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A BRIEF HISTORY OF THE OREGON PRO-  
VISIONAL GOVERNMENT AND WHAT  
CAUSED ITS FORMATION

Address delivered by Frederick V. Holman at Champoeg, May 2, 1912\*

In order to have an accurate idea of the Provisional Government of Oregon, the reasons which led to its creation, and of its beginning, it is necessary to consider the condition of affairs in the Oregon Country prior to, and in the years 1841 and 1842.

THE OREGON COUNTRY.

Prior to the boundary treaty of June, 1846, fixing the present boundary line between the United States and Canada, from the Rocky Mountains to the Pacific Ocean, what is known as the "Oregon Country" was definitely bounded on the south by north latitude 42 degrees, then the north boundary of the Spanish settlements west of the Rocky Mountains, and now the north boundary lines of the States of California and Nevada; on the west by the Pacific Ocean; and indefinitely on the east by the summit of the Rocky Mountains; and on the north by an undetermined line, claimed by the United States as being 54 degrees and 40 minutes, north latitude. It included all of the present States of Oregon, Washington, and Idaho, and parts of the States of Montana and Wyoming, and a large part of the present Dominion of British Columbia.

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\* (When Mr. Holman began writing this address, he intended it should be merely an address at the anniversary of the meeting of May 2, 1843. As it was desired to have it printed in this Quarterly, while he wrote it in the form of an address, he made it a brief history of the Oregon Provisional Government, including causes which led to its formation. A portion only of this address was read by him at Champoeg, May 2, 1912.—Editor.)

In this address I cannot go into the details of the respective claims of the United States and of Great Britain to the Oregon country, nor on what these respective claims were based.

After the discovery of the Columbia River by Capt. Robert Gray, May 11, 1792, there were no land expeditions by either government, nor expeditions by any of its citizens to the Oregon country until the expedition of Lewis and Clark which reached the mouth of the Columbia River in 1805, and excepting also the journey of Alexander Mackenzie, one of the partners of the Northwest Company, in 1793, which was north of latitude 52 degrees. On this journey, Mackenzie discovered the upper waters of what is now called the Fraser River in British Columbia. Nor shall I more than mention the establishment by the Northwest Company (of Montreal), in 1806, and thereafter, of posts in the northern interior of British Columbia on the Fraser River, its tributaries, and its and their vicinities, nor the discovery by David Thompson, in 1807, of the head waters of the Columbia River.

I shall but merely mention the founding of Astoria, April 12, 1811, by the Pacific Fur Company, controlled by John Jacob Astor; of the treacherous sale of the assets of this company by Duncan McDougal—one of Astor's partners—to the Northwest Company in October, 1813; of the capture of Astoria, November 13, 1813, by a British sloop-of-war, and of the restoration of Astoria to the United States, October 6, 1818, under the provisions of the treaty of Ghent, signed December 24, 1814, by which the war of 1812 was terminated.

The Northwest Company continued the business and enterprises in the Oregon Country, which it had acquired by the purchase of the business of the Pacific Fur Company, and also of the business which the Northwest Company had established on its own account in the Oregon Country, until it coalesced with the Hudson's Bay Company in 1821. In 1824, Dr. John McLoughlin came to take charge of the Hudson's Bay Company's affairs west of the Rocky Mountains. He changed the head-

quarters of the company from Astoria, near to what is now the City of Vancouver, Washington, naming the place Fort Vancouver. From his arrival in Oregon until 1840, and for a few years after that year, he was the great and noble autocrat of the whole Oregon Country, its ruler and the protector of all peoples therein, not only of the Indians, but of the white people, without regard to race, citizenship, or religion. And this came about by common consent, and by the fact that he was by nature a great leader and captain of men—absolute, severe, just, honest, humane, kindly, and courteous to all white people—to those connected with his company as well as to those having no relation to it. He was the absolute, but just, master of the Indians, of whom, it is estimated, there were one hundred thousand in the Oregon Country when he came, in 1824.

#### THE JOINT-OCCUPANCY OF THE OREGON COUNTRY.

Unfortunately, the Treaty of Ghent did not settle the Oregon question. By what is called a convention, instead of a treaty, between the United States and Great Britain, signed October 20, 1818, it was provided that the Oregon Country should be free and open for a period of ten years, to the citizens and subjects of the two countries, i. e., what was called joint-occupancy. Another convention for joint-occupancy between these countries was signed August 6, 1827, which continued in force until the boundary treaty of 1846 went into effect.

There were no laws of the United States in effect in this whole Oregon Country. There was little trouble between the white people, or between the white people and the Indians, for the great command of Dr. John McLoughlin was practically supreme; although it had no more than a moral force with citizens of the United States, for he did not attempt to exercise authority over them.

By the Act of the British Parliament in July, 1821, the Courts of Judicature of Upper Canada were given jurisdiction of civil and criminal matters in the Indian Territory and

other parts of America, not within the protection of Lower or Upper Canada, nor of any civil government of the United States. Under this law, Justices of the Peace in the Oregon Country were appointed. James Douglas, afterwards knighted and Governor of Vancouver's Island, was the first Justice of the Peace at Fort Vancouver. But this act of Parliament did not apply to American citizens, and no attempt was made to enforce it upon them.

#### SETTLERS IN THE WILLAMETTE VALLEY.

As early as 1825, from what he had seen of the Oregon Country, Dr. John McLoughlin concluded that Western Oregon was the finest portion of North America, that he had seen, for the residence of civilized man. He later ascertained that wheat of an exceptionally fine quality grew there.

The Hudson's Bay Company was bound, under heavy penalties, not to discharge any of its servants or employés, in the Indian country, and to return them to the places where they were originally hired. But prior to 1827, several Canadian servants or employés, whose times of service were about ended, did not desire to return to Canada but to settle in Oregon. To accommodate these persons, Dr. McLoughlin agreed to keep them on the books of the Company, to purchase their wheat, and to sell them supplies at very reasonable prices. The first settler in the Willamette Valley was Etienne Lucier. He first settled at a point about where Stephens' Addition to East Portland is situated, but in the year 1827, or 1828 (the exact year is doubtful), he moved to what is now called French Prairie, not far from Champoeg, and made there his permanent residence, which continued during his life. He died in 1853.

In course of time, other French-Canadian servants or employés of the Hudson's Bay Company settled on French Prairie, so that, in 1841, there were a number of families there, the number of grown men being about sixty.

Hon. Willard H. Rees, in the annual address, in 1879, before the Oregon Pioneer Association, speaking of these French-Canadian settlers, said:

“There were a very few of the old Canadian settlers who had received any book education, and as few that could speak any English. The latter was in a great measure owing to the formation by the early fur traders of a dialect called the Chinook Jargon, comprising words from the Indian, French and English languages.”

Nevertheless, they were men of good character, and of kindly disposition, and regarded Dr. McLoughlin with simple, but absolute, reverence. Among these French-Canadians, in addition to Etienne Lucier, were Joseph Gervais, and Louis LaBonté, who came to Oregon with the party of Wilson Price Hunt in 1812.

#### AMERICAN SETTLERS IN THE WILLAMETTE VALLEY PRIOR TO 1841.

Prior to 1841 a number of American citizens, and a few British subjects, most of them having Indian wives, had settled in different parts of the Willamette Valley, and particularly near French Prairie, in parts of Yamhill County, and on what was called the Tualatin Plains, situated in Washington County. These men were men of high courage, and most of them had been engaged in trapping or trading with the Indians. It is difficult, if not impossible, now, to ascertain the names of all of these early settlers, and in some instances, there is doubt as to the exact years in which they settled in Oregon. After a somewhat careful examination, however, I believe that I have obtained the names of most, if not all of them, who were living in Oregon in February, 1841, and, at least, approximately the respective years in which they settled in Oregon. The American citizens I shall hereinafter call “Americans.”

The following men were Americans: William Cannon, who came to Oregon in 1811, with the party of Wilson Price Hunt. He was living in the Willamette Valley when Commodore Wilkes was here in 1841. Solomon H. Smith, Calvin Tibbetts, and G. Sargent came to Oregon with the first expedition of Nathaniel J. Wyeth, in 1832, and settled in the Willamette Valley. George W. Ebberts, a free trapper, is said to have settled in the Willamette Valley in 1833, but in Bancroft's His-

tory of Oregon, it is said he came in 1839, and in Gray's History of Oregon, it is said he came in 1840.

It was in 1834 that the real settlement in Oregon by Americans began. The first expedition of Nathaniel J. Wyeth, in 1832, was a failure because his vessel, loaded with goods and supplies, was wrecked in the South Pacific ocean, but his party was very small when it arrived in the Oregon Country. He returned to his home in Boston, Massachusetts. In 1834 he came again to Oregon with a large party, well equipped. With him came the first missionaries: Rev. Jason Lee, and Rev. Daniel Lee, Canadians and British subjects, Cyrus Shepard, P. L. Edwards, and Courtney M. Walker, Americans. They were all Methodists. These Methodist missionaries settled on or near French Prairie at a place about ten miles north of Salem, and there established the first mission of any kind in the Oregon Country.

After continuing his enterprise for a time, this second expedition of Wyeth's failed, and he sold all his assets to the Hudson's Bay Company. Of the men in this second expedition, there settled in Oregon: James A. O'Neil, Thomas J. Hubbard, Charles Roe, Richard McCrary, all Americans.

In 1834 there came from California, a party led by Ewing Young, who settled in Chehalem Valley, on the west side of the Willamette River, not far distant from Champoeg. In addition to Ewing Young, there were the following white settlers. Lawrence Carmichel, Joseph Gale, Webley John Hauxhurst, John Howard, . . . . . Brandywine, . . . . . Kilborn, and John McCarty, all Americans.

In 1835 there also came a party from California who settled in the Willamette Valley. They were: Dr. W. J. Bailey, born in Ireland, George Gay, an Englishman, each of whom joined with the Americans in founding the Provisional Government, and John Turner, an American.

William Johnson, an Englishman, settled near Champoeg about 1835. Commodore Wilkes speaks of staying at Johnson's house in 1841. Wilkes says that Johnson was a seaman and took part in the naval fight between the Constitution and

the *Guerriere* in the war of 1812, but Wilkes does not say on which ship Johnson fought. Presumably, from Wilkes' narrative, Johnson was on the *Constitution*. After being a trapper for several years, Johnson settled in Oregon.

In 1836 there came the first missionaries appointed by the American Board of Commissioners for Foreign Missions. They were: Rev. H. H. Spalding, Dr. Marcus Whitman, and their wives, and W. H. Gray, Presbyterians. They established their missions at Waiilatpu, near the present city of Walla Walla, Washington, and at Lapwai, near the present city of Lewiston, Idaho. In 1838 they were joined by Rev. Cushing Eells and Rev. Elkanah Walker, and their wives, Congregationalists, appointed by the same Board, who established a mission at Tshimakain (now spelled Chemakane), near Ft. Colville, Washington, and by Cornelius Rogers who was a teacher, first at Lapwai and afterwards at Waiilatpu. None of these missionaries took part in forming the Provisional Government, excepting W. H. Gray, who had left these missionaries and settled in the Willamette Valley prior to 1841. They were all Americans.

