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GOVERNOR JOSEPH LANE ADMINISTRATION

March 3, 1849 to June 18, 1850

May 16, 1853 to May 19, 1853

Legislative Message, 1850

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10571

Communication with the Legislature

Messages –Governor Lane

Year 1850

Fellow Citizens of the Council and House of Representatives,

It affords me pleasure to congratulate you upon your return to the seat of Government, in compliance with a special call made upon you, for the purpose of discharging your duties to the people of this Territory,

Although the past winter has been an unusually rainy one, occasioning higher water than has hitherto been known seriously injuring many of our Citizens engaged in milling operations, it has pleased Almighty God to grant us general health and prosperity.

Soon after entering upon the duties of my office, I adopted such measures as in my judgment were necessary and proper, to secure the punishment of the Cayuse Indians who murdered Dr. Whitman, family and others; availing myself of every opportunity to make known to the tribe, that those concerned in that horrible massacre must be given up for trial, and, if found guilty, be punished according to the laws of our country; that in no other way could they save their nation from a war, which would lead to their total destruction; that in war we could not discriminate between the innocent and guilty, that they knew the murderers and must deliver them up to be tried and dealt with as above specified; then the Cayuse should have peace, and not until then.

After much consultation amongst themselves, they concluded to comply with my demand, and about the last of February, I received a letter from Mr. McBean, the gentlemen having charge of the Hudson Bay Company Fort at Walla Walla, informing me that if a small force could be sent to take charge of the murderers they would be given up.



At that time Colonel Loring commanding Rifle Regiment, was about on official business at Puget's Sound, the regiment was almost broken up by desertion, scarcely having a sufficient force to guard the public property. Under such circumstances no force could be sent to the Cayuse country. Major Tucker, commanding, made known to me the condition of the regiment, whereupon I concluded to pursue the deserters, and accordingly proceeded up the country, accompanied by Lieutenant Lane, who was detailed to go with funds to subsist such of our Citizens as would join in the expedition, and I am much gratified to say that they readily turned out, to the number of some twenty, which was deemed quite sufficient, although many others wished to go. The trip as you know was as successful as land could reasonably expect; between sixty and seventy of the deserters were brought back.

As our expedition was on its return, I had the pleasure of meeting Colonel Loring in the Umpqua valley, with a small portion of his command, chiefly consisting of officers. The Colonel upon hearing of the desertions from his regiment returned with dispatch from Puget Sound, and with this small force promptly moved forward apprehend to the deserters.

After an absence of five weeks upon my arrival at Oregon City, I learned that the Chief of the Cayuses had been down to see me, and after waiting about two weeks, had returned to his people. I immediately set out for the Cayuse country, accompanied by Lieutenant Addison of the Rifles, and ten men. On assembling the Cayuses, at the Dalles, I found that in their effort to take the murderers they had killed Tamsucie, and one of Tiloquoit's sons; Tiloquoit, Big murderer, and Tushlapi were given up and are now in my possession and Towatta or the Young Chief stipulated to deliver up the two remaining murderers at this city by the second Monday of the present month, at which time I promised them the Court would sit for their trial.

The Judge of the 1st Judicial district being temporarily absent from the Territory, I would therefore request you, without delay, to pass a law authorizing the Judge of the 2nd Judicial district, to hold a special term at Oregon City, for that, and other purposes, commencing on Monday the 13th Insth; at the same time a Chinook Indian can be tried, who is now in confinement, charged with the murder of Stephens, one of the four unfortunate young men, who, during the last winter, lost their lives, in an attempt to make the Columbia in a small boat, from the Bark Forest, which vessel had been lying off the mouth of the river for many days, in a suffering condition, for the want of a Pilot to bring her in. My pledge to the Cayuses respecting an early trial, as well as the great difficulty of keeping the prisoners securely in the absence of jails, makes your immediate action necessary.

The punishment of these Indians if guilty, will remove the barrier to a peace with the Cayuse, and have a good effect upon all the tribes. Our Indian relations will then be placed upon a basis that will ensure a permanent peace with all the Northern tribes in the Territory.

