration and kindness, more particularly the Methodist Missionaries, whom I brought out in the autumn of 1834. He supplied them with the means of transportation, seeds, implements of agriculture and building, cattle and food for a long time.

"I sincerely regret that the gentleman, as you state, has become odious to his neighbors in his old age.

"I am your ob't serv't,

"NATH. J. WYETH."

"Cambridge, Nov. 28, 1850."

"Hon. Robert C. Winthrop:

"Dear Sir - I have received a letter from Sam'l R. Thurston, of which the following is a portion:

"I desire you to give me as correct a description as you can at this late period, of the manner in which you and your party, and your enterprise in

Oregon, were treated by the Hudson's Bay Company west of the Rocky mountains, and particularly by Dr. John McLoughlin, then its Chief Factor. This Dr. McLoughlin has since you left the country, rendered his name odious among the people of Oregon, by his endeavors to prevent the settlement of the country and cripple its growth. Now that he wants a few favors of our Government, he pretends that he has been the long-trying friend of Americans and American enterprise west of the mountains.'

"I have written Mr. Thurston, in reply to the above extract, that myself and parties were kindly received, and were treated well in all respects by J. McLoughlin, Esq., and the officers of the Hudson's Bay Co.; but from the tenor of his letter, I have no confidence that my testimony will be presented before any committee to whom may be referred any subjects touching the interests of said John McLoughlin, Esq.

"The very honorable treatment received by me from Mr. McLoughlin during the years inclusive from 1832 to 1836, during which time there were no other Americans on the Lower Columbia, except myself and parties, calls on me to state the facts.

"The purpose of this letter is to ask the favor of you to inform me what matter is pending, in which Mr. McLoughlin's interests are involved, and before whom, and if you will present a memorial from me on the matters stated in Mr. Thurston's letter as above.

"Respectfully and truly your ob't servant,
"NATH. J. WYETH."

“Washington, Dec. 28, 1850.”

“Dear Sir – I took the earliest opportunity to enquire of Mr. Thurston what there was pending before Congress or the Executive, in which Mr. McLoughlin’s character or interest were concerned. He would tell me nothing, nor am I aware of anything.

“Respectfully your ob’t serv’t,

“R. C. WINTHROP.”

“To. N. J. Wyeth, Esq.”

“John McLoughlin, Esq.:

“Dear Sir – On the 19th of December, 1850, I received a letter from Sam’l R. Thurston, delegate from Oregon, of which see copy No. 1, and by same mail an Oregon newspaper containing a communication over your signature, the letter [latter], I think, addressed in your handwriting.

“From the tenor of Mr. Thurston’s letter, I presumed he wanted my testimony for some purpose not friendly to yourself. I answered his letter as per copy No. 2, but doubting if my testimony, except it suited his views, would be presented, and being ignorant of his intentions, I wrote the Hon. R. C. Winthrop, late Speaker of the House of Representatives, and at present a member of the Senate of the United States, as per copy, [No. 3] and received from him a reply as per copy [No. 4].

“Should you wish such services as I can render in this part of the United States, I shall be pleased to give them in return for the many good things you did years since, and if my testimony as regards your efficient and friendly actions towards me and the other earliest Americans who settled in Oregon,

will be of use in placing you before the Oregon people in the dignified position of a benefactor, it will be cheerfully rendered.

"I am, with much respect, yours truly,
"NATH. J. WYETH."

"Mr. Thurston writes to Mr. Wyeth, 'That Dr. McLoughlin has, since you left the country, rendered his name odious to the people of Oregon.' (That I have rendered my name odious to the people of Oregon, is what I do not know.) And 'By his endeavors to prevent the settlement of the country, and to cripple its growth.' I say I never endeavored to prevent the settlement of the country, or to cripple its growth, but the reverse. If the whole country had been my own private property, I could not have exerted myself more strenuously than I did to introduce civilization, and promote its settlement. 'Now that he wants a few favors of our Government, he pretends that he has been the long tried friend of Americans and American enterprise west of the mountains.' Mr. Wyeth states how I acted towards him and his companions, the first Americans that I saw on this side of the mountains. Those that came since, know if Mr. Thurston represents my conduct correctly or not. As to my wanting a few favors, I am not aware that I asked for any favors. I was invited by the promises held out in Linn's bill, to become an American citizen of this territory. I accepted the invitation and fulfilled the obligations in good faith, and after doing more, as I believe will be admitted, to settle the country and relieve the immigrants in their distresses, than any other

man in it, part of my claim, which had been jumped, Mr. Thurston, the delegate from this territory, persuades Congress to donate Judge Bryant, and the remainder is reserved. I make no comment – the act speaks for itself, but merely observe, if I had no claim to Abernethy Island, why did Mr. Thurston get Congress to interfere, and what had Judge Bryant done for the territory to entitle him to the favor of our delegate? Mr. Thurston is exerting the influence of his official situation to get Congress to depart from its usual course, and to interfere on a point in dispute, and donate that island to Abernethy, his heirs and assigns, alias Judge Bryant, his heirs and assigns.

