DOCUMENTS

Primary Sources to Early Government

Where authorized government had not been established the American people have always organized some form of law and order. This is illustrated by the Mayflower Compact, the New England Confederation, Watauga and Franklin (Tennessee), the Indian Stream territory (New Hampshire), the Green Mountain organization (Vermont) the quasi-governments of Kentucky and California, the Texas Republic, Jefferson (Colorado) and Deseret (Utah). In the Willamette Valley, Oregon, three forms of quasigovernment were organized, and in southern Oregon one by miners. Each great wagon-train across the plains had its officers and rules, so that it was not strange that when the Pioneers of 1843 and 1844 reached the Willamette Valley and found that the "First Settlers" had a clumsy organization with inadequate laws they transformed it and created the efficient and effective Provisional Government of 1845. This is not merely a credit to the Pioneers and their descendants, but also a cause for just pride to all who now live in the old Oregon country, and to all Americans as fellow citizens of those old Pioneers.

The various manifestations of the desire for law and order prior to 1845 are recorded in widely scattered fragments. It may, therefore, be of value to the student of history to have this chronological list with the references to primary sources, and also to a few of the writings in which very valuable material will be found and many references to cognate subjects. The ramifications are innumerable, so only the chronological series is listed with a few words to identify the items. This compilation is incomplete, being merely part of the memoranda gathered during research of certain aspects of this period. If any person should be interested in any particular subject the writer will be pleased to send the references and other data.

J. NEILSON BARRY

Part I. The Oregon Country¹

Astorians. (1) April, 1812, Robert Stuart sentenced two cowards to wear women's clothing. Astoria, Chap. 41. (2) May, 1813,

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¹ BIELIOGRAPHY TO PART I. Astoria, by Washington Irving, many editions. Bancroft, H. H., Hist. Northwest Coast. 2 vols. Hist. Oregon, 2 vols. Carey, Charles H., History of Oregon, Chicago, 1922.

Documents

John Clarke hanged an Indian thief. Cox. 1, 202-206. Astoria, Chap. 53. Ross, First Settlers, 214-217. (3) There are several instances of Indians temporarily held prisoners but not of sentences.

North-West Company. (1) Murder trial, 1814, Astoria (Fort George); half of jury were white, half were Indians, of whom half were women. One acquitted and two executed. Cox, 1, 291-300. Corney, 42-43. Ross, Fur Hunters, I, 22 and 198. (2) Murder trial, Astoria (Fort George) 1817, one acquitted, four executed, Ross, Fur Hunters, I, 198. (3) White cannibal sent to Canada for trial. 1817-8. Cox, 2, 184. Kane, 328-329, Ross, Fur Hunters, 1, 59-60. Many later allusions to Dalles des Morts.

Hudson's Bay Company. (1) By act of Parliament, 1821, British subjects in the Oregon country were subject to Canadian law. Civil cases to 200 pounds could be tried, and criminal other than life sentence of capital punishment. The weighty cases were sent to Canada. Greenhow, 472. Bancroft, Oregon, I, 48. Carey, 367. Dunn, 155. Holman, O. H. Q., 13, 91. Burnett, O. H. Q., 5, 96-97. Matthieu tells of equal punishment to white and Indians, O. H. Q., 1, 96. There are many mentions of officers personally chastising offenders. (2) 1840, Indian murderer executed at Astoria, (Fort George). Lee and Frost, 270-274. Tolmie, in Bancroft N. W. Coast, 2,686, and Ore., 292. Wilkes, Narrative, 4,323. Hines, 390-391.

Wyeth Expedition. (1) Dispute settled by arbitration, Methodist Record, O. H. Q., 23, 236-237. (2) Homicide investigated, 1835, Townsend, 223-224, Thwaites, 21, 323-324. Parker, 178. Hines, 248. Gray, error as to Leslie who arrived two years later, page 197.

- Cox, Ross, Adventures, London, 1831, 2 vols. Corney, Peter, 1821, Reprint Early Voyages, T. G. Thrum, Honolulu, T.H., 1896. Dunn, John, Hist. Oregon Territory, London, 1846. Hines, Gustavus, Many titles, Wild Life, etc., 1850 and many reprints. Farnham, Thomas J., Travels, London, 1843. Thwaiites, Early West. Trav., 28, 29. Gray, Wm. H., Hist. Oregon, 1870. Data should be compared. Greenhow, Robert, Hist. Oregon and California, 1845, Appendix L. Kane, Paul, Wanderings, London, 1859. Lee and Frost, Ten Years in Oregon. N. Y., 1844.

