



## Oregon State Archives

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## GOVERNOR GEORGE ABERNETHY ADMINISTRATION

July 14, 1845 to March 3, 1849

### Legislative Messages, 1845

Source: Oregon State Archives, Oregon Provisional and Territorial Records, 1845, Calendar Nos. 1382, 1383.

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### Future of Oregon

### Messages – Governor

### Year 1845

To the Honorable the Legislative Assembly of Oregon

Gentlemen,

The principal cause of the adjournment of this body, from July last was to place before the people the Original Organic Law, together with the amended Organic Law, that they might decide which should be the foundation for a Code of Laws, to govern us until such time as the United States of America extend their jurisdiction over us. I have now the honor to inform you that the Organic Law as amended by your Honorable Body has been adopted by the Citizens of this Territory, and it therefore devolves in you to revise, alter, and amend the Laws heretofore passed, that they may accord with the Organic Law, and to form such other Laws as in your wisdom may be deemed necessary, for the safety and protection of the people.

The past year have proved that the revenue is insufficient to meet the expenses of the Government, and while I would recommend that strict economy should guide the Legislature in their appropriations I would also recommend [a new] means of increasing the revenue that improved farms be taxed in proportion to the value of the improvements; at present the farmer who depends principally on his stock as a means of subsistence is taxed, while the producer pays nothing into this Treasury. There is no doubt [that] this tax will be paid cheerfully by the farmers if the appropriations are made, for the general welfare of the community, perhaps this may be found sufficient to meet the newfound expenses without increasing the percentage.

The Executive Committee at the opening of the Session last July in their message to your Honorable Body earnestly recommended “that the law regarding two sessions of the Court to be held in each County be so amended as to require only two or at most three sessions during the year in the whole Colony.” You can carefully examine this matter and make such alterations in



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the Judiciary Department as will facilitate the operation of the Court and economise the expenses.

There will be a great deal of Litigation in this County arising from the facilities of obtaining credit which prevails throughout the Colony. In order to prevent this in some measure I would recommend the passage of a Law which would prevent all debts or notes taken for debts (except where fraud is alleged), contracted after the passage of such Law, from being collected by Judicial process. This would save much time and trouble to the Court. Persons would be more careful in disposing of their property and those who came under obligation to others in my opinion would be more [timely] in their payments, knowing if they did not meet their obligations when they became due they would receive no more favors; allowances would be made for a man who should meet with misfortune, but the man who was able to pay and would not, by the passage of such a Law would soon become known throughout the Colony.

I would recommend that the [#] section of the Militia Law, by which the qualified voters of the several districts elect the Field officers annually, be so amended, as that the Field officers be elected by the Company Officers of the Regiment which he is to command or be attached to; the Senior Officer in the Regiment to procure at the election, and make the returns to the Commander in Chief. Officers to hold their Commissions until their resignations are accepted, unless expelled by a Court Martial for misdemeanor. Also that the 6th Section be so amended that instead of the Militia being ordered out for martial exercise two days in each year, one day only be required, principally for inspection and that the 8th Section be amended so as to make it the duty of every man to appear on the ground armed and equipped, this last amendment is very necessary, surrounded as we are by savage tribes, every man in the Colony should be provided with the means of defense. Should you amend the above Sections it will be necessary to amend the other Sections to make them correspond. Experience has fully proved that two or three days spent in martial exercises every year are insufficient for instruction in military maneuvers. Consequently any time spent more than is requisite for inspection a heavy and unnecessary tax on the Citizens of Oregon. Officer's units should be increased and as an inducement to officers to [serve] often and be punctual it would be well to limit their term of service to six years after which time they should be exempt from military duty except in case of an invasion.

There is nothing that more surely advances the prosperity of any Country than numerous school houses well filled during the week days and a strict observance of the Sabbath. I would recommend that School districts be formed and the means of education be placed within the reach of every family. The inhabitants residing within the bounds of a School District should be required to meet, select a site for a School House and build one at the expense of the District, the cost to each individual would be but trifling, teachers would now be forced to occupy the School House and dispense the blessings of education to the children around them.

