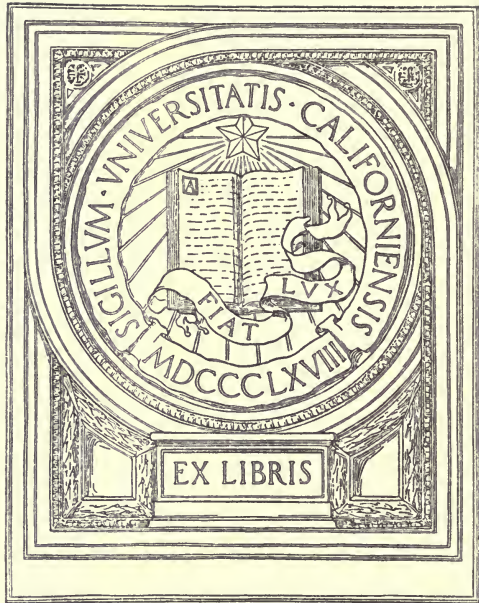


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TERRITORIES.

REMARKS

OF

HON. ISAAC I. STEVENS,

OF WASHINGTON,

MADE BEFORE THE

Committee of Military Affairs of the House,

FRIDAY, MARCH 15, 1860.



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COMMITTEE OF MILITARY AFFAIRS OF THE HOUSE, FRIDAY, MARCH 15TH, 1860

Mr. CHAIRMAN: Before proceeding with my remarks, I will request that the bill providing for the payment of the war claims of Oregon and Washington be first read.

The bill was then read, as follows:

A BILL for the payment of the war expenses of the Territories of Oregon and Washington in 1855 and 1856.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated out of any money in the treasury not otherwise appropriated, whatever amount may be necessary to enable the Secretary of the Treasury to defray the expenses necessarily incurred by the territorial governments of Oregon and Washington in the suppression of Indian hostilities therein, in the years 1855 and 1856, so far as the claims growing out of said war have been adjudicated by the commissioners appointed for that purpose, agreeably to the provisions of the eleventh section of the act of the 18th August, 1856, entitled "An act making appropriations for certain civil expenses of the government, for the year ending 30th June, 1857," and have been reported to the War Department, by said commissioners, for payment.

And be it further enacted, That the amounts severally found due to the parties contained in the report of the said commissioners, shall be paid to the said parties respectively, or their legal representatives, or to the assignees or attorneys, duly constituted and appointed by said parties, anything in the act approved July 29, 1846, or in the act of February, 1853, to the contrary notwithstanding.

This bill provides for the payment of the war debt of Oregon and Washington, according to the awards of the commission. This commission was appointed under the authority of an act of Congress, and we hold that its decisions are binding upon Congress, unless fraud or a want of jurisdiction can be established. I take it for granted that this committee do not desire me to go into the origin and causes of the war; that they will assume as fundamental, that it was a necessary and inevitable war; that it was forced upon us by a most extraordinary combination of the Indian tribes in those distant territories, and that the very necessity of self-protection compelled the organization of the citizen troops of those territories, and the operations which they undertook against the Indians. I take it for granted that the point which this committee design to consider is, as to whether the awards of the commission shall be sustained?—in other words,

F893

that it is simply a question as to prices, for the services of men, and for supplies, transportation, &c.

Mr. STANTON. We have doubts about the very thing which you take as fundamental. We do not know that it was necessary to call out the troops—at least, to the extent that they were called out. We deem the matter still an open question, and we would like some explanations about those points.

Mr. STEVENS. I am perfectly ready to make those explanations now, although I came here not expecting that these points would be a matter of inquiry or doubt, and have, therefore, not prepared myself especially for it. Some of my authorities are not here; still I am perfectly ready at once to enter into the explanations desired by the committee.

Mr. OLIN. Looking through the despatches, I find that Gen. Wool and other officers make serious and weighty charges against the people of the territory, and express the strongest judgment that there was no necessity for calling out the volunteers. I wish to ask, can you point out the official reports—can you point out the special affidavits rebutting and disproving these charges and statements of Gen. Wool?