“Yours respectfully,

“JNO. MCLOUGHLIN.”

With this correspondence was published the following letter from Doctor McLoughlin to the Editor of the *Oregon Spectator*: “I handed the following letters to the Editor of the *Statesman*, and he refused to publish them, unless as an advertisement.” This last letter is quoted to show that the letters set forth in this Document O are authentic. The first number of the *Oregon Statesman* was published March 28, 1851.⁶⁹

DOCUMENT P

Letter from Rev. Vincent Snelling to Dr. John McLoughlin of March 9, 1852.

The original of the following letter is now in the

⁶⁹ This correspondence was also published in full in the *Western Star* (published at Milwaukie, Oregon), in its issue of April 10, 1851.

possession of the Oregon Historical Society, from which this copy is made. Rev. Vincent Snelling was the first Baptist minister who came to Oregon.

“Oregon City, 9th March, 1852.”

“Mr. John McLoughlin, Esq.,

“Dear Sir:

“Having learned that you intend shortly to visit Washington City, and knowing that you have been misrepresented by our Delegate from this country, – and wishing as an honest man, and a friend to truth and justice, to contribute something toward the correction of those misrepresentations, I submit to your acceptance and disposal the following:

“I arrived in Oregon in the fall of 1844 and have been an observer of your treatment of and conduct to the American immigrants. I know that you have saved our people from suffering by hunger and I believe from savage cruelty also. I know you sent your boats to convey them down the Columbia river, free of charge, and that you also sent them provisions when they were in a state of starvation, and that you directed them to be distributed among the immigrants, to those that were destitute of money equally with those that had. Nor did your kindness stop there, as many of us lost nearly all we possessed by the time we arrived in the valley. You continued your favors by letting us have both food and raiment for the year, seed wheat, and charging no more than the same number of bushels the next harvest, plows and cattle to plow with. To conclude I do affirm that your conduct ever since I have known you has been such as

to justify the opinion that you were friendly to the settlement of the country by Americans. I judge the tree [by] its fruit; you have done more for the American settlers than all the men that were in it, at that time.

“With sincere wishes that you may obtain your rights,

“I subscribe myself yours,

“VINCENT SNELLING,

“Ord. Minister Gospel, Baptist.”

DOCUMENT Q

Excerpts from “The Hudson’s Bay Company and Vancouver’s Island” by James Edward Fitzgerald, published in London in 1849; and excerpt from “Ten Years in Oregon” by Rev. Daniel Lee and Rev. J. H. Frost, published in New York in 1844.

In order to show some of the unjustifiable abuse of Dr. McLoughlin from British sources, I here insert an excerpt from pp. 13-18, inclusive, of “The Hudson’s Bay Company and Vancouver’s Island” by J. E. Fitzgerald. He says: “Dr. M’Loughlin was formerly an Agent in the North West Fur Company of Montreal; he was one of the most enterprising and active in conducting the war between that Association and the Hudson’s Bay Company. In the year 1821, when the rival companies united, Dr. M’Loughlin became a factor of the Hudson’s Bay Company. But his allegiance does not appear to have been disposed of along

with his interests; and his sympathy with anything other than British, seems to have done justice to his birth and education, which were those of a French Canadian.

"This gentleman was appointed Governor of all the country west of the Rocky Mountains; and is accused, by those who have been in that country, of having uniformly encouraged the emigration of settlers from the United States, and of having discouraged that of British subjects.

"While the Company in this country were asserting that their settlements on the Columbia River were giving validity to the claim of Great Britain to the Oregon territory, it appears, that their chief officer on the spot was doing all in his power to facilitate the operations of those, whose whole object it was to annihilate that claim altogether.

"There is one story told, about which it is right that the truth should be ascertained. It is said that a number of half-breeds from the Red River settlement were, in the year 1841, induced by the Company's officers to undertake a journey entirely across the continent, with the object of becoming settlers on the Columbia River.

"It appears that a number went, but on arriving in the country, so far from finding any of the promised encouragement, the treatment they received from Dr. M'Loughlin was such, that, after having been nearly starved under the paternal care of that gentleman, they all went over to the American settlement on the Wallamette valley.

