

APPENDIX 7

WHITMAN'S PROPOSED BILL FOR OREGON

The Records of the War Department, File No. 424052, National Archives, Washington, D.C., contain an undated letter of Dr. Whitman's together with his proposed bill for the protection of Oregon-bound emigrants. Both were evidently written shortly after his return to Waiilatpu in the fall of 1843. On the back of the letter is the notation which indicates date of receipt: "Marcus Whitman. Enc[losed] synopsis of a bill, with his views in reference to import[ance] of the Oregon Territory. June 22 '44."

Both the letter and the bill also contain a notation that each was copied by the Rev. J. G. Craighead on November 27, 1891. The first printing of these two documents appeared in the *Transactions of the Oregon Pioneer Association*, 1891 (but published in 1893). Craighead included a copy of the letter in his *The Story of Marcus Whitman*, 1895. Nixon in his *How Marcus Whitman Saved Oregon*, 1895, included both documents, as did Mowry in his *Marcus Whitman*, 1905. Each of these printings contain some minor inaccuracies. The following is my transcription. The proposed bill is in Mrs. Whitman's handwriting.

To the Hon. James M. Porter, Secretary at War

Sir: In compliance with the request you did me the honor to make last winter while at Washington,¹ I herewith transmit you the synopsis of a Bill which if it could be adopted, would, according to my experience and observation, prove highly conducive to the best interests of the United States generally; to Oregon where I have resided for more than seven years as a missionary; and to the Indian Tribes that inhabit the intermediate country.

The Government will doubtless [by] now for the first time be apprised, through you and by means of this communication, of the immense immigration of families to Oregon which has taken place this year. I have since our interview been instrumental in piloting across the route described in the accompanying Bill, and

which is the only eligible wagon road, no less than [— —]² families consisting of one thousand persons of both sexes with their waggons, amounting in all to more than one hundred and twenty, 698 oxen and 973 loose cattle.

The emigrants are from different states but principally from Missouri, Arkansas, Illinois and New York. The majority of them are farmers, lured by the prospects of Government bounty in lands, by the reported fertility of the soil, and by the desire to be first among those who are planning our institutions on the Pacific coast. Among them also are artisans of every trade, comprising with farmers the very best material for a new Colony. As pioneers these people have undergone incredible hardships and having now safely passed the Blue Mountain range with their waggons and effects³ have established a durable road from Missouri to Oregon which will serve to mark permanently the route for larger numbers each succeeding year; while they have practically demonstrated that waggons drawn by horses or oxen can cross the Rocky Mountains to the Columbia River contrary to all the sinister assertions of those who pretended it to be impossible.

In their slow progress these persons have encountered, as in all former instances and as all succeeding emigrants must if this or some similar Bill be not passed by Congress, the continual fear of Indian aggression, the actual loss through them of horses, cattle, and other property, and the great labour of transporting an adequate amount of provision for so long a journey. The Bill herewith proposed would in a great measure lessen these inconveniences by the establishment of Posts, which, while they possessed power to keep the Indians in check, thus doing away [with] the constant Military vigilance on the part of the traveler by day and night, would be able to furnish in transit with fresh supplies of provisions, diminishing the original burdens of the emigrants and finding thus a ready and profitable market for their produce—a market that would in my opinion more than suffice to defray all the current expenses of such Posts.

The present party are supposed to have expended no less than two thousand dollars at Laramie and Bridger Forts and as much more

at Fort Hall and Fort Boisie, two of the Hudson Bay Companies Stations. These are at present the only shopping places in a journey of twenty two hundred miles and the only places where additional supplies can be obtained even at the enormous rates of charge called Mountain prices (i.e.) Fifty Dollars the hundred for flour and fifty dollars the hundred for coffee, the same for sugar & powder &c.

Many cases of sickness and some deaths took place among those who accomplished the journey this season owing in a great measure to the uninterrupted use of meat, salt and fresh, with flour which constituted the chief articles of food they are able to convey in their waggons, and this would be obviated by the vegetable productions which the Posts in contemplation could very profitably afford them. Those who rely upon hunting as an auxiliary support are at present unable to have their arms repaired when out of order; horses and oxen become tender footed and require to be shod on this long journey sometimes repeatedly, and the waggons repaired in a variety of ways. I mention these as valuable incidents to the proposed measure, as it will also be found to tend in many other incidental ways to benefit the migrating population of the United States choosing to take this direction and on these accounts as well as for the immediate use of the Posts themselves, they ought to be provided with the necessary shops and mechanicks which would at the same time exhibit the several branches of civilized art to the Indians.