Mr. STEVENS. Before replying to these questions, I have got to assume certain things as conceded and established. I demand that before this committee the report or statement of a civil officer shall have precisely the same weight—no more, no less—as that of a military officer. I demand that the official report or statement of the Governor of Oregon or of the Governor of Washington shall have the same weight as the official report of Major-Gen. John E. Wool, commanding the department of the Pacific; and that the reports of Indian agents, or officers in the volunteer service, or of citizens of acknowledged character and integrity in the two territories, shall have the same weight as the reports or certificates of officers of the army or gentlemen elsewhere. Now, in answer to the question of my friend, Mr. OLIN, I will first call the attention of the committee to the general character of the charges of Gen. Wool against the people and the volunteer service of those two territories. These charges run through all of Gen. Wool's official reports, and are notorious throughout the whole country. He states that the war was a godsend to the people of those territories; that the idea of plundering the public treasury had much to do with commencing and continuing the war; that it was a scheme of plunder upon the public treasury; that the people of both territories were Indian exterminators; that the executives of both territories were Indian exterminators; that these executives did not wish the war brought to an end, but desired to keep it in progress as long as they could find any pretext for it. These are Gen. Wool's charges, as given in his official reports. Now, these same executives, in their official reports, most emphatically deny the truth

of those charges. The people of those territories most emphatically deny the truth of those charges. The Indian officers throughout the Territory of Washington, and, with but one exception, in the Territory of Oregon, deny those charges. The commission instituted by government discredits entirely those charges. The special agents of the government sent out to that coast for the express purpose of inquiring into Indian affairs scout at those charges, and declare them monstrous and absurd. We have, upon one side, Gen. Wool and some one or two officers, and, upon the other side, the entire population of the two territories, and public functionaries in all branches of the public service, many of them strangers to the country and entirely disinterested. More than this, Gen. Wool's own reports afford internal evidence that those charges cannot possibly be true. He admits that in the Territory of Washington many thousands of friendly Indians were cared for, fed, and protected, during this Indian war. Now, under whose charge were they? They were under the charge of the very territorial executive whom Gen. Wool denounces as an Indian exterminator, and holds up to the public as one who did not want the war brought to a conclusion; for the executive of Washington was also superintendent of Indian affairs. Now, it is obvious—every man of this committee sees it—that the authority which, through disaffection upon the part of the Indians, and great suffering and exasperation upon the part of the white people, did protect, care for, quiet, and make entirely friendly, thousands of Indians, could not have been an authority in favor of exterminating the Indians, and of prolonging the war.

Let us turn now to the origin of the war. Our population was a population of families, who for the most part had made their way over the plains, and with great toil and suffering, and at great expense, had established homes upon the western shore. Their interests were peace; they were looking to the increase of population, the enhancement in the value of property, and especially to an overland emigration. Nothing did they desire so much as peace; nothing did they deplore so much as the prospect of war. The war came upon them like a thunderbolt. Every one was disposed to discredit the many rumors which obtained in that country months before the war broke out, that hostilities were probable. They had few or no private arms. Our miners passing through the Yakima country, some twenty in number, were killed, and the regular troops under Major Haller defeated. The massacres in southern Oregon and on White river closely followed. Volunteers came into the service in consequence of the requisition of Major Rains, who called upon the executives of both territories to furnish troops, the regular force being deemed by him to be inadequate. The defeat of Major Haller, and the massacres in southern Oregon, on White river, and of the miners in the Yakima country, convinced all

men, both officers of the regular service and the territorial authorities, that a general Indian outbreak was upon them, and that the most prompt and decisive course must be taken to prevent infinite injury, and indeed the entire wiping out of the settlements.

Mr. STANTON. Will you explain why the volunteers were not mustered into the regular service?

Mr. STEVENS. I shall look to my friend from Oregon [Mr. STOUT] to make the answer to this question to the committee, so far as Oregon is concerned. As regards Washington Territory, the troops were mustered into the regular service at first; and not only this, but the regular officers absolutely took the initiative, and received troops before the territorial executive could act, and then asked his approval. But as the danger increased, other companies were raised than those required by Major Rains, some of which were mustered, and some of which were not mustered, into the regular service. There were on the Sound some five companies in all mustered into the regular service.

Mr. OLIN. Will you explain this statement in your message to the Legislature?

“Whenever it is practicable or expedient, it is best that volunteers should be mustered into the United States service. It should go to the authorities at home that we endeavored to co-operate with the regular service. But there has been a breach of faith. Troops mustered into service were disbanded in violation of a positive understanding; and it is now proper that the authorities of this Territory should conduct the movements of their own troops, co-operating with the regulars where such co-operation can be effected. I therefore do not think the volunteers of this Territory should be mustered into the regular service. I am ready to take the responsibility of raising them independent of that service, and it is due to the Territory, and to myself, that the reasons for assuming it should go to the President and the departments at Washington.”

Give all the circumstances in relation to it.