In 1837 the following Methodist missionaries arrived in Oregon: Dr. Elijah White and wife, Rev. David Leslie and wife, Rev. H. K. W. Perkins, Alanson Beers and wife, W. H. Willson, and three women missionaries, who afterwards married Methodist missionaries. In 1837 Henry Wood came from California with the Cattle Company. They were all Americans.

In 1838 there came to Oregon the first Catholic missionaries. They were: Rev. Francis Norbert Blanchet, afterwards the first Catholic Archbishop of Oregon, and Rev. Modeste Demers, afterwards a Bishop. They were French-Canadians and British subjects. Rev. Pierre DeSmet, the noted Jesuit missionary, did not come to Oregon until 1840, and did not make Oregon his permanent home. He was a Belgian.

In 1839 or 1840, there were several free trappers who made Oregon their home, having left the service of the American Fur Company. They settled on Tualatin Plains. They were: William Craig, John Larison, Joseph L. Meek, Robert Newell,



C. M. Walker, and Caleb Wilkins. Osborn Russell probably came in 1842. They were all Americans and were brave, hardy and competent mountain men who were well styled "Independent Trappers." In the report of Gov. Joseph Lane "to the Secretary of War, or the Commissioner of Indian Affairs," dated October 13, 1849, he said that Robert Newell, who had been appointed a sub-agent of Indian affairs, "is an old mountaineer having spent ten years in the mountains [from 1829 to 1839], where he followed trapping," and that "from 1839 to the present time [1849], he has resided within the district to which he is assigned to duty and has become well acquainted with the Indians in the valley of the Willamette."

In May, 1839, a party of fourteen persons left Peoria, Illinois, for Oregon. A few only of this party arrived and settled in Oregon in 1840. They were: Amos Cook, R. L. Kilbourne, Robert Shortess, and Sidney Smith, Americans, and Francis Fletcher and Joseph Holman, Englishmen. In 1839 there came John Edmund Pickernell, an English sailor, who went by the name of Edmunds.

Later in 1839, another party left Peoria for Oregon, which also did not arrive in Oregon as a party. One of this party was Robert Moore, who arrived in 1840 and took up a land claim on the west side of the Willamette Falls, opposite Oregon City. Others who settled in Oregon were Pleasant Armstrong, George Davis and Joel Walker. Rev. J. S. Griffin, Ashael Munger and their wives, independent missionaries, arrived in Oregon late in 1839. They wintered with the Presbyterian missionaries. In 1841 Griffin and wife settled on Tualatin Plains. Munger and wife came to Salem late in 1841. They were all Americans.

In 1840 there came another party of independent missionaries, all Americans. They were: Rev. Harvey Clark, Rev. P. B. Littlejohn, Alvin T. Smith, and their wives. They also settled on Tualatin Plains.

There were some other Oregon settlers who arrived in or prior to 1840. Some of these were: John Green, Felix Hathaway and Charles Watts, Americans. I am unable to give the

years in which they settled in Oregon. They were of the party of eight that built the vessel STAR OF OREGON in 1841. W. H. Gray in his History of Oregon, page 190, says that Felix Hathaway, who was a ship carpenter, was a survivor of the William and Ann, a vessel which was wrecked at the mouth of the Columbia River in 1829. All other Oregon histories and accounts of the wreck say that no one survived the disaster.

George LeBreton, an American, who was chosen May 2, 1843, the Clerk or Recorder of the Supreme Court of the Provisional Government, came to Oregon, in 1840, on the Brig "Maryland," as supercargo, the brig being commanded by Captain John H. Couch. LeBreton made Oregon his home.

So far as I have been able to learn, only two white men settled in the Willamette Valley in 1841: William M. Doughty, a free trapper, an American, and Charles McKay, a Scotchman, but in 1841 a party consisting of twenty-three families being about sixty persons, all British subjects, and agriculturists from the Red River Settlement and Territory, some of whom were French-Canadians, arrived at Ft. Walla Walla, October 4 of that year, and a short time after, most of them settled on the Nisqually Plains on Puget Sound. Later, probably in 1842, most of them settled in the Willamette Valley (Lee and Frost's "Ten Years in Oregon," 216). One or two stayed on the Nisqually Plains. Two or three families settled on the Cowlitz River. This is the party, on whose supposed arrival in the fall of 1842, is largely based the Whitman Myth.

#### THE LAUSANNE PARTY.

In 1838 Rev. Jason Lee returned to the eastern states to obtain additions to the Oregon Methodist Mission. Even at that time, the Mission, as a mission, was a failure, for the reason that there were scarcely any Indians in the Willamette Valley to be converted. Nevertheless, he raised a large sum of money, and the ship Lausanne was chartered, which brought a number of missionaries and a large quantity of goods for a store and materials for the construction of grist and saw mills.

With the arrival of the Lausanne the Oregon Methodist Mission became in effect a Methodist colony. (Hines' "Missionary History of the Pacific Northwest," page 139). In this History Rev. H. K. Hines says, that after the arrival of the Lausanne party, often called the "great re-enforcement," the entire force attached to the Methodist missions was as follows:

"Ministers: Jason Lee, Daniel Lee, David Leslie, H. K. W. Perkins, G. Hines, A. F. Waller, J. L. Frost, W. W. Kone and J. P. Richmond. In the secular department, Dr. Elijah White, Ira L. Babcock, George Abernethy, H. B. Brewer, L. H. Judson, J. L. Parrish, James Olley, Hamilton Campbell, Alanson Beers, W. H. Willson and W. W. Raymond. Teachers: Miss Margaret Smith, Miss Chloe A. Clark, Miss Almira Phillips, Miss Elmira Phelps, with Miss Orpha Lankton as stewardess. All of the ministers, and all in the secular departments, except W. H. Willson, had families. Together, they constituted a missionary force of forty-one adults, and in the several families there were not far from fifty children."

#### REASONS FOR FORMING A PROVISIONAL GOVERNMENT.

As I have said, there were no laws in Oregon which applied to American citizens, but the Hudson's Bay Company, through Dr. McLoughlin, exercised a commanding influence over the conduct of affairs. There were no lawsuits, for there were no courts and but little trouble between the American settlers, or between them and the Hudson's Bay Company's people, and other British subjects, although there was occasionally some small friction. The Indians in the Willamette Valley were a negligible quantity. The Methodist mission, by reason of its numbers, and having a store and mills, attempted to exercise control over public affairs, although not in an offensive way. These early American settlers in Oregon, and the British subjects, who affiliated with them, were not the kind of men to be forced to do anything by either the Hudson's Bay Company or the Methodist mission, or by anyone. The French-Canadian settlers were men, by nature, peaceable, and made no trouble. It was a peculiar, but pleasant, state of affairs, where men respected the rights of each other and there was no government.

To these settlers in the Willamette Valley the conditions must have seemed almost ideal. The French-Canadians had been in the wilderness for many years, where they had trapped, paddled the canoes for many a weary mile each year, and carried the heavy packages over many portages. They had been subject to discipline and to the exercise of authority by their superiors in the Hudson's Bay Company. They were old, or becoming so, from age, and by reason of hardships suffered. Their gentle dispositions caused them to take kindly to retirement and an easy way of living. Their Indian consorts were patient, obedient, and were constant workers. Their children were contented. They were under the protection of the Hudson's Bay Company and of Dr. John McLoughlin, whom to obey was a pleasurable duty. All their wheat was taken by the Company at a good and constant price. They purchased their goods at prices which gave the Company a very moderate profit. Their fields and their gardens supplied them in abundance. The streams were full of trout, and game, especially deer, was plentiful. They had priests of their religious faith. The Methodist missionaries did not try to proselyte them. Their only trouble was the knowledge that sooner or later death would come. They paid no taxes. They, their families, and their properties, were safe from assault or other dangers. The Indians were peaceable and not to be feared. They were not troubled by letters or newspapers. What more could they ask?

The other settlers were of a different mold and character. They were nearly all men of the frontier and of the mountains. Most of them were men who dared to do, and who had settled in the Willamette Valley, after years of hardships, privations, and daring. They had lived with and fought savage Indians, taking chances on their lives on many occasions. They were not accustomed to take orders from anyone unless they had agreed to his command, nor to fail in anything they undertook. They were accustomed to look danger straight in the eye, and not be afraid; to encounter hardships, and not to shirk; to hear the call of duty, and to perform it. They were

not afraid of the Hudson's Bay Company, and Dr. John McLoughlin was the friend and benefactor of each of them. To them the Missionaries were not rulers nor dangerous. They were merely harmless and amusing. To attempt to coerce these settlers would have been unwise. To interfere with their families, their rights, or their properties, would have been dangerous. And so they lived in an easy and careless fashion with their Indian wives and their half-breed children, without care and without need for laws, but always respectful of the rights of others. They, too, grew some wheat and vegetables, and hunted and fished, and occasionally did some trapping in an idle way for pleasure and profits, for Dr. McLoughlin took their surplus wheat and furs and sold them merchandise on the same basis he treated the French-Canadians. They had no more trouble than the latter, and took life nearly as easily. It was a pleasant way for trappers and frontiersmen to spend the time, especially after the days of declining years began.

It is one of the traditions or instincts of Americans to form temporary organizations where laws do not prevail. This was the case in Eastern Tennessee, where a provisional government was established in 1772, which was known as the "Wautauga Association," and the "State of Franklin" in 1784. It was done in the formation of mining districts in California before it became a State, and in early mining days of Oregon and Idaho.

March 16, 1838, a mass meeting of the American citizens was held in the Willamette Valley, and a memorandum drawn up and sent to Senator Linn, who presented it to the Senate January 28, 1839. It was signed by thirty-six settlers. After setting forth the fertility of the soil, and the commercial advantages of Oregon, the petition set forth:

"We have thus briefly shown that the security of our persons and our property, the hopes and destinies of our children are involved in the objects of our petitions."

This petition also set forth that there was no civil code in Oregon, and that the petitioners could "promise no protection but the ulterior resort of self-defense." It ended as follows:

"It is therefore of primary importance that the Government should take energetic measures to secure the execution of all

laws affecting Indian trade and the intercourse of white men and Indians.”

In 1840 another petition was sent to Congress, setting forth the condition of affairs, and calling the attention of Congress to their condition as an infant colony, without military force and civil institutions to protect their lives and property and children. It ends as follows :

“We respectfully ask for the civil institutions of the American Republic. We pray for the high privilege of American citizenship, the peaceful enjoyment of life, the right of acquiring, possessing and using property, and the unrestrained pursuit of rational happiness.”