Our late information from the United States leaves the question of the boundary line between the United States and Great Britain state undecided, the question was agitated during the last Congress and we have every reason to believe judging from the Inaugural address of President Polk and the disposition prevailing in the United States with regard to this Country that the jurisdiction of the United States will be speedily extended over us.

Through the mercy and goodness of the Divine Being we are blessed again with a plentiful harvest. Agriculture, the first and most important occupation of man, has abundantly [rewarded] the labors of the husbandman. Health dwells in our land and Peace surrounds us. May we show our gratitude to him who bestows all these mercies by bearing in mind through all our acts that

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we are dependent on him, and may our prayers continually ascend to him for wisdom to guide us in the important duties to which we are called.

George Abernethy  
Oregon City, August 1845

**1382**

## **Future of Oregon**

### **Messages – Governor**

#### **Year 1845**

To the Honorable the Legislative Assembly of Oregon

Fellow Citizens

Allow me to congratulate you on your return to this place again to enter the important duties assigned to you by your Constituents.

By the latest dates we have from the United States we are informed that the affairs of Oregon State remain unsettled no arrangement having as yet been entered into between the United States and Great Britain fixing the boundary lines between the two Governments.

In my last message, I suggested several alterations in the Militia Law and would again call your attention to the subject at present all is peace and quietness, but should any thing occur requiring the aid of the Militia, every thing should be ready for immediate and prompt action.

The Currency is another subject on which you will be called to act. That a legal tender should be provided for the payment of liabilities besides gold and silver, we are all well aware. The previous metals are very scarce in this country and by most persons not to be had. What shall be the legal tender is an important question for you to decide. If all the articles provided, raised and manufactured in the Country are made legal tenders no person will sell any thing he has to dispose of unless there is a special contract drawn up designating how and in what manner the seller is to receive his pay, this will cause much inconvenience to both parties. Wheat in my opinion should be the only article used in the Country as a legal tender in addition to gold and silver, it is at present the stable article of our country, can be procured by all the settlers in abundance, can be readily disposed of by the merchants and others, and is not a perishable article. The next question is where shall the article or articles made legal tender be delivered? If the debtor is allowed the privilege of delivering wheat at any point on the navigable river, and thereby discharging his debt, it will -throw all the trouble of getting it to market on the receiver. This should not be, the trouble should devolve on the owner who by delivering his produce is relieved from his liability. Oregon City is at present the business place and for the convenience of all parties would in my opinion be the best depot for the bounty. Other articles and other places of deposit can be agreed upon between parties who are transacting business together. Our business is to provide for a man who being in debt to another, is pressed for silver, and informed that nothing else will answer in payment. We must in some way provide to relieve him from this difficulty, but in doing this we should be cautious not leave the door too wide open, for in doing so we may break down all confidence and do more injury than good.

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We are visited occasionally by vessels for trade and other purposes, I think it would be well to have an officer appointed to reside at the mouth of the River whose duty it should be on the arrival of any vessels to board her and deliver the Captain a copy of the law relating to the sale of Ardent Spirits; many complaints have come from the residents at the mouth of the River stating that spirituous liquors have been distributed among the Indians from different vessels, causing much excitement among the Indian and in one case leading to a war between two parties of them. It cannot be expected that a stranger on his arrival should be acquainted with the law on this subject, and he may deal out to Indians and other enough to do a great deal of mischief, before he became acquainted with it, unless some steps are taken by your to inform him. The Officer so appointed could inform the proper authorities should the Captain then persist in selling liquor and the necessary steps to enforce the law could then be taken.

There should be a sealer of weights and measures appointed, and no weights or measures used in the Colony excepting such as are stamped by him, by this means a uniformity in our weights and measures would be brought about and one source of complaint removed.

The boundary lines between some of the Districts have not been defined and persons living near the borders of such Districts do not really know in which District they reside, I would call your attention to this subject that you may examine into is and define the boundary lines.

It will be necessary to decide upon and locate the seat of Government the present session, I would recommend that a [Bondsmith] be appointed by your body at an early day, to take this matter into consideration.

