

Oregon: Beginnings of Self-Government

Oregon came into the American sphere of influence in the 1790s when Captain Gray discovered the mouth of the Columbia River. Jefferson sent Lewis and Clark to explore Oregon in 1804, but he saw it possibly developing into a parallel, independent Republic of the Pacific, rather than a part of the United States.

The 1818 Treaty of London, which officially ended the War of 1812 and set the northern border of the Louisiana Territory at the 49th parallel, defined the Oregon Country as from Russian Alaska (54 degrees, 40' N) to Spanish California (40 degrees N) and from the Pacific Ocean to the crest of the Rocky Mountains. Political control was not vested in either the U.S. or Britain; the area was considered to be under "joint occupation." The treaty would be automatically extended every ten years (as it was in 1828 and 1838) unless one side gave notice of renegotiation (as the U.S. did in 1846).

Early Seeds of Government:

In Oregon at this time, the need for government depended upon who you were. The local Indians had tribal laws and customs that served their cultures perfectly well. Hudson's Bay Company employees, whether active or the retired French-Canadians farming the Willamette Valley's French Prairie, came under the jurisdiction of the HBC charter and its factors.

But the American fur traders, missionaries, former seamen, and arriving immigrants were on their own. They were outside the United States and lacked the protection of any government. As early as 1838 the Methodist Mission had provided a magistrate and constable for the protection of American rights, but there were no formal laws to guide their decisions except their own opinions and preference. Once a decision was made there was no avenue of appeal. In 1838, Jason Lee left for the east to request reinforcements for his mission. When he left he was also armed with an appeal from the settlers asking the Government to assume control of the Oregon territory. Their plea fell on deaf ears.

In 1840 a petition was drawn up and sent to Congress which stated that the signers had settled in the Oregon territory in belief that it was the domain of the States, and that they could rely on law and protection; however no protection was being provided. The petition was signed by 63 persons of the United States and persons desirous of becoming so. It was carried by Thomas J. Farnham, a member of the Peoria Party who had arrived in 1840 and was returning east.

On February 7, 1841 an informal meeting was held "for the purpose of consulting upon the steps necessary to be taken for the formation of laws and the election of officers to execute them." It was chaired by Rev. Jason Lee and in a short address advised the selection of a committee to draft a constitution and code of laws for settlements south of the Columbia. Little more was done other than to recommend to all Americans to consider the possibilities of electing a governor and other State officers.

The Death of Ewing Young (1841):

An incident occurred early in 1841 that underlined the need for an American government. Ewing Young, entrepreneur and cattle baron, died with considerable wealth, no apparent heir, and no system to probate his estate. A meeting followed Young's funeral at which a probate government was proposed. The committee to address these questions consisted of Rev. Jason Lee, Rev. Gustavus Hines and George W. LeBreton. Doctor Ira Babcock of Jason Lee's Methodist Mission was elected Supreme Judge. He administered the estate of Ewing Young to the satisfaction of the whole community using the laws of New York State as a guide.

George W. LeBreton was elected recorder and William Johnson became sheriff. The justices of the peace were Gervais, Cannon, Moore and Judson. The constables were Gervais, Ladaroute, McCarty and Bellique. [How Gervais managed to be both a justice and a constable is not explained.]

Most of the offices established in 1841 were vacant by 1843, as the probate government had no particular power outside divvying up the estates of the recently deceased in the event that they left no will or heirs. Lacking any other body to address the difficulties facing the American settlers, Babcock chaired two "Wolf Meetings" in 1842 which were ostensibly held to discuss the need to protect the countryside from wolves and other vermin "worse than wild animals," a thinly-veiled reference to the British. Babcock also chaired the two Champoeg Meetings which followed. The five meetings of '41 through '43 flowed together as a gradually unfolding process which led to the creation of a new government.

The Wolf Meetings (1842):

On February 2, 1842, a meeting was held at the Institute, in Salem, for the purpose of "taking into consideration the propriety of adopting some measures the protection of our herds..." This is known in Oregon history as the "Wolf Meeting" and was presided over by Dr. I. L. Babcock, the secretary being W. H. Willson. After considering the purposes of the meeting, it appointed a committee consisting of William H. Gray, Alanson Beers, Joseph Gervais, William H. Willson, G. W. Bellamy and Etienne Lucier, who were instructed to make arrangements for an adjourned meeting to be held on March 4 at the house of Joseph Gervais, on French Prairie.

