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A STUDY OF THE LEGISLATIVE HISTORY OF THE EARLY ROADS
BRIDGES AND FERRIES IN THE TERRITORY OF WASHINGTON

by

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BRIDGES AND FERRIES IN THE TERRITORY OF WASHINGTON

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A STUDY OF THE LEGISLATIVE HISTORY OF THE EARLY ROADS
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INTRODUCTION

This thesis is a study of the early roads, ferries, and bridges of the Territory of Washington from the time Washington became a Territory, in 1853, until it reached the age of seventeen, in 1869, when the laws governing such roads, ferries, and bridges assumed a definite pattern, and the members of the legislature ceased thinking that legislation concerning these items was of primary importance.

Washington Territory was created by act of the United States Congress on March 2, 1853,¹ from the upper half of Oregon Territory. In 1859 Oregon was admitted to the Union as a State,² and the Territory of Washington had the surplus territory of Oregon--the southern half of what are now known as Idaho, western Montana, and western Wyoming--added to its boundaries.³ During 1863 Montana, Wyoming, and Idaho became Idaho Territory.⁴ Soon after, these separated.⁵ Since Washington Territory once included

1. United States Statutes at Large, Vol. 11, pp. 172, 173, March 2, 1853.
2. Ibid., Vol. 11, p. 382, Feb. 8, 1859.
3. Ibid., Vol. 11, p. 384, Feb. 8, 1859.
4. Ibid., Vol. 12, p. 808, March 3, 1863.
5. Montana Territory was established May 26, 1864. United States Statutes at Large, Vol. 13, p. 86, May 26, 1864.

these scraps of later Territories and States, and since the legislature of Washington had to pass laws concerning the earliest roads in these various places, it is quite necessary to include such roads, ferries, and bridges in this discussion.

Water routes were the first used and, for the most part, the least difficult lanes of travel. The western portion of the territory was distant but accessible by way of the Pacific Ocean, the Puget Sound area having the best harbors; but this Puget Sound area was practically useless to the region immediately east, since the Cascade Mountains blocked the way into the interior. The Columbia River, which is about 100 miles to the south (as the crow flies) of Puget Sound was the main road into the interior from the west. It also afforded a good last lap route to the travelers who went west by way of the Oregon Trail or the Missouri.

The Columbia

The Columbia enters Washington from Canada and takes a south westerly direction to the Cascade Mountains, where there are several bad rapids.¹ From there it flows westward into the Pacific Ocean. The brigades of the fur companies carried freight and passengers until steamboats came into use. The first steamboat on the Columbia was the "Columbia," which made runs between Portland and Astoria in 1850. Other steamers were soon put into

1. George W. Fuller, A History of the Pacific Northwest, p. 12.

service with runs extending from Portland to the Cascades, the Cascades to the Dalles, and above the Dalles to old Fort Walla Walla. In 1859 the "Colonel Wright" got fifty miles up the Snake River and in 1861 she got up the Clearwater. The Columbia was used as a highway to the Idaho mines during the gold rush days.¹

The Oregon Trail

At the time this story begins there was an overland route to the territory. It was the Oregon Trail. This road started at the mouth of the Kansas in the Missouri River, followed the Kansas River, went up the Blue River and the Little Blue River to the Nebraska or Platte River, followed the Platte and the South Fork of the Platte for several miles, then crossed over to the North Fork of the Platte, wandered along the North Fork to Fort Laramie, crossed the Black Hills and the "war ground of the Snake and Sioux," then followed Sweetwater River and crossed the divide by way of South Pass (7,000 feet above sea level). Then the road started down the Little Sandy and Big Sandy Rivers to the Green River (or "Colorado of the Gulf of California,") then down Black's Fork, Ham's Fork, Muddy Fork to the Bear River, down Bear River as far as Beer Spring, over to the Port Neuf River, then to the Snake and Fort Hall. From Fort Hall the road followed the Snake to Fort Boise and then continued along the Snake, then along Burnt River, across Powder River, through the Grand Ronde country, up

1. Ibid., pp. 314, 315.

Grand Ronde River, through the Blue Mountains, and down the "Wallah Wallah" River to "Fort Wallah Wallah," a distance of 1,670 miles from the Missouri River.¹

A new "Emigrant Road" was constructed during the 1850's. The end of this road was not at "Wallah Wallah" but at a place called "City Rocks," where there was, "Good grass and camp ground on Small Spring Branch--thence the usual route to California."² The route of this road was through South Pass to a place near Fort Hall, from where the emigrants to Washington could follow the old road, then up the Snake River to Raft Creek, up Raft Creek, through Rocky Canyon to City Rocks. The distance from Fort Leavenworth to City Rocks was given as 1,244 miles.

For traveling this road the following advice was given to emigrants:³

Gilbert's station, at South Pass, (last crossing of the Sweetwater river,) is the point at which you had better leave the old road for fear of getting lost among the different camp trails. Gilbert will direct you.

You must remember that this new road has been recently graded, and is not yet trodden down; and, with the exception of grass, water, wood, shortened distance, no tolls, fewer hard pulls and descents, and

1. Captain J. C. Fremont and Charles Preuss, Topographical Map of the Road from Missouri to Oregon Commencing at the Mouth of the Kansas in the Missouri River and Ending at the Mouth of the Wallah Wallah in the Columbia, (7 sections, Washington, D.C., 1846.)
2. Albert H. Campbell, Report upon the Pacific Wagon Roads Constructed under the direction of Hon. Jacob Thompson, Secretary of the Interior, in 1857, 1858, 1859, (Washington, D.C., 1859), p. 62.
3. Ibid., p. 58.

avoiding the desert, will not be the first season as easy for heavily loaded trains as the old, and not until a large emigration has passed over it.

All stock drivers should take it at once. All parties whose stock is in bad order should take it, and I believe the emigration should take it, and will be much better satisfied with it, even the first season, than with the old road.

The construction of a road during this period was deeply influenced by the accessibility of water, grass, and firewood, as the following portion of Campbell's schedule from South Pass to City Rocks lists:¹

	Intermediate Distance (Miles)	Total Miles
To thistle creek		
One mile to right a small grove of Aspen timber; grass good. Road crosses two small creeks		210.63
To head of Portneuf river	4.89	215.52
Aspen grove and good grass at crossing.		
To road from Soda Springs	1.24	216.76
To entrance of canyon	1.12	217.88
Spring branch runs through this canyon, which is three fourths of a mile long, grass good.		
To small stream coming in from left	.89	218.77
To two small streams emptying into Ross' fork. Fine grass.	9.75	228.52
To Emigrant road	.94	229.46
Thence follow old Emigrant road and in one eighth of a mile cross a small branch. Road level.		
To Ross' Fork	1.47	230.93
Cross creek and enter canyon, which is about one and one half mile long.		
To Snake river valley and fork of roads--You take right hand road to Fort Hall, and the left to bridge on Ross' Fork. The latter is the main or short road.	11.18	242.11

1. Ibid., p. 61.

CHAPTER I

GOVERNMENT ROADS--MILITARY ROADS

The first long roads built in Washington Territory were constructed by the federal government for a very practical reason--military strategy. There was the Indian problem,¹ and there was the British situation.² The Indians went on the warpath from time to time, so it was necessary to protect the settlers, and in order to do any protecting the army was supposed to be able to get there as soon as possible, which wasn't any too soon in those days. Britain was a real threat to the northwest portion of the United States--because of boundary disputes and the unfriendly relationship between the United States and England during this period, so the territory as a whole as well as the individual settler theoretically had to have protection. This may seem to the reader that the government was carefully looking after the interests of the government and its people in the northwest, but in reality it was only vaguely interested in the welfare of that section of the country--that is, interested enough to pass a few acts with the good intention of putting roads where they would give the most benefit, but not interested enough to see that the appropriations were correctly spent and that good substantial

1. For an account of the Indian troubles see Fuller, op. cit., pp. 216-260.
2. For an account of the British troubles see Fuller, op. cit., pp. 170-179.

roads were built. As a result there were a few roads inadequately constructed, a few half-way built, and a few just mapped out.

The first two military roads of importance in the territory were placed where they would do the most good. One was from Steilacoom to Fort Walla Walla by way of Naches Pass, for which an appropriation of \$20,000 was made in January of 1853,¹ and the other was the Mullan Road connecting the Missouri and the Columbia Rivers, for which an appropriation of \$30,000 was made in 1855.²

Other military roads for which appropriations were made were the Vancouver-Steilacoom, Vancouver-Dalles,³ Columbia City Barracks-Steilacoom, Dalles-Columbia City Barracks,⁴ and Steilacoom-Bellingham Bay.⁵

By 1857 these roads had either never been completed or had fallen into disrepair. The territorial legislature of 1857-58 took matters into its own hands by declaring all of the military roads to be territorial roads.⁶ This meant that the counties would have to see to their upkeep, for the counties were the official road building agencies.⁷ Two memorials were sent to Congress, the one requesting additional money to complete the military road from Fort Steilacoom to Fort Bellingham (because of Indian troubles),⁸ and

1. United States Statutes at Large, Vol. 10, p. 151, Jan. 1853.
2. Pioneer and Democrat, (Olympia), March 24, 1855.
3. Ibid., September 7, 1855.
4. United States Statutes at Large, Vol. 10, p. 603, 1855.
5. Ibid., Vol. 11, p. 252, 1857.
6. Washington Session Laws, (Olympia), 1857-1858, p. 24.
7. See "Road Laws."
8. Washington Session Laws, 1857-1858, p. 80.

the other asking for more money for the Steilacoom-Vancouver road.¹

Ten thousand dollars was appropriated in 1860, but it was not enough to go around, and there was a stipulation in the bill which said that it was to be expended exclusively on that portion of the Steilacoom-Vancouver road between Cowlitz River and Monticello.²

The next legislature asked for congressional donations for the completion and repair of the military roads. Two memorials were for one road--the Fort Vancouver-Fort Steilacoom. One asked for \$50,000³ and the other for \$20,000. The road had been completed from Steilacoom to Monticello.⁴ Another road for which appropriations were desired was the one from Fort Steilacoom to Fort Bellingham, for defense against the Indians and to open the country to settlement.⁵

Appropriations for roads in the far west were almost impossible when Congress was busy fighting a civil war. The legislative session of 1862-63 attempted to solve the repair problem by re-declaring that all military roads were to be territorial roads.⁶

There was another memorial concerning the Steilacoom-Fort Bellingham road in 1864. This memorial said that the pre-

1. Washington Session Laws, 1857-1858, p. 158.
2. United States Statutes at Large, Vol. 12, p. 19, 1860.
3. Washington Session Laws, 1860-1861, p. 144.
4. Ibid., p. 158.
5. Ibid., 1860-1861, p. 159.
6. Ibid., 1862-1863, p. 520.

vious donation of Congress had been sufficient for the construction of only thirty miles of road; and, since Bellingham was fairly close to Canada, there should be a military road going to Bellingham.¹ Congress did not appropriate.