A large Emigration has this year crossed the Rocky Mountains, and the individuals who comprised it are now in our midst and make one with us after passing through many scenes of difficulty and privation; there has been more suffering than usual among the Emigrants the present season, perhaps in some measure owing to the largeness of the party, which numbered over two thousand persons, but principally in an attempt made by some of them to shorten the way, they failed in their object and many of them perished in consequence of the difficulties they encountered, encumbered as they were with their families and Cattle in an untried route. Something should be done by us to facilitate the arrival of Emigrants among us; nearly all the difficulties they encounter occur between Walla Walla and the settlements and perhaps I may bring ... state nearer and ... between the Dalles and this place. If then can be a remedy provided for this it should be done at once and our easy and safe conveyance provided for the Emigrant who may hereafter seek to make this land his home. Two plans have suggested themselves to me, one is to employ one or more of the old settlers who profess to be acquainted with the pass, leading through the mountains from Fort ?, or thereabouts, to the upper settlements in the Willamette to take charge of a party, whose duty it shall be to examine the route, mark it out, and report to a committee appointed by you, all the particulars of the route should be carefully noted down, particularly the distance between [unknown placed] where water can be procured, and the quality of the water, together with the quantity of grass land that my be in the ..., whether there are any sandy deserts to cross that would be difficult for Cattle to pass over for want of water and proper food.

The other plan is to complete the road that has been commenced by McDarlow and others south of Mount Hood. Either of these plans will require funds and I would recommend that a committee be appointed by you, whose duty it shall be to inquire into the feasibility of either of the plans and to obtain subscriptions from the settlers of the Colony to carry the ... reform upon into operation, the amount required I have no doubt can easily be raised.

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I have made the following appointments during the recess of the Legislature. William H. Willson First Judge for the District of Champoeg in place of E. E. Parrish who refused to accept the appointment. Alan Robert Moore Judge for the Tualaty District in place of H. Higgins resigned. There is a vacancy in the Clatsop District occasioned by the refusal of R. [last name] to accept the offer of Judge for that District as there was no Court to be held in that District previous to the meeting of the Legislature. I have left the office to be filled by you. I received a letter from Jesse Applegate resigning his seat in your body as Representative from the Yamhill District-that district will therefore not be fully represented, as the notice was not received in time to [hold] a new election.

I am happy to say that the Emigrants who have come in this year appear well pleased with the regulations we have entered into for our Government and mutual protection, and express themselves as willing to be found on the side of Law and order. We consider them a valuable acquisition to our little Colony, and find that we are already our people.

I cannot close without uniting with you in expression of gratitude to that Being who has so graciously protected our Infant Colony. Preserved from war with the Savages that surround us, and from internal commotions, and enjoying all the blessing that health can bestow, we very truly say that we are a favored people, and I trust that we may continue to merit the Divine favour by acknowledging our dependence on him and endeavoring to keep his Law in view while making Laws for our own Government.

George Abernethy  
Oregon City, 2 December, 1845

### **Legislative Message, 1846**

Source: Oregon Archives, Journals, Governors' Messages and Public Papers of Oregon, Salem, Asahel Bush, Public Printer, 1853

To the Honorable the Legislative Assembly of Oregon.

FELLOW CITIZENS,--

The duty of addressing you at the opening of your session, again 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 which 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.”

This the Polynesian credits to the New York Gazette, and Times, of the 19th of June; shewing 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, farther than what we can gather from the letter of Mr. Geo. 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 Tepie, to Geo. Seymour:--

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“I send you an American newspaper, which Mr. Bankhead has requested may be forwarded to you, and which shews 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 the possession of England; and the said Straits of Fuca, Puget’s Sound, &c., remaining free to both parties. The Columbia River is also to remain 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 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 which prevailed in congress, with regard to this country, and the sentiments set forth by the president, previous to the notice being given, there can be no doubt that, now the notice being given, the boundary line is, 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 the 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 is probably near at hand, it remains with you to determine whether it will be better, after confirming the appointments, filling the 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 shall, 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 United States respecting us; or, whether you will go on with the regular business of the session, as if nothing were 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 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 very short time, that the rates of postage were altogether too high, amounting, indeed, to a prohibition. Very few letters passed through the office; 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 mails. I would recommend that the rates of postage be reduced to five cents on each single 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 the territory; and I have no doubt, if the postage is

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reduced, the revenue, arising from the receipts of the office, will 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 that are thought to be defective. The organic law provides that the legislature shall have the 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 fines collected under the act should go, one half to the informant and witnesses, and 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 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 any 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 are kept within their proper bounds, we shall continue prosperous.