O. H. Q., Oregon Historical Quarterly.

Parker, Samuel, Exploring Tour, Ithaca, N. Y., 1840.

Ross, Alexander, First Settlers, London, 1849. Thwaites, E. W. Trav., 7. Fur Hunters, London, 1855, 2 Vols.

Townsend, J. K., Narrative, Phila., 1839. Thwaites, E. W. Trav., 21. Wilkes, Charles, Narrative, Phila., 1849, Oregon in Vols. 4 and 5.5

Brosnan, C. J., Vol. 24, March, 1933. Peter H. Burnett, 5, March, 1904. Eugene D. De Mofras, 26, June, 1925. F. V. Holman, 13, June, 1912. F. X. Mathieu, 1, March, 1900. Methodist Mission *Records*, 23, Sept., 1922. C. J. Pike, 34, Sept., 1933. Wm. A. Slacum, 13, June, 1912, Ewing Young Estate, 21, Sept., 1920.

Primary Sources to Early Government

Willamette Valley, (1) Pig thief, Wilkes, 4,355. (2) Pig thief, Lee and Frost, 140. (3) Horse thief, De Mofras, O. H. Q. 26, 172. (4) Distillery, Slacum, O. H. Q., 13, 211-213. Methodist Records, O. H. Q., 23, 248-251. (5) Cattle Company organized. Slacum, O. H. Q., 13, 197. Young Estate, O. H. Q., 21, 207-209.

First petition to Congress, 1838, from "Settlers south of the Columbia River." These words are clue to accuracy of copy. First signature, Whitcomb.²

Methodist. "A court of justice had been organized by the popular voice." Farnham, Thwaites, Vol. 29, p. 22. Leslie, justice of the peace. Constable not named. Bancroft, Ore., 1, 236. Hines, 417. Gray, 193 and 200.

Second petition to Congress, 1839, signed by Leslie and others.²

Part II. In the Willamette Valley

February, 1841. Methodist Mission House, near Wheatland, Ore. Rev. Jason Lee, chairman. He advised a committee to draft laws for south of the Columbia river. Thornton, p. 50. Archives, p. 5, footnote.

Feb. 17, 1841. Farm of Ewing Young, near Newberg, Oregon. Lee, chairman, Archives, p. 5. Almost every work cited in the bibliography deals with so many of these events that they should be consulted, especially Brown and Bancroft.

- 2 PETITIONS TO CONGRESS.
 (1) 1838, First signature Whitcomb. 25 Congress, 3d Session, House Report 101, pp. 4-6. C. J. Brosnan, O. H. Q. 24, 68-77. Wash. Hist. Quarterly, 24, 174-189. C. J. Pike, O. H. Q., 34, 218.
 P. L. Edwards, ms., Bancroft Library, Berkeley, Calif. A. Atwood, The Conquerors, 136 (inexact copy). H. K. Hines, Missionary History, Portland, Ore., 136 (inexact copy). J. H. Brown, Political Hist. of Oregon, Portland, Ore., 1892, (inexact).
 (2) 1839. Second Petition. (Farnham). First signature Leslie. 26 Congress, 1st Session, Senate Document 514. Thos. J. Farnham, Thwaites, E. W. Trav., 29, p. 23. Charles Wilkes, Narrative, Vol. 4, p. 362, footnote. C. J. Pike, O. H. Q., 24, 221-223. Grary, Hist. Ore., 194-196. (Should be checked.)
 (3) 1843. Third petition. First signature Shortess. 28 Congress, 1st Session. Senate Document 105. Congressional Globe, 1843-4, Feb. 7, 1844. J. H. Brown, Polit. Hist. Ore., 104-107. F. V. Holman, Dr. McLoughlin, Cleveland, Ohio, 1907, 198-212. C. J. Pike, O. H. Q., 24, 224-227. Bancroft, Oregon, I, 207-211, mss. cited at Berkeley, Calif. Gustavus Hines, 145, 149-150. Wm. H. Gray, Hist. Ore., 292-303.
 (4) 1844. Fourth petition. First signature to resolution, Sidney Smith. 29 Congress, 1st Session, House of Rep. Document, 480, Number 3. C. J. Pike, O. H. Q., 24, 227-228.
 (5) 1845. Fifth petition. First signature Russell. Congressional Globe, Dec. 8, 1845, p. 24. J. H. Brown, Polit. Hist. Ore., 160-162. Bancroft, Hist. Ore., 1, 481-483. C. J. Pike, O. H. Q., 34, 229-231.