"These emigrants became citizens of the United States, and it is further said, were the first to

memorialize Congress to extend the power of the United States over the Oregon territory.

“For the truth of these statements we do not of course vouch. But we do say they demand inquiry.

“Dr. M’Loughlin’s policy was so manifestly American, that it is openly canvassed in a book written by Mr. Dunn, one of the servants of the Company, and written for the purpose of praising their system and policy.

“Sir Edward Belcher also alludes to this policy. He says, — ‘Some few years since, the Company determined on forming settlements on the rich lands situated on the Wallamette and other rivers, and for providing for their retired servants by allotting them farms, and further aiding them by supplies of cattle &c. That on the Wallamette was a field too inviting for missionary enthusiasm to overlook; but instead of selecting a British subject to afford them spiritual assistance, recourse was had to Americans — a course pregnant with evil consequences, and particularly in the political squabble pending, as will be seen by the result. No sooner had the American and his allies fairly squatted, — (which they deem taking possession of the country) than they invited their brethren to join them, and called on the American Government for laws and protection.’

“A great deal of importance is attached to the account given by Commodore Wilkes, U. S. N., of the operations of the Hudson’s Bay Company on the north-west coast; and it is inferred that testimony, coming from such a quarter, is doubly in favour of the Company.

“Nothing, indeed, can be higher than the terms in which Captain Wilkes speaks of the Hudson’s Bay Company’s chief factor, Dr. M’Loughlin, and of the welcome he met, and the hospitality he experienced during his stay upon the coast.

“Captain Wilkes was far too sensible and discriminating a man, not to see, plainly enough, whose game Dr. M’Loughlin was playing. But there is something strange, if we turn from the perusal of Captain Wilkes’ narrative, and the description of the facilities which were ever afforded him, to the following passage from Sir Edward Belcher’s voyage:

“The difference of the reception which a frigate of the United States Navy met with, from that which one of Her Majesty’s ships experienced, is a most suspicious fact, as suggesting the animus of the Company’s agents upon the north-west coast. Sir Edward Belcher says: ‘The attention of the Chief to myself, and those immediately about me, particularly in sending down fresh supplies, previous to my arrival, I feel fully grateful for; but I cannot conceal my disappointment at the want of accommodation exhibited towards the crews of the vessels under my command, in a British possession.’

“We certainly were not distressed, nor was it imperatively necessary that fresh beef and vegetables should be supplied, or I should have made a formal demand. But as regarded those who might come after, and not improbably myself among the number, I inquired in direct terms what facilities Her Majesty’s ships of war might expect, in

the event of touching at this port for bullocks, flour, vegetables, &c. I certainly was extremely surprised at the reply, that 'they were not in a condition to supply.' . . . The American policy of the Hudson's Bay Company would seem from the above facts, to be more than a matter of suspicion.

"It is very easy to say, these are idle tales; they are tales – but such tales, that Parliament ought to make a searching investigation into their truth. . . . It is certain that Dr. McLoughlin has now left the Hudson's Bay Company, and has become *nominally*, what he seems to have been for years, *really* – an *American citizen*, living in the midst of an American population, which he collected around him, upon soil, to which he knew that his own country had, all along, laid claim."

Sir Edward Belcher's exploring expedition was at Fort Vancouver in August, 1839. He insisted that the crews of his vessels should be supplied with fresh beef. Dr. McLoughlin was not then at Fort Vancouver. Probably he had not returned from his trip to England in 1838-9. Mr. Douglas, who was in charge, refused Belcher's request because the supply of cattle was not sufficient for that purpose. Fresh beef was supplied to Sir Edward Belcher and his officers.

Commodore Wilkes and his exploring expedition were on the Oregon Coast in 1841. He did not ask for his crews to be supplied with provisions. He was grateful for the kind treatment of himself, his officers and men, by Dr. McLoughlin and other officers of the Hudson's Bay Company.

Sir Edward Belcher, it seems, was not grateful.⁷⁰

In relation to the Red River immigrants, who arrived in 1841, the statement of Fitzgerald is mostly untrue. These settlers came to Oregon in 1841 under the auspices of the Hudson's Bay Company and settled on Nisqually Plains, near Puget Sound. These plains are almost sterile, being an enormous bed of very fine gravel mixed with some soil at the surface. It is easy to understand how these settlers were disappointed in living by themselves on the Nisqually Plains, when they could come to the Willamette Valley with its fertile soil and be near the settlers in the Willamette Valley. It must be borne in mind that when these Red River settlers went to the Willamette Valley, they were practically as much dependent on the Hudson's Bay Company and Dr. McLoughlin, as though they had stayed on the Nisqually Plains.