Congress gave no more to the cause of Washington Territorial roads, although the legislature continued to memorialize for road repairs and new roads. There were (from 1855-1869) no less than thirty memorials to Congress praying for appropriations for roads that had never been opened, territorial roads that had never been completed, and even private roads that had not been completed.²

These military roads, important as they may sound, were not very good--as judged by our standards. A traveler described his journey over the Monticello-Olympia road as follows:³

At Monticello we took the stage, a two horse open vehicle, and proceeding twelve miles to what is called the foot of the mountain, exchanged our most uncomfortable seats in the mud-wagon for saddle horses, for a distance of sixteen miles, over what I should call the worst piece of road ever traveled. Here we halted for the night, and at four next morning took the 'coach' again--this time an ordinary lumber wagon, with old fashioned spring-poles inside the box to support the seats, and proceeding forward, at the rate of sixty miles in twelve hours, received a most severe pounding before our arrival in Olympia.

A great deal of rough 'corduroy' work has been done by the citizens on the military road, but for which I am informed it would be even now impassable.

1. Washington Session Laws, 1863-1864, pp. 173, 174.
2. Ibid., 1854-1869.
3. Washington Statesman, (Walla Walla), December 13, 1862.

Such was the comment made by one man who traveled this road, which had been built at a cost of \$30,000. Perhaps it may be taken as a typical example of the condition of the roads of the day. I am inclined to believe the probability, as there was no evidence of straight and smooth military roads in any of the documents of the day. A description of two of the roads in which the Federal Government was interested might prove this point.

One of them was the Naches road, which was built by the combined efforts of the citizens of the territory and the national government. It connected the country east of the Cascade Mountains with the Puget Sound area via Naches Pass, and ran from Walla Walla to Fort Steilacoom.

Early in 1853 Delegate Lane of Oregon got the congressional appropriation of \$20,000 for the road. When Isaac I. Stevens became governor, he had the work started under Captain George B. McClellan. The settlers waited for McClellan for about a month, got disgusted, and took matters into their own hands; \$1,200 was raised, and two groups of men were hired to start work. One group started to work on the Yakima end of the road under the direction of Nelson Sargent. The other group, led by Edward J. Allen, began through the Puyallup Valley and along the White and Greenwater Rivers. The object in view was to work toward a common point where the two ends were supposed to meet.

The reason for haste was the news that an emigrant train was planning on coming to the Puget Sound country via the pass.

If the road could be constructed, it would almost guarantee their safe arrival as well as being a drawing point for many more settlers. About the time that the way was cut through to the foot of a ridge leading to the top of the pass, the workers received a false report that the emigrant train had decided to go to the Willamette Valley instead of attempt the new road. This was very discouraging and work on the road was stopped for the time being. In September of 1853 thirty-four of the thirty-six wagons of this same emigrant train managed to get over this unfinished pass road by the use of ropes and pulleys.¹

Work on the road must have continued then, according to a letter written by Edward J. Allen late in September; for it said that the road was finished from Umatilla to within fifteen miles of Nisqually plains, and in all probability would be put through to Puget Sound within the next two weeks.² He also said:

The road is a good one, crosses but few hills, has plenty of water and grass along it. There is good grazing on the eastern slope of the Cascade range, and on the very summit there are thousands of acres of rich green grass ... It is about three days travel from the summit of the mountains to White River prairies ... The road follows an old Indian trail which has been traveled by them for years. The greatest elevation of the road is about 5,000 feet, and will be free from snow until late in September.

The road was finished from Walla Walla over the mountains, down through the Green and White Rivers, across the

1. Elva Cooper Magnusson, "Naches Pass," in Washington Historical Quarterly, (Vol. 25, Seattle, 1934) pp. 171, 179.
2. The Columbian, (Olympia), September 24, 1853.

Puyallup River, and out onto the plains of Pierce County by the middle of October.¹

Twenty-thousand dollars was not nearly enough for the construction of the road. Public meetings were called and an independent survey started in hopes that the government would take a little more interest in the road. According to one newspaper correspondent about 150 persons subscribed about \$7,000 to the cause, and \$5,700 were still needed.²

Of some of the money that was spent James K. Hurd and Edward J. Allen leave the following account.³

"Friend Wiley:

Enclosed I send you for publication the statement of the cash account of the Puget Sound Emigrant Road which has been delayed until this time, partly on account of a portion of the business being unsettled, and partly because you could not during the session of the Legislature find room in its columns for its insertion. As you have now kindly offered, and as it is due to the citizens of the Territory that they should receive a statement of the disposition of the money entrusted to me - I send it to you, and in so doing close up my connection with the Cascade Road, and would respectfully express my gratitude to the citizens for the confidence they have reposed in me, and congratulate them upon the successful completion of the road.

JAMES K. HURD

RECEIPTS

By Subscription of Weed & Hurd	\$100.00
Kendall Co.	50.00
G. A. Barnes	50.00

1. The Columbian, (Olympia), October 15, 1853.
2. Washington Pioneer, (Olympia), December 24, 1853.
3. Pioneer and Democrat, (Olympia), September 30, 1854.

"By Subscription of Parker Colter & Co.	\$30.00
Brand & Bettman	25.00
J. & C. E. Williams	25.00
Waterman & Goldman	15.00
Lightner Rosenau & Co.	10.00
A. J. Moses	10.00
Wm. H. Plumb	10.00
Isaac Wood & Sons	15.00
John M. Swan	10.00
S. W. Percival	5.00
Jos. Cushman	5.00
Milas Galliher	5.00
C. Eaton	5.00
Chips Ethridge	5.00
Wm. Berry	5.00
J. C. Patton	5.00
T. F. McElroy	5.00
James Taylor	5.00
G. Gallagher	5.00
J. Blanchard	5.00
D. J. Chambers	20.00
A. J. Chambers	20.00
John Chambers	5.00
McLain Chambers	10.00
J. H. Conner	5.00
H. G. Parsons	5.00
Thomas J. Chambers	20.00
Puget Sound Agricultural Co.	100.00
Wells McAllister & Co.	30.00
Henry Murray	25.00
L. A. Smith	25.00
Chas. Wren	25.00
James E. Williamson	10.00
McGomery	10.00
Christopher Mahon	10.00
Thos. Tallentire	10.00
Garwin Hamilton	5.00
John McCaud	25.00
Richard Phiander	5.00
W. Gregg	5.00
David Pattee	20.00
Thomas Chambers	50.00
W. A. Slaughter	10.00
W. Hardin	15.00
L. Balch	50.00
W. W. Miller	10.00
J. B. Webber	25.00
H. C. Mosely	5.00
Bachelor	5.00
Lemuel Bills	25.00
W. Boatman	15.00
W. M. Sherwood	5.00

"By Subscription of James Barron	\$ 5.00
S. W. Woodruff	5.00
R. S. More	5.00
John D. Pres	5.00
Samuel McLaw	5.00
Philip Keach	10.00
Abner Martin	20.00
George Brail	10.00
T. W. Glasgow	10.00
J. W. Goodell	10.00
- Kline	10.00
A. Benton Moses	5.00
- Parsons	5.00
H. Hill	5.00
Amount received for horse	35.00
Amount received for horse (Woods)	35.00
	<u>\$1,190.00</u>
Subscription of Nelson Barnes	30.00
	<u>\$1,220.00</u>
Amount note from Lemuel Bills returned	25.00
	<u>\$1,195.00</u>

CASCADE ROAD FUND IN ACCOUNT WITH J. K. HURD

"To Cash Paid	
Bringing in horses for A. W. Moore	\$ 2.50
For Indian hire account Kirtley	25.00
Edward J. Allen sundry times	132.35
Alex Rabbeson for canoe hire	10.00
Parker, Colter & Co. (per bills)	78.00
A. J. Moses	5.75
Charke & Co. (Blacksmiths) per bills	21.25
A. J. Moses (per bills)	4.50
G. Gallagher " "	5.25
Waterman & Goldman (per bills)	16.00
Kirtley per Kendall Co. (per bills)	25.00
Kendall Co. (per bills)	21.75
G. A. Barnes (per bills)	18.02
Bettman & Brand (per bills)	24.43
George Truit (per bills)	2.00
Thomas Chambers for horse	50.00
G. A. Barnes (per bill)	3.25
Weed & Hurd (per bill)	193.48
A. W. Moore	52.19
A. J. Baldwin	16.50
Edward J. Allen	5.00

"To Cash Paid		
Balch & Palmer (per subscription)		\$200.00
" " " receipt		85.00
To amount paid		
Indian for guide to Pueallup (E. Allen)		5.00
Indian for guide to Pueallup (J. Burrows)		5.00
Henry Murray for pick-axe		1.25
L. A. Smith for spades		3.00
Weed & Hurd, board for Allen		7.00
Layfayette Balch on account		150.00
Indian hire for Kirtley		35.00
" hire for hunting Co. horse		3.00
John Bradley for horse injured		40.00
L. Balch on account (Wood's note)		35.00
L. Balch on account		8.41
		<u>\$1,280.00</u>

CASCADE ROAD FUND IN ACCOUNT WITH EDWARD J. ALLEN

1853			Dr.
July	27	Amount paid Barnhart, finding mule	\$ 1.00
"	29	Indian guide to Nisqually	1.00
"	29	Packwood for ferrriage	.50
Aug.	16	A. C. Burge (Packer) for meals while at Steilacoom	1.00
"	16	For hard bread for trip out	1.00
"	17	Crossing mule at White river	2.00
"	9	Burge board at Olympia	1.50
"	10	" provisions for trip out	1.50
"	"	Indian at Murrays turning grindstone	.25
"	7	J. B. Webber, Steilacoom for tea	3.00
"	"	For shoeing mules at Steilacoom	6.00
"	"	Burge for bread & board	5.45
"	"	Indian for services	.75
Sept.	2	Tea per bill from Keach	3.00
"	"	J. B. Webber per bill	3.43
"	6	Mats for packing	.50
"	"	Burge for board	1.50
"	"	" " bread trip out	2.75
"	15	Mats for packing	.50
"	"	For passenger in canoe to Olympia	3.00
"	"	Horse feed at Steilacoom	1.50
"	16	Boarding at Olympia	4.50
"	"	For provisions for trip to Steilacoom on sloop	1.50
"	24	For fish at Pueallup (for men)	1.50
"	26	For Salaratus & Salt at Steilacoom	1.35
"	"	For Horse feed at Steilacoom	3.00
"	"	Rope for packing	2.25
"	28	Potatoes at Pueallup	2.00
"	30	" " "	2.00

		Dr.
"1853		
Oct. 2	Amount paid James Mix for injured Saw	\$ 5.00
" "	" " " " For bringing up saw from Pueallup	1.50
" "	" " " " Barron for returning saddle & bridle to Bradley	1.00
" 4	Board bill at Steilacoom for myself during all time & for men upon return, (per bill)	15.00
" "	Provisions for trip to Olympia	2.62
" "	Canoe hire, trip to Olympia	4.00
" "	Burge for calf killed for men	15.00
" "	" " " " board for himself packing last trip	6.50
" "	Burge for sundries from Webber - (per bill Sept. 14th)	1.50
" "	Soldier for horse hire, first trip to Steilacoom (per bill)	6.00
" "	Burge for mule feed (last trip packing)	3.00
" "	Burge for boarding last trip	3.00
" "	Milas Galliher for horse hire	1.50
" 6	Amount due for Indian boy "Jim" watching mules	7.00
		<u>\$132.35</u>

Contra	Cr.	
By cash received from)	\$25.00	
James K. Hurd at)	30.00	
sundry times)	40.00	
)	<u>32.50</u>	127.50
Received payment		\$ 4.85

EDWARD J. ALLEN

"By the bills & receipts on file the amount paid out sums up
\$1280.00

"The amounts received as per subscription circulars in my possession sum up \$1195.00, making the outlay \$85 greater than the receipts accounted for.