² PETITIONS TO CONGRESS.

Documents

First form of quasi-government. Feb. 18, 1841, Methodist Mission House, Leslie, chairman. Dr. Ira L. Babcock elected judge, "To act according to the laws of New York." Bancroft, 1, 294. Only one copy in the colony. George W. Le Breton, Recorder. Archives, p. 6. Hines, 418-419. Officers in office to July 5, 1843, p. 425. Newspaper letter, Feb. 18, 1841, uses term, "Rival Republic." O. H. .Q. 2, 328.

April 15, 1841. Methodist Mission House. "Probate Court. I. L. Babcock, Judge of Probate, hath appointed David Leslie, yeoman, administrator of the affairs of the late Ewing Young, deceased intestate, late resident of the Willamette Settlement, April 15, 1841. [Signed] George W. Le Breton, clerk." Oregon Historical Society.

First auction. May 26, 1841, Young farm. Wm. Johnson, auctioneer. Young estate, O. H. Q., 21, 277-280.

Second general mass meeting. June 1, 1841, near Catholic church, Leslie chairman. Arranged to consult Wilkes and McLoughlin. Archives, 7-7. Hines, 219. Burnett, O. H. Q., 5, 284.

June 7, 1841. Methodist Mission House, Committee of five interviewed Wilkes. Hines, 421. "Wilkes Diary," Washington Historical Quarterly, Vol. 17, July, 1926, p. 49. Narrative, 4, 353, also 348-349. Official Report, O. H. Q., 12, 393.

Opposition to organization. See context of above references. There is much in the bibliography.

Second auction. Young farm. Sept. 1, 1841, O. H. Q., 21, 283-287.

3 BIBLIOGRAPHY TO PART II. Archives. L. F. Grover, Archives of Oregon, Salem, Ore., 1853. Official papers. Brown, J. H., Political Hist. of Ore., Portland, Ore., 1892. Very important, and should be consulted. See Bancroft, 1, 474, footnote.
Bancroft, History of Oregon, 2 Volumes. All references are to Vol. 1. Carey, Charles H., History of Oregon, Chicago, 1922.
Clark, Robt. C., Hist. Willamette Valley, Chicago, 1927. French Canadians (primary sources), Barry, Sentinel Printery, Portland, Ore., 1933.
Gray, Wm. H., Hist. Oregon, Portland, Ore., 1870.
Hastings, L. W., Emigrants' Guide, 1845, reprint, Princeton University Press, 1932, with much valuable addition. See also under O. H. Q.
Hines, Gustavus, 1850, many titles, Wild Life, etc., in many reprints. Newell, Robt., important manuscript, Oregon Historical Society, Account of May
2. 1843. in Oregon Voter. newspaper, Portland, Ore., Aug. 10, 1929.

Newell, Robt., important manuscript, Oregon Historical Society, Account of May 2, 1843, in Oregon Voter, newspaper, Portland, Ore., Aug. 10, 1929.
O. H. O., Oregon Historical Quarterly. Assessment Roll, 1844. 31, March, 1930.
M. M. Bradley, 9, March, 1908. Peter H. Burnett, 5, June and Sept., 1904.
R. C. Clark, 13, June, 1912. P. H. D'Arcy, popular traditions, 29, Dec., 1928, compare with Clark, 33, Dec., 1932, p. 299, footnote of which photostats are available, from J. N. B. French petition, photostat, 13, Sept., 1912. with the only accurate translation. George Gary, 24, Sept., 1923. F. V. Holman, 13, June, 1912. Probably L. W. Hastings, 2, June, 1901. N. M. Howison, 14, March, 1900, compare with French Canadians. C. B. Moores, 27, Dec., 1926. Newspaper, reprint, 1844. 2, June, 1901. Harvey W. Scott, 2, June, 1901. Leslie M. Scott, 30, Sept., 1929. R. B. Thomas, 30, Sept, 1929. Young Esstate, 21, Sept., 1920.
Thornton, J. Quinn, Transactions, Ore. Pioneer Association, 1874.
Wilkes, Charles, Diary, Washington Historical Quarterly, 17, January, 1926. Narrative, Phila, 1849, in Vol. 4. Report, O. H. Q., 12, Sept., 1911.
White, Dr. Elijah, A. J. Allen, Ten Years in Ore., Ithaca, N. Y., 1848.

