

## NAMING STAMPEDE PASS\*

Mr. Chairman, Men, Women and Children—

Members of the Farmers' Picnic Association:—

I greet you. Two years ago it was my privilege to be with you and take part in the activities of your celebration; your president at that time asked me to speak to you for fifteen or twenty minutes; you gave respectful hearing. A few days ago, Mr. Blanchat came to the historical building, said that you were pleased with the message that I gave your 27th annual meeting and asked me to take a place on your program this year. I was proud to say yes. I congratulate you on the splendid success you have made of your community organization during the twenty-nine years that you have been established. You have a pull-together-spirit here that is commendable. Forty years ago this spring I, with about forty others, tramped through a swampy forest, skirted the base of "Enumclaw," the mountain near your city, on our way to Green River, in the employ of the Northern Pacific Railroad Company. We were headed for the end of the trail, which at that time was just this side of Eagle Gorge; we were all hired as axmen, going to the front to finish the trail over the summit, up and down the canyons and ravines, thus enabling the engineers' opportunity to locate the line of road.

Virgil G. Bogue had been prospecting along the summit of the Cascade Mountains all through the fall and winter of 1880-1881; he had reported to the head office that the best prospect yet found was up the Yakima and down Green River.

Our party reached the end of the trail the third day out from Tacoma. About four o'clock in the afternoon the next day, the boss, John D. McAllister, came up with us. I was playing chess with J. C. Taylor, now of Orting, on top of a soap box with men that we had whittled out. McAllister came up behind me, tapped me on the shoulder and said, "Get your dunnage, go back to the first cabin, stay there tonight; Tilt Sheets is going down, keep up with him you will not get lost." I thought I was fired. Some of you may remember that Tilton Sheets was a fast man in the woods; I did not keep up with him but I did reach the cabin; about eleven o'clock that night I was awakened by a hand on my shoulder, it was McAllister again; he said, Joe Cater's pack train will leave here at

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\* Address by W. P. Bonney, Secretary of the Washington State Historical Society, at the twenty-ninth annual Farmers' Picnic at Enumclaw, Washington, on Saturday, August 6, 1921.

six o'clock in the morning for McClintock's; I was to ride one of the mules down on a pack saddle; he then handed me a note to take to Mr. Maddigan, the boss packer with headquarters at McClintock's. In due course of time we reached McClintock's, delivered the note to Mr. Maddigan, he read it and passed it back for me to read,—it contained the information that the bearer was to be express rider from Tacoma to the front, and that Maddigan was to allow me to select seven horses from the stock then in pasture for individual use; that I was to proceed at once to Tacoma head office, where full instructions would be given me.

In my capacity as express rider for the next several months, carrying reports from the engineers in the field to the office and orders from the office to the field I became familiar not only with the trails cut, the lines run, but also with the men, then about 300, on the work. I knew the progress each party was making. Mr. Bogue, with his camp near the summit most of the time, had practical charge over the field work. One bunch of men was not getting along with their work as fast as Mr. Bogue thought they should, and thereby hangs a tale—which gave name to the Pass and Tunnel through the Cascade Mountains now occupied and operated by the Northern Pacific Railway Company.

Before telling this story I wish to bring to your attention some things that brought about the building of the Northern Pacific Railroad. Agitation for such a road began as early as 1835, when Dr. Samuel Barlow wrote a series of articles which were published in eastern papers urging Congress to use the surplus revenue of the government for connecting the shores of the continent by a railroad.

In 1845 the idea was put in practical legislative form by Asa Whitney, a New York merchant who had accumulated a fortune in the China trade. He realized the desirability of such a road to connect with boat transportation across the Pacific to the Orient. During the sessions of Congress Mr. Whitney appeared in the legislative lobbies earnestly advocating his plan and between sessions he traversed the country from Maine to Louisiana, advocating his scheme to business men, and before State Legislatures. His proposition was to build a road from the head of Lake Michigan to the mouth of the Columbia River, by the aid of an extensive land grant.

Congress gave serious consideration to his plan and at one time, Whitney's bill came within one vote of carrying in the Senate.