At this March meeting the committee appointed on February 2nd made the following report, which will give the student of early Oregon history a clear insight into the primitive condition of affairs and what the people were compelled to accept as an unavoidable duty. The report, which was in reality the germ that produced the succeeding governments, provisional, territorial and State, was as follows:

It being admitted by all that bears, panthers, wolves, etc., are destructive to useful animals owned by the settlers of this colony, your committee would respectfully submit the following resolutions as the sense of this meeting, by which the community may be governed in carrying on a defensive and destructive war against all such animals.
Resolved,

1. That we deem it expedient for this community to take immediate measures for the destruction of all bears, wolves, panthers and such other animals as are known to be destructive to horses, cattle, hogs and sheep.
2. That a treasurer shall be appointed who shall receive and disburse all funds in accordance with drafts drawn on him by the committee appointed to receive the evidences of the destruction of all such animals, and that he report the state of the treasury by posting up public notices once every three months in the vicinity of each of the committee.
3. That a standing committee of eight be appointed whose duty it shall be, together with the treasurer, to receive the proofs of the evidences of the animals for which bounties are claimed having been killed in the Willamette valley.
4. That a bounty of fifty cents be paid for the destruction of a small wolf; three dollars for a large wolf; one dollar and fifty cents for a lynx; two dollars for a bear and five dollars for a panther.
5. That no bounty be paid unless the individual claiming such bounty gives satisfactory evidence, or by presenting the skin of the head, with the ears, of all animals for which he claims a bounty.
6. That the committee and treasurer form a board of advice to call public meetings when deemed necessary to promote and encourage all persons to use their vigilance in destroying all the animals named in the fourth resolution.
7. That the bounties named in the fourth resolution be confined to whites and their descendants.

On motion, it was

Resolved, That no one receive a bounty (except Indians) unless he pay a subscription of five dollars.

It was moved and seconded that the Indians receive one-half as much as the whites.

It was moved and seconded that all claims for bounties be presented within ten days from the time of becoming entitled to such bounties, and if there should be any doubt, the individual claiming such bounty shall give his oath as to the various circumstances.

During 1842, agitation for an organized government began to increase. At one point a movement to make Oregon an independent country seemed popular. The annual arrival of new settlers and the simmering resentment of the British made for lively debates at the Oregon Lyceum and Willamette Falls Debating Society. Three individuals led the independence movement: Lansford Hastings, William Bennett, and James Marshall. Interestingly, it was in California that all three would later make their mark on history -- Hastings for his ill-conceived guidebook that doomed the Donner-Reed Party, Bennett for his role in the Bear Flag Revolution, and Marshall for discovering gold while supervising the construction of a sawmill for Johann Sutter in 1848.

The Provisional Government (1843):



The continuing "Wolf Meetings" of early 1843, became historical as the initiation of Oregon self government. On May 2, 1843, one hundred and two settlers met at Champoeg on the edge of French Prairie, halfway between Lee's Mission and Oregon City in the heart of the Willamette Valley (the entire community of Oregon males). Fifty-two Canadians had instructions from the Hudson's Bay Company to head off any attempts at organizing an independent government. Fifty Americans stood united in favor of doing just that. Chaos almost prevailed, but when a vote was called for, two Canadians -- Etienne Lucien and Francois Matticaux, who were former Astorians and thus probably not as loyal to the HBC as the other Canadians -- joined the unified American bloc for a 52-50 vote. In principle, Oregon's Provisional Government was born that day.

There are two schools of thought as to just what was decided that day. The most common school is that the settlers decided Oregon would be part of the United States, not part of Canada (and, therefore, part of Britain). A "yes" vote, therefore, would be a vote to divide Oregon from Canada and Britain.