"One subscription circular has been mislaid, containing probably subscribers to the amount of \$85. And I would therefore request that all who have subscribed towards the Puget Sound Emigrant Road & whose names are omitted in the list given, will forward their names & amounts given, so that in the final settlement of the road they may be fully indemnified.

James K. Hurd, Cashier
Puget Sound Emigrant Road."

Even though the federal government needed just such a road for military purposes, no more money was appropriated. The road did not last. Evidence of its rapid elimination as a connection between east and west of the Cascades was seen as early as January, 1856, when the legislature sent a memorial to Congress asking for \$30,000 to complete and repair it.¹ Two years later another request, this time for reimbursement for money and labor spent in its construction, was sent east² accompanied by an additional request for \$10,000 for its relocation and clearance.³ The national government had nothing more to do with it.

The Mullan road had a longer life. It was built through the efforts of Isaac I. Stevens, first governor of the territory, and Captain John Mullan, army engineer. A survey was made in 1853;⁴ but, because of Indian hostilities Congress delayed appropriations until 1855, when a sum of \$30,000 was donated. Three years later Congress gave \$100,000 more.⁵

The road crew began work in 1856 under Mullan, Captain W. W. De Lacey, and Surveyor Conway P. Howard, and an escort of 100 soldiers.

An account written by a member of this expedition gives the following details:

1. Washington Session Laws, 1855-1856, 1st session, p. 51.
2. Ibid., 1857-1858, p. 85.
3. Ibid., p. 79.
4. Addison Howard, "Captain John Mullan," Washington Historical Quarterly, (Vol. 25, Seattle, 1934), p. 185.
5. Ibid., p. 189.

Leaving Fort Walla Walla on the first of July, the expedition moved forward without serious obstacle exploring the route, building bridges, grading, constructing ferry boats for the St. Joseph's and Coeur d'Alene rivers, laying a corduroy 400 feet long, in a wet section of the St. Joseph's Valley, and cutting three miles through the timber near the Coeur d'Alene mission, reaching the latter place on the 16th of August having carried the road, 200 miles since leaving Fort Walla Walla within a period of a little more than six weeks. ...

A spur of mountains six miles across, now confronted them, over which, after much effort to avoid it, it was necessary to pass. The Big Mountain, as this obstacle was called, presented the greatest difficulty encountered in the entire route and it required the constant labor of 150 men for six weeks to overcome it. ...

The remaining sixty miles to Hell Gate were passed over by the twenty eighth of June, half a mile of side hill excavation and bridge 150 feet long being the only labor of importance required. For fifty miles the road was then carried up to the Hell Gate Valley with only a slight timber cutting and grading, with the exception of one spur, where a cutting of one half mile was requisite, all of which was accomplished by the ninth of July. From this point the command moved forward by rapid marches, finding but little labor necessary and on the sixteenth day of July reached the western base of the main ridge of the Rocky Mountains. Crossing the next day by the route explored in 1854 and since known as Mullan's Pass, the expedition camped upon the tributary waters of the Missouri.

Over the remaining distance to Fort Benton wagons had safely passed in 1854, and but moderate work was required until at the crossing of Sun River, it ceased almost altogether.¹

After Congress appropriated another \$100,000 in 1861 for the improvement of the road, the cost totaled \$230,000 for

1. Lieutenant James H. Bradley, "An Account of the Building of Mullan's Military Road," Montana Historical Society Contributions, (Vol. 8, Helena, 1917), pp. 164-167.

the 624 miles, which was the length of this Mullan road.¹ The usefulness of the road outweighed its cost, although not in a military sense. It was true that a detachment of troops traveled to Washington Territory, in 1860, and saved the government \$30,000 on the one trip,² but it was the emigrant travel that received the main benefit of the road from the Missouri to the Columbia. More than 300 emigrants used the road in the summer of 1862.³ This number steadily increased. Trade over this road grew to quite sizeable proportions with the opening of the Montana gold fields. The territorial legislature of 1866-67 gave a general idea of the amount and kinds of freight shipped over this route:

The Walla-walla valley, including that portion which lies in the State of Oregon, has produced this season, (1866), 500,000 bushels of wheat; 250,000 bushels of oats; 200,000 bushels of barley, 150 bushels of corn; 170,000 pounds of beans; 4,500 head of hogs; 1800 head of horses; 2,500 head of cattle. From January 1 to November 15, 1866, 1500 head of horses have been purchased by individual miners at Walla-walla horse markets; 2000 miners have outfitted from Walla-walla; 5,000 head of cattle were driven from Walla-walla to Montana; 6,000 mules have left the Columbia river and Walla-walla loaded with freight for Montana; 31 wagons with immigrants have come through the States via the 'Mullan road,' a portion of whom settled in Walla-walla valley and the remainder crossed the Columbia river at Wallula and settled on the Yakima river or passed on to Puget Sound; not less than 20,000 persons have passed over the 'Mullan road' to and from Montana during the past season; 1,000,000 dollars in treasure has passed down through Walla-walla and Wallula during the same period.⁴

1. Howard, op. cit., p. 195.
2. Ibid., p. 195.
3. Bradley, op. cit., p. 169.
4. Washington Session Laws, 1866-67, pp. 233-239.

Mullan road was constantly in need of repair. One of the persons who knew the road said that it would be far better to have a private company take over the Mullan road and keep it in repair than to have Congress donate \$50,000 for this purpose.¹ A memorial asking Congress for \$100,000 was passed by the 1866-67 legislature. This document declared that the road was in bad condition, especially through the Coeur-d'Alene and Bitterroot mountains,² but no more was appropriated.

Besides building a road, Mullan offered advice as to how to get to the road and how to travel it. According to his opinion the well-outfitted traveler of the period should have left St. Louis in the spring on a steamer headed for Fort Benton (passage from \$100 to \$200 and freight from 10 cents to 12 cents per pound). He should have bought a light spring covered wagon in St. Louis and from two to four sets of strong harnesses. What went inside the harnesses was to be purchased at Fort Benton, where mules were priced from \$100 to \$150, oxen \$100 to \$125 per yoke, and horses \$50 to \$75. The traveler's camp equipment should have included a small kit of good strong tin or plated iron "mess furniture," kettles to fit one in the other, tin plates, cups, and strong knives and forks. Food should have been purchased in St. Louis and care should have been taken in the purchasing of this necessity. In order to live well on the trail it was necessary to have had brown sugar, coffee, or tea, bacon, flour, salt,

1. Walla Walla Statesman, (Walla Walla), Dec. 7, 1866.

2. Washington Session Laws, 1866-67, p. 233.

beans, sardines, and a few jars of pickles and preserved fruits. (Ten men for fifty days should have had 625 pounds of flour, 50 pounds of coffee, 75 pounds of sugar, two bushels of beans, one bushel of salt, 625 pounds of bacon sides, two gallons of vinegar, 20 pounds of dried apples, three dozen yeast powder, and two strong covered ovens.)

More advice given was, "If your wagon tires become loose on the road, caulk them with old gunny sacks," and that it was wise to start at dawn and camp not later than two P.M.¹

Such were the military roads of the day. They were not good according to our standards, but they did aid the travelers and materials along the way. In a military sense they were never indispensable, but they were there just in case something might happen--this latter statement being the main reason why they were constructed by national appropriations. Their actual uselessness as military highways along with the fact that the National Government wasn't particularly interested in the distant Northwest when there was a war going on between the States led to their rapid decay or their repair by the territorial agencies.

1. John Mullan, Miner's and Traveler's Guide to Oregon, Washington, Idaho, Montana, Wyoming, and Colorado, pp. 7, 8.

CHAPTER II

TERRITORIAL ROADS

Waterways, the Oregon Trail, and the military roads were by no means adequate for the growth and development of Washington Territory. Emigrants could be brought to the country by these routes, but a more interwoven system of highways was necessary for trade, travel, and communication within the territory itself. Military roads helped in this respect, but they were too few.

The members of the first territorial legislature probably realized that the road situation was inadequate as they traveled toward Olympia, for the bills they passed at that session included provisions for eight territorial roads--all on the west side of the mountains leading to the capitol.¹

The first law, an "Act Relating to the Construction and Maintaining of Roads," was passed fairly early in the session. This bill provided that all county roads should be under the supervision of county commissioners. According to this act, if a person needed a road, he could draw up a petition requesting the same and have twelve householders sign it. Then he would present it to the commissioners, who would appoint three disinterested householders as "viewers." These men would mark the

1. Washington Session Laws, 1854, 1st session, pp. 463-467, 469.

road according to the prayer of the petitioners. If the viewers disliked the location of the road, there would be no road; but, if they approved of the location, they would give the details to the county commissioners. A householder disliking the proposed road could present a petition signed by eight to the commissioners, who in turn would appoint five viewers to review the road. If they disapproved, there would be no road. Any person who thought that his property would be injured by the opening of the road could make complaint to the county commissioners. If the amount of damages to be paid did not overbalance the usefulness of the road, according to the commissioners, the complainant was to be paid out of the county treasury. If the damages were greater than the need for the road, there would be no road.

After the viewers had viewed the road, the surveyors were to

proceed to survey such road and cause the same to be conspicuously marked throughout, noting the corners and distances. And at the end of each mile shall cause the number of the same, and also the commencement and termination of said road, or survey, to be marked on a tree or monument erected for that purpose.

If a person lived off the highway, he could apply to the county commissioners for a road. Again three "viewers" would be appointed to locate the road and report back to the commissioners, and upon their advice the road would be constructed.

A territorial road was to be located by commissioners who were appointed for the job by the legislature. It was to be

surveyed and marked out the same as a county road. Commissioners' expenses were to be paid by the county in which they were working. Complaints for damages were to be made to the county commissioners, who would arrange for settlements.

Section twenty-four of this act was probably the most important part of this law. It stated that:

When any territorial road shall have been located according to the provisions of this act, the same shall be and remain a public highway, and shall be opened and worked by the counties through which it may be laid out, as county roads are, and such road may be altered or changed in any county, in the same manner as county roads are altered.

