

these possessory rights? When the government of the United States extended its land laws over Oregon and Washington, the Hudson's Bay people began to claim a fee simple in the land they had occupied; but they were soon made to understand that his gracious majesty could not give what he never possessed, a title to this land; that our government claimed its right of eminent domain, not from the treaty of 1846, but from the days of Robert Gray and Lewis and Clark, and finally that our donation laws and pre-emption statutes were for American citizens and not for the gentlemen and adventurers licensed to trade to the Hudson's bay.

What had the priests been doing in the eleven years that had elapsed since their arrival? They had been performing the usual duties of parish priests, and, as before stated, real missions had been opened at the Cowlitz, Nequally and on the Tualatin plains. Until Dr. McLoughlin left the service of the Hudson's Bay company and became an American citizen, they had always held service within the stockade; but Sir James Douglas was a zealous Church of England man, and so moved them outside of the fort proper, and read church services to his Protestant followers in his own quarters. Yet he built a chapel for the priests (this is the building shown in the large sketch in the center of this number, made in 1854) and continued to pay them their £100 a year. He knew that they well earned this stipend by their restraining influence over his wild *voyageurs* and *couriers du bois* and their half-breed families. There was also quite a settlement of Sandwich Islanders, Kanakas, working for the company, and they also had their preacher, "Kanaka William," who also held religious services for his dusky followers in a cabin, assigned for the purpose hard by the Catholic chapel.

When Maj. Hathaway arrived in 1849 with his two companies, the priests were away and Douglas rented the priests' cabin to the quartermaster, and it was for a time occupied by some officers. There is a report that the church was used as a granary, but General Rufus Ingalls, who was the first post quartermaster, says, that, although he could have had it for the asking, he never rented it nor used it. It is a matter of dispute as to when the priests returned, but it is not questioned that they occasionally held services in their chapel during the joint occupancy of this reservation by the United States garrison and the Hudson's Bay company. After the first log quarters for the garrison were built, the priests' house was given up and was occasionally occupied by a French priest named Brouillet. Soon after the regiment of mounted rifles came, in 1850, some citizens organized a county government, the district around Vancouver having been designated as Clarke county, of the territory of Oregon, the year before, and tried to locate their county seat, not only in the recently declared reservation, but within the limits of the post itself. They divided the lower grounds of the garrison into town lots and sold them at public auction for \$1.00 each, and then applied to the first territorial court for an injunction to restrain the post commandant (Maj. Ruff) and the post quartermaster (Capt. Ingalls) from prosecuting the building of the post. The injunction, after due argument, was refused, and the City of Columbia was not built; but years after, when the mission case came up for trial, it was proved that the priests stood mute when the sheriff was selling town lots on the ground the church subsequently claimed, and denied to the assessor that the church had any property, real, personal or mixed.

But we must turn back again, this time to get our sacerdotal reckonings. As soon as the treaty of 1846 was confirmed the Catholic church transferred this part of the country to an American diocese, that of St. Louis. First the Canadian priest, A. M. A. Blanchet, was made a vicar general, which corresponds to our military grade of adjutant general, or the Methodist rank of presiding elder. As soon as Washington was made a territory, in 1853, he was made bishop of Nequally, with a jurisdiction corresponding nearly with the new territory. In the mean time, Lieut. Col. Bonneville, Fourth Infantry, had assumed command of the post, and one of his first acts was to invite Father Brouillet to take up permanent quarters in the post, and there is a tradition, which can not, however, be verified by positive proof, that Col. Bonneville himself suggested to the Catholics the idea of claiming title to this reservation by legislative grant; for, on August 14, 1848, an act of congress was duly approved by the president, which provided, "That the title to the land, not exceeding 640 acres, now (then) occupied as missionary stations among the Indian tribes in said territory, together with improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectfully belong." That was in the organic act of Oregon territory.