Another petition to Congress, dated March 25, 1843, was signed by a number of settlers in the Willamette Valley. The prayer of the petition is as follows :

“And now your memorialists pray your honorable body, that immediate action of Congress be taken in regard to their country, and good and wholesome laws be enacted for our territory, as may, in your wisdom, be thought best for the good of the American citizens residing here.”

Of course, Congress could take no action in this matter, particularly, for the reason that the convention for joint-occupancy was in force, and this convention, by its terms, could not be terminated without at least one year's notice from one country to the other. These petitions, however, show that as early as 1838, the idea of some form of government was in the minds of the American settlers in Oregon.

Ewing Young, in February, 1841, had become the most prosperous American settler in Oregon. He was a man of great force of character, who had lived in Mexico and California and on the American frontier for a number of years before coming to Oregon. He died on February 15, 1841, and was buried February 17, on which occasion many of the American settlers were present. It became known that he had left no will, and, so far as known, he had no heirs.

On February 15, a meeting was organized by electing Rev. Jason Lee chairman, but no record can be found of this meeting. February 17, another meeting was called, and Rev. Gus-

tavus Hines was chosen Secretary, and George LeBreton was added to the committee. It was decided that a committee of seven be elected for the purpose of drafting a constitution and code of laws for the government of the settlements, south of the Columbia River; and that all settlers, north of the Columbia River, not connected with the Hudson's Bay Company, be admitted to the protection of the laws of this government on making application to that effect. There were then no American settlers north of the Columbia River, although there were a few Protestant Missionaries east of that river, and north of the present north line of the State of Oregon. It was also determined for the committee to propose the making of certain offices. (Oregon Archives, page 5). A meeting was held on February 18, at the Methodist Mission, and Rev. David Leslie was elected chairman and Sidney Smith and Gustavus Hines were chosen secretaries. The proceedings of the previous meeting were presented to the assembly and were accepted in part. It was determined that a committee be chosen for framing a constitution and drafting a code of laws and that the following persons compose the committee: Rev. F. N. Blanchet, Rev. Jason Lee, Rev. Gustavus Hines, J. L. Parrish, David Donpierre . . . . . Charlevon, Robert Moore, Etienne Lucier, and William Johnson. Dr. Ira L. Babcock was appointed to fill the office of Supreme Judge with probate powers, and George LeBreton was chosen to fill the office of clerk of courts and public recorder. A sheriff was chosen as well as three constables. It was resolved that, until a code of laws be adopted by the community, Dr. Babcock be instructed to act according to the laws of the State of New York. It was further resolved to meet on the first Tuesday of June, 1841.

At the meeting on June 1, 1841, Rev. F. N. Blanchet requested to be excused from further serving on the committee to draft a constitution and code of laws. He was excused, and Dr. W. J. Bailey was chosen to fill the vacancy, and the committee was instructed to meet on the first Monday in August, 1841, and that they report to an adjourned meeting on the first Tuesday in October, 1841.

It was further resolved that this committee be instructed to confer with Commodore Wilkes, of the American squadron, and with Dr. John McLoughlin, with regard to framing a constitution and code of laws for the community. The committee was instructed to take into consideration certain other matters. So far as can be found, there was no meeting in October, and no further proceedings resulted from this preliminary organization.

In Commodore Wilkes' Narrative of the United States Exploring Expedition, Vol. IV, page 352, he said that a committee of five waited upon him to consult and ask his advice relative to the establishment of laws. He then said:

"After hearing attentively all their arguments and reasons for this change, I could see none sufficiently strong to induce the step. No crime appears yet to have been committed, and the persons and property of settlers are secure. Their principal reasons appear to me to be, that it would give them more importance in the eyes of others at a distance, and induce settlers to flock in, thereby raising the value of their farms and stock. I could not view this subject in such a light, and differed with them entirely as to the necessity or policy of adopting the change.

"1st. On account of their want of right, as those wishing for laws, were, in fact, a small minority of the settlers.

"2nd. That these were not yet necessary even by their own account.

"3rd. That any laws they might establish would be a poor substitute for the moral code they all now followed, and that evil-doers would not be disposed to settle near a community entirely opposed to their practices.

"4th. The great difficulty they would have in enforcing any laws, and defining the limits over which they had control, and the discord this might occasion in their small community.

"5th. They not being the majority, and the larger part of the population being Catholics, the latter would elect officers of their party, and they would thus place themselves entirely under the control of others.

"6th. The unfavorable impressions it would produce at home, from the belief that the missions had admitted that in a community brought together by themselves they had not enough of moral force to control it and prevent crime, and therefore must have recourse to a criminal code.



“From my own observation and the information I had obtained, I was well satisfied that laws were not needed, and were not desired by the Catholic portion of the settlers. I therefore could not avoid drawing their attention to the fact, that after all the various officers they proposed making were appointed, there would be no subjects for the law to deal with. I further advised them to wait until the Government of the United States should throw its mantle over them. These views, I was afterwards told, determined a postponement of their intentions.”

Dr. McLoughlin, at first, was not in favor of establishing a government, unless it was absolutely an independent one and merely for mutual protection. The movement was controlled by men, some of whom he knew were unfriendly, if not openly opposed or hostile to him and to his Company. Among these were several Methodist Missionaries, with whom he had had trouble in relation to his land claim at Oregon City. He had reason to fear that his right to his land claim might be interfered with by such a government. That his fears in this respect were justified is shown by the land laws adopted by the Provisional Government, July 5, 1843. It was apparent that it was intended to make such a government in the interests of the United States, if not actually opposed or hostile to Great Britain and to the Hudson's Bay Company. If such were the case, he would be disloyal to the country, of which he was a subject, and false to his company, of which he was the head in all the Oregon Country. A resolution passed at the meeting of February, 1841, certainly sounded like hostility to his Company. It was that:

“All settlers north of the Columbia River, not connected with the Hudson's Bay Company, be admitted to the protection of our laws on making application to that effect.”

#### POPULATION OF OREGON IN 1840 AND 1841.

It is interesting to take into account the number of people in Oregon in 1840 and 1841. In J. Quinn Thornton's "History of the Provisional Government of Oregon" (Transactions of the Oregon Pioneer Association for the year 1875, pages 43-96), he says:

“In the autumn of 1840, there were in Oregon thirty-six American male settlers, twenty-five of whom had taken native

women for their wives. There were also thirty-three American women, thirty-two children, thirteen lay members of the Protestant Missions, thirteen Methodist ministers, six Congregational ministers, three Jesuit priests, and sixty Canadian-French, making an aggregate of one hundred and thirty-seven Americans, and sixty-three Canadian-French (including the priests in the latter class) having no connection as employés of the Hudson's Bay Company.

"I have said that the population outside of the Hudson's Bay Company increased slowly. How much so, will be seen by the fact that up to the beginning of the year 1842, there were in Oregon no more than twenty-one Protestant ministers, three Jesuit priests, fifteen lay members of Protestant churches, thirty-four white women, thirty-two white children, thirty-four American settlers, twenty-five of whom had native wives. The total American population will thus be seen to have been no more than one hundred and thirty-seven."

Rev. Gustavus Hines, in his "Missionary History of Oregon," says that in 1840 there were only nine Methodist ministers in the Oregon Mission. Some of the lay members, of which J. L. Parrish, the Mission blacksmith, was one, became ministers, which probably accounts for the difference in the estimates of Thornton and Hines as to the number of Methodist ministers.

In Gray's "History of Oregon," pages 185-192, he endeavors to give a list of the early settlers in Oregon, and says that he, at one time, made a list of names, but the list had been lost. He further says:

"It will be seen that we had in the country in the fall of 1840, thirty-six American settlers, twenty-five of them with native wives; thirty-three American women; thirty-two children, thirteen lay members of the Protestant Missions, nineteen ministers (thirteen Methodist, six Congregational), four physicians, three American and one English, three Jesuit priests, and sixty Canadian-French, making outside of the Hudson's Bay Company, one hundred and thirty-seven Americans and sixty-three Canadians, counting the three priests as Canadians."

This is one of the instances in which Gray's History agrees with other Oregon histories.

## DOCTOR ELIJAH WHITE AND THE IMMIGRATION OF 1842.

Dr. Elijah White first came to Oregon in 1837, as a Methodist missionary and physician to the Mission. He quarreled with Rev. Jason Lee and returned to the eastern states in 1841. Early in 1842, while in New York, he was appointed by the United States Government as "Sub-Indian Agent for Oregon," whatever that might mean. What right the government had to appoint such an officer in Oregon, where joint-occupancy was in force, has never been fully explained. What his duties were seem never to have been defined. He, therefore, conducted himself as he pleased. He was instructed to go to Oregon without delay, which he did. He proceeded to western Missouri and succeeded in getting together about 112 persons, of whom about 50 were men over 18 years of age. May 16, 1842, the party left Elm Grove, Missouri, for Oregon. This is what is known as the "Oregon Immigration of 1842." At Fort Laramie, Francois Xavier Matthieu and a few other French-Canadian trappers joined the immigration. Leaving their wagons at Fort Hall, they came to Oregon on horses and arrived at Oregon City early in October, 1842.

What Dr. White lacked in real authority he supplied by his imagination and ingenuity. His attempts to act as a quasi-ruler met with opposition and in some cases with resentment. He was in favor of a provisional government, provided he was chosen governor, and be, at the same time, "Sub-Indian Agent." He wished to be captain and also beat the drum. It was a case of ambition thwarted. He may have been wanting in some qualities, but he never was lacking in "nerve."

In 1842, A. E. Wilson, an American, came to Oregon as supercargo of the brig *Chenamus*, commanded by Capt. John H. Couch. Wilson remained in Oregon City in charge of a store, stocked with goods brought on the *Chenamus*, and owned by Cushing & Company of Newburyport, Massachusetts.

## OPPOSITION TO A PROVISIONAL GOVERNMENT.

In the winter of 1842-43, the advocates of a provisional government continued to agitate it. There was a discussion of

the matter by the Oregon Lyceum or Falls Debating Society at Oregon City. After a long discussion, the following resolution was presented by George Abernethy, the Steward of the Methodist Mission, afterwards Governor of the Provisional Government:

“Resolved, That if the United States extends its jurisdiction over this country within the next four years, it will not be expedient to form an independent government.”

For some reason or reasons Rev. Jason Lee and George Abernethy opposed the formation of the Provisional Government in 1843, although the former was chairman of the meeting held February 17, 1841, and he was one of the committee appointed at the meeting of February 18, 1841, to frame a constitution and to draft a code of laws. It is probable that, as leaders of the Mission Party, they feared that such a government would interfere with the power of the Mission and they preferred to let well enough alone. In Brown's Political History of Oregon, he says (page 96) that at a meeting of the Committee on Government, in March, 1843:

“Rev. Jason Lee and George Abernethy were disposed to ridicule the proposed organization as foolish and unnecessary, and repeated some anecdotes to illustrate their meaning.”