The outlay in the first instance need be but trifling. Forts like those of the Hudson Bay Company, surrounded by walls enclosing all the buildings and constructed almost entirely of adoby or sundried bricks with stone foundations only, can be easily & cheaply erected. There are very eligible places for as many of them as the Government will find necessary at suitable distances, not further than one or two hundred miles apart at the main crossing of the principal streams that now form impediments to the journey and consequently well supplied with water, having alluvial bottomlands of a rich quality and generally well wooded.

If I might be allowed to suggest the best sites for said Posts, my personal knowledge and observation enable me to recommend—First, the main crossing of the Kansas River where a Ferry would be very convenient to the traveller and profitable to the station having it in charge; next, and about eighty miles distant, the crossing of Blue River where in times of unusual freshet, a Ferry would be in like manner usefull; next, and distant from one hundred to one hundred and fifty miles from the last mentioned, the Little Blue or Republican fork of the Kansas; next, and from sixty to one hundred miles distant from the last mentioned, the point of intersection of the Platt river; next, and from one hundred to one hundred and fifty miles distant from the last mentioned, the crossing of the South Fork of Platt river: next, and about one hundred and eighty or two hundred miles distant from the last mentioned, Horseshoe Creek which is about forty miles west of Laramie's Fork in the Black hills. Here is a fine creek for Mills & irrigation, good land for cultivation; fine pasturage, Timber & Stone for building. Other locations may be had along the Platt & Sweetwater, on the Green River or Black's or Ham's Fork on the Bear River near the great Soda Springs, near Fort Hall & at suitable places down to the Columbia. These localities are all of the best description, so situated as to hold a ready intercourse with the Indians in their passage to and from the ordinary Buffalo hunting grounds and in themselves so well situated in all other respects as to be desirable to private enterprise if the usual advantage of trade existed. Any of the farms above indicated would be deemed extremely valuable in the States.

The Government cannot long overlook the importance of superintending the Savages that endanger this line of travel and that are not yet in treaty with it. Some of these are allready well known to be led by desperate white men and Mongrels who form banditti in the most difficult passes and are at all times ready to cut off some lagging emigrant in the rear of the party or some adventurous one who may proceed a few miles in advance, or at night to make a descent upon the sleeping camp and carry away or kill horses and cattle. This is the case even now in the commencement of our western emigration and when it comes to be

more generally known that large quantities of valuable property and considerable sums of money are yearly carried over this desolate region, it is to be feared that an organized Banditti will be instituted.

The Posts in contemplation would effectually counteract this. For that purpose they need not nor ought not to be military establishments. The Trading posts in this country have never been of such a character and yet with very few men in them have for years kept the surrounding Indians in the most pacifick disposition so that the traveler feels secure from molestation upon approach(ing) Fort Laramie, Bridger's Fort, Fort Hall, &c &c. The same can be obtained without any considerable expenditure by the Government while by investing the officers in charge with competent authority, all evil disposed white men, refugees from justice or discharged vagabonds from the trading Posts might be easily removed from among the Indians and sent to the appropriate States for Trial.

The Hudson Bay Company's system of rewards among the savages would soon enable the Posts to root out these desperadoes. A direct and friendly intercourse with all the Tribes even to the Pacific might be thus maintained; the Government would become more intimately acquainted with them and they with the Government, and instead of sending to the State Courts a manifestly guilty Indian to be arraigned before a distant tribunal (and) acquitted for the want of testimony by the technicalities of Lawyers and of Laws unknown to them and sent back into this wilderness loaded with presents as an inducement to further crime, the Posts should be enabled to execute summary justice as if the criminal had been already condemned by his Tribe because the Tribe will be sure to deliver up none but the party whom they know to be guilty. They will in that way receive the trial of their peers and secure within themselves to all intents and purposes if not technically the trial by jury, yet the spirit of that trial. There are many powers which ought to reside in some person on this extended route for the convenience and even necessity of the publick.

In this the emigrants and the people of Oregon are no more interested than the resident inhabitants of the States. At present

no person is authorized to administer an oath or legally attest a fact from the western line of Missouri to the Pacific. The emigrant cannot dispose of his property, although an opportunity ever so advantageous to him should occur after he passes the western border of Missouri. No one can here make legal demand and protest of a promissory note or Bill of Exchange. No one can secure the valuable testimony of a Mountaineer or of an emigrating witness after he has entered this at present lawless country. Causes do exist and will continually arise in which the private rights of citizens are, and will be, seriously prejudiced by such an utter absence of legal authority. A contraband trade from Mexico, the introduction from that country of liquors to be sold among the Indians west of the Kansas river is already carried on with the mountain trappers and very soon the teas, silks, nankins,⁴ spices, camphor and opium of the East Indies will find their way duty free through Oregon across the mountains and into the States unless custom house Officers along this line find an interest in intercepting them.