The acquisition of California as American territory and the

discovery of gold in that state brought about sectional feeling as to the western terminus of the road. A strong and hard pull developed for the western terminus of the transcontinental road to be located at San Francisco. Whitney's finances became exhausted and he quitted the field.

During these many years of railroad agitation, the vast tract of country known as Oregon had not been recognized as American territory by the United States Congress, though the inhabitants had petitioned long and loud for such recognition. It was 8 o'clock Sunday morning, August 13, 1848, that Territorial government was finally granted to Oregon by vote in the Senate. President Polk signed the bill on the 14th and appointed James Shields, Governor.

Oregon reached from California on the south to the British possessions on the north, from the summit of the Rocky Mountains on the East to the Pacific Ocean, an empire in extent, about 500,000 square miles.

Shields resigned the office of Governor without performing any of its duties. President Polk, then on the 18th day of August, appointed General Joseph Lane, who in reality became the first Governor of the Territory, and served so well that the people sent him to Congress. While there he did a good turn for our commonwealth.

The State of Weshington is a child of "Old Oregon". Conceived in the minds of citizens living north of the Columbia River in convention assembled at Cowlitz, August 29th, 1852, who asked that the Territory of Columbia be organized. Born in Washington D. C. during the closing days of the 32nd Congress. Christened in the office of the President on March 2nd, 1853, when Millard Filmore signed the bill which had passed the Senate on the 28th day of February, creating the commonwealth.

The sponsor for the bill was General Joseph Lane, delegate to Congress from Oregon who had presented the Cowlitz petition in the House of Representatives on December 6, 1852. The travail of birth had continued through almost three months of the stormy second session of the 32nd Congress. There was one Amendment made to the bill, during the final reading, when Representative Stanton of Kentucky said, Mr. Chairman: I move you that wherever the word Columbia appears in this measure, it be erased and the name Washington be placed in lieu thereof.

The amendment was at once agreed to by the opponents of the bill and thus was attached to our fair state the name of the Father of his Country, of which we are now so proud.

The godfather of the newly created territory was Major Isaac Ingalls Stevens, whom President Franklin Pierce named as the first Governor. Stevens received his commission as governor the 17th day of March 1853.

Immediately after the proclamation creating the Territory of Washington, Congress passed a bill appropriating \$150,000 for the exploration and survey of railroad routes from the Mississippi to the Pacific to be expended by the Secretary of War under the direction of the President.

Jefferson Davis was Secretary of War and he determined to survey four principal routes. At the earnest request of Governor Stevens, the exploration of the Northern Route was intrusted to him and \$40,000 of the \$150,000 appropriation was allotted to defray the expense of this survey: rather an inadequate sum when we consider the fact that the territory to be explored was a wilderness 250 miles wide by 2,000 long, 1,000 miles of arid plains and two great mountain ranges; 240 men comprised the force under the command of Governor Stevens, in this surveying party.

Sixty-six of them under George B. McClellan were sent to Puget Sound via the Isthmus by Stevens with instructions to explore the Cascade Range, about 200 miles of which was the recognized difficult portion of the entire route, while the main body of men were to do 1800 miles.

Governor Stevens' special instructions to George B. McClellan concluded with these words, "We must not be frightened with long tunnels or enormous snows, but set ourselves to overcome them."

Despite this warning McClellan's fear of deep snows caused him to fail in an important part of his survey of the Cascade passes.

Stevens' survey fully demonstrated that a transcontinental railroad was feasible, over 1800 miles examined by his party.

McClellan's report of the Cascade passes was decidedly unfavorable. On January 26, 1857, at the instance of Governor Stevens the Legislature of Washington passed an act incorporating the Northern Pacific Railroad Company with a capital of \$15,000,000, and authority to build from one of the passes of the Rocky Mountains on the border of Nebraska, westwardly across Washington, with one line down the Columbia, the other over the Cascades to the Sound with a line from the River to the Sound. A time limit was set and though it was extended the road was never built under this charter.