Rev. Daniel Lee and Rev. J. H. Frost wrote a book entitled "Ten Years in Oregon," which was printed in New York in 1844. On page 216 of that work they say of these settlers from Red River: "They went to Nesqually, on Pugit's Sound; but, after spending a year, it was found that the land was of a very inferior quality, and that they could not subsist upon it. Thus, after having subjected themselves to many hardships, and privations, and losses, for almost two years, they had yet to remove to the Walamet Valley, as promising to remunerate them for their future toil, and make them forget the past. Accordingly most of them removed and settled in the Walamet in 1841-2."

⁷⁰ See Document F.

DOCUMENT R

Note on authorship of "History of Oregon" in Bancroft's Works; and sources of information for this monograph.

Hubert Howe Bancroft obtained a fine collection of books and pamphlets relating to early Oregon and a great deal of other information before the "History of Oregon," in his Works, was written. A great many Oregon pioneers were personally interviewed and their statements reduced to writing. He also borrowed, on a promise to return, a great many private papers and other documents, including letters and copies of letters from the heirs of Dr. McLoughlin and from other Oregon pioneers and heirs of pioneers, which he has not yet returned, although he borrowed these papers and documents more than twenty years ago. Said "History of Oregon" is largely supplemented by foot-notes taken from this information obtained, or caused to be obtained by Bancroft. The defense of Dr. McLoughlin to the report of Capt. Warre and Lieut. Vavasour, was afterwards returned to Dr. McLoughlin by James Douglas, to whom it was sent by Sir George Simpson. It was among the papers loaned to Bancroft.

While Bancroft was a handy man in collecting materials, he wisely employed Frances Fuller Victor, Oregon's best and greatest historian, to write the "History of Oregon" for his Works. It was largely, if not wholly, written by her. This

applies particularly to that part of the history up to and including the year 1850. For years she had been a careful student of Oregon history. She had access to all the data collected by Bancroft.

In 1871 Mrs. Victor published "The River of the West" which sets forth many of the facts about Dr. McLoughlin, his land claim, and the actions of the missionaries and the conspirators against him, which are contained in this address and in the "History of Oregon" in Bancroft's Works. Volume one of the latter history was published in 1886, and volume two was published in 1888.

In writing this monograph on Dr. McLoughlin I have found *The River of the West* and Bancroft's *History of Oregon* of some use, especially where the information was taken from the documents so borrowed by Bancroft. But I have obtained most of my facts from original sources. Wherever it was possible I have consulted Oregon newspapers and books and pamphlets written by persons who took part in the events described, or which were written contemporaneous therewith, and letters written by pioneers.

The Oregon Historical Society has a number of original letters, files of early Oregon newspapers, and other documents relating to events in early Oregon. Many of these I have examined and taken copies of. In this I have been greatly aided by Mr. George H. Himes, for years the efficient Assistant Secretary of the Oregon Historical Society, and Secretary of the Oregon Pioneer Association. I have also obtained copies from two issues of the *Oregon Spectator* in the possession of the

University of Oregon, through the courtesy of Prof. Frederic G. Young.

DOCUMENT S

Excerpts from opinions of contemporaries of Dr. McLoughlin.

In addition to opinions of Dr. McLoughlin set forth in the address, I here set forth excerpts from other opinions, given by some of his contemporaries. I have selected these out of many high opinions and eulogies upon Dr. McLoughlin.

Judge Matthew P. Deady, in an address before the Oregon Pioneer Association, in 1876, said:⁷¹ "Dr. John McLoughlin was Chief Factor of the Company [Hudson's Bay Company] west of the Rocky mountains, from 1824 to 1845, when he resigned the position and settled at Oregon City, where he died in 1857, full of years and honor. . . . Although, as an officer of the Company, his duty and interest required that he should prefer it to the American immigrant or missionary, yet at the call of humanity, he always forgot all special interests, and was ever ready to help and succor the needy and unfortunate of whatever creed or clime.

"Had he but turned his back upon the early missionary or settler and left them to shift for themselves, the occupation of the country by Americans would have been seriously retarded, and attended with much greater hardship and suf-

⁷¹ *Transactions of the Oregon Pioneer Association for 1876*, p. 18.

fering than it was. For at least a quarter of a century McLoughlin was a grand and potent figure in the affairs of the Pacific slope. . . . But he has long since gone to his rest. Peace to his ashes! Yet the good deeds done in the body are a lasting monument to his memory, and shall in due time cause his name to be written in letters of gold in Oregon history."