Your familiarity with the Government policy, duties and interest render it unnecessary for me to more than hint at the several objects intended by the enclosed Bill and any enlargement to its adoption would be quite superfluous, if not impertinent. The very existence of such a system as the one above recommended suggest the ability of Post Office and Mail arrangements which it is the wish of all who now live in Oregon to have granted to them; and I need only add that contracts for this purpose will be readily taken at reasonable rates for transporting the mail across from Missouri to the mouth of the Columbia in forty days with fresh horses at each of the contemplated Posts. The ruling policy proposed regards the Indians as the police of the country, who are to be relied upon to keep the peace, not only for themselves but to repel lawless white men and prevent Banditti, under the salutary guidance of the Superintendants of the several Posts, aided by a well directed system of bounty to induce the punishment of crime. It will be only after a failure of these means to procure the delivery or punishment of violent, lawless and savage acts of aggression that a band or Tribe should be regarded as conspirators against the peace, or punished accordingly by force of Arms.

Hoping that these suggestions may meet your approbation and conduce to the future interests of our growing Colony, I have the honor to be, Hon. Sir, Your Obt. Servant, Marcus Whitman.

THE PROPOSED BILL

Title of the proposed Act

A Bill to promote safe intercourse with the Territory of Oregon; to suppress violent acts of aggression on the part of certain Indian Tribes west of the Indian Territory Necho [as the Indian Country was sometimes called]; better protect the revenue, for the transportation of mail and for other purposes.

Synopsis of the Act.

Section 1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled that from and after the passage of this act, there shall be established at suitable distances and in convenient and proper places to be selected by the President a chain of agricultural Posts or Farming Stations extending at intervals from the present most usual crossing of the Kansas river west of the western boundary of the State of Missouri, thence ascending the Platte river on its southern border, thence through the valley of the Sweetwater river to Fort Hall, and thence to the settlements of the Willamette in the Territory of Oregon. Which said Posts shall have for their object to set examples of civilized industry to the several Indian Tribes; to keep them in proper subjection to the laws of the United States; to suppress violent and lawless acts along the said line of frontier; to facilitate the passage of Troops and munitions of war and out of the said Territory of Oregon; and the transportation of the mail as here after provided.

Sec. 2 And be it further enacted that there shall reside at each of the said Posts one Superintendent having charge thereof with full power to carry into effect the provisions of this act, subject always to such instructions as the President may impose. One Deputy Superintendent to act in like manner in case of

the death, removal or absence of the Superintendent and such other artificers and labourers not exceeding twenty in number as the said superintendent may deem necessary for the conduct and safety of the said Post, all of whom shall be subject to his appointment and liable to his removal.

Sec. 3 And be it further enacted that it shall be the duty of the President to cause to be erected at each of the said Posts suitable buildings for the purpose herein contemplated, to wit; One main Dwelling House, one Store House, one Black Smiths and gun smiths Shop and one Carpenters Shop with such and so many other buildings for storing the products and supplies of the said Post as he may from time to time deem expedient. To supply the same with all necessary implements of mechanical art and agricultural labor incident thereto and with all such other articles as he may judge requisite and proper for the safety, defence, and comfort thereof.

To cause the said Post in his discretion to be visited by detachments of the Troops stationed on the western frontier; to suppress through the said Post the sale of munitions of war to the Indian Tribes in case of hostilities and annually to lay before Congress at its general session full returns verified by the oaths of the said several superintendents, of the several acts by them performed and of the condition of the said Posts with the income & expenditures growing out of the same respectively.

Sec. 4 And be it further enacted that the said superintendents shall be appointed by the Presidents by and with the advice and consent of the Senate for the term of four years with a salary of two thousand dollars⁵ payable out of any monies in the treasury not otherwise appropriated, that they shall respectively take an oath before the district judge of the United States for the western district of Missouri, faithfully to discharge the duties imposed on them in and by the provisions of this act and give a bond to the President of the United States and to his successors in office and assigns with sufficient security to be approved by the said judge in at least the penalty of twenty five thousand dollars to indemnify the President, his successor or assigns for any unlawful acts by them performed, or injuries committed by virtue

of theft offices, which said bonds may be at any time assigned for prosecution against the said respective superintendents and theft sureties upon application to the said judge at the instance of the United States District Attorney or of any private party aggrieved.