Thornton, in his “History of the Provisional Government,” says, that at said meeting of the Committee:

“Nearly all the principal men at the Falls, including the Rev. Jason Lee and Messrs. George Abernethy and Robert Moore, were present by invitation and they participated in the deliberations; most of them, especially Rev. Jason Lee and Hon. George Abernethy, going so far as to speak of the contemplated measure as both unnecessary in itself and unwise in the manner proposed.”

But these ideas did not prevail with all of the Methodist Missionaries for several of them were at the meeting of May 2, 1843, and voted in favor of forming a provisional government.

On the one side against a provisional government, some educated man, one undoubtedly who wrote French, or some other foreign language better than English, but who did not disclose his name, prepared a paper signed by French-Canadians,

saying among other matters, that they did not wish a provisional mode of government. (Thornton's "History of the Provisional Government of Oregon," page 61.) This paper is not dated. It is entitled "An Address of the Canadian citizens of Oregon, to the meeting at Champoeg, March 4, 1843." (Oregon Archives, pages 12 and 13.) The address indicates that a meeting was expected to be held at that time, but there is no record of such a meeting. It recites that the Canadian citizens of the Willamette "present to the American citizens, and particularly to the gentlemen who called said meeting," their views set forth in the address. The address also says "That we do not intend to rebel against the measures of that kind taken last year, by a party of the people." This can refer only to the meetings held in 1841. So the address must have been prepared some time in 1842.

Although there is some question as to the author of this document, it is commonly believed to have been written by Rev. F. N. Blanchet. Possibly it was written by Rev. Modeste Demers. Blanchet was a close friend of Dr. McLoughlin, who openly opposed the formation of such a government, and the French-Canadians, who approved every action of the latter, of course, would support his wishes in the matter.

On pages 349 and 350 of volume 4, Wilkes' Narrative, he says that in June, 1841, he visited the Catholic Mission about twelve miles from Champoeg and talked with Rev. F. N. Blanchet (whom he calls "Bachelet") who was in charge. Wilkes says:

"He spoke to me much about the system of laws the majority of the settlers were desirous of establishing, but which he had objected to, and advised his people to refuse to cooperate in; for he was of the opinion that the number of settlers in the Willamette Valley would not warrant the establishment of a constitution, and, as far as his people were concerned, there was certainly no necessity for one, nor had he any knowledge of crime having been yet committed."

It fully appears that in 1843, prior, at least, to May 2, those particularly opposed to the formation of a provisional government were the Hudson's Bay Company, its officers, servants

and employés, and those who advocated its interests, including the French-Canadians, who then were or had been in its employ, the Catholic Missionaries, and some of the Methodist Missionaries. But such opposition did not deter the hardy and determined settlers who owed nothing to the company or to the missions.

W. H. Gray was actively in favor of such a government. He was always against "the existing order." But in this case he had other and better reasons, which prevailed. He was not opposed to the "order" which he established or assisted in establishing himself.

#### THE WOLF MEETING.

The fact that predatory animals had become destructive of domestic animals in the Willamette Valley, afforded a good excuse to call a meeting, ostensibly for the purpose of considering means to lessen the evil. It has been sometimes asserted that its originators feared to announce its main purpose. It was not fear—it was a discreet political move, if the reasons given were not exactly the real ones. But they were effective. After consulting together, a meeting was held by several American settlers, pursuant to notice, February 2, 1843, at the Oregon Institute, to take into consideration the propriety of adopting measures for the protection of domestic animals from wild ones. A committee of six was appointed to give notice of a meeting to be held the first Monday of March, 1843. This meeting of February 2, has ever since been called "The Wolf Meeting."

#### MEETING ON FIRST MONDAY OF MARCH, 1843.

On the first Monday in March, 1843, the meeting was held. James A. O'Neil, who was fully aware of the real, the main object of the meeting, was chosen chairman. The committee made its report and resolutions were adopted relative to paying bounties for the destruction of wolves and other dangerous wild animals. But the most important action was the last, immediately prior to adjournment, being the adoption of the following resolution:

“That a Committee be appointed to take into consideration the propriety of taking measures for the civil and military protection of this colony.”

And a resolution was adopted that the said Committee consist of twelve persons, who were named in the resolution.

It will be seen that the true beginning of the Provisional Government of 1843, was at the Wolf Meeting, or the adjourned March meeting, and not May 2, 1843. The latter meeting merely authorized carrying the plan into execution. But each of these earlier meetings lacked the dramatic setting and action of the meeting of May 2. The intention to hold the May meeting provoked active opposition in addition to the opposition of Rev. Jason Lee and George Abernethy and others. Prior to the meeting of May 2, called by the Committee of Twelve, meetings were held by those opposed to the forming of a government, at Fort Vancouver, Oregon City, and French Prairie.

#### THE MEETING OF MAY 2, 1843.

It has been sometimes asserted that the meeting at Cham-poeg May 2, 1843, was attended by all the male inhabitants of Oregon. This is a misstatement of fact. Excluding the Hudson's Bay Company's officers, employés and servants and all persons then living north and west of the Columbia River, and including men living south of the Columbia River and west of the Cascade Mountains, it seems to be unquestioned that there were then not less than 61 white men, other than French-Canadians, who were not connected in any way with the Hudson's Bay Company, and most of them American citizens, and not counting men of the immigration of 1842, who were then in the Willamette Valley. The exact number of these immigrants, then in Oregon, cannot be ascertained. A low estimate of the number of men would be 40. So, May 2, 1843, only 42 American citizens and 8 British subjects affiliating with them, out of about 100, were present at this meeting.

The estimate of the number of French-Canadians in the Willamette Valley made by J. Quinn Thornton, W. H. Gray and F. X. Matthieu, the latter of whom I personally interviewed last

week at his home in Portland, is, that besides Reverends F. N. Blanchet and Modeste Demers, there were at least 60 French-Canadian men who were settlers in the Willamette Valley, of which only 52 voted at this meeting.

Therefore, the total number of men who were then in Oregon south and east of the Columbia River, was about 160, of which 102 only were present at the meeting. These estimates may not be accurate, but they are approximately correct.

It must be borne in mind that the meetings of May 2 and July 5, 1843, were merely mass meetings, not called by any lawful authority, and certainly not binding on any one who did not participate in these meetings.

At a meeting of the Committee of Twelve, held at Oregon City about March 10, 1843, it was agreed to hold a public meeting at Champoeg May 2, to determine the matter of the formation of a government. I have not ascertained the form of notice, but the time for the meeting was well known.

The meeting of May 2, 1843, was a most dramatic occasion. There were the 51 French-Canadian settlers, formerly in the active employ of the Hudson's Bay Company. Among them was Etienne Lucier. There was also Francois Xavier Matthieu, who was counted as one of them, merely by reason of his race. He had escaped from Canada, in 1838, on account of his connection with the Canadian rebellion of 1837-38. He had spent the winter of 1842-3 with Lucier and had frequently told of what he considered the tyranny of the British in Canada, which had caused the rebellion. He had expatiated on the excellencies of the government of the United States and how much better to be under its control than under the domination, of what he considered the tyranny, of the British government. The facts about Matthieu in this address, I have learned from personal interviews with him, the last of which was only the week preceding this address.

The 51 French-Canadians had been carefully drilled to vote "no" on every question and motion proposed by the Americans at this meeting.



So far as I have been able to ascertain none of the Canadian immigrants of 1841 were present. On the other side there were 50 men, most of them American citizens—eight of them being British subjects who affiliated with the Americans. These eight were: Dr. J. W. Bailey, Francis Fletcher, George Gay, Joseph Holman, William Johnson, Charles McKay, John L. Morrison and John E. Pickernell (then known as Edmunds). As I have already said, they were resolute men, and it was not easy to prevent them from carrying out a purpose once determined on. Among them were such men as Joseph L. Meek, usually called "Joe" Meek, a man of courage and experience and a leader of men. There was William Cannon, who came with the Hunt party in 1812, and O'Neil, Hubbard, Hauxhurst, Johnson, and George Gay. I shall not further enumerate the names, as a list of them is hereinafter set forth. There were also present several of the immigrants of 1842.

Dr. Ira L. Babcock was chosen chairman and Messrs. Gray, LeBreton and Willson, secretaries. The main business was action on the report of the Committee of Twelve, which proposed a mode of provisional government and submitted a list of offices to be filled. The minutes of this meeting, which will be found on pages 14 and 15 of the Oregon Archives, are brief, but they set forth:

"The Committee made its 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. LeBreton, and 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 carried by acclamation, and a great majority being found in favor of organization, the greater part of the dissenters withdrew."

This is the official account. It is well known, however, that the motion was put in such a manner that all present, particularly the French-Canadians, did not know how to vote. After the *viva voce* vote there was long delay and great discussion, wrangling, and confusion. This vote apparently was opposed to accepting the report of the Committee. It looked as

though a Provisional Government would not be organized. The meeting began in the Hudson's Bay Company's warehouse, sometimes called "the granary." The room was crowded and all could not get in. During the discussion and confusion, the participants had moved to an open field near the granary, near the bank of the Willamette River. At last, the leaders of those in favor of the establishment of a Provisional Government believed it was safe to propose a division. A motion was made for a division and count. When the motion was made, "Joe Meek," with his commanding figure, clothed in a hunting costume of buckskin, and, with a voice of authority which was irresistible to those in favor of establishing the government, strode to the right and called out:

"Who's for a divide? All in favor of the report and organization, follow me!"

The fifty American and British in favor of the motion fell into line. Apparently, there were 52 Canadians against them, but among them was Matthieu, who stayed with them a short time and urged them to side with the Americans. All of them, but Lucier, refused. Matthieu crossed over to the American side and Lucier followed, and so the report of the Committee was adopted, 52 for and 50 against. Matthieu's conduct at this meeting, I have from his own lips.

The 50 French-Canadians withdrew and the meeting proceeded to fill the offices recommended by the Committee's report.

As the Committee of Twelve had not reported a constitution or a code of laws, it was resolved:

"That a committee of nine persons be chosen for the purpose of drafting a code of laws for the government of this community, to be presented at a public meeting, to be hereafter called by them on the 5th day of July next, for their acceptance."

Mr. George H. Himes, who has been a most efficient Secretary of the Oregon Pioneer Association continuously for more than twenty-five years, has given me a list, which he has prepared and verified during many years, of these fifty-two persons who voted in favor of the Provisional Govern-

ment at the meeting of May 2, giving their names, places of birth, years of birth, church preferences, and years of arrival in Oregon, and has arranged them in alphabetical order—not in the order in which they appear on the memorial monument at Champoeg.

NAMES OF PERSONS WHO VOTED IN FAVOR OF THE ORGANIZATION OF THE PROVISIONAL GOVERNMENT AT CHAMPOEG, MAY 2, 1843.