It is said by some, we have no right to say what a man shall make, or what he shall not make; yet, we find, in all large cities, 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 increase and extend to the place where they are re-located, 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 community of the labor which constitutes a nation's wealth, for it is a well-known fact that a nation's wealth 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 have become habitually addicted to ardent spirits, hearing that we had excluded the poison from our land, and, believing they never could be 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 disappointed? During the last 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 neighbourhood, 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 county, and, among the different tribes of Indians in the territory? History may, hereafter, write the page in letters of blood! And, what are the consequence, as presented to us in the history of older countries, of an indiscriminate use of ardent spirits? Almshouses, hospitals, prisons, and the gallows. I would, therefore, recommend that but one person, and that person a physician, be 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 to be 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 name of physician, on whose certificate

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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 into the ingredients in his presence. Section 5th, I would recommend to be altered, so that the fines should go one half to the informer, and the other half into the treasury. I would recommend that the penalties be increased. If the indiscriminate sale of liquor be admitted 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 will be made to break down the barriers raised by the early settlers of this land. Much of our prosperity and happiness as a community depend upon 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 affair, 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 the seaports in the United States; and it needs only a careful pilot, well acquainted with the currents, landmarks, 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 a 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 secrete themselves among the inhabitants, or be provided for and protected by them until their vessels leave, we can never hope to see vessels frequent our ports, for the purpose of refitting and obtaining supplies. I, 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 contract, the severity vanishes at once. We should consider that a vessel lightly manned, (which must be the case if part of the ship's crew desert, as there are no seamen here to supply their places) runs great risks in working out of our harbor—a risk that shipmates and ship-owners will not be likely to run. Unless regulations be made that will prevent desertion, owners of vessels will avoid our ports, and without vessels, the produce of the farmer must remain on his hands, 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 be not worth while to enter into any new arrangement.



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I regret to be 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 August last, the work, no doubt, of an incendiary. A reward of \$100.00 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 would 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 upon by whites. Cannot some method be devised by which their villages be surveyed, and stakes set, inside of which the whites may not be permitted to enter and build. The Indians inhabited their villages previous to our arrival, and should be protected by us. The time is, no doubt, 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 152 wagons reached this place very early in the season, via Barlow's road, for which a charter was granted him at your last session. About 100 wagons are on their way, if they have not already reached the upper settlements, by a southern route. They have, no doubt, been detained by traveling a new route. The difficulties attending the opening of a wagon road are very great, and, probably will account, in some measure, for their detention. The emigration falls very short of last year, probably not numbering over one thousand souls. This is accounted for by a great part of the emigrants turning off to California.

We trust that those coming 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 which 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 crops 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. ABERNETHY  
Oregon City, Dec. 1, 1846.

### **Liquor Veto Message, 1846**

Source: Oregon Archives, Journals, Governors' Messages and Public Papers of Oregon, Salem, Asahel Bush, Public Printer, 1853

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Oregon City, Dec. 17, 1846

Gentlemen—

I return to your honorable body the set entitled “An act to regulate the manufacture and sale of wine and distilled spirituous liquors,” with my objections to the same.