Sec. 5 And be it further enacted that it shall be the duty of the said Superintendents to cause the soil adjacent to the said posts in extent not exceeding six hundred and forty acres to [be] cultivated in a farmerlike manner and to produce thereon such articles of culture as in their judgment shall be deemed the most profitable and available for the maintenance of said posts, for the supply of troops and other government agents which may from time to time resort thereto, and to render the products aforesaid adequate to defraying all the expenses of labor in and about the said posts, and the salary of the said deputy superintendent without resort to the treasury of the United States, remitting to the Secretary of the Treasury yearly a sworn statement of the same with the surplus monies if any there shall be.

Sec. 6 And be it further enacted that the said several Superintendents of posts shall, *ex officio*, be superintendents of Indian affairs west of the Indian Territory Necho, subordinate to and under the full control and supervision of the Commissioner General of Indian affairs at Washington. That they shall by virtue of their offices be conservators of the peace with full powers to the extent hereinafter prescribed in all cases of crimes and misdemeanors, whether committed by citizens of the United States or by Indians within the frontier line aforesaid. That they shall have power to administer oaths to be valid in the several courts of the U. States; to perpetuate testimony to be used in the said courts; to take acknowledgement of deeds and other specialties in writing; to take the probate of wills and Testaments executed upon the said frontier and of which the testators shall have died in transit between the state of Missouri and the Territory of Oregon; to do and certify all notarial acts, and to perform the ceremony of marriage with as legal effect as if the said several acts above enumerated had been performed by the magistrates of any of the States having power to perform the same.

That they shall have power to arrest and remove from the line aforesaid all disorderly white persons and all persons inciting the Indians to hostilities and to surrender up all fugitives from justice upon the requisition of the Governor of any of the states, that they shall have power to demand of the several tribes within the said frontier line the surrender of any Indian or Indians committing acts in contravention of the laws of the United States, and in case of such surrender, to inflict punishment thereon according to the tenor and effect of the said laws without further trial, presuming such offending Indian or Indians to have received the trial and condemnation of the tribe to which he or they may belong; to intercept and cease [seize] all articles of contraband trade whether introduced into their jurisdiction in violation of the acts imposing duties on imports or of the acts to regulate trade and intercourse with the several Indian Tribes; to transmit the same to the Marshal of the western district of Missouri together with the proofs necessary for the confiscation thereof and in every such case the superintendent shall be entitled to and receive one half the sale value of the said confiscated articles and the other half be disposed of as in like cases arising under the existing Revenue laws.

Sec. 7 And be it further enacted that the several superintendents shall have and keep at their respective Posts, seals of office for the legal authentication of theft public acts herein enumerated, and that the said seals shall have as a device, the spread Eagle with the words "U.S. Superintendency of the Frontier" engraved thereon.

Sec. 8 And be it further enacted that the said superintendents shall be entitled in addition to the salary herein before granted to the following prerequisites and fees of office, to wit: For the acknowledgement of all deeds and other written specialties, the sum of one dollar; for the administration of all oaths, twenty five cents; for the authentication of all copies of written instruments, one dollar; for the perpetuation of all testimony to be used in the United States courts, by the folio, fifty cents; for the probate of all wills and Testaments by the folio, fifty cents; for all other writing done by the folio, fifty cents; for solemnizing marriages, two dollars, including the certificate to be given to the parties; for the

surrender of fugitives from justice, in addition to the necessary costs and expenses of arrest and detention which shall be verified to the demanding Governor by the affidavit of the Superintendent, ten dollars.

Sec. 9 And be it further enacted, that the said Superintendents shall by virtue of their offices be Post Masters at the several stations for which they are appointed and as such shall be required to facilitate the transportation of the mail in its transit to and from the Territory of Oregon and the nearest Postoffice within the State of Missouri, subject to all the regulations of the Post Office Department and with all the immunities and privileges of the Post masters in the several States except that no additional compensation shall be allowed them for such services and it is hereby made the duty of the Postmaster General to cause proposals to be issued for the transportation of the mail along the line of said Posts to and from the said Territory within six months after the passage of this act.

Sec. 10 And be it further enacted that the sum of (—) thousand dollars be and the same is hereby appropriated out of any monies in the treasury not otherwise appropriated, for the purposes of carrying into effect the several provisions of this act.

APPENDIX 7 FOOTNOTES

- ¹ Here is clear evidence that Whitman was in Washington, D.C., early in 1843.
- ² Two words have been scratched out in the original document. Craighead wrote in “three hundred” which figure was accepted by Nixon and Mowry.
- ³ This indicates that Whitman was writing some time about the middle of October 1843.
- ⁴ Nankeen was a buff-colored Chinese cotton fabric.
- ⁵ Mowry in his transcription substituted “hundred” for “thousand” evidently thinking that Whitman could not possibly have meant so large a salary to be allowed the Superintendents.