The second theory is that the May 2nd vote established a provisional government and was not, in and of itself, a vote to join The United States. The 102 farmers, trappers, laborers, and adventures who gathered that day included 52 who came from Canada and 50 who had come to Oregon from American states. They met in Champoeg because it was a convenient site for the majority of them. The climactic moment came when mountain man, trapper, and farmer Joseph Meek forced the issue. He cried out "Who's for a divide? All for the report of the committee and an organization, follow me!" Meek himself, speaking some years later, claimed he actually said: "Divide! Divide! Who's for a divide! All in favor of the American Flag, follow me!" While this version is more flamboyant, he was evidently the only person who remembered it that way.

There has been conflicting information over the years on who was on hand for the vote. The list below was compiled by George H. Himes with the help of F.X. Matthieu.

Provisional Government Voters:

Mr. George H. Himes, Secretary of the Oregon Historical Society, gave the following as a nearly complete list of names of those present at Champoege, May 2, 1843 [the spelling of the names is as presented in the original document].

"English-speaking settlers, mostly Americans: Robert Shortess, George Gay, John Howard, William H. Gray, J.L. Babcock, Rev. Gustavus Hines; Rev. Harvey Clark, Rev. J.S. Griffin, L.H. Judson, W.H. Willson, George W. Ebberts, Robert Moore, T.J. Hubbard, Doty, John Ford, William McCarty, Charles Campo, Amos Cook, Caleb Wilkins, David Hill, Medorem Crawford, George Abernethy, F.W. Pettygrove, J.L. Morrison, Robert Newell, Sidney Smith, Joseph L. Meek, G.W. LeBreton, Joseph Holman, Rev. David Leslie, Rev. J.L. Parrish, A.T. Smith, Alanson Beers, A.E. Wilson, Hugh Burns, James A. O'Neil, [John] Larison, Reuben Lewis, J.C.Bridges, C. McRay [McKay], Rev. W.W. Kone, Francis Fletcher, William Johnson, Joseph Gale, L.W. Hastings, Peter H. Hatch, Barnaby, Rev. A.F. Waller.

French-Canadians: Xavier Laderoot, Antoine Bonanfont, Andre LaChapelle, Pierre Papin, Jean DuCharme, Louis B. Vandalle, Fabien Maloin, Luc Pagnon, Etienne Gregoire, Amable Arcouette, Pierre deLord, Louis B. Vandalle, John Sanders, Pierre Pariseau, Charles Rondeau, David Doupierre, Andre DuBois, Pierre Dupot, Moyse Lor, Pierre LeCourse, Pierre Belaque, Augustin Remon, Joseph Matte, Francis Bernier, Joseph Bernabe, Baptiste Dequire, Adolph Chamberlain, Jean Lingras, Jean Servas, Alexis Aubichon, Michelle Laferte, Jean B. Dalcourse, Louis Osant, Jean B. Aubichon, Antoine Felise, Michael Laframboise, Joseph Gervais, Jean B. Paupin, Oliver Briscois, Thomas Roa, Louis Boivers, Andre Langtain, Etienne Lucier, Alexis Lapratte, Gedereau Sencalle, Thomas Moisan, Pierre Gauthier, F.X. Matthieu"

(Reference: Pioneer Days of Oregon History, Vol II by S.A. Clarke)

Public Meeting
At Champsoick, May 2^d 1843

At a public meeting of the inhabitants of the Willamette Settlements, held in accordance with the call of the committee, chosen at a former meeting, for the purpose of taking steps to organize themselves into a civil community, and provide themselves with the protection, secured by the enforcement of law and order.

Dr J. S. Babcock was chosen Chairman and Moses Gray, S. B. Weston and Wilson, Secretaries.

The committee made their report - which was read, and

A motion was made that it be accepted - which was lost

Considerable confusion existing in consequence - It was moved by Mr S. B. Weston & seconded by Mr Gray - that the meeting divide, preparatory to being counted - those in favor of the objects of this meeting taking the right, and those of a contrary mind taking the left - which being ~~done~~ carried by acclamation, and a great majority being found in favor of organization, the greater part of the dissenters withdrew

It was then moved and carried that the report of the committee be taken up and disposed of article by article.

The Organic Act:

A legislative committee was created and instructed to draft a constitution and report back on July 5. The committee met in Oregon City in May and June. Their constitution, called the Organic Act, was adopted on the 5th of July, officially marking the birth of the Provisional Government.

The makeup of this nine-man legislative committee was classically American, with a mountain man, missionaries, Oregon Trail pioneers, and one or two potentially shifty characters sitting at the same table.