Mr. STEVENS. This statement can be established by the most conclusive evidence. When the war broke out I was on the Missouri river, one of the commissioners to make a treaty with the Blackfeet and other tribes of Indians. The acting Governor of Washington was exceedingly anxious about my safety. It was believed in the settlements, not only that the Yakimas who had defeated Major Haller, were in arms, but the Cayuses and the Walla Wallas; and even no confidence was placed in the Nez Perces, the Spokanes, and the adjoining tribes. There had been reports current for two months previously, that my whole party and myself had been cut off by these Indians; and it was well known that I would deem it to be my duty to return home through the country occupied by these hostile bands. Acting Gov. Mason went to the Columbia river to make arrangements to send forward troops to my assistance. A company was raised under the command of Capt. William McKay, and an agreement was had first with Lieut. Withers and then with Maj.

Rains, that this company should be mustered into the regular service, and, under the general direction of special agent B. F. Shaw, be sent to my assistance. On the arrival of Gen. Wool, he absolutely refused to recognize this arrangement, and prohibited the officers in command upon the river from mustering them into the regular service; and the company was in consequence disbanded. These facts I have from Major Rains himself, from special agent B. F. Shaw, and also from Capt. McKay; and thus the arrangements made by the acting governor to provide for my coming in, proved entirely abortive through the action of Gen. Wool. This was one of many reasons why, in my judgment, so long as Gen. Wool was in command, a proper self-respect and regard for the public safety made it incumbent on us to manage our own affairs—co-operating so far as we could with the troops of the regular service, but keeping the two organizations distinct.

I will here remark that the movement of the Oregon volunteers to the Walla Walla, in November, 1855, which General Wool so vehemently and bitterly condemns, defeated the very Indians who had sworn to cut off my party, and who absolutely blocked up my road to the settlements. And this reminds me of another charge made by Gen. Wool and Capt. T. J. Cram, that Pu-pu-mux-mux, the Walla Walla chief, was treacherously slain. Now I had the most indubitable evidence, which I collected in the Indian country on my way back, that Pu-pu-mux-mux was the great head and front of this Indian outbreak. I had full conferences with the prominent chiefs of the Nez Percés, who went on a special embassy to Pu-pu-mux-mux, and the head chief of the Cayuses, to dissuade them from embarking in hostilities. I know the exact conversation of Pu-pu-mux-mux in reply to these men; all their intercessions and all their advice were scorned and rejected. One of these Nez Percés chiefs was Joseph, an old man of more than seventy years of age, and a man of acknowledged probity and character. In regard to the circumstances of the death of Pu-pu-mux-mux, we have the official report of Col. Kelly, a gentleman of the highest standing in Oregon, and one of the ablest lawyers in that State, corroborated by the eye-witnesses of the affair. No man can or dare impeach this testimony. It establishes conclusively that Pu-pu-mux-mux was a prisoner of war, and that in the very height of the battle of the Walla Walla he was killed in an attempt to escape from his guard. He had jumped upon his guard, seized his gun, and in the midst of a violent struggle he was killed. I have myself conversed with the eye-witnesses of this affair, and especially with Lieut. Shepherd, afterwards of the Washington volunteers, a man whose word is his bond, and who is incapable of falsehood or prevarication; and they all go to sustain the absolute truth of the report of Col. Kelly.

Speaking of Thomas Jefferson Cram, he says : there is abundant evidence to show that the chief who urged the tribes into hostility, who plundered the property, and burned the houses of the settlers, was not Pu-pu-mux-mux, but the Yellow Serpent. This intelligent and veracious witness did not know enough of Indian affairs in that country to know what everybody else did know—that Pu-pu-mux-mux and the Yellow Serpent were one and the same man !

At this stage of my remarks, I will call the special attention of this committee to the kind of work I was at on my way home, in view of the reiterated charges against my own personal and official character. So far from stirring up war, I came among the Indians as a messenger of peace, spending whole days among the Cœur d'Alenes and Spokanes, to remove their apprehensions, to soften their hostility, and to restore their good feeling towards us—in which, for the time being, I was completely successful. If Gen. Wool's charge were true that I was an Indian exterminator, I would not have gone among these Indians in order to secure their friendship, when I might have avoided them, as I easily could have done. To this same point all my exertions were directed in the Nez Perces country, where there was some disaffection, although less than in the other tribes.

Gen. Wool was evidently laboring under the grossest misapprehension as to the motives he ascribed to the public functionaries in those Territories and the people ; and I submit to the committee whether the severest scrutiny should not be exercised in reference to any charge he may make against the people and authorities in regard to that war. All the facts which I have mentioned to this committee in regard to my connection with the Indian service are matters of official record in the Indian department.