In 1862 Congress chartered and liberally subsidized the Union and Central Pacific Railroad Companies. Friends of the Northern route at the same time tried to get legislation but failed.

In 1864, though, they did succeed, Josiah Perham, a country merchant from Maine, took up the plea. He was an energetic, enthusiastic man, thoroughly honorable. He frequently went to Washington to urge his views upon members of Congress; with the aid of Thadeus Stevens, then the leader in Congress, Mr. Perham succeeded in getting a bill through Congress to organize the Northern Pacific as the people's road. The bill provided a splendid land grant, but was crippled by Perham insisting that there should be no bonds or mortgages. He thought that the project would be so popular that 1,000,000 people would put up \$100 each and thus build the road as a people's company without debt. A few of his personal friends did this, but office expenses ate up all of Perham's savings, ran him into debt and he was constrained to give up the struggle, turned the charter over to a company of Boston men for money enough to pay his debts and a small interest in the reorganized company. The company then set to work in an attempt to get a money subsidy from Congress. Year after year they labored in Washington to secure the passage of a subsidy bill. They first asked for Government Bonds,—then they asked for a guarantee of interest on their own bonds;—then proposed to turn back one half of the land grant for a money consideration; failing in all these requests several of the men withdrew from the company.

The turning point was reached in the affairs of the Northern Pacific, the charter was likely to expire by limitation, and the whole magnificent project fail. From this imminent peril the enterprise was rescued by Jay Cooke, the great financier of the age,—he was at that time the most prominent banker in the United States; he had negotiated the great war loans for the Government through a system of advertising and newspaper notices,—he had great influence in Washington D. C. Friends of the Northern Pacific urged him to take hold of financing the project; he held the proposition under advisement for several months, and finally wrote out terms of a contract, so favorable to himself that he thought surely the directors would not accept; by the conditions Jay Cooke & Co. were to receive one-half of the stock of the Northern Pacific Company gratis and obtain its bonds for sale at the rate of eighty-eight cents on the dollar.

The directors did accept the terms. Before anything could be

done it was necessary to eliminate the Perham provisions, of no debt, in the charter; Cooke's request was readily granted by Congress and they did provide for making a mortgage and the issuing of the bonds.

Cooke's first plan was to place a fifty-million dollar loan in Europe, in this he was frustrated by the breaking out of the Franco-German war; he then turned his attention to the home market; by a lavish expenditure of money in advertising, he secured the friendship of the press all over the country; in less than two years time he sold \$30,000,000 in bonds and actual construction was begun on the road. Mr. Cooke's proposition to the bond buyers was,—that anyone at anytime who became tired of their investment, could bring their bonds to his bank and get their money back; this was a good proposition for the investor but proved to be a bad one for the banker.

Our own Ezra Meeker chanced to go to New York about the time bonds began selling; he was material assistance to Mr. Cooke. Mr. Meeker had recently written a book, which had been published in pamphlet form by E. T. Gunn, of Olympia. Cooke and Meeker became acquainted through the medium of Horace Greeley. Cooke purchased the books from Mr. Meeker, then hired him to distribute them through New England. Everything went along fine until the financial depression of 1873, when the bond holders called Cooke's promise of money back. Cooke met this call promptly until financial exhaustion compelled him to suspend.

Construction on the division of the road from Columbia river to Puget Sound had begun at the same time as work on the eastern end, in 1870. The road was not finished to Tacoma till after the panic of 1873.

The men worked for some time without pay. Finally they struck and said work should proceed no further until their demands were paid. In this emergency Captain J. C. Ainsworth of Portland came to the rescue with his private means, paid the men. Construction went on, and the rails reached salt water on Commencement Bay just 24 hours before the time prescribed by Congress expired.

Construction of the Northern Pacific Railroad did not cause the financial panic of 1873, as has been stated by some, but the financial panic did cause bankruptcy of the Northern Pacific Railroad Company and re-organization became necessary.

When this was effected attention was once more turned to the

consideration of the difficult Cascade division. Engineering parties were put in the field in 1878 and continued there up to the time that we find Virgil G. Bogue in the summit of the Stampede Pass with 300 men under his supervision as stated above.