Nov. 1, 1841. Lease of stock on Young farm. O. H. Q., 21, 288-289.

French Prairie, near St. Pauls, Oregon, Sept., 1843. Meeting to hear Dr. Elijah White. Bancroft, 1, 262-263 and 297. Hines, 421. A. J. Allen, Ten Years in Oregon, Dr. White and Lady, 168-171. Note absence of Abernethy signature. The personal activities of Dr.White were hardly "popular" government and so are not listed. but numerous details will be found in the bibliography.

Winter of 1842-1843. Oregon City, debating society. Approval of Hastings plan for government independent of United States. McLoughlin was said to have favored plan, and this was generally known to the French Canadians. Bancroft, 1, 296-297. Carey, 373-374. Gray, 261 and 268-269. Matthieu, O. H. Q., 1, 93-94. Howison, O. H. Q., 14, p. 3. Gen. John Bidwell, in Century Magazine, Dec., 1890, p. 176. Similar attempt by Hastings in California.⁴ There is much data on this idea until after the Civil War.

Winter of 1842-1843. Oregon City, debating society. Approval of Abernethy's plan to postpone organization of independent government for five years. Bancroft, 1, 297. Gray, 261, and 268-269.

⁴ These may not be easily available. (1) F. X. Matthieu, "Refuge, Trapper and Set-tler," ms., Bancroft Library, photostat. "I never expected to see Oregon civilized as it is. When they first organized the Government I was elected constable. After that they elected me justice of the peace..." (2) Accompanium to Mitchell's New Map of Texas, Oregon and California. Phil-adelphia, 1846. Reproduced, North Pacific Bank Note Co., Tacoma, Wash., 1925. Page 16, (Oregon). "By late advices from Oregon, it appears that two political parties already exist among the emigrants, one of which is in favor of independence, and the other of adhering to the United States. Many of the Americans, besides a number of individuals in the employ of the Hudson's Bay Company, contemplate the formation of an Independ-ent government, the occupation of the whole of the disputed territory, and to obtain, if possible, from the Hudson's Bay Company, the cession of all their forts and trading houses..."

Documents

January, 1843. Consultation to organize a government. Gray uses term "provisional," pp. 260-261. Compare Bancroft, 1,305-306 with Howison, O. H. Q., 14, p. 31. Hines, 420, used term, "A kind of provisional government," for the organization of 1841.

First Wolf Meeting. Oregon Institute, Salem, Ore., Judge Babcock, chairman. Archives, p. 8. Gray, 261-262, and 264. Bancroft, 1,300.

Feb. 4, 1843. Gustavus Hines was "appointed by the authorities of the country" to appraise the estate of Cornelius Rogers, who had been drowned Feb. 4, 1843.

Feb. 9, 1843. Methodist Mission House, Judge Babcock gave instructions to appraisors. Hines, 138.

Feb. 14, 1843. Oregon City, Hines, Gray and Shortess appraised estate of Rogers. Value, \$1,500 of which \$800 clear. Hines, 140, Gray, 270.

Feb. . . . 1843. Methodist Mission House, Judge Babcock appointed Rev. Harvey Clark administrator. Gray, 271. Compare Gary O. H. Q., 24, pp. 274-275 and 298.

Second Wolf Meeting. March 6, 1843, Third general mass meeting. Residence of Joseph Gervais, near Gervais, Ore. O. Neil, chairman. (1) Regarding predatory animals. (2) Committee to consider organization. Archives, 9-11. Bancroft, 1, 301-303, footnote; also 196; 207; 343, and Hist. Northwest Coast, 1, 539, Vol. 2, 452; 536, footnotes 19 and 21; 596; 612. Gray, 264-267.