Now, the gentlemen of this committee cannot begin to appreciate the distressed and heart-rending condition of the entire population of Washington, and nearly the entire population of Oregon, at this time. I reached the capital of the Territory of Washington, on the 19th of January, the war having then been in progress some three months. I found the citizens through that entire territory in block houses. Everywhere the farmers had been obliged to leave their homes, and with their wives and children to go into block houses for protection. So large a force was in the field, operating against the Indians, that this course was indispensable to prevent the most shocking scenes of massacre. It was believed by many persons that if they remained in the territory they would starve. The great point was to see if the war could not be brought to a close by a vigorous campaign, in order that the farmers might get in their spring crops. To this point we moved everything. I, myself, travelled all over the territory, appealing to the citizens to stand by us, endeavor-

ing to encourage them everywhere ; and I also visited all the Indian tribes, in order that no exertion might be spared that should tend to soothe their discontented spirits, and to restore to them their former confidence in our government. The official reports and records on the files of the department show that the most anxious vigilance was exercised. The reports to the War Department and to the Indian Department were exceedingly full and minute. As Indian superintendent, I deemed it my duty to report to the Indian Department every case of the unauthorized killing of Indians by white men. No such case was reported for the first six months of the war, because no case of unauthorized killing occurred during those six months. The committee will see what a triumphant and splendid vindication this fact is, of the character of that people, against these cruel and scandalous charges of Gen. Wool and others. Recollect, they were living in block houses. They were in great suffering. Many lives had been lost by massacre ; much property had been destroyed ; and yet, for six months, no case of unauthorized killing occurred. When the public mind became persuaded that the war might be ended by a vigorous and decisive campaign, so that the farmers could get in their spring crops, the idea of leaving the territory was abandoned ; all persons determined to stand by the territory, and they did stand by the territory. And this brings me to my refusal to comply with a requisition of Col. Casey, in March, 1856, for two companies of volunteers to be mustered into the regular service. At the time this requisition was made, our troops were actually in the Indian country, fighting the hostile Indians, with ample supplies and transportation for the movements which, in our judgment, would conquer a peace ; and my judgment was thoroughly convinced that the safety of the territory and the public interests with which I was charged, demanded at my hands that those means should be vigorously applied according to the plan which had already been determined on. The correspondence is given in full in this volume which I have before me, to which I will particularly invite the attention of the committee.*

Mr. STANTON. There is another point which we would be glad to have you explain. We do not understand the necessity of the operations of Col. Shaw east of the Cascade mountains. Will you be pleased to give an account of that ?

Mr. STEVENS. I will remind the committee of the fact that throughout that war I took the necessary measures to get the most minute and accurate information in regard to the whole interior of the country. There was organized a system of expresses, which reached every band and tribe east of the Cascades.

* Message and accompanying documents of the Governor of Washington Territory, 4th session of the Legislative Assembly.

Through our Indian expresses and spies we ascertained the designs of the hostile Indians, learned the proceedings of their councils, and the steps which from time to time they took to induce Indians, before friendly, to join them in making war upon the white population. In the Nez Perces country there was an Indian agent of great experience and knowledge of the Indians, with some white settlers, upon whom I relied very much for information with regard to that country. A portion of the Nez Perces chiefs, and the head chief Lawyer especially, were of unyielding loyalty, and were determined to maintain the peace of the tribe. I had message after message from the chiefs of the Nez Perces, imploring me to send troops there, informing me that a portion of the Nez Perces had already become hostile and embittered against the whites, and that Kamiakin and the Yakimas were coming into that country all the time to increase the disaffection, and that there would be a general Indian war unless troops came there. I determined that I would not send troops east of the Cascades if it was a part of the purpose of the officer in command of the regular troops, Col. Wright, to send them to the country where they were so much needed—that is, to the Walla Walla country. This movement would have broken up the hostile combination east of the Columbia, and have relieved the Nez Perces. I first corresponded with Col. Wright, and ascertained from him that he did not intend to send troops there. I advised him of my information in regard to the disposition of those Indians, and the probability of an outbreak there; and then I conceived it to be my duty to send a considerable force, with the view of checking it in the very bud. As Indian superintendent, I sent to the Nez Perces and other friendly Indians quite a large amount of provisions, clothing, and other articles required for their comfort. The whole force rendezvoused at Walla Walla, consisting of nearly four hundred volunteers. There they met the Nez Perces in council. Everything seemed to be peaceable—so much so that the special agent, Robie, went into the Nez Perces country with a hundred pack loads of provisions and goods for them, without an escort. So hostile and disaffected and threatening did he find a large portion of the Nez Perces, that it was requisite for his safety that he should return immediately, and he moved one hundred miles without camping. When they learned, however, of the defeat of the Indians at Burnt river, and especially of the victory of Colonel Shaw, at Grande Ronde,—which was a most decisive and hardly-contested fight, where the volunteers attacked the Indians and drove them, fighting hand to hand some fifteen miles, killing some forty to sixty Indians, mostly with the revolver,—the Nez Perces became friendly again. This brief recital will show to you the exact condition of things in that interior, and that I had not mistaken the signs of the times, establishing the necessity of the movement under Col. Shaw.

