

MESSAGE

of the Governor of Oregon Territory. December, 1846.

TO THE HONORABLE THE LEGISLATIVE ASSEMBLY OF OREGON.

Fellow Citizens :

The duty of addressing you at the opening of your session once more presents itself. The duty of legislating for the welfare and happiness of the community, again devolves on you. May we be guided and directed by that Wisdom that never errs.

The boundary question—a question of great importance to us as a people, there is every reason to believe, is finally settled. The following is an extract from the 'Polynesian,' a paper published at the Sandwich Islands, of the 29th August last :

"The Senate ratified the Treaty upon the Oregon question, by a vote of 41 to 14—27 majority."

This the 'Polynesian' credits to the 'New York Gazette and Times,' of June 19th—showing that a treaty had been entered into and probably concluded between the two governments. The provisions of the treaty are not yet known to us in Oregon, further than what we gather from the letter of Sir George Seymour, the British Commander in Chief in the Pacific, to the agent of the Hudson's Bay Company at the Sandwich Islands—being an

Extract of a private letter from A. Forbes, Esq., Consul at Tepic, to Sir Geo. Seymour.

"I send you an American newspaper, which Mr. Bankhead has requested to be forwarded to you, and which shows that the Oregon question is entirely settled—the 49th degree is to run on to the Straits of Fuca, the whole Island of Vancouver being left in possession of England, and the said Straits of Fuca, Puget's Sound, &c., remaining free to both parties. The Columbia River is also to be free to both parties until the expiration of the Charter of the Hudson's Bay Company—when the whole to the south of the 49th degree is to belong to America, with the exceptions mentioned."

Should this information prove correct, we may shortly expect officers from the United States' Government to take formal possession of Oregon, and extend over us the protection we have long and anxiously looked for.

The notice that the joint occupation of Oregon would cease after twelve months, was given by the President of the United States to the government of Great Britain.

The President in his Message of 1845, before the notice was given, speaking of Oregon, says, "It will become proper for Congress to determine what legislation they can in the mean time adopt, without violating the convention. Beyond all question, the protection of our laws, and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon." As yet we have not been made acquainted with any action of Congress that would extend the jurisdiction of the United States over us: but from the feeling that prevailed in Congress with regard to this country, and the sentiment set forth by the President, previously to the notice having been given, there can be no doubt but that now—the notice having been given—the boundary line in all probability finally settled, we shall in a few months at farthest, be again living under, and enjoying the protection of the stripes and stars of our loved country, and ere long we may reasonably hope be added to the brilliant constellation.

In view of the above, and as the preamble to our Organic Law sets forth the fact, that we agree to adopt the laws and regulations of our provisional government, "until such time as the United States of America extend their jurisdiction over us," and as that time probably is near at hand, it remains with you to determine whether it will be better, after confirming the appointments, filling vacancies, making the necessary appropriations and attending to the unavoidable business of the session, to adjourn, either to meet in the Spring, at which time we will undoubtedly have all the proceedings of Congress relative to this country, passed at the last session, or at the call of the Executive, should he be put in possession of the intention of the U. S. Government respecting us, or whether you will go on with the regular business of the session as if nothing was done for us, or expected by us. In the latter case, there are laws that need revising, and some laws that are very necessary for the

# Oregon Spectator.

"Westward the Star of Empire takes its way."

Vol. I. Oregon City, (Oregon Ter.) Thursday, December 19, 1846. No. 23.

welfare of the Territory should be passed.

The law establishing the Post Office Department needs altering very materially. It was found after being in operation but a short time, that the rates of postage were altogether too high, amounting indeed, to a prohibition; the revenue arose almost entirely from the postage on newspapers, but fell so far short of the expenses, that the Post Master General, at the close of the third quarter, stopped sending the mail. I would recommend that the rates of postage be reduced to five cents on each letter; double letters and packages in proportion, and one cent on each newspaper. A mail route should be kept up between the principal sections of our Territory, and I have no doubt, if the postage is reduced, the revenue arising from the receipts of the office, would very nearly or quite pay the expenses.