⁵th of July came & the report was made the people assembled, the provisions were adopted and the legislative body was dissolved. That was the end of their work. We had not resolved to have a Governor, But there was a committee chosen of three that were to act as Governor until a certain time, when we resolved to have a Governor, and Governor Abernethy, the Secretary of the mission was chosen. The cause of the Cayuse War was...."

⁽⁴⁾ General John Bidwell, California Pioneer of 1841. In Century Magazine, Dec., 1890, page 176. "In 1843 a lawyer named Hastings arrived via Oregon. He was an ambitious man, and desired to wrest the country from Mexico and make it a republic. He disclosed his plan to a man who revealed it to me. His scheme was to go down to Mexico and make friends of the Mexican authorities, if possible get a grant of land, and then go into Texas, consult President Houston, and go East and write a book, praising the country to the skies, which he did, with little regard to accuracy. His object was to start a large immigration, and in this he succeeded. The book was published in 1845, and undoubtedly largely induced what was called the "great immigration" of 1846 across the plains, consisting of about six hundred. Hastings returned to California in the autumn of 1845, preparatory to taking steps to declare the country independent and to establish a republic and make himself president." [It is significant that Hastings left Oregon immediately after the meeting of May 2, 1843. J. N. B. Data regarding Hastings

omitted.] (5) An incomplete compilation of names in primary sources indicate 121 French speaking men in the Willamette Valley on May 2, 1843; English speaking: positively ascertained 136, probable 17, mentioned 81, total 234. Grand total 257. Other than the officers who were elected, and the few others mentioned by Newell, Parrish, etc., it is impossible to determine who were present at the meeting. Hines was at the Cascades. Balley was on the ocean, returning from New York. Bancroft 1, 465, lists Adam Hewett as arriving in 1844, yet Nesmith in 1875 said he was in the Willamette Valley in the autumn of 1843. Transactions, Oregon Pioneer Association, 1875, p. 54. J. N. B. has no evidence that he had arrived by May of that year. There is what J. N. B. considers trustworthy evidence that many did not stand in line, which may explain the discrepancy as to the majority.

Primary Sources to Early Government

March, 1843. Oregon City, Dr. White, chairman. Joint meeting of committee and citizens. Unanimous vote to call meeting May 2, 1843. Bancroft 1, 302. Gray, 268-270.

March 25. Third petition to Congress. First signature, Short-ess.²

May 2, 1843. Fourth general mass meeting. Champoeg grain warehouse. Judge Babcock, chairman. After the majority vote favored organization "the greater part of the dissenters withdrew." 1843, Official minutes, Archives, 14-15 "great majority." 1844, Newspaper, probably Hastings, in O. H. Q., 2, 202, important. 1844, McLoughlin, O. H. Q., 17, 234. 1845, Hastings, Emigrants' Guide, p. 61, "a great majority." 1850, Hines, 423, "large majority." 1865, Gray, newspaper, republished in book, 1870, 279-281, prints minutes "a majority." republished in Oregon Voter, Portland, Ore., Aug. 10, 1929, very important; manuscript at Ore. Hist. Society.

May 2, 1843. After-meeting at Champoeg warehouse. (1) Resolved to call fifth general mass meeting July 5, 1843. (2) Selected candidates for offices. (3) Appointed legislative committee. (4) Expenses to be paid by subscription. (5) Officers of 1841 to continue in office until July 5, 1843. Archives, 16-17. Hines, 423-425. Gray, 280-281. For no tax, compare Archives, 80. L. M. Scott, O. H. Q., 31, p. 6. Gray, 340 and 424. Nearly every work in the bibliography deals with this meeting.

May 16-19, 1843. At granary of Methodist Mission. Moore, chairman, First session of legislative committee. Bancroft, 1, 305-306; 308-309. Archives, 16-20. Newell, ms., important. Bradley, O. H. Q., 9, 51. Gray, 336-345.

June 13, 1843. Third auction, Young farm. O. H. Q., 21, 289-291.

June 27, 1843. Second session of legislative committee. Archives, 20-22. Bancroft, 1, 206.