Immediately on the battle of Grande Ronde, the Indians generally, not only the Nez Perces, but the other tribes, sent messages to me, requesting me to come to the Walla Walla and to see if some general arrangement could be made. They all expressed the most sincere and earnest desire that there should be a total end of all difficulty. Accordingly, I went to the Walla Walla and called the tribes into council. For reasons which are given at length in my official report, the council did not succeed, and no arrangement was made. This, however, is adduced to show to your minds that there was every disposition to avail ourselves of any and all opportunities to end that war, either by the open and manly field fight, or by the friendly conference.

At this point, I will call your attention to a matter referred to in Gen. Wool's letter given in the auditor's report, wherein he refers to the two companies called out by proclamation in August, 1856. These companies were called out by proclamation, so as to be ready for contingencies. At the same time, I communicated with Col. Wright to ascertain, for the second time, whether he intended to move troops to the Walla Walla; and when I ascertained that he did intend to move troops to the Walla Walla, not only did I revoke this proclamation, but I took immediate steps to withdraw all the troops from the Walla Walla under Col. Shaw, and actually, before the council was commenced there, did send down below all but one company of about 75 men. So anxious was I to reduce and do away with the organization, that at the very time when it might be supposed that I would most of all require troops, I stripped myself of all but one company, relying upon the presence of the regular troops as answering every sufficient purpose. These regular troops had just arrived. All these facts show that the executive of Washington was acting in perfect good faith throughout all these transactions.

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In regard to Cram's report, to which allusion has been made, I will state, in general terms, that it is most grossly inaccurate, and very discreditable to that officer. He has picked up and endorsed the idle, ridiculous rumors which pass from mouth to mouth in an Indian, and particularly in a disturbed Indian, country; gathering strength from moment to moment, and assuming all conceivable shapes—improbable, absurd, and contradictory—throughout their various course. We have a class of men in that country, and some of them very good, well-meaning men, who have lived among Indians so long that their minds assimilate to those of the Indians. They will not believe anything wrong of an Indian; if they should see an Indian kill a white man before their eyes, they would not believe it. They are perfect idiosyncrasists in this respect; and it is this class who have aided in giving currency to the ridiculous and absurd statements which Capt. Cram endorses. The accurate knowl-

edge of Capt. Cram, in the account he gives of the respective parts played by Pu-pu-mux-mux and the Yellow Serpent is a commentary, and a fit commentary; upon the accuracy and truth of his whole paper, so far as Indian operations are concerned. Whenever this committee desire it, I am prepared to take his whole paper step by step, point by point, and to demonstrate the truth of what I have stated; but it does not seem to me that it is necessary to occupy the time of this committee now by any further reference to Capt. Cram.

Passing now from these questions to the proposition before the committee, we ask and we demand, in the name of the people of Oregon and Washington, that Congress pay our war claims according to the awards of the commission instituted by authority of Congress. We hold that these claims have been adjusted by law. We hold that they have been approved by all the departments of the government; first, by Congress, in instituting the commission; second, by the executive branch, which, though fully advised of the operations of the volunteer service in both territories, never sent in reply a word of reproof or remonstrance. The executive department manifestly sustained the ground of the executives of those territories, that in time of war, invasion, and peril, a discretion did vest with them to take such measures as they deemed absolutely indispensable to repel invasion, and to free the country from war and peril. Will this committee take the ground that the action of that commission should be vitiated for fraud, or for want of jurisdiction? Nobody will contend that they did not have jurisdiction, because it was conferred upon them by the very letter of the law of Congress, and by the instructions, under that law, of the Secretary of War. The high character of that commission is a sufficient guarantee that there was no fraud so far as they were personally concerned, and that they were not likely to be imposed on by the fraudulent representations of others. Recollect, those gentlemen were all familiar with the operations in that country. They were familiar with the regular service; they were familiar with the volunteer service; they knew everything about prices; they understood the character of the country; they understood the Indians. Two of them were officers of the army, having no ties to connect them with the people of the territory, having no associations to swerve them in the slightest degree from having the most faithful and vigilant eye to the interests of the government. I would be very glad if the chairman of this committee would take the trouble to call upon the Quartermaster General and ascertain from him the character of Capt. Ingalls, one of the officers of that commission. He will ascertain that there is no officer in the whole Quartermaster's service who is esteemed to be his superior either in ability or character. He will find that Capt. Smith, the president of that commission, a gentleman who served many