Name.	Place of Birth.	Born.	Church Preference.	Arrived in Oregon
Armstrong, Pleasant M.	New York	1815	Presbyterian	1840
Babcock, Dr. I. L.	New York		Methodist	1840
Bailey, Dr. W. J.	Ireland	1805	Episcopalian	1835
Beers, Alanson	Connecticut	1800	Methodist	1837
Bridges, J. C.			Unknown	
Burns, Hugh			Presbyterian	1842
Campo, Charles			Unknown	
Cannon, William	Pennsylvania	1755	Unknown	1812
Clark, Rev. Harvey	Vermont	1807	Congregationalist	1840
Crawford, Medorem	New York	1819	No choice	1842
Cook, Amos	Maine	1818	Methodist	1840
Davie, Allen J.	Alabama	1816	Baptist	1842
Doughty, William M.	North Carolina	1812	No choice	1841
Ebberts, George W.	Kentucky	1810	Baptist	1833
Fletcher, Francis	England	1815	Episcopalian	1840
Gay, George	England	1810	Episcopalian	1835
Gale, Joseph	District of Columbia	1800	Episcopalian	1834
Gray, William H.	New York	1810	Presbyterian	1836
Griffin, Rev. John S.	Vermont	1807	Congregationalist	1839
Hauxhurst, Webley	New York	1809	Methodist	1834
Hill, David	Connecticut	1809	Congregationalist	1842
Howard, John			Presbyterian	
Holman, Joseph	England	1815	Methodist	1840
Hines, Rev. Gustavus	New York	1809	Methodist	1840
Hubbard, T. J.	Massachusetts	1806	Unknown	1834
Johnson, William	England	1784	Episcopalian	1835
Judson, Rev. L. H.	Connecticut	1802	Methodist	1840
Le Breton, Geo. W.	Massachusetts	1810	Catholic	1840
Leslie, Rev. David	New Hampshire	1797	Methodist	1837
Lewis, Reuben	New York	1814	Presbyterian	1842
Lucier, Etienne	Canada	1783	Catholic	1812
Matthieu, Francois X.	Canada	1818	Catholic	1842
MEEK, Joseph L.	Virginia	1810	Methodist	1829
McCarty, William			Catholic	1834
McKay, Charles	At sea (Scotch)	1808	Presbyterian	1841
Moore, Robert	Pennsylvania	1781	Presbyterian	1840
Morrison, John L.	Scotland	1793	Presbyterian	1842

Newell, Dr. Robert	Ohio..1804..	Episcopalian	....1840
O'Neil, James A.	New York.....	Methodist	.....1834
Parrish, Rev. J. L.	New York..1806..	Methodist	.....1840
Pickernell, John E.	England.....	Episcopalian	.....1839
Robb, James R.	Pennsylvania..1816..	Methodist	.....1842
Russell, Osborn	Ohio..1809..	Unknown	.....1842
Shortess, Robert	Pennsylvania..1804..	Methodist	.....1840
Smith, Alvin T.	Connecticut..1802..	Congregationalist.	1840
Smith, Sidney	New York..1809..	Unknown	.....1839
Smith, Solomon H.	New Hampshire..1809..	Congregationalist.	1832
Tibbetts, Calvin	Massachusetts.....	Congregationalist.	1832
Weston, David	Indiana..1820..	Unknown	.....1842
Wilkins, Caleb	Ohio..1810..	Baptist	.....1835
Wilson, A. E.	Massachusetts.....	Unknown	.....1842
Willson, Dr. W. H.	New Hampshire..1805..	Methodist	.....1837

STATES OR COUNTRIES REPRESENTED.

Alabama	..... 1	Kentucky	..... 1	Pennsylvania	... 4
Canada	..... 2	Maine	..... 1	Vermont	..... 2
Connecticut	... 4	Massachusetts	.. 4	Virginia	..... 1
Dist. of Columbia	1	New Hampshire.	3	Scotland	..... 2
England	..... 5	New York.....	10	Unspecified	.... 5
Indiana	..... 1	North Carolina..	1		—
Ireland	..... 1	Ohio	..... 3	Total.....	52

Church preference: Baptists, 3; Catholics, 4; Congregationalists, 6; Episcopalians, 7; Methodists, 14; Presbyterians, 8; unknown, 10; total, 52.

Mr. Himes has also furnished me with the following list of those who voted against the organization of the Provisional Government. Mr. Himes has been engaged in collecting these names through a series of years:

FRENCH -CANADIAN SETTLERS WHO VOTED AGAINST THE ORGANIZATION OF THE PROVISIONAL GOVERNMENT AT CHAMPOEG, MAY 2, 1843.

Aubichon, Alexis	Brischois, Alexis
Aubichon, Jean B.	Brischois, Olivier
Ausant, Louis	Brunelle, Joseph
Arquoit, Amable	Chalifoux, Andre
Bargeau, Cyfois	Chamberlain, Adolph
Beleque, Pierre	Cornoyer, Joseph
Biscornais, Pascal	Delard, Joseph
Boivers, Louis	Depot, Pierre
Bonnenfant, Antoine	Despart, Joseph

Donpierre, David	Lambert, Augustin
Dubois, Andre	LaPrate, Alexis
Ducharme, Jean B.	Longtain, Andre
Felice, Antoine	Lor, Moyse
Forcier, Louis	Matte, Joseph
Gagnon, Luc	Maloin, Fabien
Gauthier, Pierre	Mongrain, David
Gervais, Joseph	Papin, Pierre
Gingras, Jean	Pariseau, Pierre
Gregoire, Etienne	Remon, Augustin
LaChapelle, Andre	Roi, Thomas
LaBonté, Louis	Rondeau, Charles
Laderout, Xavier	Sanders, Andre
Laferty, Michel	Senecalle, Gideon
LaFramboise, Michel	Servant, Jacques
Lalcoure, Jean B.	Van Dalle, Louis B.

It is but fair to state that some of these French-Canadians took part in the actual formation of the first Provisional Government, July 5, 1843, and, so far as I have been able to ascertain, all of them supported the first Provisional Government when it became established, and some of them made contributions for its support. After the organization of the Territorial Government of Oregon, most of them, if not all of them, became naturalized citizens of the United States. It would be as unfair to say that they were not sincere in opposing the formation of a provisional government, as it would be to say that those who voted in favor of its organization were not acting from proper motives. They were subjects of Great Britain and were as much entitled to their views as were the fifty-two persons who voted in favor of the organization of the government. Revs. F. N. Blanchet and Modeste Demers had a right to oppose the formation of a provisional government as well as Rev. Jason Lee and George Abernethy, and as well as Revs. Harvey Clark and Gustavus Hines had to favor it.

Great credit should be given to Etienne Lucier for voting in favor of a provisional government. Without his vote there would have been a tie and the authorization of a provisional government would have been postponed. He came to Oregon

with the Hunt party, arriving in Oregon in 1812. When Duncan McDougal sold out Astor's Fur Company, i. e. The Pacific Fur Company, to the Northwest Company, Lucier, with nearly all of the Pacific Fur Company's employés, entered the service of the Northwest Company. He was with the latter company when it coalesced with the Hudson's Bay Company in 1821. He was in the employ of the Hudson's Bay Company when Dr. McLoughlin took charge in Oregon in 1824. Until 1827 or 1828 he continued in that employ. He was the first settler in the Willamette Valley, and settled on French Prairie in 1827 (as stated by Willard H. Rees in his address before the Oregon Pioneer Association in 1879). He was induced to settle there by Dr. McLoughlin and his name kept on the company's books. Dr. McLoughlin bought Lucier's wheat, furnished him with supplies at a low cost, and protected him. He regarded Dr. McLoughlin with great veneration and affection, and wished to do whatever the latter asked of him. He knew that he was expected to vote with the other French-Canadians against the formation of a government. His priest also expected the same of Lucier. In voting with the Americans he was opposing his old neighbors, his friends, who were of the same country, race, and religion. It required great moral courage and fortitude to vote as he did. He has not always been given the credit he deserves in this matter. All honor to him for doing as he did, and yet, it is questionable whether he would have so voted had Matthieu not led the way.

#### THE PROVISIONAL GOVERNMENT OF 1843.

The Provisional Government, as formed July 5, 1843, was very crude and unsatisfactory. There was no power to levy taxes, so it had to be supported by individual subscriptions. There was no provision for the amendment of its organic act or laws. It was impossible to distinguish between what was constitution and what were laws. Through jealousy, there was no governor selected. The head of the government was an executive committee of three, a kind of commission form of executive. The government was lacking in many respects, but

in a somewhat crude way, it stood for law and order and the protection of life, liberty, and property. The legislative powers were exercised by a committee of nine persons.

There is a glamour of romance about its formation and particularly by reason of the closeness of the vote at the meeting of May 2. Had more of the American settlers been present, the result would have been considered as a matter of course, as were the previous meetings and the meeting of July 5, when the original Provisional Government went into force. Had the report of the Committee of Nine been rejected July 5, that would have ended the matter, for the time being, as was the case with the proceedings of 1841. Had the ten or more French-Canadians who did not attend the meeting of May 2, been present, and by their votes defeated the report of the Committee of Nine to establish a provisional government at that time, that also would have ended the matter, probably until the arrival of the immigration of 1843.

#### IMMIGRATION OF 1843.

The immigration of 1843, the most important in the results of its coming of all the Oregon immigrations, was making preparations to leave for Oregon May 2, 1843. It left Independence, Missouri, May 20, 1843. It reached Oregon in the fall of that year. It was composed of about 875 persons. Of these, 295 were men over the age of 16 years. It was the first important immigration to Oregon of homebuilders. They came together in Missouri by a common impulse and without preconcert. They started without organization or leaders. They refused to accept the advice to leave their wagons at Fort Hall, and determined to take them as far as they could and brought them overland to The Dalles. They were mostly strong, forcible, and determined men and women. They did not think of failure. Their main thought was that they would go to Oregon and make it their home and assist in making it an American community. There were in this immigration men of ability and leadership, such as Jesse Applegate and Peter H. Burnett, who were learned in the law and in history. Such

men at once became prominent in Oregon affairs. I cannot go into details in this address. Had the meeting of May 2, 1843, been unsuccessful, it cannot be doubted that a provisional government would have been established in 1844. In the latter year the immigrants of 1843 took charge of the Provisional Government and gave it form and substance.

But let us also give honor and credit where honor and credit are due. Because the immigration of 1843 was so large in numbers and would have established a provisional government after its arrival, does not detract from what the settlers of Oregon did in May and July, 1843. They did not know there was to be such an immigration in 1843, which did not leave Missouri until eighteen days after the meeting of May 2. They acted upon the exigency of the times as they saw it. They made possible the true Provisional Government of 1845, and of the succeeding years, until Oregon became a territory. All honor and praise to them for their foresight and courage; for their Americanism and their adherence to Anglo-Saxon traditions and instincts; for their love, and their regard for law, the rights of life and liberty, and of the pursuit of happiness. What they did is a heritage of which their descendants should ever be proud.