So territorial roads were in reality county roads.¹

This clause was the basis for an argument concerning the bill for the location of a territorial road from Steilacoom to the county seat of Clarke County. Mr. Catlin of Lewis County objected to the bill on the principle that the legislature would say to build a road, and the county would have to build it, whether the county wanted the road or not. Mr. Tappan of Clarke wanted territorial roads, but he did not want that particular road. He couldn't see why such a system should be opposed. Mr. Yantis of Thurston was not benefited by the passage of this bill, it did not precisely meet his views, "but he knew by experience the difficulties of travel between the two territories ..., but he regarded the principal object to get a road," so he voted for it.²

1. Washington Session Laws, 1854, 1st session, pp. 340-352.
2. Pioneer and Democrat, Olympia, March 18, 1854.

This same act provided for road supervisors and defined their duties. The several counties were to be divided into road districts by the county commissioners, and one supervisor was to be appointed for each district. His job was for one year only, and it was necessary for him to give bond not exceeding \$1,000 which would be forfeited in case he neglected his duties. His job was to make out a list of those eligible to do road work and see to it that they did their road work. He was really foreman of the job.

Labor on the road was not a paid job. It was a tax. This first law provided for a road tax of three days' labor on the road to be performed by every male between the ages of eighteen and fifty, except ministers, persons who were unable to work, and public charges. In addition there was a tax of an additional day's work for each and every thousand dollars' valuation of all taxable property. If necessary two extra days' labor per person could be requested. One person could do the road duty of another. Everyone notified to labor on the roads had to be there at seven o'clock in the morning with such necessary tools, horses, and wagons as the supervisor directed. A reasonable compensation was to be given for these articles. Anyone neglecting his road duty was to be fined three dollars a day. Supervisors were given power to buy scrapers, plows, timber, and implements needed. They could enter any property adjoining the road and take gravel, sand, and trees. They could build drains and ditches on any land--doing as little damage as possible.

Any valid complaints by those injured were to be paid out of the county treasury.

Territorial commissioners were to file reports with the secretary of the territory for the use of the legislature. They were to estimate all probable costs of roads and bridges. County commissioners were to report to the secretary of the territory annually giving the condition and expenditure on the territorial roads through each county. This was also for the use of the legislature.¹

An act creating the boards of county commissioners of the several counties and defining their duties was passed at this first assembly. Each county was to elect three commissioners. Business could be done with just two commissioners on hand. They were to hold office for three years, one commissioner being elected each year. The auditor of the county was to be the clerk. The sheriff was to execute the orders of the commissioners. Pay for the commissioners was to be three dollars per day for every day used for county business. Their duties were to lay out highways, to license and fix rates of ferriage, and to fix amounts of taxes. No county commissioner could be directly or indirectly connected with any contract.²

During the session of 1856-57 an "Act in Relation to the Construction of Roads and Highways, and Defining the Duties of Supervisors of Highways," which restated parts of the above

1. Washington Session Laws, 1854, 1st session, p. 353.

2. Ibid., pp. 419-423.

acts, was passed. In addition, the road supervisor was given permission to expend part of the labor due in his district on a territorial road beyond the bounds of the county or district in which he was appointed, if there were no road district there. Territorial roads were to be opened and worked by the counties through which they passed. The territorial roads were to be marked, but the surveying was done away with. Mention was made of payment of nine dollars in cash in place of three days' labor on the roads. Twenty-five cents road tax was levied on every \$100's worth of property. Road supervisors were to be elected annually instead of being appointed by the county commissioners. A further point in this law was that any person not wanting a road through his property could have it turned around his property, if he would pay the cost, and if the road would be just as good a road as if it went directly through his property.¹

The session of 1858-59 restated some of the above laws and in addition made all petitioners for roads liable to two days' extra labor on that particular road.²

The session of 1860-1861 reduced the road tax from nine dollars to four dollars per person and from twenty-five cents on each one hundred dollar's worth of property to twenty cents on the same.³

The road laws were restated again in 1862-63. A few

1. Washington Session Laws, 1856-57, pp. 35-45.

2. Ibid., 1858-59, pp. 7-18.

3. Ibid., 1860-61, pp. 49, 50.

additions were made. Road supervisors were to be elected on April first of each year. Those qualified to vote for the supervisors were those who were qualified to do road duty. The road tax was moved up to six dollars--or two days' road work-- per able bodied male between the ages of twenty-one and fifty, and twenty cents on every one hundred dollars' property valuation. Persons residing in the county jails were to be put to road work. A two hundred dollar fine was set for every commissioner gaining profit from a county contract or materials purchased for the use of the county.¹

The office of county surveyor was created during this same session. This officer was to be elected every two years. His duty was to do all the surveying that needed to be done in the county. No special mention was made of roads other than a bonus of one dollar in connection with every report of a road survey to be given to the surveyor in addition to his five dollars a day pay.²

During the 1863-64 session something new and different in road legislation was passed. County commissioners were authorized to lease public roads whenever a public road was located and there was not enough labor in that section to open it. If a majority of the citizens in the district through which the road was located sent a petition to the commissioners, they were,

1. Washington Session Laws, 1862-63, pp. 540-545.

2. Ibid., pp. 554-556. The legislature of 1863-64 brought road taxes down to four dollars per person. Washington Session Laws, 1863-64, p. 44.

"authorized to lease such road, or any portion of the same for a period not exceeding ten years, with the right, in consideration thereof, to collect and receive tolls for travel thereon." Bids were to be accompanied by \$2,000 worth of securities to be approved by the county commissioners. A road leased under this act had to be cleared of standing timber and have a track for traveling kept in good order, and have such bridges, ferries, and rates of toll as the contract was to specify.¹ This could be an indication of the inability of certain districts to get road work done, because of a lack of labor or a lack of efficient management. Or it could be an indication of the desire of private individuals to take over road enterprises. Or it could be an indication of a desire to make the roads real responsibilities with an eye to bettering their condition. Perhaps it was a combination of all of these probabilities.

The session of 1864-1865 created the office of county supervisor, who was to do some of the work of the road district supervisors. He was to be elected every two years. His duty was to travel over all the county roads once a year and decide what work needed to be done and who was to do it, so that the labor would be for the benefit of the whole county. He was to buy tools at the expense of the county and report to the county commissioners as to the status of the roads, what work needed to be done, etc. The commissioners were to consider these reports and levy the road tax for the county. This tax had to be between

1. Washington Session Laws, 1863-64, pp. 26-29.

two and five dollars per road worker. The property tax could be between ten and twenty per cent on every hundred dollars. This act was not to take effect in Pierce, Mason, Island, Walla Walla, King, Snohomish, Thurston or Lewis Counties.¹ Just why this was is one item that I have been unable to discover.

This law organizing the office of county supervisor was repealed the very next year. Jefferson was the only county to retain this official.² Perhaps such an official was an impractical waste of time, as his work was overlapping the duties of the county commissioners. The shape of Jefferson County might have been the reason for its retention of this officer, who would have to travel its length and breadth once a year. On the other hand this conclusion might be wrong.

At this time Whatcom County had the legislature pass a law which stated that road taxes in that section were to be paid in money. The county commissioners were to contract with some responsible person in each road district to perform the labor on the public roads in his district. The clerk of the board of commissioners was to check this work; and, if it were well done, the amount of money named in the contract was to be paid to the contractor from the amount collected from the road tax.³

The legislature of 1866-1867 restated the former laws concerning the building of roads. The road tax was to be levied by the county commissioners. It could be no less than four dollars

1. Washington Session Laws, 1864-65, pp. 38-42.
2. Ibid., 1865-66, p. 126.
3. Ibid., p. 145.

nor more than six per person. Property tax was to be from two to eight mills per dollar. Labor was to be worth two dollars per day. The supervisors were told that they were to open roads that had been or were to be established by law.¹

County commissioners received a raise in salary during this term--it went up to four dollars a day and fifteen cents per mile for traveling expenses.²

Road taxes went up again in 1867-68. Commissioners were to assess between six and nine dollars per person. Property tax went down to between two to six mills per dollar. Labor was worth three dollars a day.³

One law of 1869 said that supervisors who failed to keep the roads up were to be fined two hundred dollars.⁴

That same year the road laws were again restated, with a few changes. All county roads were to be under supervision of the county commissioners, except in incorporated towns. There was no change in the mode of applying for a road. Twelve household signatures were needed on the petition, which went to the county commissioners, who appointed three disinterested viewers to view and approve the road. The viewers were to direct the surveyor in his survey of the road,

... and cause the same to be conspicuously marked throughout, noting the angles and distances; all the

1. Washington Session Laws, 1866-67, pp. 11-22.
2. Ibid., p. 52.
3. Ibid., 1867-68, pp. 3-16.
4. Ibid., 1869, p. 223.

trees on the line of such road shall be marked on each of the sides corresponding with the direction of the road, with three notches cut through the bark, and at least one inch into the wood, and all trees adjacent to the line shall be plainly blazed on the side facing the road. The beginning and termination of each mile thereon, shall be designated by a tree, if one is found at the point, if not, then by a stone containing at least 1,728 solid inches, if such stones can be found in the vicinity, if not, then by a post of durable wood, at least four inches square and three and a half feet long, firmly planted not less than eighteen inches in the ground. When posts are used, two bearing trees shall be chosen, the course and distance of each of which from the post, the diameter of the tree and the kind of wood, shall be noted by the surveyor, etc.

A road was to be well surveyed at least. The building of it was another matter. After it was adequately surveyed it might be declared a public road, if the commissioners liked it. Then it was to be opened.

Again, if the road damaged someone's property and the damage outweighed the importance of the road, there would be no road, unless the petitioners were willing to pay such damages.

The county commissioners were to divide the county into road districts and appoint a road supervisor for each district annually. The supervisors were to see that all those eligible for road work did their duties--two days work or three dollars per day. Assessment on property was rated at one day's work (or three dollars) on every \$1,000's value. Anyone who did not wish to do his road duty, or pay cash would have twenty per cent added to his tax, and the road supervisor was given power to sell his property to get the cash.

The opening of a road was to be done by this road labor.

Every person notified to labor on the public roads under the provisions of this chapter, shall be required to appear at the place appointed by the supervisor, at the hour of eight o'clock in the forenoon, with such necessary tools and implements as said supervisor may direct, and work industriously and diligently, doing at least eight hours faithful labor in each day at such work, and in such manner as shall be directed by the supervisor; and such supervisor may, if he deem necessary, order any person (owning the same) to furnish a team of horses, mules or oxen, and wagon, cart, scraper or plow, to be employed or used on the roads under the direction of such supervisor, who shall allow such person a reasonable compensation for the use of such team, wagon, cart, scraper or plow, in discharge of any labor due from such person.

Those who would rather pay cash than work on the roads were to pay it to the supervisor, who in turn gave it to the county treasurer, who put it into the general road fund of the county.