Here let me introduce an extract from a letter written by Mr. Bogue to me in 1916. The part of interest to us today begins, \* \* \* "The origin of the name 'Stampede Pass'.

"I had a trail-cutting party camped near Stampede Lake. This party was controlled by a foreman who I thought did not accomplish much work. When the other party which had been cutting the trail from Canoe Creek up Green River to my camp near the mouth of Sunday Creek, finished its work, I sent its foreman to the camp occupied by the former mentioned party then at Stampede Lake, with a letter authorizing him to take charge. A large number of the former mentioned party then stampeded.

"There was quite a large fir tree at this Stampede Lake Camp, which had a large blaze cut on it by the men remaining and with a piece of charcoal from the campfire they printed on the blaze the words, 'Stampede Camp'. From this came the name of the little lake which is located, as you will remember, just west of the pass, and thence the name 'Stampede Pass'.

"This was suggested by me in an interview with General Adna Anderson, engineer in chief, and Mr. Hans Thielsen, the supervising engineer, at the office of the latter in Portland, probably a full year or more after the stampede of the men mentioned.

"General Anderson, during this interview, suggested that it be called 'Bogue's Pass' or 'Bogue Pass', and this idea was seconded by Mr. Thielsen, but I insisted that we call it 'Stampede Pass.'

"I have often been sorry that I took this action, because the pass was discovered by me after a most difficult expedition in mid-winter, during which I had to meet a good many hardships."

Mr. Bogue's letter does not bring out quite all there was to the stampede,—when the men quit work about the middle of the afternoon, the day of the stampede; they repaired to camp where they were busy waiting for supper; when the foreman came and announced to the cook that the food in his charge belonged to the railroad company, was furnished to feed men that were working for the company, that these men had severed their connection with the company, hence, were not entitled to be fed; then was when the real stampede began.

W. P. BONNEY

## THE OREGON LAWS OF 1845

The publication of the acts and laws of the House of Representatives of the provisional government of Oregon Territory, passed at a meeting held in Oregon City in August, 1845, is an event of more than passing importance to students of northwest history.<sup>1</sup>

This book consists of sixty pages and was issued by N. A. Phemister Company of New York in 1921. No statement accompanies the book showing the source of the material or the reason for the publication at this late date.

During the years 1914 and 1915 the writer of this article took occasion to study the history of the statute law of Oregon rather closely in checking the completeness of a set of session laws and journals of the Oregon legislature then purchased by the law library of the University of Washington. Mr. Glenn Fairbrook, a graduate of our law school, and at that time our law librarian, was sent to Salem, Eugene and Portland, Oregon, where the best and most complete sets of the Oregon laws were supposed to be located. As the result of his search there he published an article in the *Law Library Journal* of April 1915 beginning at page one of volume eight. In this article Mr. Fairbrook called attention to the fact that there were a number of unpublished laws of Oregon including those set out in the Phemister Company's publication.

In an address by Frederick V. Holman, President of the Oregon Historical Society at its annual meeting held at Portland, Oregon, December 18, 1909, the account of these unpublished laws was stated by Mr. Holman as follows:

"Washington Territory was created out of the northern part of Oregon by Act of Congress, approved March 2, 1853. Prior to that time a number of counties had been created in that part of Oregon by its Provisional and Territorial Legislatures. Of these counties I shall refer only to Vancouver (now Clark) County. I spent much time in an endeavor to find the Act creating Vancouver District or County, but without finding the Act or the boundaries. Neither the Journals of the Legislatures nor the published laws show any record of it. At last I applied to Mr. George H. Himes, the efficient Assistant Secretary of the Oregon Historical Society, who had been away from Portland for several weeks during my search. He found a copy of this Act in the Oregon Historical Library. I believe it to be the only copy in existence. It is con-

<sup>1</sup> Oregon Acts and Laws Passed by the House of Representatives at a Meeting Held in Oregon City, August, 1845. (New York: N. A. Phemister Company, 1921. Pp. 60. \$15.00)