It was as much from sentiment as from expediency that the original Provisional Government was established. Possibly it was more by reason of sentiment than of expediency. But that does not lessen our regard and appreciation of what was done. The sentiment came from high and patriotic motives. It was undoubtedly a moving cause to assert and to establish that Oregon belonged to the United States. This was a greater reason than the mere establishment of a provisional government for the small number of people then in the Oregon Country. The report of the Legislative Committee was for the adoption of "laws and regulations, until the United States of America extend their jurisdiction over us."

FRANCOIS XAVIER MATTHIEU.

It gives me great pleasure to welcome today Francois Xavier Matthieu, the last survivor of the meeting of May 2, 1843, who



is here present, and who has just passed his ninety-fourth birthday. I congratulate him on his good physical and mental condition, with an unimpaired memory, his modesty, his simplicity, his mental, as well as moral, honesty. These are only some of the qualities which endear him to all true Oregonians. The noble and efficient part he took at the meeting of May 2, 1843, will never be forgotten. Already it is established in history and in the traditions of Oregon. Long may his life be and, as long as he lives, he will have Oregon's heartfelt esteem and affection. And when he passes away, his memory will be cherished as long as the Oregon pioneers and what they did are known.

#### THE MEETING OF MAY 2, 1843, DID NOT "SAVE" OREGON.

There are some persons who believe that the meeting of May 2, 1843, saved Oregon to the United States, but this is not the fact. Such a belief comes from ignorance. It may be creditable to their enthusiasm, but not to their knowledge of Oregon history. What is now the State of Oregon did not need savers—it was not in peril. The American people would not have submitted to its loss. The next year, 1844, James K. Polk was elected President of the United States, largely on the popular cry of "54-40 or fight." This belief must take its place in the realm of myths in which those of fairies, of ghosts, of Santa Claus, and of "Whitman Saved Oregon" are taking their eternal rests. In 1843, and until June 15, 1846, there was joint-occupancy in all of the Oregon Country which could not be terminated except by the United States or Great Britain giving one year's notice to the other of such termination. For Congress and the President to exercise or attempt to exercise control over any part of the Oregon Country would have been an unwarrantable violation of a treaty, a breach of faith, and tantamount to a declaration of war against Great Britain. What Congress and the President could not do could not be done by the resolutions of a mass meeting, carried by forty-two American citizens and ten British subjects.

I have not found a copy of the report of the Committee of Nine which was adopted May 2, but the report of the Legislative Committee which was adopted July 5, 1843, began as follows:

“Sec. 1. We, the people of Oregon Territory, for the purposes of mutual protection and to secure peace and prosperity among ourselves, agree to adopt the following laws and regulations, until such time as the United States of America extend their jurisdiction over us.” (Oregon Archives, page 28.)

This is identical with the preamble of the organic law adopted by a vote of the Oregon people July 26, 1845. It is, inferentially only, a declaration in favor of the United States ever having control of Oregon. There was no mention of the rights of Great Britain. The oath of office of the Provisional Government of 1843 was not one of subordination to the United States. It was rather a declaration that Oregon and its Provisional Government were independent of any other country. The oath of office under the Organic Law of 1845 was that of a provisional government only, and, inferentially, recognized that Great Britain as well as the United States had some claim or right in Oregon, at least that citizens of the United States and subjects of Great Britain, in holding office under the Provisional Government, and in taking the oath of office, were in nowise disloyal to their country or to its sovereign. This was very far from the Provisional Government being for the purpose of giving the United States the control of Oregon, excluding Great Britain therefrom, and saving Oregon from British claims and establishing the claims of the United States. Had the meeting of May 2 declared for the sovereignty of Great Britain, that would not have established it or changed the status under the convention of joint-occupancy.

As early as 1825 Great Britain was willing to concede to the United States all of the Oregon Country south of the Columbia River and south of latitude forty-nine, east of that river.

In a document found among the private papers of Dr. John McLoughlin, after his death, in his handwriting, a full copy

of which is printed in the Transactions of the Oregon Pioneer Association for 1880, he said, in reference to his advice to the French-Canadians, old employés, settling in the Willamette Valley:

“Many of the Canadians objected to go to the Willamette [Valley] because it would become American Territory, which I told them it would be as the Hudson’s Bay Company, in 1825, officially informed me that, on no event, could the British Government claim extend south of the Columbia.”

So, unless there was a war over the Oregon question in which Great Britain would be successful, there was no chance or danger that the part of Oregon over which the original Provisional Government assumed to exercise control would belong to Great Britain or required saving to the United States.

While this may not have been known to any of the fifty-two persons who voted for a provisional government, May 2, 1843, it does not change the fact. One can not find what is not lost, nor save that which is not in peril.

I do not wish to belittle what these fifty-two persons did on that second day of May. I do not seek to detract from the praise and honor to which they are entitled. As a grandson of an Oregon pioneer of 1843, and the son of two Oregon pioneers of 1846, I take pride in the action, on that memorable day, of these fifty-two and in the formation and perpetuation of the Oregon Provisional Government. It is no small thing that the Oregon pioneers were able and willing to establish and to maintain a government for their own protection and regulation without aid, support, or encouragement from the United States Government. But I wish, and you should wish, to know the facts, and knowing the facts, to take pride in them and discard what is merely fiction. There is enough in the establishment and maintenance of the Provisional Government for all Oregonians to be proud of.

History should deal in facts. Let us, while we may, establish Oregon History on a proper and accurate basis. The facts of history outweigh, more than a thousand fold, the romances of unreality.

After the establishment of the government of 1843, Dr. McLoughlin continued his beneficent rule north of the Columbia River, and over the forts and posts of his Company, north, east and south of the Columbia River. And, while the Methodist Missionaries tried to be assertive and active in the Willamette Valley, they were largely innoxious as rulers after the arrival of the immigration of 1843.

#### LAND LAWS OF THE ORIGINAL PROVISIONAL GOVERNMENT.

When the leaders of the Methodist Mission found that a provisional government was to be established, they sought to make it serve the purposes of the Mission party. As they found they could not prevent it, they sought to control it. In this they succeeded temporarily, to a large extent.

Article 4 of the Law of Land Claims, adopted by the meeting of July 5, 1843, was in the interests of the Mission and was not altogether creditable. This law, after providing that an individual might hold a claim of not more than 640 acres in a square or oblong form, provided as follows:

“No person shall be entitled to hold such a claim upon city or town sites, extensive water privileges, or other situations necessary for the transaction of mercantile or manufacturing operations, and to the detriment of the community. Provided, that nothing in these laws shall be so construed as to affect any claim of any mission of a religious character, made previous to this time, of an extent not more than six miles square.”

The first clause of this Article 4 was intended to deprive Dr. McLoughlin of his land claim at Oregon City, which some of the Methodist missionaries had been endeavoring to take from him in ways not creditable to their religious pretensions. The last clause became very unpopular with new settlers. It was true that it applied to the Catholic as well as to the Methodist Mission, but to allow a Mission to hold an entire township, i. e., 23,040 acres, in one body, in the fertile Willamette Valley, was an audacious attempt, to put it not stronger. The immigrants of 1843 and 1844 would not submit to such outrageous provisions as contained in said Article 4 of the land laws.

As I have said, most of the men of the immigration of 1843 were strong, resolute, and determined men. Some of the organic laws of the Provisional Government of 1843 did not suit their ideas of fairness. Article 4 of the law of land claims was not their only objection to the so-called Organic Laws of 1843. Many of them did not like the attempted domination of affairs by the Methodist Mission. They found the original Provisional Government to be little more than a government in name, lacking power, crude, and inefficient. No power being given to levy taxes, it could be ended, at any time, by lack of funds which came from subscriptions only.

Prior to the meeting of the newly elected Legislative Committee, June 18, 1844, there appears to have been no meeting of the Legislative Committee, after the public meeting held July 5, 1843, when the original Provisional Government was formed.

#### THE PROVISIONAL GOVERNMENT IN 1844.

An election was held the second Tuesday of May, 1844, at which a new Executive Committee and Legislative Committee were chosen. It is significant that only one member of the Provisional Government of 1843 was chosen, viz.: David Hill, he being re-elected as a member of the Legislative Committee. No member of the Methodist Mission was elected. The names of those elected and the year of arrival in Oregon are as follows:

Executive Committee: Dr. W. J. Bailey, 1835; Osborn Russell, 1842, and Peter G. Stewart, 1843. Legislative Committee: Peter H. Burnett, 1843; David Hill, 1842; Matthew C. Gilmore, (?); T. D. Keizur, 1843; A. L. Lovejoy, 1842 and 1843; M. M. McCarver, 1843; Robert Newell, 1840; Daniel Waldo, 1843. For some reason Yamhill District was not representative at either of the two sessions of the Legislative Committee in 1844, although that district or county was entitled to one member. Why this occurred or whether there was a failure to elect I have been unable to ascertain.

Peter H. Burnett was a lawyer of ability and, on his arrival in Oregon, became a leader in Oregon's affairs. He was

afterwards Supreme Judge of the Provisional Government and the first Governor of the State of California. In his book "Recollections and Opinions of an Old Pioneer" he sets forth many of the defects in the original organic laws of 1843. The Legislative Committee of 1844 determined that none of these organic laws were a part of a constitution, but were all statutes and could be amended or repealed. They proceeded on this theory. The land law of 1843 was repealed and another enacted which did away with the grant of six miles square to missions and with the unfair attempt to rob Dr. McLoughlin of his land claim at Oregon City. This amended land law confirmed the right of all persons who had theretofore made, and granted to all who should thereafter make, with a bona fide intention of occupying and holding the same for himself, 640 acres; and provided that all claims thereafter made should be "in a square form, if the nature of the ground should permit; and in case the situation will not permit, shall be in an oblong form;" and that "in all cases where claims are already made, and in all cases where there are agreed lines between the parties occupying adjoining tracts, such claims shall be valid to the extent of six hundred and forty acres, although not in a square or oblong form." (Laws of Oregon, 1843-9, page 77.)

An Act was passed for the collection of taxes. The number of the Legislative Committee was increased from nine to thirteen. June 27, 1844, an Act was passed that at the next annual election one person should be elected as the executive or governor, in whom should be vested all executive powers, in place of the Executive Committee of three (Laws of Oregon 1843-9, page 98). A commission form of executive had been found unsatisfactory.

June 18, 1844, the Executive Committee sent its message to the Legislative Committee in which it was said:

"In view of the present state of affairs, gentlemen of the Assembly, we would recommend to your consideration the adoption of some measures for a more thorough organization."

In this message the Executive Committee also recommended vesting the executive power in one person.

When the Legislative Committee met, at an adjourned session December 16, 1844, the Executive Committee sent an-

other message in which it was said of the claims of the United States and of Great Britain to the Oregon country:

“But one claims as much right as the other, and both claim the right of joint occupancy of the whole, without prejudice to the claims of any other state or power to any part of said country.”