The supervisor's job differed very little from that given him in 1854. He was the man who did the dirty work. He could buy implements and materials needed. He could help himself to the sand, gravel, trees, etc. from the roadside. His salary was to be two dollars a day. This 1869 act gave him the power to use his judgment and assess a reasonable amount of additional road work on those eligible to do road duty, if the labor in his district was too scanty.¹

The county commissioners again received a dollar a day raise. Their pay was five dollars a day and fifteen cents per mile traveled. Their duties had been enlarged since 1854. They were:

1. Washington Session Laws, 1869, pp. 266-280.

To lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within the limits of incorporated towns, and to license and fix rates of ferriage and to fix the amount of county taxes.¹

County commissioners, although not doing the actual supervision of the road construction, were the powers in charge of the building of the early Washington roads. They were supposed to take care of the building and upkeep of the territorial roads and the roads from John Doe's barn to Hank Green's cow pasture. They were the ones you had to know in order to get yourself connected with civilization. They were all powerful-- they fixed the amount of county taxes.

The following is an example of a regular meeting of this group:

The County Commissioners met in regular session, Dec. 3, 1866. Present, D. M. Jessee and T. G. Lee, Commissioners, and J. H. Blewett, Clerk.

On motion, E. Ping is hereby appointed county commissioner, to fill the vacancy occasioned by the death of H. A. Livingston, who being present, was qualified and took his seat as a member of the Board.

Road from Maxson's School-house to Blue Mountains; petition read first time; Walter Parks remonstrating.

Road from Maxson's School-house to intersect county road leading up Mill Creek; petition read first time.

Road from Charles Actor's on Dry Creek, to intersect county road leading up to Blue Mountains, between Blue and Dry Creeks; petition read first time.

1. Washington Session Laws, 1869, pp. 303-307.

Change of county road leading up north side of Mill Creek, at or near McBride's farm; petition read first time and T. Page, Thomas Gilkerson and Peter Miller, appointed viewers; review ordered December 22, 1866. Board adjourned till 9 o'clock, to-morrow morning.

Tuesday, Dec. 3, 1866--Board met, pursuant to adjournment. Full Board present. The several road petitions read first yesterday, were severally passed to the second readings and laid over till next term.

Road from Walla Walla to Blackfoot Ferry via Wait's Mill; report of viewers adopted and road ordered to be opened by the several road supervisors through their respective districts.

Road from Oregon line via Maxson's School-house to intersect Lewiston road; report of viewers adopted and road ordered to be opened.

Wednesday, Dec. 5th--Board met pursuant to adjournment.

Officers present same as yesterday and A. Seitel, Sheriff. Ordered that E. T. St. John be allowed \$200 damages in consequence of locating county road through his premises.

Ordered that W. L. Gaston be and is hereby appointed county surveyor. ¹

An example of the type of certificate that one would receive for faithfully paying his road tax is: ²

I hereby certify that _____ has performed _____ days labor on the public highways in _____ county, Washington Territory, under my direction, to the amount of _____ dollars and _____ cents in discharge of (or say in part payment of) his road tax for the year 18__.

Dated at _____ the day of _____, 18__.

A. B.

Supervisor of road district No. _____.

1. Walla Walla Statesman, December 21, 1866.
2. Washington Session Laws, 1866-67, p. 22.

Traffic laws did not bother the people of this age very much. Just one of these was passed during the period from 1854 to 1869. There was little need for more.

Whenever any person driving a vehicle shall meet on any public highway in this Territory, whether owned or kept by corporation or private person, the person's so meeting shall seasonably turn their vehicles to the right of the center of the road, so as to permit each vehicle to pass without interfering with or interrupting the other.

A fine of five dollars for every violation added to the payment of damages to the injured party was the penalty for violation of this act.¹

Newspaper opinion on the subject of traffic regulation was:

All of us have ideas more or less correct, in regard to the law which regulates our use of the highways; and at any rate good nature and good sense are usually very safe guides. A few words on the subject may not be amiss.

It is commonly said that everyone has a right to one half the road. This is practically true, and comes about in this wise. You and I meet upon the road--our legal rights are exactly equal, and both have the right to go several ways without obstruction, so popularly, we say I own half and you half. The law steps in to facilitate matters, and, directs each to turn towards his right hand. This is true whatever the road or team; for if one can drive such a team that another can pass him but with difficulty or not at all, then their rights are no longer equal. This point becomes important in winter, for it is no joke to turn your horses and all into the deep snow while your neighbor goes smoothly along the beaten path. No one has a right so to

1. Washington Session Laws, 1869, p. 288.

load his team as not to be able to give half the track to whoever demands it.

A footman may choose the part which pleases him or any portion of his right hand half of the way, and the team must yield it to him. This is clearly so in winter, and no man is obliged to step into the snow for one or two horses. This is the law and the courts award it.

Now for the manner of the road; which in some instances vary from the law thereof.

The first requirement of the road manners is a good nature and an accomodating spirit. Do to others as you would have them do to you. Always be willing to yield more than one half the space, then you will be equally well treated. ...1

This ends the story of the road laws which were passed during the first half of the territorial period, but it does not end the story of how they worked. It was one thing to say how and where the roads were to be constructed and another to get them built. There were no roads actually built and kept in condition by the territorial government, even though the legislature did designate their construction. The counties in which a territorial road was located had complete charge of its opening and upkeep. Thus roads depended upon the engineering ability of untrained commissioners, road supervisors, and forced, untrained labor from county to county. There was no uniformity.

The laws themselves were still in the experimental stage, as may be guessed from the constant waverings--a surveyor one year no surveyor the next, road district supervisors appointed one year and elected the next, a law creating the office of

1. Washington Standard, Olympia, July 31, 1869.

county supervisor accepted by only a few counties and disposed of by all but one county the very next session, and the steadily increasing powers of the county commissioners. These waverings must have opened loopholes for graft, especially since even the more emphatically stated laws, such as a fine of \$200 for every commissioner connected with a contract,¹ were sometimes forgotten, as will be seen in the following chapter.

1. Washington Session Laws, 1862-63, p. 545.

CHAPTER III

SECTIONALISM

Rivalry among the various sections of the territory for supremacy in territorial affairs, and the desire to get a goodly share of the territorial cash, was apparent from the very beginning of the history of Washington. This sectionalism was evident in the road building program at an early date, the most striking example being the construction of the road over Snoqualmie.

Nachess road, the one highway over the Cascades, had fallen into disrepair soon after it had been constructed. It was useless for wagons. A trans-Cascade road was needed if immigrants were to settle in the Puget Sound area.¹ The road situation at this time (1860) compelled settlers to go to Portland via the Columbia and then to Monticello and up to Puget Sound, which cost money and extra travel.²

Governor Pickering in 1863 mentioned this need for a road in order to preserve:

...the integrity and unity of Washington Territory, and for securing the immediate benefits and blessings of convenient internal communication and transportation between all the several parts thereof,

1. Seattle Gazette, July 6, 1865. Washington Council Journal 1866-67, p. 25.
2. Washington Standard, Olympia, January 19, 1867.

and to mutually bind together the various and diversified interests of our widely spread population--the construction of a passable Wagon Road on the most practical route that can be selected, across the Cascade Mountains, to be commenced in good earnest during the earliest and most favorable season in 1864. ¹

Pickering did not get his wish during that session of the legislature nor during the next. Both the Seattle Gazette and Olympia's Pacific Tribune were thoroughly disgusted with the legislature. Although these papers did not mention the road over the Cascades, they did mention the sectional and political difficulties. Such bickering probably prevented mention of a road to aid the whole territory, and perhaps give one section preponderance over another. The following statements were made by the editor of the Seattle paper:

They have also parceled out to each other and their party pets, all the monopolies in the shape of charters, with exclusive privileges, that are asked for or can be thought of. ²

and:

The principal business of the session thus far, has been the granting of charters for ferries, bridges, log-driving companies and other franchises, for the special benefit of the Copperhead Democracy. Having a majority in both Houses, a league between the Democracy of the different sections seems to have been formed, upon the barter and trade, or 'you tickle me, and I'll tickle you' principle, which has cursed our legislatures and the country, more or less, since the organization of this Territory. ³

1. Washington Council Journal, 1863-64, p. 30.
2. Seattle Weekly Gazette, January 3, 1865.
3. Ibid., December 27, 1864.

The editor of the Olympia paper did not wax so eloquent, but he said practically the same thing:

The history of this Legislature is much like those of a few preceding years. A very few good public laws and private acts were passed, the balance were either useless, or decidedly bad.¹

He went on to say that the east and the north were working together. This is somewhat significant in the light of later events when Seattle and Olympia were trying to build the Cascade road. He ended the article by saying:

Near the close of this harmonious session, our friend Watson, of King county, threw a bombshell into the enemy's camp, in the shape of a memorial from Congress for a division of the Territory, which caused a sudden illumination and finally exploded in the political gasometer of Mr. Speaker Dugan.²

Such were the activities of the legislature immediately preceeding the road struggle, for that very spring the fight began. A letter to the editor of the Pacific Tribune of Olympia from Umatilla appeared in that newspaper and was warmly received by the editor, who was willing to have the road be over any pass to any portion of the Sound.

We say this in all sincerity and truth, whether it would be the Snoqualmie, Cedar river, the Nahchees or the Cowlitz Pass. We want a road for the benefit of Admiralty Inlet and Puget Sound. We want immigration, we want capital, we want business.³

1. Pacific Tribune, Olympia, January 28, 1865.
2. Ibid., Dugan was from Walla Walla.
3. Pacific Tribune, Olympia, May 13, 1865.

The first mention of the road in Seattle at this time was about one week later in the form of a mild note in the newspaper to the effect that the ladies of Olympia were "giving a series of Tableaux and acting Charades" in order to raise money for a wagon road across the Cascades. It went on to say that no special route had been decided upon yet.¹

Two days later the Olympia paper suggested that it would be a good idea to open the old "Nahchees" road as the government at one time had spent a good \$30,000 there, and Pierce County had already pledged its support to such a road.² Apparently a good deal of talk had been started in the vicinity and the efforts of the citizens turned toward a pass that would benefit Olympia the most.

Seattle's efforts were not contrary to Seattle's welfare for she turned immediately toward another pass. A letter to the editor written by Edwin Richardson, U. S. Deputy Surveyor, mentioned the great need for a wagon road over the mountains and went on to say that his idea of a good pass, and he had surveyed them all, was Snoqualmie. He suggested that they build a twenty-four mile road over the pass from Yakima Valley to the "navigable" Snoqualmie River. It would be just about one half as expensive and one fourth the distance of any other pass. He went on to urge the rest of the Sound to put away their sectional difficulties and help.³

1. Seattle Weekly Gazette, May 25, 1865.
2. Pacific Tribune, May 27, 1865.
3. Seattle Weekly Gazette, July 6, 1865.

All this seemed to be just friendly bickering. Everyone agreed that there should be a road and each side was merely dropping hints as to which would be the best. At least this was what appeared on the surface. Soon even the surface became violent.