Robert "Doc" Newell had been in Oregon as a mountain man since the early 1830s and had retired to his Champoeg farm. Thomas Jefferson Hubbard had jumped ship in 1834 and was cleared of a murder on Sauvie Island before settling down. James O'Neil had arrived with the 1834 Wyeth Expedition.

The next four members had all come to Oregon to be part of Jason Lee's Methodist Mission. William Gray, a Presbyterian farmer at the mission, arrived with the Whitmans in 1836. Alanson Beers had emigrated in 1837 from Connecticut. At age 62, Robert Moore was the oldest member, having come to Oregon with the Great Reinforcement of 1840. Robert Shortess had also arrived in 1840. Oregon's first constitution is in his handwriting.

The last two members of the legislative committee were genuine overlanders, having come to Oregon via the Oregon Trail. William Doughty, age 31, was the youngest member of the legislative committee. He had arrived with the Bidwell Party of 1841. David Hill had just arrived the previous winter and was farming the Tualatin Valley. Hill would join Beers and Joseph Gale on the first Executive Committee, a three-man committee that was intended to replace the post of governor.

The 1843 Organic Act created a legislature, an executive committee, a judicial system, and a system of subscriptions to defray expenses -- Americans were not taxed, but were encouraged to make donations to support the Provisional Government. The laws of Iowa, which was the only legal codex the legislature happened to have handy, were extended to cover areas not provided for.

The preamble of the Organic Act originally read, "We, the people of Oregon Territory, For purposes of mutual protection, and to secure peace and prosperity among ourselves, Agree to adopt the following laws and regulations." At the insistence of the ultra-American party the words "until such time as the USA extend their jurisdiction over us" were added.

In order to keep within their "jurisdiction," if they indeed had any, and in order that they might not contract any entangling alliances with foreign nations, the following oath was prescribed and taken by the members of the Legislative Committee and other officers: "I do solemnly swear that I will support the organic laws of the provisional government of Oregon, so far as the said organic laws are consistent with my duties as a citizen of the United States or as a subject of Great Britain, and faithfully to demean myself in office, so help me God."

The first duty which loomed large before the Legislative Committee was to stake out a claim. Any old boundary would answer the purpose and unquestionably would meet with no opposition. The first section of the organic law adopted by the people at Champoege July 5, 1843, was as follows:

For the purpose of temporary government, the Territory shall be divided into not less than three nor more than five districts, subject to be extended to a greater number when the population shall require it.

The law finally adopted provided as follows:

First District, to be called the Tualitan District, comprising all the country south of the northern boundary of the United States, west of the Willamette or Multnomah River, north of the Yamhill River and east of the Pacific Ocean.

Second District, to be called the Yamhill District, embracing all the country west of the Willamette or Multnomah River, and a supposed line running north and south from said river, south of the Yamhill River, to the parallel of forty-two degrees north latitude, or the boundary line of the United States and California and east of the Pacific Ocean.

Third District, to be called the Clackamas District, comprehending all territory not included in the other three districts.

Fourth District, to be called the Champoege District, and bounded on the north by a supposed line drawn from the mouth of the Haunchauke River, and a supposed line running due east to the Rocky Mountains, east of the Willamette or Multnomah River, and a supposed line running due south from said river to the parallel of forty-two degrees north latitude, south by the boundary line of the United States and California, and east by the summit of the Rocky Mountains.

The above districts to be designated by the name of Oregon Territory.

John McLoughlin, Chief Factor of the Hudson's Bay Company, reported to his superiors that the "American party with a few Englishmen formed themselves into a body." Interestingly, the HBC was invited to join the government, but McLoughlin refused. His superior, Governor Simpson, saw the Americans as "very energetic, the Bowie knife, Revolving Pistol and Rifle taking the place of the Constable's baton in bringing refractory delinquents to justice."

Provisional Government to U.S. Territory (1845-1849):

An 1845 revision of the Organic Act changed the dates of elections and the meeting dates of the legislature. The executive committee, which had proven to be somewhat unwieldy, was changed to a single governor. George Abernethy, a miller for the Oregon City Methodist Mission, was elected Oregon's first governor.