In May, 1853, or as soon as a government land office was opened on the north side of the Columbia river, Bishop Blanchet filed his claim under this act. No action was taken on this claim until after the expiration of the Hudson's Bay company's license, in 1859, when the commissioner of the land office acknowledged the claim of the mission and ordered the land to be surveyed and set off to it; then Governor Isaac I. Stephens, of Washington territory, protested in behalf of the military reservation, the town of Vancouver and the heirs of one Amos Short. Upon this the commissioner of the general land office directed the surveyor general of the territory to make an investigation, which he did at Vancouver in April, 1860. But dur-

ing this investigation the military authorities stood mute and took no part. Dr. Henry, the surveyor general, did not make his report until 1862. It was, without any reservation whatever, in favor of the mission claim. This decision was reversed the next year, 1863, by the commissioner of the general land office; from this decision the church authorities appealed to the secretary of the interior, employing General Charles Ewing, a brother-in-law of General Sherman, as their attorney in Washington. In May, 1864, Attorney General Bates gave an opinion that "The validity of the mission claims all depends on matters of fact, possession, occupancy and the time thereof." He concluded by holding, "That these points should be decided by courts of law and not by executive officers." In 1871 the subject was again referred to the attorney general for an opinion. On January 20, 1873, the opinion was given by Assistant Attorney General W. H. Smith, to the effect "That as the mission claim was opposed by the military reservation claim, by the Vancouver town site claim, and by the donation claim of the Short heirs, as to the remainder of the 640 acres not embraced in the reservation claim; that the church (as the representative of the religious society called the St. James mission) was only entitled to the land actually occupied by the church building, to-wit: Forty-four-one-hundredths part of an acre."

Here it is necessary to explain that in laying off the military reservation, Colonel Bonneville, then in command of the post, took a comparatively narrow river front and ran his lines back about a mile and a half on the magnetic meridian. The representatives of the mission, with more wisdom, located their claim so as to have a mile frontage on the Columbia river, and locating their square mile, so as to embrace 430 acres of the lower and only improved part of the military reservation, the improved part of that claim and all of the part of the town of Vancouver lying between the west boundary of the reservation and the main street of the town, making in all their 640 acres. In fact the mission people made several experimental locations, before they finally settled down on the one which they thought would most decidedly give them the better of the Philistines. From the lines of their first survey, it would appear probable that the priests only at first intended to apply for a donation claim, but upon inspiration finally determined to claim under the legislative grant of 1848.

To resume the narrative of proceedings, the Hon. B. H. Cowen, acting assistant secretary of the interior, acting on the opinion of Asst. Attorney General Smith, decided that the so called mission was entitled to forty-four-one-hundredths part of an acre and no more, and instructed the surveyor general of the territory of Washington to survey and set aside so much for them, for which a patent would be tendered, or if the applicants were not satisfied with this, giving them sixty days in which to appeal. The grounds upon which this ruling was made, were in substance, that the land said to have been occupied by the mission was not set forth by specific boundaries, was not enclosed or even marked by blazes on trees or other marks and that the only occupancy proved was as to the land covered by the church. It was not until August 28, 1883, that the survey of the half acre, or to speak by the card .46,346 part of an acre, was certified. Within the sixty days allowed, the church authorities appealed. Hereupon the commissioner refused to issue the patent which had been tendered. For a time a languid correspondence was kept up by the representatives of the mission, first with the interior department to get a reversal of its adverse decision and then with the war department to get the secretary of war to take favorable action on a report Col. Hardie, A. I. G., had once made in their favor. But the claim had by this time gotten into the hands of the Tite Barnacles and into the circumlocution circle and all any one could learn was that the cause was now suspended on a question of courtesy between the interior and the war departments.

The mission, however, could well afford to play a waiting game; witness die, but the church lives in *secula seculorum*. Then, too, the priests had been doing much better in the field than in the cabinet. Col. Bonneville had brought them back and allowed them to enclose for their own use five acres in the midst of the reservation. With his consent (Gen. Ingalls testifies) a house was built for the new bishop and gardens and orchards were planted. Indeed, Bonneville and Brouillet got along as pleasantly and convivially as Robin Hood and Friar Tuck. Even when Col. Tompy Morris took command this amiable armed neutrality continued. An abandoned settler's store was given to some sisters of charity who had braved the dangers and the hardships of the wilderness. There is no doubt but that these excellent women did better work and kept a more orderly house than their predecessors. Gaining confidence as time went on, the church put up a large, two-story frame building on the five acres and called it the College of the Holy Angels. This was done while Lieut. Col. A. J. Dallas was in command of the post. If some of the early post commanders seemed somewhat careless of the rights of the government, it is fair to say that no one back in the fifties could realize that in a single generation lots would be selling for nearly two thousand dollars in Vancouver, and that acre property in the vicinity would run up to a thousand; nor could those who lived in the old log houses they built themselves well foresee that the government would one day make improvements here worth half a million. Then, too,