Governor Peter H. Burnett, from whose "Recollections and Opinions of An Old Pioneer," I have already quoted, also said in that book (pp. 143, 144): "Dr. John McLoughlin was one of the greatest and most noble philanthropists I ever knew. He was a man of superior ability, just in all his dealings, and a faithful Christian. I never knew a man of the world who was more admirable. I never heard him utter a vicious sentiment, or applaud a wrongful act. His views and acts were formed upon the model of the Christian gentleman. He was a superior business man, and a profound judge of human nature. . . . In his position of Chief Factor of the Hudson's Bay Company he had grievous responsibilities imposed upon him. He stood between the absent directors and stockholders of the Company and the present suffering immigrants. He witnessed their sufferings; they did not. He was unjustly blamed by many of both parties. It was not the business of the Company to deal upon credit; and the manager of its affairs in Oregon was suddenly thrown into a new and very embarrassing position. How to act, so as to secure the approbation of the directors and stockholders in England, and at the

same time not to disregard the most urgent calls of humanity, was indeed the great difficulty. No possible line of conduct could have escaped censure.

"To be placed in such a position was a misfortune which only a good man could bear in patience. I was assured by Mr. Frank Ermatinger, the manager of the Company's store at Oregon City, as well as by others, that Dr. McLoughlin had sustained a heavy individual loss by his charity to the immigrants. I knew enough myself to be certain that these statements were substantially true. Yet such was the humility of the Doctor that he never, to my knowledge, mentioned or alluded to any particular act of charity performed by him. I was intimate with him, and he never mentioned them to me."

Col. J. W. Nesmith,⁷² from whose address in 1876 I have already quoted, in that address also said:⁷³ "Dr. John McLoughlin was a public benefactor, and the time will come when the people of Oregon will do themselves credit by erecting a statue to his memory. . . . Thus far detraction and abuse have been his principal rewards."

Hon. Willard H. Rees, a pioneer of 1844, in his address before the Oregon Pioneer Association, in 1879, said:⁷⁴ "Dr. McLoughlin, as director of

⁷² Col. J. W. Nesmith was a Captain of Oregon volunteers in the Cayuse Indian War of 1847; and also in the Rogue River Indian War of 1852, and was Colonel of the First Regiment of Oregon Mounted Volunteers in the Yakima Indian War of 1855. He was a United States Senator and also a Representative to Congress from Oregon.

⁷³ *Transactions* of the Oregon Pioneer Association for 1876, p. 58.

⁷⁴ *Transactions* of the Oregon Pioneer Association for 1879, pp. 29,

the affairs of the Hudson's Bay Company west of the Rocky mountains, had more power over the Indians of the whole Northwest Coast, which he judiciously exercised, than all other influences multiplied and combined. He was a great and just man, having in no instance deceived them, firm in maintaining the established rules regulating their intercourse, making their supplies, so far as the Company was concerned, strictly depend upon their own efforts and good conduct, always prompt to redress the slightest infraction of good faith. This sound undeviating policy made Dr. McLoughlin the most humane and successful manager of the native tribes this country has ever known, while the Indians both feared and respected him above all other men. . . . Dr. McLoughlin was no ordinary personage. Nature had written in her most legible hand preëminence in every lineament of his strong Scotch face, combining in a marked degree all the native dignity of an intellectual giant. He stood among his pioneer contemporaries like towering old [Mount] Hood amid the evergreen heights that surround his mountain home – a born leader of men. He would have achieved distinction in any of the higher pursuits of life. . . . His benevolent work was confined to no church, sect nor race of men, but was as broad as suffering humanity, never refusing to feed the hungry, clothe the naked, and provide for the sick and toilworn immigrants and needy settlers who called for assistance at his old Vancouver home. Many were the pioneer mothers and their little ones, whose hearts were made

glad through his timely assistance, while destitute strangers, whom chance or misfortune had thrown upon these, then, wild inhospitable shores, were not permitted to suffer while he had power to relieve. Yet he was persecuted by men claiming the knowledge of a Christian experience, defamed by designing politicians, knowingly misrepresented in Washington as a British intriguer, until he was unjustly deprived of the greater part of his land claim. Thus, after a sorrowful experience of man's ingratitude to man, he died an honored American citizen."