The act passed at the last session of the Legislature, entitled "An act to prevent the introduction, sale and distillation of ardent spirits in Oregon," is one I should recommend for revision; there are several points in which it is thought to be defective. The Organic Law provides that the Legislature shall have power to "pass laws to regulate the introduction, manufacture or sale of ardent spirits." It is held that the power to prohibit the introduction, manufacture or sale is not granted by the Organic Law. Another objection is, that the fine collected under this act, shall go one half to the informant and witnesses, the other half to the officers engaged in arresting and trying—in fact, making the witnesses and Judges interested in the case. The 4th section of the Act makes it the duty of any officer or any private citizen to act, whenever it shall come to their knowledge that any kind of spirituous liquors are being distilled, or manufactured in Oregon. It would be much better if it were made the duty of the sheriff of each county to act whenever he should be informed that liquor was being made or sold in his county, and authorize him to raise a sufficient posse to aid and assist him in enforcing the law. We have as a community taken a high stand in the cause of temperance: among our earliest efforts may be found the abolishing of ardent spirits from our land; and to this in a great measure, may be attributed our peace and prosperity. No new country can be pointed out where so much harmony prevailed in its first settlement, as in this. Laws we had none; yet all things went on quietly and prosperously. I have no doubt if ardent spirits is kept within its proper limits, we shall continue to prosper. It is said by some that we have no right to say what a man shall make, or what he shall not make. Yet we find in all large cities, that certain manufactories are forbidden to be carried on within the limits of the city, because they annoy the inhabitants, and hence are declared to be public nuisances, and by law are compelled to be removed; and if the city increases and extends to the place where they relocated, they are removed again. Intoxicating drink is an enormous public injury and private wrong; its effects in every way, shape and form, are evil, and therefore should be restrained within proper limits by law. It deprives the wife and children of the inebriate of the support and protection they have a right to expect from him. It deprives the community of the labor which constitutes the nation's wealth; for it is a well known fact, that the wealth of nations is made up of individual labor, and every day therefore lost by the laborer, caused by the effects of alcoholic drink, is a loss to the community at large. Persons who had become habitually addicted to the use of ardent spirits, hearing that we had excluded the poison from our land, and believing they never would get free if they remained near its influence, have left their homes and crossed the Rocky mountains to escape the ruin that threatened them. Shall they be disappoint-

ed? During the past year, persons taking advantage of the defect in our law, have manufactured and sold ardent spirits. We have seen the effects, (although the manufacture was on a small scale,) in the midnight carousals among the Indians in our neighborhood during their fishing season, and while they had property to dispose of; and let me ask, what would be the consequences, if the use of it should be general in the country and among the different tribes of Indians in the Territory. History may hereafter, write the page in letters of blood—and what are the consequences as presented to us in the history of older countries, of an indiscriminate use of ardent spirits? Alms houses, hospitals, prisons and the gallows. I would therefore recommend that one person, and that person a physician, be appointed and authorized to import or manufacture a sufficient quantity to supply the wants of the community for medicinal purposes; to dispose of no liquor except when he knows it is necessary, or on an order from a regular physician, stating that the person applying stands in need of it for medicinal purposes; and to physicians to be used in their practice. The person so empowered to import, manufacture and sell, to keep a record of the quantity manufactured or imported. Also, a record of the quantity sold or disposed of, and to whom, and the name of the physician on whose certificate given. This would be attended with but little trouble, and might be required to be given under oath. Many articles require alcohol to dissolve them—this could be done by taking the article to the person appointed, and having the alcohol put on the ingredient in his presence. Section 5th of the law, I would recommend to be altered so that the fines and penalties shall go one half to the informer, and the other half into the treasury. I would recommend that the penalties for manufacturing be increased. If the indiscriminate sale of liquor be admitted as an evil, no good citizen can wish to be engaged in it. Why should the majority suffer, to benefit a few individuals. I have said more on this subject than I should have done, did I not fear an attempt would be made to break down the barrier raised by the early settlers of this land. Much of our prosperity and happiness as a community depends on your action in this matter.

There will be several proposals laid before you in regard to locating the Seat of Government, but under the present aspect of affairs I think it best to postpone the subject for the present.