Second form of quasi-government. July 5, 1843. Champoeg warehouse. Fifth general mass meeting. Hines, chairman. Elected executive committee, Hill, Beers and Gay, and most of the candidates of May 2, 1843. Adopted first organic laws. Data as to Iowa laws is not listed. Archives, 23-35. Hines, 425-431. Bancroft, 1, 306-314. Burnett, O. H. Q., 5, 185-189. McLoughlin, O. H. Q., 17, 234. Newspaper, 1844, important, O. H. Q., 2, 202-203. February, 1844. Dr. White called a meeting for March 4, 1844. McLoughlin, O. H. Q., 17, 237.

February, 1844. Probably French Prairie. Sidney Smith, chairman. There is a tradition that he was summoned by mistake, instead of Solomon H. Smith. (1) French petition signed by Smith, Gervais, Renay, Pickett and Holderness, latter two of emigration of 1843. Photostat, O. H. Q., 13, 338-343. Inaccurate translation and wrong date in Archives, 12-13. Same also in Gray with wrong date repeated, 273, 275, 241, 351. Idea of date having been 1843 is prevalent. (2) Fourth petition to Congress. Resolution, first signature, Sidney Smith, misprinted Leets. Compare with photostat of French petition.²

March 4, 1844. Probably French Prairie, probably White, chairman. French petition was addressed to this meeting is often erroneously supposed to have been in 1843. The only primary source found is McLoughlin, O. H. Q., 17, 236-237. "The Canadians . . . voted down every proposal." Possibly this meeting was confused by Gray, page 279, since only one motion is recorded at the fourth general mass meeting.

March, 1844. Call for meeting to organize military company. Since the duly authorized military officers were ignored a thesis might determine whether this was the action of the entire executive committee.

March 9, 1844. French Prairie, W. H. Willson, chairman, Military company organized. Archives, 36-37. Bancroft, 1, 283-285; Gray, 371-373.

Spring, 1844. Executive committee ordered investigation of killing of Indian. Bancroft, 1, 383.

May 1, 1844. Negro arrested. Bancroft, 1, 284. Gray, 395-397.

First general election. Second executive committee elected. Bailey, Russell, Stewart. Bancroft, 1, 427-429.

June 18, 1844. Message of executive committee. Bancroft, 1, 429-430.

June 18-27, 1844. Oregon City. McCarver, speaker. First session of legislative committee. Negro law, much data omitted. Archives, 38-53. Bancroft, 1, 438-439. Burnett, O. H. Q., 5, 157-198 and 271-305. Gray, 374-379 and 393-395.

Assessment roll of 1844. Valuable list of names, O. H. Q., 31, 11-24. L. M. Scott, O. H. Q., 31, 1-10. Note Gay and Shortess.

Dec. 16, 1844. Message of executive committee. Archives, 56-59. Gray, 380-383.

Dec. 16-24, 1844. Oregon City, Second session of legislative committee. Prepared amended organic law. Archives, 54-70. Bancroft, 1, 439-444. Burnett, O. H. Q., 5, 157-198 and 272-305, Gray, 383.

April 8, 1845. Champoeg vicinity. Convention selected Lovejoy, Bancroft, 1, 571-572. The term Champoeg was loosely used for any place within several miles, also for the landing at the grain warehouse and later for the village which was below the warehouse, near Aurora, Ore.

Second general election. June 3, 1845. (1) Abernethy, first governor. (2) Rejected proposal for constitutional convention. Bancroft, 1, 471-473. Hines, 431-434. Gray, 384 and 421-426.

June, 1845. Message from P. J. Stewart, in absence of Abernethy. Archives, 73, footnote. Bancroft, 473.

June 24 to July 5, 1845. Oregon City. Second session of legislative committee. (1) Oath not affected by nationality. (2) Fifth petition to Congress, first signature, Stewart.² Archives, 71-89. Bancroft, 1, 472-488. Gray, 421-426. Burnett, O. H. Q., 5, 157-198, and 272-305. Petition in Young estate regarding jail, O. H. Q., 21, 313-315. See bibliography for Dr. White and petition.

Third form of quasi-government. July 26, 1845. Third general election. Amended organic laws adopted, 255 to 22, Bancroft, 1, 479-480. Hines, 431-435. Oregon Spectator, newspaper, Feb. 5, 1846. All honor is due to the Pioneers who established this effective Provisional Government.