years in southern Oregon, is esteemed throughout the service also as a man of experience and integrity. The third gentleman, Mr. Grover, was, it is true, a citizen of Oregon; but he was selected in consequence of already having had experience on commissions, where his duties were discharged to the satisfaction of the government here.

Mr. Chairman, this committee is not left in doubt as to the course taken by that commission in making their awards. They state explicitly, under the responsibility of their oaths, that they travelled through both territories extensively; that they ascertained the prices current of the several markets; that they prepared—*prepared*, Mr. Chairman, carefully-adjusted prices current for these several markets, and they made their awards in conformity with these carefully-adjusted prices current. This is their official declaration. They state, furthermore, that in all cases of doubt they took sworn testimony, and the sworn testimony of disinterested witnesses—not of the parties, but of disinterested witnesses. Now, I submit to this committee whether they have the slightest evidence before them, in the report of the Third Auditor, which I hold in my hand, and to which I will now proceed to call your attention, to rebut this explicit, this forcible, and this official statement of the commission itself. In touching upon the report of the Auditor, I feel bound to express the opinion that the report shows that the Auditor has a very bitter prejudice against our claims; and I submit that the report itself shows that this prejudice incapacitates him from making even the examination which his own records would enable him to make; small and fruitless as that examination may be.

The first evidence which I adduce of the bitter hostility and prejudice of the Auditor, is the fact that he has not complied with the resolutions of the last House of Representatives. In express terms, those resolutions required him to make a report of the amount due to each company and individual in the service. Why has he not complied with this resolution? Why has he failed to report the amount due to each individual? He has reported nothing of the kind. Why does he occupy almost eleven entire pages, from page 4 to page 14, in inquiring into the causes of the war, presenting the fact that there was not harmony and agreement between the territorial executives and Gen. Wool—between the regulars and the volunteers—speculating about the probable results, if there had been such harmony and agreement—quoting the opinions of Wool, Cram, and others, in regard to these subjects, &c.? Does he have any warrant in the resolutions of the last House for this procedure? Do they call upon him to inquire into the causes of the war, and to indulge in all these speculations, or do they exact from him a report of the amount due to each company and each individual engaged in that volunteer service, according to the rules estab-

lished in those resolutions? He has travelled out of the record without warrant, and he has failed to make the report which he was required to make. I will now read to the committee certain extracts from his report, as follows:

“The rank and number of the field and staff are in accordance with the organization of the army of the United States in time of war, and any officer, or number of officers, of higher rank, or beyond what is recognized by said organization, has been reduced accordingly. Similar reductions have been made, in a few instances, in the officers of small squads of men called companies.”
 “After the date of the discharge of the last of the volunteers, no staff or other officers, except quartermasters and commissaries, have been reported for pay, and after said time the quartermasters and commissaries have been allowed, with their clerks, three months additional to make out and close their accounts.”
 “Quartermasters and commissaries, where they appear to have been actually doing duty, and to have rendered accounts, have been recognized. The nature of the service in a sparsely settled country is presumed to have required the number actually on duty. Some of them have, however, been reduced in rank, and of course as to pay, whilst a few others, who seemed to have performed no duty and rendered no returns, have been stricken off entirely.”

Now, what authority had he to take this course? What authority had he to determine, sitting in his office, how many aid-de-camps the executive either of Oregon or Washington should have—how many staff officers were required in connection with the movement of the troops—what quartermasters, commissaries, surgeons, and assistant surgeons, the service needed? When he had ascertained from the papers the service of any individual, what authority had he to go behind the record, except to apply to the term of service thus reported the rules and compensation laid down in the resolutions? I will now call the attention of the members of this committee who served upon it during the 35th Congress to the hearing at the last session, when we undertook to vindicate the employment of all these men. We were going into that matter fully, and the entire committee, every man of them—yourself, Mr. Chairman, and all the old members who were here present will recollect it—you all said that you were entirely satisfied about that; you had no doubt but that every one was needed, and it was unnecessary to consume time in arguing that point; but you desired us to proceed to other points wherein there was doubt and difficulty. I adduce this, too, as another evidence that from his prejudice and hostility, he was incapable of understanding the resolutions of the house, and that he went into an examination, and took action, not only unwarranted by the resolutions, but which, if it could have been anticipated, he would have been excluded from by an express proviso in those resolutions.