\* \* \* \* \*

“We would advise that provision be made by this body for the framing and adoption of a constitution for Oregon, previous to the next annual election, which may serve as a more thorough guide to her officers, and a more firm basis of her laws. It should be constructed in such a manner as would best suit the local situation of the country, and promote the general interests of the citizens, without interfering with the real or pretended rights of the United States or Great Britain; except when the protection of life and property actually require it.” (Oregon Archives, page 57.)

In conclusion, the message set forth:

“As descendants of the United States and of Great Britain, we should honor and respect the countries which gave us birth; and, as citizens of Oregon, we should, by a uniform course of proceeding, and a strict observance of the rules of justice, equity, and republican principles, without party distinction, use our best endeavors to cultivate the kind feeling, not only of our native countries, but of all the powers or states with whom we may have intercourse.” (Oregon Archives, pages 58-59).

#### THE ORGANIC LAW OF 1845.

Another election was held in May, 1845, and the newly elected Legislative Committee met June 24, 1845. Jesse Applegate, an immigrant of 1843, became its leader.

Article 3 of the report of the Legislative Committee upon the Judiciary, adopted July 5, 1843, is as follows:

“Art. 3. Each officer heretofore elected, or hereafter to be elected, shall, before entering upon the duties of his office, take an oath or affirmation, to support the laws of the territory, and faithfully to discharge the duties of his office.” (Oregon Archives, page 29).

Notwithstanding this provision of the original provisional government, when the Legislative Committee met June 24, 1845, it appears from the record as follows:

“On motion of Mr. Applegate,

“The following oath was administered to the members, to-wit:

“‘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 a subject of Great Britain, and faithfully demean myself in office, so help me God.’” (Oregon Archives, page 71).

This oath was not authorized, and was in contravention of said Article 3 of the report of the Legislative Committee upon the Judiciary, July 5, 1843.

The oath administered to the members of the Legislative Committee June 24, 1845, was adopted as the oath of all officers under the Organic Laws, adopted by the people July 26, 1845. (See Section 9 of Organic Laws of 1845). The change in this form of oath became very important when the Hudson's Bay Company, its officers and employes, became a part of the Provisional Government in August, 1845. Without such change, it is altogether likely that this company and its officers and employes would not have become a part of the Provisional Government.

This latter form of oath was a distinct recognition of the rights of British subjects who were willing to become members of the Provisional Government. If the Provisional Government was originally in favor of the United States alone, by this oath it was changed so that it was without prejudice to the rights of Great Britain and its subjects as well as to those of the United States and its citizens. It was an oath suitable and proper for a temporary or provisional government, until joint-occupancy should end and the laws of either country be in force.

To show that this was the understanding, early in the session of this first meeting of the Legislative Committee, which began June 24, 1845, a committee of five was appointed to prepare a memorial to Congress. In this memorial, after setting forth dangers from the Indians, it is said:



“To prevent a calamity so much to be dreaded, the well-disposed inhabitants of this territory have found it absolutely necessary to establish a provisional and temporary government, embracing all free male citizens, and whose executive, legislative, and judicial powers should be equal to all the exigencies that may arise among themselves, not provided for by the governments to which they owe allegiance; and we are most happy to inform your honorable body, that, with but few individual exceptions, the utmost harmony and good-will has been the result of this, as we conceive, wise and judicious measure; and the British subjects and American citizens vie with each other in their obedience and respect to the laws, and in promoting the common good and general welfare of Oregon.

“Although such has been the result, thus far, of our temporary union of interests, though we, the citizens of the United States, have had no cause to complain, either of exaction or oppression at the hands of the subjects of Great Britain, but on the contrary it is but just to say that their conduct toward us has been most friendly, liberal, and philanthropic, yet we fear a longer continuance of the present state of things is not to be expected—our temporary government being limited in its efficiency, and crippled in its powers by the paramount duty we owe to our respective governments,—our revenue being inadequate to its support—and the almost total absence, apart from the Hudson’s Bay Company, of the means of defence against the Indians, which recent occurrences led us to fear entertain hostile feelings towards the citizens of the United States.”

After setting forth protection given to British subjects by the Hudson’s Bay Company and by the Act of Parliament of July, 1821, which I have already mentioned, this Memorial prays Congress to establish a territorial government to embrace Oregon and its adjacent sea-coasts. It further sets forth:

“And we pray that in the event you deem it inexpedient as a measure, or contrary to the spirit of existing treaties, to establish a territorial government in Oregon, that you extend to us adequate military and naval protection, so as to place us, at least, upon a par with other occupants of the country.”

This Memorial was passed June 27, 1845 (Oregon Archives, page 79). A copy, dated June 28, 1845, was signed by two members of the Executive Committee, by eleven members of the Legislative Committee, by J. W. Nesmith as Judge of the Circuit Court, and attested by J. E. Long the Clerk. It was

presented to Congress and ordered printed. (Brown's Political History of Oregon, pages 160-162).

This Legislative Committee of 1845 proceeded to draft a new Organic Law and submit it to the people, i. e., the people of the Willamette Valley. It was adopted by vote of the people July 26, 1845, and Oregon then had a true provisional government. Its new Organic Law was practically a constitution, and it had a Governor instead of an Executive Committee.

The effect of the adoption by the people of this Organic Law was later said by Jesse Applegate to be that "both the Methodist Mission and the Hudson's Bay Company ceased to be political powers either to be courted or feared in the colony, and to the close of its existence the Provisional Government of Oregon attained all the ends of good Government." (Bancroft's History of Oregon, Vol. 1, page 479).

The Preamble and Enacting Clauses of the Organic Law of the Provisional Government of Oregon, adopted by vote of the people July 26, 1845, are as follows:

"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, until such time as the United States of America extend their jurisdiction over us:

"BE IT ENACTED, THEREFORE, BY THE FREE CITIZENS OF OREGON TERRITORY, That the said territory, for the purposes of temporary government, be divided into not less than three nor more than five districts, subject to be extended to a greater number when an increase of population shall require.

"For the purpose of fixing the principles of civil and religious liberty, as the basis of all laws and constitutions of government, that may hereafter be adopted,

"BE IT ENACTED—That the following articles be considered articles of compact among the free citizens of this territory."

In the Organic Laws of 1843, the boundaries of Oregon were not set forth. Four districts or counties were created. The two northern districts were Twality and Clackamas. Twality District was declared to comprise:

"All the country south of the northern boundary line of the United States, west of the Willamette or Multnomah River, north of the Yamhill River and east of the Pacific Ocean."

Clackamas District was not described by boundaries. It was declared to comprehend "all the territory not included in the other three districts."

June 27, 1844, the Legislative Committee passed an Act:

"That all those parts of any counties heretofore organized which lie north of the Columbia River be and they are hereby stricken off respectively, and that the said river shall constitute the northern boundary of said counties, respectively." (General and Special Laws of 1843-9, page 74).

As there were no counties north of the Columbia River this was practically an abandonment of jurisdiction north of that river, if the original Provisional Government ever had jurisdiction north of that river. In fact, in 1843, there was no attempt even to assert jurisdiction north of the Columbia River. There was then, at least, a tacit understanding that north of that river the Hudson's Bay Company controlled the country and that the Provisional Government had control only south of that river and west of the Cascade Mountains.

December 24, 1844, an Act was passed "explanatory" of said Act of June 27, 1844. This latter Act defined the boundaries of "Oregon" and made the northern boundary line "the parallel of fifty-four degrees and forty minutes of north latitude." The eastern boundary was made "along the main dividing ridge of the Rocky Mountains," latitude forty-two was made the southern boundary, and the Pacific Ocean, the western boundary (General and Special Laws of 1843-9, page 72). But no county was then created, north of the Columbia, so that north of that river Oregon had a boundary but it was without the control of the Provisional Government. It was merely a declaration of boundaries, not an assumption of jurisdiction north of the Columbia River.

#### THE HUDSON'S BAY COMPANY AND THE PROVISIONAL GOVERNMENT.

The number of the officers, employés and servants of the Hudson's Bay Company in the Oregon Country was several

hundred. There were the sixty persons, British subjects, composing the immigration of 1841 from Canada, who first settled on Nisqually Plains, none of whom took part in the meeting of May 2, 1843.

The American Missionaries living at Waiilatpu and Tshimakain, now in the State of Washington, and at Lapwai, now in the State of Idaho were the only American citizens living in the part of the Oregon Country controlled by the Hudson's Bay Company. They took no part in the Provisional Government. If the Provisional Government extended east of the Columbia River and of the Cascade Mountains, there were some white trappers, few in number, who had their habitats there but took no part in the Provisional Government. The Hudson's Bay Company had several of its twenty-one forts or posts east of the Columbia River, including Fort Hall, Fort Boise and Fort Walla Walla. There were also Fort Umpqua, on the Umpqua River, and a post at what is now Astoria.

It will, therefore, be seen that up to July 26, 1845, the Provisional Government had no practical jurisdiction, excepting in parts of the Willamette Valley if it can be said to have had jurisdiction at all or more than mere existence. It was a government in name rather than of power or of authority. As was said by Frances Fuller Victor, in Bancroft's History of Oregon, referring to the formation of the original Provisional Government "after all, there appeared to be no great need of law in Oregon." (Bancroft's History of Oregon, Vol. I., page 444).

While there was undoubtedly a strong feeling by a few Americans of forming a provisional government in favor of the United States, that was merely incidental to the main object of having some kind of an organization for mutual protection and benefit. So far as the records show there was no direct or practical attempt to make that organization more than a local provisional or temporary government.

The adoption of the Organic Law July 26, 1845, and the discussion of the new Legislature about exercising jurisdiction

north of the Columbia River, brought matters to a condition that was liable to create friction, if not serious trouble, between the Provisional Government and the Hudson's Bay Company.

If the Provisional Government should attempt to control the Hudson's Bay Company and to collect taxes on its property, without its consent, a very serious condition would have ensued which might have resulted in a conflict of arms. The Act of the Provisional Government of December, 1844, declaring the northern boundary line of Oregon to be latitude 54 degrees and 40 minutes, was an echo of the popular cry of "54-40 or fight" which had elected James K. Polk as President of the United States in 1844.

As I have said, the immigration of 1843 comprised about 875 persons. The immigration of 1844, which arrived in the fall of that year, had about 1400 persons. It was known in Oregon in the summer of 1845, that the immigration of 1845 which would arrive in the fall of that year would be a large one. It was made up of about 3000 persons. Joseph L. Meek, as Sheriff, in the spring of 1845 took a census. Practically it was of the residents of the Willamette Valley at the end of the year 1844. It showed a population of 2110 of whom 1259 were males and 851 females. (Vol. 1, page 267, Elwood Evans' "History of the Pacific Northwest").