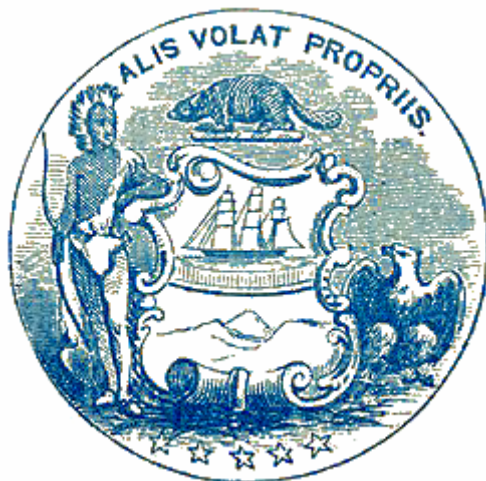
With the revisions to the Organic Act in 1845, conditions changed for the HBC. The census of 1845 reported 2109 people in Oregon, 1900 of them American immigrants. Canadians found themselves in the minority, and a new tolerance emerged toward the Americans. For the first time an HBC employee, Frank Ermatinger of Oregon City, was elected to hold office in the Provisional Government, defeating Philip Foster for the post of Treasurer. In August of 1845, the

HBC formally joined the Provisional Government. John McLoughlin came under much criticism from Peter Skene Ogden and Governor Simpson for “selling out” to the Americans. Within six months, McLoughlin was demoted to Associate Chief Factor, and shortly thereafter he retired to Oregon City. He would eventually become an American citizen and serve as mayor of Oregon City.

Oregon City was designated as the capital of the Oregon Country. Significant bills included one preventing the introduction, sale and distillation of ardent spirits; an income and property tax of 1/8 of 1% to replace the subscription scheme adopted in 1843; an act that banned both slavery and free blacks with a penalty of 20-39 lashes "every six months until he or she shall quit the territory;" the incorporation of Willamette Falls into Oregon City and the Methodist Mission into the Oregon Institute; the creation of the Multnomah Circulating Library; and authorization for Sam Barlow to open a toll road around Mount Hood.

The 1846 session was pared back to only essential business upon hearing that the U.S. had given notice to abrogate the joint occupation treaty with Great Britain. The 1847 session, held in December, was punctuated by the Cayuse War. The 1848 session was postponed until early 1849 because the discovery of gold in California nearly depleted the male population of Oregon, including many of the elected legislators.

The 1849 session would be the final session, as Governor Abernethy informed the legislature of the imminent arrival of Joseph Lane and other federal territorial officers. But first, the debts of the Cayuse War had to be paid off and an estimated \$500,000 dollars in gold dust circulating in Oregon had to be taken care of. A bill creating a mint passed with only two dissenters, who correctly pointed out the unconstitutionality of minting money. When Governor Lane took over the government, the only Provisional Government law he threw out was that authorizing the minting of money. Federal officials collected all the Beaver coins they could, but Beaver coins contained 8% more gold than their U.S. equivalents, and some people refused to give them up.



Seal of the Oregon Territory

In the spring of 1849, Joe Lane of Indiana, President Polk's choice as Oregon governor, stood on the balcony of William Holmes' Rose Farm and proclaimed the Oregon Territory to legally be under the jurisdiction of the United States. The Provisional Government created at Champoege was out of business, but it had done a credible job of steering Oregon in its evolution from a British-dominated territory to a full part of the United States. Ten years later, on March xx, 1859, Oregon would achieve statehood.

**BOUNDARIES OF THE OREGON COUNTRY
1848-1864**
Atlas of Oregon, 2nd Edition (University of Oregon
Press, 2001)



Primary Sources:

End of the Oregon Trail at <http://www.endoftheoregontrail.org/road2oregon/sa31provgovt.html>.

Pioneer Days of Oregon History, Vol II by S.A. Clarke

Fifty Years in Oregon: experiences, observations, and commentaries upon men, measures and customs in pioneer days and later times by T.T. Geer (formerly Governor of Oregon) at

http://www.theragens.com/fifty_years/Fifty_Years_In_Oregon_21.htm

Champoeg: A State is Born, a Town is Lost by Dan Hays for the Statesman Journal at

<http://www.rootsweb.com/~orpionpr/Champoeg.html>.