J. Quinn Thornton was one of the early Oregon pioneers. He came to Oregon with the immigration of 1846. At the meeting of the Oregon Pioneer Association in 1875, he furnished to that Association a history of the Provisional Government of Oregon. In this history, speaking of Dr. John McLoughlin, Thornton said:⁷⁵ "The late Dr. John McLoughlin resided at Fort Vancouver, and he was Chief Factor of the Hudson's Bay Company west of the Rocky Mountains. He was a great man, upon whom God had stamped a grandeur of character which few men possess and a nobility which the patent of no earthly sovereign can confer. . . . As a Christian, he was a devout Roman Catholic, yet, nevertheless, catholic in the largest sense of that word. . . . He was a man of great goodness of heart, too wise to do a really foolish thing, too noble and magnanimous to condescend to meanness, and too forgiving to cherish resentments. The writer, during

⁷⁵ *Transactions of the Oregon Pioneer Association for 1875, p. 51.*

the last years of Dr. McLoughlin's life, being his professional adviser, had an opportunity such as no other man had, save his confessor, of learning and studying him; and as a result of the impressions, which daily intercourse of either a social or business nature made upon the writer's mind, he hesitates not to say, that old, white-headed John McLoughlin, when compared with other persons who have figured in the early history of Oregon, is in sublimity of character, a Mount Hood towering above the foot hills into the regions of eternal snow and sunshine."

Col. J. K. Kelly was Lieutenant-Colonel of the First Regiment of Oregon Mounted Volunteers in the Yakima Indian War of 1855. He was afterwards a United States Senator from Oregon, and Chief Justice of the Oregon State Supreme Court. In his address to the Oregon Pioneer Association in 1882, speaking of Dr. McLoughlin, Col. Kelly said:⁷⁶ "Just and generous as that law [Oregon Donation Land Law] was to the people of Oregon, yet there was one blot upon it. I refer to the provisions contained in the 11th section of the act by which the donation claim of Dr. John McLoughlin, known as the Oregon City claim, was taken from him and placed at the disposal of the Legislative Assembly to be sold and the proceeds applied to the endowment of an university. It was an act of injustice to one of the best friends and greatest benefactors which the early immigrants ever had. I do not propose to speak of the many estimable and noble qualities of Dr. Mc-

⁷⁶ *Transactions of the Oregon Pioneer Association for 1882*, p. 26.

Loughlin here. They have been dwelt upon by others who have heretofore addressed the Pioneer Association, and especially by Mr. Rees in 1879. I concur in everything he said in praise of Dr. McLoughlin.

“It was my good fortune to know him well during the last six years of his life, years which were embittered by what he considered an act of ingratitude after he had done so many acts of personal kindness to the early immigrants in their time of need. That Dr. McLoughlin was unjustly treated in this matter, few, if any, will deny. And I am very sure that a large majority of the people, in Oregon, at that time, condemned the act which took away his property, and tended to becloud his fame. And yet no act was ever done by the Territorial Government to assert its right to the Oregon City claim during the life of Dr. McLoughlin; and in 1862, five years after his death, the State of Oregon confirmed the title to his devisees upon the payment of the merely nominal consideration of \$1,000 into the university fund. And so five years after he was laid in his grave an act of tardy justice was done at last to the memory of the grand old pioneer.” It was largely through Col. Kelly’s influence and actions that this act was passed in favor of Dr. McLoughlin’s devisees.

Horace S. Lyman was a son of Rev. Horace Lyman, a Congregational minister who came to Oregon in 1849, and who founded the First Congregational Church of Portland in June, 1851. Horace S. Lyman grew up in Oregon and from his own knowledge, from personal association

with pioneer missionaries and others, and from reading, he became well acquainted with the history of Oregon. He was the author of a "History of Oregon" published in 1903. His associate editors were Mr. Harvey W. Scott, Judge Charles B. Bellinger, and Prof. Frederic G. Young. In the fourth volume of this history, page 381, it is said: "Whether the justice of history, and the recognition of after times, when personal interests and partizan spites are dissipated, and a character like that of McLoughlin stands forth as one of the best ever produced under the British flag, and one of the best ever given to America, should be regarded as compensation for the injustice and sufferings of a life darkened in old age, may not be determined. Yet the historian must ever assert that a character worthy of perpetual commemoration and admiration, illuminating, by humanity and Christian doctrine, the dark chapters of wilderness life from the Atlantic to the Pacific, and setting a star of hope over the barracks of a mercenary trading company, is worth all personal sacrifice. It is of such acts that great history consists. Even to the Doctor himself, going down in old age and poverty, and doubting whether his family would have a support, and believing that he had better have been shot as a beast than to have so suffered, we may hope that it was but 'a light affliction, compared with the perpetual consciousness of a life of peace and good will sustained in a period menaced by war.'"

