

## NEWS DEPARTMENT

### *A Gift of Manuscripts*

In the early Territorial days there was no place for the preservation of manuscript records. Officers kept such papers in their own offices after successors had been chosen. On leaving town they sometimes turned the records over to a trusted friend. Time, of course, adds interest and historic value to many of those papers as they come to light. Harry B. McElroy of Olympia received from his father, T. F. McElroy, publisher of the *Columbian*, first newspaper north of the Columbia River, and from other sources many documents. From these he has recently made a selection and presented a sheaf to the University of Washington Library, including the following:

Two certificates of appointment as notary public issued to B. F. Kendall. The first one, dated January 4, 1855, bears the signatures of Isaac I. Stevens, Governor, and C. H. Mason, Secretary of Territory. Mr. Kendall's name had been spelled "Benjamin," but a pen cut it down to "B.," probably as Mr. Kendall had objected, his first name being Bion. An endorsement, signed by Edward Lander, Chief Justice of the Territory, shows that Kendall was sworn in on January 6, 1855. The second certificate bears the signatures of F. McMullin, Governor, and C. H. Mason, Secretary of Territory. It is dated October 17, 1857. On this Mr. Kendall made this endorsement: "Revoked by McMuggins on the 23rd of Nov. 1857 because I waited on the widow and laughed at his speech." Oldtimers will smile at this reminder of the Governor's legislative divorce from his wife and the gossip prevalent at that time.

Another Kendall document is a certificate appointing him Commissioner of Deeds for California in the Territory of Washington. It bears the signature of John Bigley, Governor, and J. W. Denver, Secretary of State, of California.

Another document is Territorial Warrant Number 10, dated March 12, 1858, and paid on June 26, 1858. It is signed by Urban C. Hicks, Territorial Auditor, and is in favor of William Mitchell. It calls for the payment of \$272.25, as allowed by the District Court of the Second Judicial District. The Territorial Legislature on February 3, 1858, had appropriated "for the execution of the sentence of death seventy-five (75) dollars." The Indian Chief Leschi was executed on

Friday, February 19, 1858, and Mr. Mitchell was the executioner. This warrant was evidently issued to pay the fee and the expenses of that work. The Territorial Treasurer who paid the warrant was D. L. Phillips, son of David Phillips of Seattle's pioneer Phillips-Horton Bank. Mrs. McElroy is a niece of Treasurer Phillips, which accounts for the preservation of the document.

In transmitting these interesting papers, Mr. McElroy sent a memorandum of an old map he had found in the Washington State Library marked: "Plan of the Puget's Sound Agricultural Company's Land Claim at Nisqually. Fort Nisqually, May 10, 1852. W. F. Tolmie, agt. Puget's Sound Agri. Co." Another mark is: "Filed May 7th 1855. James Tilton, Sur. Gen. W. T." On the map American Lake is given as "Spootilth Lake." Chamber's Creek is shown as "Steilacoom River," and Steilacoom Lake is shown as "Wyachew Lake."

In connection with the Kendall documents, it should be added that the elder McElroy was executor of the Kendall estate and saved the papers, which were transmitted to the son, Harry B. Elroy.

Bion F. Kendall was a young clerk in Washington City in 1853, when he obtained employment with the railroad surveying party of that year under Governor Isaac I. Stevens. Not long after arriving in Olympia he was admitted to the bar, and began a vigorous career. He was fearless, honest and outspoken. As lawyer, officer and newspaperman he made friends, but he also made enemies, public and private. He was a friend of Thomas Starr King, and entertained that distinguished Californian in Olympia at one time.

Mr. Kendall, for a short time, held the important position of Superintendent of Indian Affairs for Washington Territory. Before that he had been Prosecuting Attorney of the Central District, Chief Clerk of the House of Representatives for two successive sessions, and Librarian of the Territorial Library. On Wednesday, January 7, 1863, he was shot and instantly killed by Horace Howe, Jr. At the time Mr. Kendall was proprietor of and frequent writer for the *Overland Press* of Olympia. On January 12 that paper appeared in "turned rules" of mourning and carried a strong editorial on the life and character of B. F. Kendall, saying, "and the man of genius, the classical scholar, the able lawyer, he who had the rare combination of intellectual and bodily power, of will and mind conjoined, fitting him for the high places of earth, has gone before his day had reached a bright and glorious noon."