A subject of great importance to us as a people, presents itself in our commercial regulations; that this will be a commercial nation there can be no doubt in the mind of any person, acquainted with our location, it therefore is our duty to commence preparing the way for shipping to enter our harbors. The first requisite for the mouth of the Columbia river, is a good pilot or pilots. Many ships employed in the whale fishery would no doubt enter our river and remain with us during the winter, if they were sure of obtaining a good pilot to bring them in safely over the bar, and conduct them out, when ready for sea. Vessels can, without doubt, enter and depart from the mouth of the Columbia river, with as much safety as they can the majority of sea ports in the United States; it needs only a careful pilot, well acquainted with the currents, land marks, and shoals, to make it perfectly safe for vessels to enter our port. I therefore recommend, that a branch be established at the mouth of the Columbia river, and that a board of commissioners be appointed, whose duty it shall be to examine all persons applying for license to act as pilots, as to their capability so to act. Connected with this, is the means to prevent seamen from deserting; if seamen are at liberty to leave their vessels and appropriate themselves among the inhabitants, or be provided for and protected by them, until their vessels leave, we can

never hope to see our ports frequented by vessels for the purpose of visiting and obtaining supplies. I would therefore recommend that a heavy penalty be imposed on any person who shall entice a seaman to leave his ship, or who shall harbor, secrete, employ, or in any wise assist a deserter.— This may appear severe, but when on reflection we consider that these men voluntarily entered into a contract to perform certain duties, and that the safety of the vessel they belong to, and the lives and property on board, depend on their faithfully fulfilling their contracts, the severity vanishes at once. We should consider, that a vessel lightly manned, which must be the case, if part of the ships crew desert, as there are no seamen here to supply their places, runs a great risk in working out of our harbor; a risk that ship masters and ship owners will not be likely to run. Unless regulations can be made that will prevent desertion, vessels will avoid our ports, and without vessels, the produce of the farmer must remain on his hand, and in this way work an injury all round, and one that will be felt by all classes in the community.

Our Courts, as at present regulated, have not answered the expectations of the framers of the law, but as the jurisdiction of our courts will soon cease, it will probably not be worth while to enter into any new arrangement.

I regret being compelled to inform you that the jail erected in Oregon City, and the property of the Territory, was destroyed by fire, on the night of the 18th of August last, the work no doubt of an incendiary; a reward of \$100, was immediately offered, but as yet the offender has not been discovered. Should you think it best to erect another jail, I would suggest the propriety of building it of large stones clamped together. We have but little use for a jail, and a small building will answer all purposes for many years, I have no doubt, if we should be successful in keeping ardent spirits out of the Territory.

There is one subject, which I would lay before you, in reference to the Indian population, and that is the extent the law intends to allow them in their villages. Complaints are made by Indians, that they are encroached on by the whites. Cannot some way be devised, by which their villages can be surveyed, and stakes set, inside of which boundary the white man may not be permitted to enter and build? The Indians inhabited these villages previous to our arrival, and should be protected by us. The time no doubt, is near at hand, when the Agent of the United States Government will be here, and these matters will be arranged by him, but until he arrives, I deem it necessary that some provision be made by you, as it may save trouble and difficulty.

Another emigration has crossed the Rocky Mountains, and most of the party has arrived in the settlements. About one hundred and fifty-two waggons reached this place very early in the season, via Mr. Barlow's road, for which a charter was granted him at your last session. About one hundred waggons are on their way, if they have not already arrived in the upper settlements, by a southern route, they have no doubt been detained by travelling a new route, the difficulties attending the opening a wagon road are very great, and probably will account in some measure, for their detention. The emigration falls far short of last years, probably not numbering over one thousand souls. This is accounted for by a great part of the emigration turning off to California, we trust that those who have come in among us, may have no cause to regret the decision that brought them to Oregon.

I would call your attention to the subject of education; without education no country can be prosperous, it therefore becomes the duty of the legislature to provide liberally for the education of the rising generation.

I am happy to say, that the past year has amply repaid the tiller's toil; our harvest has been abundant, and the season for gathering in the crop was dry, enabling the farmer to secure the reward of his labor, free from injury.

During the past season, we have enjoyed throughout our Territory, the blessings of health. These blessings and mercies, call for our gratitude; may we ever feel our dependence on the Divine Being, through whom we receive them, and our prayers continually ascend to him for wisdom to guide us in the important duties to which we are called.

GEO. IBBANS, Printer. Oregon City, December, 1846.