Now, the territorial executives and the proper officers in the volunteer service, absolutely certify to the actual and positive services of the volunteers. The commission, after full and thorough investigation, give their official sanction to the fact that these men were actually engaged in the public service according to

the roll which they transmit; and I submit that it is contrary to common experience and to common sense, that an auditing officer in this government should go behind such record, unless he has the evidence to sustain fraud, either upon the part of the commission or of the territorial authorities. Has the Auditor any evidence of such fraud? He does not pretend that he has any evidence whatever, looking to anything of the kind. We therefore protest against any auditor or any clerk in the departments prescribing the numbers and the grades of officers required in a service, which, for the difficulty of management and the extent of field over which it operated, has no parallel in the history of the country. We submit that this committee can with safety put more confidence in the decision of experienced men who examined the whole thing at the very seat of operations, than they can in the decisions of an auditor, sitting in his office in the treasury building. In these remarks, I wish the committee to understand I have no disposition to call in question the purity of motive, or integrity of the Third Auditor. I have never called it in question; but I deem it my duty to endeavor to show what I firmly believe, that the resolutions of the House referred this matter to an authority which was incapable of making an examination; and I submit that his own report has proved that he was incapable of such an examination. The examination could only be made by dispatching a commission to that country, by travelling over that country, by getting full and thorough evidence, by testing every case of doubt by sworn testimony; that is, by pursuing the precise course which we know, from their official report, the commission itself pursued.

Now if you will look at the prices furnished by the auditor himself, of purchases and employments in the regular service, you will have other proofs of the unfairness of his awards in carrying out the resolutions of the House. Before entering upon this, however, let me protest against any inference being drawn as to prices current in that country, from the purchases made in the regular service. They are no criterion whatever. The prices current cannot be ascertained until you know the peculiar circumstances of each transaction. That is the largest element affecting the proper price to be paid for labor or for supplies. The price will be variously affected, other circumstances being the same, according to the quantities required, according to the amount in the market, according to the longer or shorter time in which the delivery has to be made. All these circumstances have the greatest influence upon prices, and all ought to be known before any person should presume to lay down a price current for any article. Now, in the regular service, nearly all their purchases were already made; nearly all their employments were arranged. Their purchases in many things were ridiculously small, which did not especially affect the market. The

question is, in ascertaining the prices current, not what the regular service paid, but what the volunteer service would have had to pay, had it gone into the market with cash in pocket instead of scrip in hand. That is what has got to be ascertained. Now if the regular service, in addition to their usual purchases, had been called upon to make all the purchases made by the volunteers, and to make them in the country where the volunteers made them, and to have gone into all the additional employments of the volunteer service, I state emphatically, that, with cash in hand, they would have been compelled to have paid about the prices paid by the volunteer service; and that is the only way to get at the prices current. Could the Auditor do this? What did he know about the circumstances of each particular case? Now I will call the attention of the committee to the fact that a great many of these purchases were made in pursuance of written contracts. This was especially the case on Puget Sound. There, if the merchants entered into contracts to deliver certain supplies in large quantities, and within very short periods of time, they were obliged to hire money and go down to San Francisco to purchase on a sudden, without having time to take advantage of the market or to attend auction sales, and then they had to make arrangements to ship them at once and guard against delay. All these were circumstances which tended very much to increase the cost of the supplies. I recollect that at the time I thought the service had been exceedingly fortunate in the favorable character of the contracts made.

But let us come to the Auditor's own figures. First, in regard to the employment of persons. He states what were the prices paid in the regular service for herders, packers, teamsters, clerks, expressmen, &c., at each regular post in Oregon and Washington, during that Indian war. You find that practically the lowest price paid for a teamster, a herder, or a packer, was two dollars per day, and that the price ranged from two dollars per day to five dollars per day. For this very service at the different posts, you will find that the average amounts to about three dollars per day, and that there were several posts where in no case less than three dollars per day was paid, and where it rose to as high a figure as four and five dollars. The cases which the Auditor quotes of labor at one dollar per day were cases of the hire of Indians, as I personally know; and those cases of between one and two dollars per day were either cases of Indians, or of men employed for long periods, and who generally were half-breeds. Now, the Auditor allows the volunteers, for this same service, a uniform rate of two dollars per day. He is directed to scale the prices according to the prices current in the country, and his action is to give us the minimum price paid in the regular service. So in the higher grades; in the regular service they pay chief packers as high as six dollars per day,