The Seattle Gazette of July 13th carried the announcement of a meeting to be held in Yesler's hall on July 22nd for the purpose of devising ways and means of building a road over the Cascades. It also mentioned that the people of Snohomish County had already subscribed about \$1,000 in money and work and suggested that King County could raise double that amount for a road over Snoqualmie.¹

Five days previous to this announcement the Olympia paper said that Seattle had already started a road over Snoqualmie, acting independently of the rest of the Sound, and that such an action was wrong. They were in favor of the following idea:

Let every effort be directed to one route and have that opened, and not, as appearances seem to indicate, let every section plunge into the woods and mountains on its own favored route, expend their time and money, exhaust their resources without accomplishing much of anything and failing to get a road open.

The author went on to re-recommend the Naches.²

Olympia held a meeting for the benefit of the Naches road on July 10th, twelve days before the Seattle meeting. A

1. Seattle Weekly Gazette, July 13, 1865.
2. Pacific Tribune, Olympia, July 8, 1865.

committee of five was appointed. They were J. T. Browning of Lewis County, George A. Barnes of Thurston, E. R. Rodgers and Van Ogle of Pierce, and H. Butler of King. Five hundred dollars was raised on the spot, which brought the road funds to seven hundred and fifty dollars. Three hundred and forty dollars had been earned by the ladies' entertainment. Olympia lost no time. A working party of fifteen or twenty members, bossed by Van Ogle, began the work.¹

Seattle's meeting was held as scheduled on July 22. A committee composed of John Denny, H. L. Yesler, and J. E. Clark was appointed to solicit subscriptions. Just three thousand dollars would suffice according to the authorities. It was agreed that the funds raised by subscription should be expended on the road through Snoqualmie only, and that they would not construct a road to any particular point on the Sound from these funds. They thought that this arrangement would leave each locality on the Sound the right to build their own road to the pass, thereby doing away with any possible sectional objections.²

Meanwhile Olympia forged ahead. The road work went well, according to Van Ogle's correspondence. Ten miles of the worst part was finished by July 29th at a cost of three hundred and five dollars in coin, far more than was anticipated. A note of pessimism appeared at the end of his letter.

1. Pacific Tribune, Olympia, July 15, 1865.

2. Washington Standard, Olympia, August 5, 1865.

It will take all the money you can raise to make the road passable. Don't leave a stone unturned. The road must go through. The men work like niggers, and will do their part, if the people on the Sound will do theirs. We are doing more work for one hundred dollars than has been done before for a thousand. There is a great deal more to do than I expected at first. ¹

Seattle approached the job a bit more gradually. Her first move was to send A. A. Denny, Wyckoff, Ross, and Perkins to examine the Snoqualmie, Cedar River, and Naches routes. ² When they returned with Snoqualmie as their pass, twenty workers under the direction of William Perkins, who had been awarded a contract, were sent to Ranger's Prairie to begin the work. By that time the subscription fund had reached \$2,500. ³ Five miles, at the rate of one mile per day, were finished by the middle of September. ⁴ A week later ten miles were completed, and bad weather ended the rapid progress. ⁵ The road gang returned to town early in November because of snow, after twenty miles had been completed. ⁶ So ended the work on Snoqualmie for the season.

An interesting sidelight came in the form of a petition for a wagon road from Black River via "Squak Valley" to Snoqualmie Prairie, which was presented to the King County Commissioners late in October. ⁷ Seattle was going to be connected with the road she was building by a better route than Snoqualmie River.

1. Washington Standard, Olympia, August 5, 1865.
2. Seattle Weekly Gazette, August 12, 1865.
3. Ibid., August 26, 1865.
4. Ibid., September 16, 1865.
5. Ibid., September 23, 1865.
6. Ibid., November 4, 1865.
7. Ibid., October 28, 1865.

Meanwhile, Olympia was beginning to realize that her ideas were bigger than her resources. She mentioned that the legislature should ask Congress for a good wagon road over the lowest and best pass in the Cascades. The financing of such a road could be by land grant instead of cash, according to Olympia.¹

The legislature met and an appropriation of \$2,000 was eked out of the territorial treasury to be spent in exploring and improving through Snoqualmie or Naches. The decision as to which pass would be the favored one was left to a surveyor--a Mr. Levi Farnsworth-- who was given the title of Commissioner. If Mr. Farnsworth were to decide in favor of Naches, then W. R. Downey was to take charge of construction. If he decided in favor of Snoqualmie, then John Denny would have the job. In addition \$800 was appropriated to explore a route from Skagit River to Lake Chelan,² a route which has since been worn out with surveys, and still has no road.

So Mr. Farnsworth went exploring and came back with the verdict:

I find the Naches the most practicable of the two, and susceptible of being converted into the best road with the amount of money appropriated.³

Seattle was furious. Reverberations of this fury reached Olympia in the form of a resolution passed by the Seattle citizens:

1. Pacific Tribune, Olympia, December 16, 1865.
2. Washington Session Laws, 1865-1866, pp. 128, 129.
3. Pacific Tribune, Olympia, August 25, 1866.

The Cascade Road:--The citizens of Seattle and King County are highly incensed at the report of road commissioner Farnsworth, because of his preference for the Naches over the Snoqualmie pass and held an indignation meeting in Seattle, on the 4th inst., whereat a set of resolves were adopted as follows:

'Whereas an examination of the Snoqualmie Pass was made June last, by Mr. Levi Farnsworth, Commissioner, in accordance with the provisions of an act of the Legislature, and advice given by Mr. Farnsworth to Mr. John Denny, sub-commissioner, to go on with the work, thereby virtually deciding in favor of Snoqualmie Pass: and whereas said Commissioner Farnsworth has since--and long after the time specified by the Legislature to make a report in relation to said road--seen fit for some cause unknown, to make report adverse to what he had before stated, therefore:

'Resolved, That the citizens of King County believe that unjust and unfair means were had to induce said report by said Commissioner.

'Resolved, That as Snoqualmie is the only practicable pass through the Cascade mountains, from this time forth we shall not rest nor leave any honorable means untried until we have a good wagon road through said pass.

'Resolved, That the scurvy manner in which we have been used merits the indignation and contempt of all honorable men.

'Resolved, That when the people of King County require the advice of Frank Clark, Esq., over the signature of W. R. Downey, they will call at his office and leave the usual fee required to retain such small fry pettifoging.'

The full meaning of this last resolve remains a puzzle.¹ However, it was through this last resolve that the rest of Seattle's resolutions became a fact, if one may skip the word "honorable," for it had much to do with the immediate future of a politician named Frank Clark.

1. Pacific Tribune, Olympia, September 15, 1866.

The next legislature met and Governor Pickering declared himself to be in favor of Snoqualmie. He also pointed out that there was a deep need for a road since the population of the western half of the territory had not increased in ten years--merely because there was no way over the Cascades.¹

In a debate on the subject of Snoqualmie road, McGilvra, from King County, said that \$4,000 should complete the road because twenty-five miles had been opened already, at a cost of \$100 per mile, and that a distance of thirty miles remained to be built. This would leave a sum of \$1,000 just for contingencies. He did not propose a well-graded road. All that was needed was one that the emigrants could get over. Of the opposition to the road he made some points not heretofore noted.

We know full well that if we ever get a railroad or a wagon road either, it will be without assistance of any person or company interested in the navigation of the Columbia.²

We expect the opposition of the gentleman from Walla Walla, also. They are east of the mountains and at least have but little interest or sympathy in common with us. But we do not expect the opposition of any men who hail from the valley of Puget Sound. Such opposition is unnatural.

Mr. Henry from Olympia replied that there was a need for a road, but it would be wisest to decide which route was best before going ahead. He said that Snoqualmie was a very good route, but Mr. Farnsworth had viewed both Snoqualmie and Naches

1. Washington Council Journal, 1866-1867, pp. 25, 26, 27.

2. He was speaking of the opposition of Clark and Klickitat Counties.

and had decided in favor of the latter, and the legislature should stick to that decision.¹

This legislature appropriated \$2,000 for the road, provided that another \$2,000 would come from King and Yakima Counties for the same purpose within nine months.

Naches wasn't mentioned in this act, but Packwood Pass was. A sum of \$300 was appropriated for the exploration of this route, if the same amount were raised by Thurston County.

In addition to all this legislation the commissioners of King, Yakima, and Thurston Counties were authorized to appropriate any sum out of their county treasuries for the purpose of repairing or building any road or exploring any pass named in the act.² Another act generously authorized King County to raise a sum of \$6,000 for the purpose of building bridges and opening roads.³

Meanwhile, Walla Walla County was against all such acts,⁴ and the movement to redivide the territory went on.⁵ But Olympia came around to Seattle's way of thinking. One of the reasons Olympia was brought to terms was that an election was approaching. (At least circumstantial evidence points in this direction.) Olympia's candidate was Frank Clark, the same Frank Clark who was mentioned in Seattle's resolutions of the preceding September. He wanted to be Delegate to Congress. A letter written

1. Washington Standard, Olympia, January 19, 1867.
2. Washington Session Laws, 1866-1867, pp. 226, 227.
3. Ibid., p. 162.
4. Walla Walla Statesman, January 4, 1867.
5. Pacific Tribune, Olympia, February 2, 1867.

by the candidate himself to E. M. Smithers, Frank Mathias, A. S. Miller, and the voters in King County indicates the stand taken by King County. It is as follows:

I have learned with regret that some of my party friends in King County hesitate to extend to me a hearty support in the approaching election for Delegate to Congress, upon the ground that I am personally inimical to the interests of Seattle and King County generally. Permit me to say that this is an error. If elected Delegate to Congress, I intend to exert myself to the extent of my ability to serve the interests of the whole Territory.

I have also to say that I think it of paramount importance to the true interests of the whole Territory that a good wagon road should be constructed from the waters of the upper Columbia river, through the best and most practicable pass through the Cascade mountains to the shores of Puget Sound.¹

Election day dawned. Clark did not win. The counties of King, Snohomish, Clallam, Jefferson, Kitsap, Thurston, Chehalis, Clark, Klikitat, and Pacific voted for Flanders. Those voting for Clark were Pierce, Whatcom, Island, Mason, Lewis, Walla Walla, Skamania, Stevens, and Yakima. With the support of King County, Clark would have won the election.²

That was when Olympia reversed her former stand on the road situation. Roads were unimportant when compared to the game of politics. There was no sense in keeping Seattle angry. Olympia did not want her support to come from Walla Walla. She began to soft pedal. There was an article in an Olympia paper telling about the progress of the Snoqualmie road building. It

1. Washington Standard, Olympia, May 4, 1867.

2. Pacific Tribune, Olympia, June 8, 1867.

went like this--H. B. Manchester had contracted to finish the road and that occasion should have been about October first. Two thousand dollar's worth of bonds had been sold, which was Seattle's supplement to the amount given her by the territorial legislature.¹ The article went on to say:

We are glad to see matters assuming a practical shape at last in regard to a road across the Cascades, and although doubts may still exist in the minds of some as to the best route, it must now be conceded that the Snoqualmie Pass has a fair start and the most available means to accomplish the needed work, and we therefore hope that concentrated action will prevail until we shall have at least one good thoroughfare completed to connect the eastern portion of the territory with Puget Sound.²

The road was not finished in 1867; nor was it finished in 1868. This was no fault of Olympia. Something was wrong in King County. One news story mentioned an appropriation of \$1,400 to be spent on a bridge over Black River. Yesler was to be bridge commissioner. Yesler was a county commissioner at the time.³ Another news story mentioned a petition from Joseph Bott, H. Bowers, and others asking to have the Snoqualmie road changed and to vacate a part of the old road already built. The commissioners appointed the viewers, one of whom was a William P. Smith.⁴ This William P. Smith most certainly could not be a disinterested viewer, as the new road would go to his property.