It was at this critical time and shortly after the adoption of the new Organic Law by vote of the people July 26, 1845, that Jesse Applegate privately interviewed Dr. John McLoughlin as to the desirability, if not the necessity, of the Hudson's Bay Company and its officers and employes uniting with the American citizens in the Provisional Government. Dr. McLoughlin at first objected. Applegate then urged on Dr. McLoughlin the security it would be to his company, and how it would be for the maintenance of peace and order if British subjects and American citizens were united in Oregon in a provisional government, which would not conflict with their duties and rights to their respective governments. The result was that Dr. McLoughlin consented, but on the condition that his company should not be compelled to pay taxes on its goods

except upon those sold to settlers, and he and James Douglas, his chief assistant, consented to receive a formal proposition from a Committee of the Provisional Legislature. (Vol. 1, pages 494 and 495 Bancroft's "History of Oregon"; Vol. 1, pages 268 and 269, Elwood Evans' "History of the Pacific Northwest.")

At a meeting of the Legislative Committee (changed by the new Organic Law to the Legislature) on August 14, 1845, Jesse Applegate discreetly introduced the following resolutions which were adopted by unanimous vote:

"Resolved—that, whereas the adoption of the amended Organic Law, by the people of Oregon, was an act of necessity rather than of choice, and was intended to give to the people the protection which, of right, should be extended to them by their government; and not as an act of defiance or disregard of the authority or laws of the United States; therefore,

"It is further resolved—1st That, in the opinion of this house, the Congress of the United States, in establishing a territorial government, should legalize the acts of the people in this country, so far as they are in accordance with the constitution of the United States." (Oregon Archives, page 106).

On the same day a committee of the Provisional Legislature addressed a communication to Dr. McLoughlin asking the Hudson's Bay Company to become parties to the Provisional Government. Dr. McLoughlin and James Douglas on behalf of that company, forthwith replied consenting to join the Provisional Government. This communication and the reply thereto are given in full in a foot-note in Vol. 1, page 495, Bancroft's "History of Oregon." They are as follows:

"Oregon City, Aug. 14, 1845. To Dr. John McLoughlin, Chief Factor of H. B. Co. Sir: As a question has arisen in the house of representatives on the subject of apportionment upon which we feel peculiarly situated, we beg leave to ask of you a question, the answer to which will enable us to come to a definite conclusion upon that subject. The question to which we would be happy to receive an answer is this: Do you think the gentlemen belonging to the company over which you preside will become parties to the articles of compact, by the payment of taxes and in other respects complying with the laws

of the provisional government? Your answer to this query is most respectfully solicited. Yours, with the highest respect. I. W. Smith, H. G. Lee, J. M. Garrison, Barton Lee.”

“Oregon City, Aug. 15, 1845. I. W. Smith and others. Gentlemen: We have the honor to acknowledge your favor of the 14th inst., and beg in reply to say, that, viewing the organization as a compact of certain parties, British and American subjects residing in Oregon, to afford each other protection in person and property, to maintain the peace of the community, and prevent the commission of crime—a protection which all parties in this country feel they particularly stand in need of as neither the British nor American government appear at liberty to extend the jurisdiction of their laws to this part of America; and moreover seeing that this compact does not interfere with our duties and allegiance to our respective governments, nor with any rights of trade now enjoyed by the Hudson’s Bay Company—we, the officers of the Hudson’s Bay Company, consent to become parties to the articles of compact, provided we are called upon to pay taxes only on our sales to settlers. We have the honor to be, etc., John McLoughlin, James Douglas.’”

The initials of Smith, Chairman of this Committee, are a misprint. His initials, as given in the Oregon Archives, are “J. M.”.

September 2, 1845, at Fort Vancouver, Dr. John McLoughlin wrote an autograph letter to Dr. W. F. Tolmie, of the Hudson’s Bay Company, and then at Fort Nisqually, in relation to this agreement to join the Provisional Government. This original letter is in the possession of the Oregon Historical Society. In it Dr. McLoughlin wrote:

“You will see by the accompanying copy of a letter addressed to me by several members of the Oregon Legislature, that we are invited to join the Legislature, and by our answer that, as it is merely a compact between the subjects of two nations living together in a country, free to both, to enable them to maintain peace and order among them, which could not be kept in any other way, and it does not interfere with our allegiance, as you see by the subjoined oath taken by the persons holding office, we considered it our duty to accede to the request, and we pay duties merely on the articles we sell to the settlers, as other merchants, and on our stock the same as other farmers.”

August 18, 1845, Vancouver District or County was created. It was composed "of all that portion of Oregon Territory north of the middle of the main channel of the Columbia River." This Act was approved by Governor Abernethy August 20, 1845. August 19, 1845, the Legislature proceeded to the election of district judges for the District of Vancouver. It resulted in the election of James Douglas, the chief assistant of Dr. McLoughlin, for a term of three years, of Charles Forrest, Superintendent of the Hudson's Bay farm on the Cowlitz River, for one year, and of M. T. Simmons, an American immigrant of 1844, of Newmarket, near Puget Sound for two years. (Oregon Archives page 119).

Thus the Provisional Government became, in fact, a true temporary government extending, theoretically, at least, over the whole Oregon Country and applying to all residents therein without regard to allegiance or citizenship. It so continued until the boundary treaty of June 15, 1846, and thereafter south of the present boundary line between the United States and Canada, west of the Rocky Mountains, until the organization of the Territory of Oregon, March 3, 1849. If the original Provisional Government was in the interest of the United States this came to an end in August, 1845, and it was, and continued to be, until the boundary treaty went into force, merely a government for the people of the Oregon Country by their common consent and acquiescence and without regard to their allegiances.

As I have said, in May and July, 1843, there was no real need for a provisional or other government in Oregon, even in the Willamette Valley. But the arrival of the immigration of 1843, made such a government convenient, if not necessary. If, for no other reason, to enable settlers to take up land and not to interfere with the rights of prior locators. Such a government became necessary on the arrival of the immigration of 1844 which more than doubled the population of the Willamette Valley. It became imperative on the arrival of the immigration of 1845. The immigration of 1846 was between 1,500 and 1,700 persons. That of 1847 was between 4,000 and



5,000. That of 1848 was few in numbers as most of the overland immigrants went to California on account of the discovery of gold there.

Among the early acts of Governor Lane's administration was the taking of a census of all, except Indians, in Oregon Territory. It showed the following population in 1849: Total population 9,083, of whom 8,785 were American citizens and 298 foreigners. There were 5,410 males and 3,673 females. In the counties of Vancouver and Lewis, being all of Oregon north of the Columbia River, the total population was 304, of whom 189 were American citizens and 115 foreigners. (Evans' "History of the Pacific Northwest," Vol. 1, page 305).

I have been unable to ascertain, whether there was included in this census, men whose homes were in Oregon, who had gone to the mines in California. A large part of the male population of Oregon was then at the mines. Probably the absentees were counted, as their homes were in Oregon.

#### THE WHITMAN MASSACRE.

The Whitman massacre began November 29, 1847. I shall not, in this address, go into the horrible details of that event. It resulted in what is known as the Cayuse war. It was the first Indian war on the Pacific Coast, north of Mexico. All wars in the Oregon Country, previous to that time, had been prevented through the influence and power of Dr. McLoughlin. This war was fought by volunteers from the Willamette Valley and without aid or assistance from the United States. It was carried on by the Oregon Provisional Government. There were no regular troops in Oregon until May, 1849.

The Cayuse war aroused Congress to see the necessity of a territorial government for Oregon. The Act for the establishment of Oregon Territory passed Congress and became a law August 14, 1848. March 2, 1849, General Joseph Lane, Oregon's first territorial governor, arrived at Oregon City. March 3, 1849, he issued his proclamation assuming charge as Governor of the Territory of Oregon. The Provisional Government thus ended. Shortly afterwards the Territory of Oregon was

organized. Its first legislature met at Oregon City July 16, 1849. The last session of the Legislature of the Provisional Government adjourned *sine die* February 16, 1849.

#### SUMMARY OF THE PROVISIONAL GOVERNMENT.

In one sense the Oregon Provisional Government may be said to have had its beginning in February, 1841. The Wolf meeting in March, 1843, the Champoeg meeting of May 2, and the meeting of July 5 of the same year, were but carrying into practical effect what had been attempted in 1841. As I have shown, the organization of a provisional government was largely a matter of sentiment, but in the summer of 1845 the organization of a true provisional government became a necessity, not only from existing conditions, including the increase of population by the arrival of the large immigration of 1844, but in anticipation of the arrival of the immigration of 1845 and of succeeding immigrations until, at least, the settlement of the Oregon Question between the United States and Great Britain. It is most creditable to the pioneers of Oregon, up to the organization of the Oregon Territorial Government, in 1849, that the Provisional Government conducted itself as though it had real sovereignty in the disputed Oregon Country; that it derived and sustained its powers "from the consent of the governed"; that it was always just and fair to all peoples and their properties within its control and power; that it was, at least, tacitly recognized by Congress as competent to conduct affairs in the part of the Oregon Country determined as belonging to the United States by the boundary treaty of June 15, 1846, up to the organization of the Territorial Government.

By the Act of Congress of August 14, 1848, establishing the Territory of Oregon, it was provided that the existing laws of the Provisional Government, then in force, excepting all laws making grants of land or encumbering the titles of land, should continue to be valid, and to operate therein so far as the same were not inconsistent with the Constitution of the United States and the principles and provisions of said Act.

This was a high and just compliment to the law makers of the Oregon Provisional Government. The effect was to con-

tinue in force all its laws except those relating to the acquisition of land, and excepting also a law which was passed, apparently February 15, 1849, the day before the final adjournment of the last Legislature of the Provisional Government, and approved February 16, 1849, "For the weighing and assaying of gold, and melting and stamping the same." (Laws of 1843-9, page 58). Of course, this was not lawful, under the Constitution of the United States. But Congress had refused to extend the jurisdiction of the United States over Oregon, although the boundary treaty had been in force nearly two years and a half. There was practically no money in circulation, although gold dust was used, which was very unsatisfactory. Prior to the discovery of gold in California the only mediums of exchange were wheat, beaver skins, and store orders. The necessity of the law was its justification. It was characteristic of the early pioneers who had established and maintained this Provisional Government, because of the necessity of such a government but not against the United States. As the government of the United States had given them no laws they made laws for themselves. It is true no money was coined under this law, for on March 3, 1849, forty-seven days after its approval, Governor Lane, by his proclamation, placed Oregon Territory under the government of the United States and the Act organizing the Territory.

#### CONCLUSION.

It is well for us to be here and celebrate this anniversary. Whether it be the important day of the organization of the Provisional Government, is of small moment. We observe the Fourth day of July as the day of American Independence, but the American Revolutionary War had begun more than a year prior to the Declaration of Independence, and the war did not end until more than seven years thereafter, but the Fourth of July is the day we celebrate. It might well have been the date of the battle of Lexington, or the day the Treaty of Peace was ratified between Great Britain and the American Colonies. By common consent of the people of Oregon the second of May is

the day to celebrate the establishment of Oregon's Provisional Government by the American settlers and those associated with them, who, in a country without government, established law and order and a representative form of government, based on the best thoughts, principles and traditions of the American people, and of the Anglo-Saxon race.