Previous to our organization as a provisional government, public sentiment kept liquor from being manufactured or sold in this territory. Heretofore, every act of the legislature has been, as far as ardent spirits were concerned, prohibitory in character. The act laying before me is the first act that has in any manner attempted to legalize the manufacture and sale of ardent spirits. At the session of the legislature in June 1844, an act was passed entitled “An act to prevent the introduction, sale, and distillation of ardent spirits in Oregon,” and as far as my knowledge extends, the passage of that act gave satisfaction to the great majority of the people throughout the territory. At the session of December, 1845, several amendments were proposed to the old law, and passed. The new features given to the bill by those amendment did not accord with the views of the people; the insertion of the words “give” and “gift,” in the first and second sections of the bill, they thought was taking away their rights, as it was considered that a many had a right to give away his property if he chose. There were several other objections to the bill, which I set forth to your honorable body in my message. I would therefore recommend that the amendments passed at the Dec. session of 1845, be repealed; and that the law passed on the 24th June, 1844, with such alterations as will make it agree with the organic law, if it does not agree with it, be again made the law of the land. It is said by many that the legislature has no right to prohibit the introduction or sale of liquor, and this is probably the strongest argument used in defense of your bill. But do you not as effectually prohibit every person who has not the sum of one, two, or three hundred dollars to pay for his licence, as does the law now on the statute book? Are not your proposed fines and penalties, as great or greater than those of the old law? Where, then, is the benefit to the people? There is no doubt in my mind, but that the law will be evaded as easily, and as often, under the new law, as it was under the old, and, in addition to this, there will be the legal manufacturers, importers, and sellers, who will be able, under the sanction of law, to scatter all the evils attendant upon the use of alcoholic drinks. We are in an Indian country; men will be found who will supply them with liquor as long as they have beaver, blankets, and horses to pay for it. If a quantity should be introduced among the Walla-wallas, and other tribes in the upper country, who can foretell the consequences—there we have families exposed out, off from the protection of the settlements, and perhaps at the first drunken frolic of the Indians in that region, they may be cut off from the face of the earth. But we need not go so far; we are exposed in every part of our frontier, and when difficulties once commence, we cannot tell where they will cease.

It has been proved before the house of commons that one-half of the insanity, two-thirds of the pauperism, and three-fourths of the crimes of Great Britain, may be directly traced to the use of alcoholic drink. The testimony of our most eminent judges in the United States, shows that the same proportion of crime is attributable to ardent spirits in that country. Statistics might be produced, showing the enormous evil and expense of an indiscriminate use of liquor.

As to revenue, the small amount received for licenses, instead of being a revenue, would be swallowed up in the expenses attending trials for crimes, &c., cause by the crime of these licenses.

But, leaving all other countries out of view, let us consider our own state. Surrounded by Indians, no military force to aid the executive and other officers in the discharge of their duties,

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not a solitary prison in the land, in which to confine offenders against the laws, and consequently no way of enforcing the penalties of the law. I think these things should call for calm and serious reflection, before passing your final vote on this bill. My opinion is, the people are opposed to legalizing the introduction and sale of liquor in this land. I may be mistaken, and therefore should be in favor of the old law, or something similar should be adopted, of referring the whole matter to the polls at the next general election. If the people say "no liquor," continue to prohibit; if they say, through the ballot box, "we wish liquor," then let it come free, the same as dry goods, or any other article imported or manufactured; but, until the people say they want it, I hope you will use your influence to keep it out of the territory.

It is with regret that I return any bill unsigned, but I feel that we both have duties to perform, and when we think duty points out the way, I trust we may always be found willing to follow it.

GEO. ABERNETHY

**Legislative Message, 1847**

Source: Oregon Archives, Journals, Governors' Messages and Public Papers of Oregon, Salem, Asahel Bush, Public Printer, 1853

MESSAGE

Of the Governor of Oregon Territory, Dec , 1847

To the Hon. The Legislative Assembly of Oregon Territory.

Fellow Citizens—

Contrary to the expectation of all who reside in this territory, you are again convened under the Provisional Government of Oregon. After learning that the boundary line question was settled, there was hardly a doubt resting in the mind of any individual with regard to the extension of the jurisdiction of the United States over this territory. We have been sadly disappointed, and hope, which was so fondly cherished, begins to sink into despair in the hearts of many.

Our situation is not a pleasant one, on account of the uncertainty of it. We may be, in less than six months, under the laws and government of the United States; and we may, on the other hand, exist in our present state several years. This uncertainty will, no doubt, embarrass you in your proceedings. If we remain as we are, for any length of time, ways and means must be devised for raising a more extensive revenue. The laws should be published in a convenient form; a fund set apart for treating with Indians, and many other things provided for, that we have thus far dispensed with, but which must be attended to, in order that we may carry out the principles under which we have associated.