Again in the 1867-1868 session, money had been appro-

1. See footnote 2 page 49.
2. Pacific Tribune, Olympia, June 29, 1867.
3. Weekly Intelligencer, Seattle, May 11, 1868.
4. Ibid., August 5, 1867.

appropriated for the road. This time it was \$2,500, and there were no strings attached.¹

Road building continued. One of the meetings of the commissioner's court allowed the following bills to be paid "from the Snoqualmie road fund."²

Jas. Weddoes, for work on Snoqualmie Road	\$103.12
W. Stewart " " " " "	88.93
Thomas Cherry " " " " "	48.00
Jacob Jones " " " " "	12.10
Jos. Bush " " " " "	122.50
J. P. Adams for supplies	16.75
J. W. Borst " " "	4.20
A. C. Kimball for supplies	4.20

A request for aid on the Snoqualmie road was sent to Congress by the next session of the legislature. It read:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies, that the citizens of King County have expended (including the Territorial appropriations,) thirteen thousand dollars in opening a wagon road from Seattle, via the Snoqualmie Pass, in the Cascade mountains, to the open country east of said mountains; that the sum was wholly insufficient to build a road suitable for wagons, teams, etc., that it is now almost impassable by reason of its incompleteness, and will soon become entirely so unless a large sum of money be expended in a partial relocation and a thorough working of said road, etc.³

Congress did not appropriate.

The last lap of Snoqualmie road building started in May of 1869. The work of the years before required a bit of recon-

1. Washington Session Laws, 1867-1868, p. 145.
2. Seattle Weekly Intelligencer, November 16, 1868.
3. Washington Session Laws, 1869, pp. 554, 555.

ditioning.

From the Yakima Valley to the Summit, there are no obstacles whatever, but from the Summit to the crossing of Cedar River the road is nearly impassable --the obstructions consisting of about one hundred trees that have fallen across the road, which, with two exceptions, are very small in size. There are also a number of mud holes, that require to be substantially corduroyed. On the shore of Lake Kitchenas, beyond the Summit, a portion of the road has never been opened, and travelers are obliged to raft their wagons for about two miles. At that point they will find a good, substantial raft, already constructed, that is sufficiently large to accommodate any travel. Mr. R. Tilley, who has just crossed with a load of cattle, states that with a few men he could make the road in good condition for travel in ten days. As soon as the weather will permit, Mr. Denny will start with a sufficient force to make the requisite improvements, and parties can depend that the road will be fit for any kind of travel on or about the first of July.¹

This news article brought a statement in the next issue from Mr. A. A. Denny, who had been appointed to supervise the spending of the Snoqualmie road fund,² to the effect that the road gang couldn't start work. There was only \$255 in coin in the treasury. The editor went on to say that apparently the commissioners were under the impression that \$700 worth of bonds were still in the treasurer's hands.³ No more was said about it.

Somehow funds were gathered and the road was finished early in July, except for some bridging needed beyond Snoqualmie Prairie and between Cedar River and Squak.⁴

1. Weekly Intelligencer, Seattle, May 31, 1869.
2. Ibid., May 10, 1869.
3. Ibid., June 14, 1869.
4. Ibid., July 12, 1869.

So the story of the building of Snoqualmie road ends. Circumstantial evidence as viewed through the newspapers of the period seems to indicate a terrific sectional struggle (Olympia vs. Seattle, and east vs. west--the latter struggle predominating in the end), a political game (Frank Clark and company), and local financial corruption (too many roads leading toward the pass, and too much money disappearing here and there).

Snoqualmie, although by far the most spectacular, was representative of Washington's early roads. That there was sectional struggle in the building of all the roads may be seen in the fact that even though the ratio of population of west and east was three to one,¹ the ratio of laws passed concerning roads for the two sections was ten on the west side to one on the east.² As for politics and graft--that was just human nature, and as true today as in 1860.

1. Asa Shinn Mercer, Washington Territory, (Seattle, 1939), p. 41. This ratio of 3:1 is probably exaggerated. If the ratio were 2:1, it would prove my point even more.
2. Washington Session Laws, 1854-1869. (There were approximately fifty laws passed between 1854 and 1869 which concerned the western area and only five that concerned the east.)

CHAPTER IV

FERRIES

The ferry story was well started before the first meeting of the Washington Territorial Legislature. This was indicated by the completeness of the first ferry regulation act, which was passed in 1854, and the few changes of this act made before 1869. The act in brief was that county commissioners could license ferries for not more than five years, the license being renewable at the end of that time. A license was to cost not less than one dollar and not more than \$100 per year. The owner of the land adjoining the ferry crossing was to have first right to the ferry license. Whoever got the license was to give a bond of \$100 to \$500, according to the ruling of the county commissioners--to be forfeited if the ferry were not kept according to law. The boats and docks were to be kept in good repair. A ferryman had to be on the job from dawn till dark and willing to take passengers across at any time of night, unless it was very dangerous. If the ferryman refused to take a passenger or his property across, he was to be fined twenty-five dollars, which was to be given to the injured person, and liable at law for any damage sustained by the person for not having been ferried. County commissioners were to establish rates of ferriage. These rates had to be posted near the ferry, and there was a fine

of ten dollars to be paid to the injured party for any overcharging. Persons were to be ferried across according to the order of their arrival at the landing, except for public officers on business, post-riders, couriers, physicians, and surgeons, who were to be ferried immediately. Every person licensed to keep a ferry was to have a monopoly at that place, except that a person could cross in his own boat and take his neighbor across but not charge. If the ferry owner failed to pay his taxes and failed to keep the ferry in good condition, county commissioners could cause the ferry to be disused for a month or revoke the license. Anyone maintaining a ferry and charging without obtaining a license was to be fined twenty-five dollars for each offense, unless there was no ferry operating at that place.¹

According to the above act the county commissioners were in charge of the ferry business, except for the elastic last clause--unless there were no ferry operating at that place. Nevertheless, the legislature itself granted many charters and established many rates of ferriage both in the eastern and western portions of the territory.²

An act relating to ferries, toll bridges, and turnpike roads, passed in 1862, stated that legislative grants or charters establishing the above mentioned items would:

1. Washington Session Laws, 1854, 1st session, pp. 354-346.
2. There were no less than ninety-eight legislative acts concerning ferries passed between 1854 and 1870 and included ferries over the Bitterroot, Snake, Columbia, Chehalis, St. Joseph, etc. Washington Session Laws, 1854-1869.

...include the grant of right of way over the land of private individuals, so far as the same may be necessary to enable the party or parties receiving such charter or grant to carry into effect such ferry, bridge, or turnpike road: Provided always, That no more land shall be trespassed upon than is absolutely requisite to secure the necessary landings, ferry house and roadway to accommodate the traveling public.¹

The 1862 session restated the ferry laws of 1854. There was only one difference. A minimum of one dollar a year tax was raised to a minimum of eleven dollars a year.² The same laws were restated again in 1869.³

If the number of legislative acts is any indication as to the amount of ferry building during this era, the years from 1859 to 1865 were the ferry building years. During this time there were seventy-one acts which authorized various individuals to carry on ferry business at certain places, as compared to eleven such authorizations during the years from 1854 to 1859 and nine from 1865 to 1869.⁴

The reason for the decline of ferry building may be attributed to the increase in the construction of bridges by the counties and by private individuals. (Counties had little to do with ferry traffic other than to supervise individual enterprises. If county traffic indicated a need for getting across a certain river at a certain point, and if the commissioners agreed, the county would build a bridge rather than try to keep

1. Washington Session Laws, 1862-63, p. 530.

2. Ibid., pp. 521-525.

3. Ibid., 1869, p. 280.

4. Ibid., 1854-1869.

a ferry going at that place.) In some cases, such as the Packwood ferry,¹ the individual who had previously constructed a ferry asked for permission to build a bridge and charge toll.

Examples of the acts which authorized the building of ferries are as follows:

L. H. Davis was given permission to establish a ferry across the Chehalis River where the military road from Fort Steilacoom to Fort Vancouver crossed the river near his home. The rates of toll were to be ten cents for a footman, twenty-five cents for a man and horse, thirty-seven and one half cents for a horse and carriage, fifty cents for two horses and wagon, fifty cents for two oxen and wagon, fifteen cents for each additional span of horses or cattle, ten cents for loose animals other than sheep and hogs, and five cents a head for sheep and hogs. County commissioners could alter the rates of toll.²

Ed. L. Massey was given permission to establish a ferry on the Snake River, where the territorial road from Walla Walla to Fort Colville crossed the river. This charter was good for six years. Massey was to pay an annual tax not exceeding twenty-five dollars a year to Walla Walla County; but the legislature, not the county, was to regulate the rates of ferriage. Such rates were to be as follows (with one-half fare for emigrants): Wagon with two animals, five dollars; pleasure wagon with two animals, three dollars; hack or sulky with one horse, two dollars;

1. Washington Session Laws, 1859-60, p. 458; 1860-61, p. 105; 1861-62, p. 72.

2. Ibid., 1857-58, p. 45.

each man and horse, a dollar and a half; each pack animal, one dollar and a half; each head of loose horses or mules, seventy-five cents; each footman, fifty cents; each head of loose cattle, fifty cents; each head of sheep, goats, or hogs, ten cents.¹

Fares and other regulations for the ferries, which were granted charters by the legislature, varied. Very few were alike.

The following is a description of the ferry itself as taken from an advertisement:

"Snake River Ferry

Direct Route to

Kootenai, Colville, and Bitter Root

40 miles from Walla Walla

At the mouth of the Palouse River

Cronly & Co. having purchased the entire interest of McWhirk Brothers in the above old established Ferry, are now prepared with new boats and wire to cross a thousand animals any hour. This route is the Shortest, Safest and Best road to the northern mining camps. Attentive and obliging Ferrymen will be kept in attendance, and any detention in crossing on their part, upon being reported to the proprietors, will be attended with immediate dismissal.
Hay and Grain constantly on hand.

Cronly & Silcott"²

1. Washington Session Laws, 1858-59, p. 55.
2. Walla Walla Statesman, January 4, 1867.

CHAPTER V

BRIDGES AND WAGON ROADS

The replacing of ferries by bridges happened at the same time as the building of turnpike roads and occurred in the following manner.