As I have said, my uncle, Daniel S. Holman, was one of the immigrants of 1843. He was then

about twenty-one years old. He will be eighty-five years old the fifteenth of November, 1907. He lives at McMinnville, Oregon, strong in mind and body. When I was honored by being selected to deliver the address, I wrote him asking for his opinion of Dr. John McLoughlin, for I knew his feelings. He wrote me August 7, 1905. In this letter he said: "I received yours requesting me to tell you of some of the kind acts of Doctor McLoughlin. It would take more time than I have to speak of all the very good things that he did, but I can say that he did all that was in his power to do to help the starving, wornout and poverty stricken [immigrants] that came to Oregon. For the first three or four years after I came if he had not helped us we could not have lived in Oregon. At the time we came he sent his boats to The Dalles, free of cost, to help all that could not help themselves to go down the river. He also sent food and clothing to the destitute and gave it to them. He also furnished seed grain to everyone who wanted, and waited for his pay until they raised wheat to pay. The fact is there never was a better man than he was. He did more than any other man did to settle Oregon. History says Doctor Whitman was the man who saved Oregon to the United States, but that is not true. It was Dr. John McLoughlin of the Hudson's Bay Company. So says every man that is a man, that came to Oregon up to 1849. He furnished the entire immigration with food and clothing for the first year after we came. The people did not have money to live on and so he fed and clothed us all.

Some never paid him but some did pay the good old man."

And he added a postscript to say that his wife thought he had not said enough about Dr. John McLoughlin. She has been my uncle's loving and faithful help-mate for more than fifty-nine years. She is a pioneer of 1846. She, too, is still strong, mentally and physically. My uncle said in the postscript: "I can say that I am sure no man could have done better than he did to us all. In the fall of 1845 I went out to meet the immigrants and was gone from home six or eight weeks without a change of clothing. I got back to Vancouver where the Doctor then lived. I was as ragged as I could be. I went to his office and told him I wanted some clothing, but had no money. He gave me an order to his son to let me have whatever I wanted in the store. He treated others as he did me. In 1848 he let every one who wanted to go to the mines have all they needed, on time, to go to California. Some never paid him. Have you anyone in Portland that would help any and all such men off to the mines on such chances of getting their pay? I don't think there is such a man in Oregon, or any other place. You can't say too much in his praise."

Joseph Watt, a pioneer of 1844, from whose "Recollections of Dr. John McLoughlin" I have already quoted, also said, in said *Recollections*:⁷⁷ "The next I saw of the Doctor was in Oregon City, he having stayed at Fort Vancouver until all the

⁷⁷ *Transactions* of the Oregon Pioneer Association for 1886, pp. 25-27.

immigrants for that year [1844] had arrived. He was building a large flouring mill, at that time nearing its completion. He already had a saw-mill in full blast, also was building a dwelling house, preparing to move to that place, which he did in the following spring. From that time to his death he was a prominent figure in Oregon City. Nothing pleased him better than to talk with the settlers, learn how they were getting along, their prospects, of their ability to live, and to help others. He was anxious that every one should be well and kept busy. He could not endure idleness or waste. Over-reaching, or, what we Americans call 'sharp practice,' he had no patience with whatever. As far as he was concerned all transactions were fair, straight-forward and honorable. Those who knew him best never thought of disputing his word or his declared intentions, although there were some high in authority who did this in after years, apparently for selfish motives; and through their representations, caused the U. S. Government to do an act of great injustice. But I am proud to be able to say that all, or nearly all of the first settlers, did not endorse the action, and never rested until the wrong was adjusted as nearly as it was possible to do so. . . . It appeared by common consent that he was practically the first governor of the great North Pacific Coast. No man ever fulfilled that trust better than Dr. John McLoughlin. He was always anxious over the Indian problem. No one understood the Indian character better than he did. All the Indians knew him as the great 'White

Chief,' and believed whatever he said could be depended on; that he was not their enemy, but was strictly just with them in every thing;—could punish or reward, as he thought best, and no trouble grew out of it. But with the settlers the case was different. . . . Dr. McLoughlin! Kind, large-hearted Dr. John McLoughlin! One of nature's noblemen, who never feared to do his duty to his God, his country, his fellow-men and himself, even in the wilderness. The pioneers of this great North-West feel that they owe Dr. John McLoughlin a debt of gratitude above all price, and that they and their posterity will cherish his memory by a suitable monument placed on the highest pinnacle of fame within the State of Oregon."