and agents in purchasing animals as high as nine dollars per day. The Auditor allows the volunteers four and five dollars. In the regular service, for what mules they hired, they uniformly paid three dollars per day; the Auditor allows the volunteers a dollar and a quarter per day. They paid in the regular service as high as two dollars a day for horses; the Auditor allows the volunteers one dollar a day; also rates as high as two dollars and a half per day were paid for foraging and stabling horses; one dollar per day for pasturage and stabling horses; three dollars per day for the hire of oxen per yoke; and ten dollars per day for the hire of ox-teams with driver. If these rates be compared with the rates paid in the volunteer service, the difference will be found to be comparatively inconsiderable.

The Auditor, therefore, has not given the volunteers the benefit of this maximum in the regular service in the matters just referred to. His own figures show that as regards the employment of men or the hire of animals, he has reduced the prices in the volunteer service to much below the average cash prices in the regular service, and has established a uniform rate, where his own figures show how prices differ from market to market, and it was perfectly easy, from an examination of the accounts, to tell in which particular locality the account belonged. If we come to supplies, we shall find that the same practical injustice has been done by the Auditor to his own figures, in fixing the rates of the volunteer service. In southern Oregon Lieut. Sweitzer paid as high as five dollars a bushel for oats, and \$150 a ton for hay. The Auditor allows us two dollars a bushel for oats, and \$44 a ton for hay; and where our purchases were below this amount, he leaves them as they were, without bringing them up to the average. Now, looking to the time when Lieut. Sweitzer made these purchases of hay and oats, it is evident that they were made under circumstances very similar to the circumstances when the purchases were made for the volunteer service.

The country was becoming exhausted; that, of course, rapidly increased the prices of everything, and Lieut. Sweitzer, with cash, was obliged to pay as high, or about as high, as the volunteers paid in scrip. Why did not the Auditor apply the same rule to the volunteers as he had applied to the auditing of the accounts in the regular service? To show the fallacy of applying the prices paid in the regular service to the volunteer service, let me call the attention of the committee to the purchase of bacon in the regular service at the Dalles. You find that all the bacon bought at the Dalles cost the regular service in cash forty cents per pound. Is it to be inferred, therefore, that forty cents was the cash price for bacon? The volunteers paid much less than that, and yet the Auditor has still further reduced the price. When you go a step further and look at the quantity, you find that they bought twenty pounds

of bacon, and it was probably a side of bacon picked up by an expressman for some special use. If the regulars had been called upon to purchase some tons of bacon, and were not pushed for time, they could undoubtedly have got it for the price paid by the volunteer service, and perhaps for a little less. Perhaps these instances are enough to show the whole fallacy and absurdity of the ground work of the Auditor in arriving at a price current. He has got no price current; he has not got the data to establish a price current. He knows nothing, and does not presume to know anything about the circumstances of each transaction, which is the controlling element in the price. On the contrary, so far as we have any evidence before us, in the testimony of citizens in Oregon who knew many of these circumstances, and who were familiar with the prices throughout the war, it goes to substantiate the general accuracy of the conclusions of the commission. Attached to this statement which I hold in my hand, of the delegation of Oregon and Washington in regard to this war debt, and to which I will particularly call the attention of the committee, is a large mass of testimony, also tending to confirm the accuracy of the conclusions of the commissioners. Will you reject the testimony of persons on the spot, who are familiar with the facts which go to substantiate the conclusions of the commission? I say, will you reject all this, and fall back upon the report of the Auditor, who has no means of getting at the essential facts to enable him to form a proper decision? I am satisfied that every point of objection made by the Auditor, in both his first and second reports, as regards prices, can be met and has been met successfully by the commission itself in its investigations.

It was a great step for our people to take, when they agreed to abide by the conclusions of this commission, even although it reduced their scrip. Every citizen in both Oregon and Washington who has scrip for services and for supplies, believes that he is honestly entitled to payment for that scrip, dollar for dollar on its face. They have made a sacrifice, and have shown a disposition to settle this matter upon equitable terms, in agreeing to abide by the awards of the commission. They ask this, and they will be satisfied with nothing less than this. If you refuse to sanction the awards of this commission—if you repudiate the action of this commission, then the people of those territories will fall back upon their scrip, and will demand payment for it, dollar for dollar.