The first session of the territorial legislature passed an act which provided that any persons owning the land or having permission of the owners could build a good substantial bridge, plank or turnpike road at his own expense and receive compensation in such tolls as would be reasonable, just so he posted his charges on the first Monday in January and remained with those charges through the year. According to this act anyone could build a bridge anywhere and collect toll, but he probably would not because the legislature also said that the county authorities could build a road or bridge alongside the road or bridge so constructed. No person could obstruct any county or territorial road already laid out. The county or territory could buy the road or bridge at a fair price. Proper authorities could build a road across a toll road, and vice versa, free of charge, if there were no damage done to the road in question.¹

The 1859-60 session made an amendment to the former

1. Washington Session Laws, 1854, 1st session, p. 361.

act. It made the owner of the bridge liable for damages done to persons or property passing over the bridge.¹ A later act during the same session authorized the county commissioners to pass rules for the "protection and preservation" of public and private bridges. Fines emanating from fast riding and driving over the bridges and neglect of the bridges were to go to the school fund.²

Three years later there was a restatement of the first act³ and another act which said:

Section I--That legislative grants or charters to individuals and companies to establish ferries, toll bridges, or turnpike roads, shall include the grant of right of way over the land of private individuals so far as the same may be necessary to enable the party or parties receiving such grant to carry into effect such ferry, bridge, or turnpike road: Provided always, That no more land shall be trespassed upon than is absolutely requisite to secure the necessary landings, ferry house and roadway to accommodate the traveling public.

Section 2--Any damage enuring to any person or persons by reason of appropriating his land for a landing or for said right of way, shall be paid for.⁴

The same year an act providing for the building of bridges by the various counties was passed. County commissioners were to decide what bridges were to be built by the county and in what road district the bridge was located and who was to build them. If the bridge cost came to more than fifty dollars, it was to be

1. Washington Session Laws, 1859-60, p. 328.

2. Ibid., p. 331.

3. Ibid., 1862-63, p. 528.

4. Ibid., p. 530.

built by the county. If it was less, the road district would be responsible. Repairs, if they did not exceed fifty dollars, were to be handled by the road district. The bridge builder was to have the title of "bridge commissioner." His job was to decide the cost and to award the contract. He was to be liable for damage done to individuals. County commissioners had to appropriate the money before the bridge commissioner could start work. A bridge over water dividing two counties was to be supervised by a joint meeting of the two groups of commissioners. It was to be paid for by each county in proportion to the tax list. The way in which one went about getting a bridge where he needed it was to get ten signatures on a petition and present it to the county commissioners.¹ This was the first machinery for the construction of county bridges.

The legislation of 1863-64 included an act authorizing county commissioners to lease public roads when there was little or no labor along the line of the road. A majority of the citizens in the district had to petition for such an action. The lease could last for just ten years, during which time the lessee could collect and receive specified tolls for travel thereon. If a road was leased, it had to be done by sealed bids and newspapers had to publish a notice for four weeks preceding the event. A bid had to be accompanied by \$2,000 or securities for that amount. The lease could be cancelled whenever the lessee wished to quit or if the road was not cleared of standing timber and the track

1. Washington Session Laws, 1862-63, p. 525.

for traveling was not kept in such order and have such grade, bridges, and ferries as the contract specified. Any person traveling from one portion of his farm to another or persons in his employ, or persons going to or returning from church, funeral, or election did not need to pay toll. The rate of toll was to be as follows-- A sheep or hog was one unit. Horses, mules, and cattle were to cost four times the amount charged for a sheep or hog. Each horse rider and footman was ten units (or ten times the cost of a sheep or hog). A two wheeled vehicle was twenty units, and a four wheeled vehicle forty units. Any person refusing to pay toll was to be charged three tolls.¹

The laws of 1869 restated the above law of 1863-64.²

Another law concerning such roads was passed this same year. It said:

A corporation organized for the construction of any railroad, macademized road, plank road, clay road, canal or bridge, shall have a right to enter upon any land between the terminus thereof, for the purpose of examining, locating, and surveying the line of such road or canal, or the site of such bridge, doing no unnecessary damage thereby.

Such a corporation could appropriate so much of the land as it needed for the line (not more than sixty feet in width) plus what was needed for the following:

...toll houses, work shops, materials for construction, (timber excepted), a right of way over adjacent lands to enable such corporation to construct and

1. Washington Session Laws, 1863-64, pp. 26-29.

2. Ibid., 1869, pp. 285-288.

repair its road, canal, or bridge, and to make proper drains; and in the case of a railroad, to appropriate sufficient quantity of such lands, in addition to that before specified in this section, for the necessary side tracks, depots and water stations, and the right to conduct water thereto by aqueduct; but no such appropriation of private property shall be made until compensation therefor be made to the owner thereof by reason of the proposed improvement by such corporation, in the manner hereinafter provided.

If the corporation happened to find it necessary or convenient to use a part of a public road, it could go ahead and use it. Any road (not a railroad) built by a corporation under this act had to be cleared of standing timber for a width of thirty feet and have a track in the center not less than sixteen feet wide finished and kept in good traveling condition, except when the cutting on the road was six feet or more deep on either side, in which case the track could lawfully be just ten feet wide with turnouts of sixteen feet wide every fourth mile. The corporation had to build bridges or ferries where necessary or connect with those already constructed. After ten years the county could buy the road, or bridge. Toll was to be collected. A railroad could charge whatever it wanted to charge. If a corporation couldn't come to an agreement with the property owner, it could maintain action against the owner for the purpose of determining what a fair price should be.¹

Such were the laws which governed the construction of bridges and wagon roads. The exact number constructed would be

1. Washington Session Laws, 1869, pp. 343-348.

very difficult to estimate, because here again the county commissioners were given a fairly free reign. The toll roads in which the legislature was interested were rather few. There were only thirteen acts passed creating road companies or authorizing individuals to build such roads. There were twenty four acts concerning various bridges, which was a rather small number when compared to the number of acts relating to ferries (ninety-one).¹

The following is an example of the construction of one of these toll roads as taken from the Washington Statesman. It was the Grande Ronde and Auburn road, which went from Walla Walla to Linkton's Mill to La Grand in Grand Ronde Valley then to Auburn. Joint stock capital was \$5,000 in twenty shares at \$250 per share. At the time this article was written eighteen shares had been taken. The list of those who had such shares and the amount they possessed was as follows: John A. Simms--two shares, Kyger and Reese--two, Kohlhauff and Guichard--one, Brown Brothers and Company--one, Schwabacker Brothers--one, J. Fairchild--one, D. S. Baker--one, William Bingham--one, G. DeLaney--two, S. Linkton--two, Way Bush and Company--one, William A. Mix--one, P. Jacobs and Company--two, and J. Drumheller--one. The officers in the company were as follows: John A. Simms--president; R. Guichard--Secretary-Treasurer; DeLaney, J. H. Fairchild, and William Bingham--directors. The company was to extend its road to Boise and from the Grand Ronde valley to the Florence

1. Washington Session Laws, 1854-1869.

and Warren mines. This road was not incorporated under the laws of Washington but under the laws of Oregon. It was to be a toll road until the citizens of Walla Walla and Grand Ronde wished to buy it. The reason for building it was to shorten the distance from the nearest point of navigation to the Powder River and Boise mines by forty miles.¹ Apparently the road was opened according to a news article appearing in the same newspaper the next spring. This article stated that Wells Fargo and Company was sending express by way of Grande Ronde to Walla Walla.²

A typical bridge act was as follows: William Nix, W. J. Terry and others formed the Spokane Bridge Company and were given permission to build a bridge across the Spokane River, Spokane County, at or near the government crossing or within five miles of said crossing. Capital stock was not to exceed \$20,000 at \$100 per share. The maximum toll that they could collect was to be as follows: foot passenger--twenty-five cents, man and horse--one dollar, animal and pack--seventy-five cents, cart and one horse--one dollar and twenty-five cents, cart and two horses--one dollar and a half, four wheeled wagon and one horse--a dollar and a half, four wheeled wagon and two horses--one dollar and seventy-five cents, for each additional horse or ox--twenty-five cents, carriage and four horses--two dollars, horse, mule, and cow--twenty-five cents each, sheep or hog--ten cents each. A ten-dollar fine was to be collected for speeding

1. Washington Statesman, Walla Walla, November 29, 1862.
2. Ibid., April 18, 1863.

on the bridge and a \$500 fine for doing any willful injury to the bridge. The bridge had to be finished within three years. After ten years of collecting tolls, the commissioners of Spokane County would be able to buy the bridge. In case anyone was injured because the bridge needed repair, the company was liable. The company was subject to taxation.¹

1. Washington Session Laws, 1860-1861, pp. 97-99.

CHAPTER VI

CONCLUSION

A modern historian has written the following words in regard to the early transportation systems of the western area of the United States:

Aside from a considerable number of military roads laid out by the federal government, the story of road-making in the West is to be found in the histories of the various Territories and States. Legislatures enacted a large volume of road legislation, most of which, no doubt, was designed to meet a real need, but some of which was the result of log-rolling and pork-barrel politics. A number of excellent turnpike roads were built either by the States themselves or by private companies. In general, however, the tendency was toward turning the making and care of roads over to the local units of government--the counties and townships. The practice of allowing people to work out their taxes on the roads produced results that varied with the industry and community pride of the workmen and the judgment and skill of overseers.¹

The above generalization was quite true in the case of Washington Territory. The early legislatures did enact a large volume of road legislation, which was designed to meet a real need. The country was becoming settled. Trails and boats were not sufficient to handle much more than the fur trade--let alone the oncoming farmers and miners and their household possessions. The legislature satisfied this need by making it possible to build

1. Dan Elbert Clark, The West in American History, p. 298.

such roads, bridges, and ferries as were constructed.

The case of Snoqualmie road certainly shows that "log-rolling and pork-barrel politics" were present in Washington Territory.

The same items that would constitute an "excellent" road in this day and age were not meant for the early roads of Washington. Just what the author of the quoted paragraph meant by the term "excellent" is sort of hazy. If he meant a road that had a track wide enough for a wagon and be cleared of fallen logs and salmon berry bushes, and had corduroyed places where there was mud, then the private and Territorial roads were excellent.

The general tendency in the Territory of Washington was to turn as much of the road building as possible over to the counties, as is indicated by the road legislation. Having the roads constructed and repaired by the various counties and the necessity of having the work done by forced tax labor did cause much variation in the workmanship. This is indicated by the large number of changes in the road tax levy, officials and their duties, and in the fact that some of the road laws which were passed were for certain counties.

In the case of bridges and ferries the general tendency of the Territorial Legislature was to turn all such worries over to the county commissioners. Even the private companies were to be supervised by these officials.

By 1870 the roads, bridges, and ferries of Washington

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were getting the people and goods to their respective destinations. The excellence of such roads, bridges, and ferries is somewhat doubtful; but they were wonderful because they suited a definite need. Moreover, the legislative machinery for road, bridge, and ferry building was almost adequate for the time; and the counties could go ahead and do practically as they pleased. The predominance of the road, bridge, and ferry in the legislative debates was no longer apparent.

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