The establishment of peace and harmony with the Indian tribes scattered over our Territory, upon a secure and lasting basis, is a measure of vital importance to all; and this, I am happy to say, has been accomplished at comparatively little expense to our government, for in no instance have I offered them a reward for the apprehension of guilty persons, or paid them for wrongdoing; and our relations with all the tribes, excepting the Chasitis or Rogue river Indians, are of the most friendly kind. It is my intention to visit Rogue river within a few weeks, and endeavor to place our relations with the Indians in that portion of our Territory on a friendly footing, which at this time is very desirable, as it is probable that a large portion of our population will soon be engaged in mining operations in that quarter.

I feel it my duty to call your attention to the confused and imperfect condition of the laws passed at the last session, which, together with the failure to print them have led to misunderstanding among the people, and confusion in county organizations. There are existing doubts as to the validity of the code, whether it does not conflict with the laws of Congress, establishing the Territorial government. Simplicity in our laws, and their general circulation, are matters of the greatest moment to the whole community. I have no doubt that after a careful review of the labors of last session, any, and all, existing imperfections will be remedied, which, in the hurry of closing the session, had been overlooked.

Your attention is called to the law regulating general elections, whether it will not be well for the present year to bring on the elections at a later period. This suggestion is made with the belief that the time intervening will not be sufficient for the business of the present session.

I have much satisfaction in informing you that I have in my possession a copy of a letter from the first comptroller of the Treasury of the United States to General Adair, Collector at Astoria, directing him to disburse "For compensation and mileage of members of the Legislative Assembly, Officers, Clerks, and contingent expenses of the Assembly, twenty thousand six hundred dollars."

A large and growing interest of this Territory which demands your attention, is to commerce, and the facilities connected with its successful prosecution. The delays and terrors heretofore connected with the entrance of the Columbia, I am happy to say, have in a great measure disappeared by the survey and exploration of what is known as the South Channel of that noble river. For this valuable service we are deeply indebted to Captain White, an eminent pilot, formerly of New York, who for several months past has successfully conducted through it, without a single days delay, all vessels wishing to cross the bar. Through his instrumentality, it is now demonstrated beyond a doubt, that with a good pilot, neither danger, nor detention, need be apprehended, but on the contrary, crafts of all kind may cross in and out with ease and safety. This useful service I regret to add, has not been adequately compensated by the fees which the Board of Pilotage has deemed it politic, to impose on ships navigating the river. A just regard to the encouragement of our commerce, by the laying [of] moderate charges upon vessels in return for such service, is found to be inconsistent with a fair and liberal compensation to Captain White, which may secure a continuance of his labors in our behalf. And I think justice to what has already been done, no less than a proper reward for what he may do hereafter, demand that a liberal provision in his behalf should be made by the Legislative Assembly.

In June next, the mail steamers so long and anxiously looked for, will commence their regular trips to Astoria. The services of a good pilot at all times so necessary, will be especially so then, to bring them in without delay and in safety. Captain White, the present pilot, finding himself without adequate compensation, has I am informed, determined to give up his post, to avert this, and to do justice to a meritorious man, are strong reasons in my judgment for your early action upon the subject, and in this spirit I deem it a duty, to earnestly urge it upon your attention. In connection with the same matter, I take great pleasure in saying that Captain McArthur and others, engaged upon the coast survey have commenced their labors at the mouth of the Columbia, and we may hope now, that after buoys are placed to indicate the channel, scientific surveys made, and the erection of a lighthouse, our commercial advantages will not only be a source of pride, but of substantial wealth to the Territory.

Your attention is called to the fact, that much inconvenience and delay has been experienced by many of our Citizens, engaged in commercial and mercantile pursuits, for the want of a Notary

Public. There is not one in the Territory. The good people of Portland have petitioned for the appointment of a notary; one has also been asked for at Astoria, such an officer is certainly much needed at these points. The Executive would be gratified to appoint, but has no authority of law to do so.

It will be your duty by enactment to fix the time and place for the regular meetings of the Legislative Assembly.

Having now finished the observations on this, probably, the last occasion I shall have of communicating with you, allow me to express the hope, that whatever errors I may have committed, will be attributed to no want of zeal in the discharge of my official duties, and that they may find a correction in the intelligence and patriotism, of the gentleman who will succeed me. And in my retirement, whatever may be my lot, I shall not cease to invoke that Beneficent Being, to whose providence we are so signally indebted for the general prosperity of the Territory; for the continuance of his blessings upon Oregon—upon you—and upon your constituents, from whom I have received uniform kindness and support in the discharge of my duties.

Joseph Lane

May the 7th, 1850