Archbishop F. N. Blanchet came to Oregon in 1838 as Vicar-General of the Roman Catholic Church in Oregon. He was consecrated as Archbishop in Quebec in 1845. In his "Historical Sketches of the Catholic Church in Oregon" (published in 1878), from which I have already quoted, he also said of Dr. McLoughlin (pp. 8 and 9): "He was one of 'nature's noblemen' in every sphere of life. Of commanding presence, strict integrity, sound judgment, and correct principles of justice, no man was better qualified for the position he occupied as the father and friend of both the Indians and the whites who then jointly occupied the Pacific northwest. Dr. McLoughlin was the arbiter to whom both whites and Indians looked for the settlement of their differences, and the friend from whom they sought relief in all

their difficulties. . . . Under the impartial supervision of this good and great man the business of the Hudson Bay Company prospered amazingly; he perpetuated peace between the Indians and the employes of the Company. . . . He also extended assistance to every immigrant whose necessities required it, and his good deeds have enshrined his name amidst the most honored of the pioneers of the Pacific Coast." And on page 71 Archbishop Blanchet said: "Dr. John McLoughlin was the father of the orphans and servants of the H. B. Co.; the father of the French-Canadian colonies of Cowlitz and Wallamette Valley; of all the American immigrants; and a great benefactor of the Catholic Church."

It will be remembered that Rev. Daniel Lee was a Methodist missionary, who came to Oregon in 1834. He worked faithfully and earnestly for about ten years when he returned to the Eastern States. He continued in the ministry and died about 1895. His son, Rev. William H. Lee, is the Pastor of the People's Mission Church at Colorado Springs. He was in Portland in 1905. In answer to the inquiry of Mr. G. H. Himes, Assistant Secretary of the Oregon Historical Society, Rev. William H. Lee wrote the following letter at his home, July 31, 1905, to Mr. Himes: "As the son of a pioneer Oregon Missionary I wish to add my tribute of respect to the memory of Dr. John McLoughlin. For 10 years my father Rev. Daniel Lee labored in missionary work in Oregon and during all these years John McLoughlin was his friend. When my Father and Mother were

united in marriage it was within the hospitable walls of Ft. Vancouver and we treasure a marriage certificate signed by John McLoughlin as one of the witnesses. Many times have I heard my Father and Mother speak of the kindness of Dr. John McLoughlin. And one of the most pleasant memories of my recent visit to Portland was the privilege I had of stopping in Oregon City and placing some flowers on the grave of my Father and Mother's friend."

The well known writer, S. A. Clarke, who was an Oregon immigrant of 1850, published a two volume work in 1903, entitled: "Pioneer Days of Oregon History." In this work (vol. 1, pp. 214, 215) Mr. Clarke says of Dr. McLoughlin: "It was because of his loyalty to humanity and his kindness to Americans that he lost his high official station and was left almost heartbroken in his old age. We can afford to hold up in contrast those who profited by his bounty and left him to pay the bill; also those - be they Missionaries or who - that tried to rob him of his land claim, with the nobler minded man - John McLoughlin - who did so much and lost so much for humanity, and never expressed regret."

Mr. Clarke in this work (vol. 1, p. 226) narrates the following incident, which was told to him by Dr. William C. McKay, who was a grandson of Mrs. Dr. John McLoughlin. It will be remembered that her first husband was Alexander McKay, who was killed in the capture of the Tonquin in 1811. "In 1843 William Beagle and family reached Vancouver destitute, and he had the ty-

phus fever. McLoughlin heard of it and told Dr. Barclay there was a sick and destitute family at the landing; to fix up a house for them, make them comfortable and attend to the sick.

“Dr. W. C. McKay had just returned from the States where he pursued medical studies. So the doctor invited him to assist in taking care of his patients. There was the mother and several children, who had all they needed for two months, until Beagle got better, when he went to Governor McLoughlin and asked what his bill was. ‘Tut, tut, tut! bill, bill, bill! Take care of yourself, sir! That is the bill!’ Beagle pleaded that even the doctor couldn’t afford to take care of his family and treat them so long without pay. ‘Tut, tut, tut,’ was the reply. ‘You do the best you can for some other man who is in trouble, and that will pay me.’

“He sent them up the Willamette, free of charge, sold them supplies that were necessary until Beagle could earn money, and was finally paid for them in full. This is but one instance in the many where the kindness and generosity of Dr. McLoughlin was manifested toward Americans who reached Vancouver sick and impoverished and received his generous and kindly care.”