This being the first session of the present congress, they will have more time to devote to the formation of a government for this territory, than at the last session. The probability is that peace between the United States and Mexico will have been restored, and relieve congress from the cares and anxieties attendant upon a war, and also relieve the government from the very heavy expense which must necessarily attend the carrying on of a war. These things lead to the hope that among the first acts of congress, will be the passage of an act to establish a territorial government in Oregon.

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This will release us from our present embarrassments, and place us under a permanent form of government. Hoping that this may be the case, I will call your attention to such subjects as are most pressing in their character, and which cannot well be dispensed with. The judiciary, as now regulated, answers every purpose required of it, and proves to be a far better system than the old one. There is one thing, however, needed very much, in connection with it, and that is a prison. Should an offender be sentenced to imprisonment by the judge, there is no place in the territory to confine him, and consequently, he escapes the punishment his crimes justly merit. This should not be so, and I hope you will provide means, during your present session for the erection of a jail.

In my message of 1845, I recommended that, in addition to gold and silver, wheat should be the only article used in the country as a legal tender. The legislature added treasury drafts, and orders on solvent merchants. I would recommend the repeal of that part of the act which makes treasury drafts, and orders on solvent merchants, a lawful tender—receiving treasury drafts, however, in payment of taxes and debts due the government. Gold and silver are much more plentiful in the territory now, than two years ago, and could be made the only lawful tender without detriment to the community, still I think wheat had better remain in connection with gold and silver; it is a staple article, and can always be disposed of to merchants and others.

I would recommend an alteration in the law relating to the recording of land claims. The organic law requires that the claims be recorded in the office of the territorial recorder; this answered very well while our population was small, and nearly all living in one district, but our population is increasing rapidly, and spreading over a large extent of country, new counties have been formed, and probably, in a short time, others will be set off, and lands taken up still further from the territorial recorder's office, than at the present time. In view of this I think it advisable that you propose an amendment to the organic law, making the clerk of the county court recorder of all land claims located within his county, and dispense with the office of territorial recorder.

The act entitled "An act to regulate the manufacture and sale of wine and distilled spirituous liquors," passed at the last session of the legislature, I would recommend for revision. An act to prevent the introduction, manufacture, and sale of ardent spirits in Oregon, would be far more preferable to a majority of the people of this territory. In our early history ardent spirits were unknown among us, every effort was made to keep it out of the territory, and, to a great extent, successfully, until 1846, when, owing to the defects in the law passed at the session of 1845, some person violated the statutes, and liquor was made and sold in the territory; but it was not done openly, nor carried on to any great extent. The last legislature licensed the manufacture and sale of ardent spirits. I hope the present legislature will repeal the license law. Would it not be better to have the law opposed to ardent spirits, than to have the manufacture and sale of it legalized by the statute. It is argued by some person that you have not done the right to put it down, and by others, that it is interfering with the liberties of the people, and depriving them of their rights. I think you have the right to prevent its introduction; no one can dispute your right to regulate it down to the medical profession. With regard to taking away the liberties of the people, prohibitory laws are passed by all legislatures. I will simply give one instance. In a law of Massachusetts, passed 23rd March, 1833, it is declared that any person who shall, in violation of the law, sell a lottery ticket, or knowingly suffer one to be sold, in any building owned or rented by him, within the commonwealth, he shall forfeit and pay a sum not less than one hundred, nor more than two thousand dollars; and that if any person, after conviction, shall repeat the offence, he shall be sentenced for every subsequent offence, to labor in the house of correction, or in the common jail, for a term of time not less than three months, nor more than twelve months. This was not considered by the people as taking away their liberties, though it deprives some of the liberty of ruining themselves, and others from making money out of their

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ruin. And is not this statute founded in the true principles of legislation, not to license evil, but to defend the community from it? Other states have passed similar laws. When a crime is committed by any person when under the influence of liquor, where does the responsibility rest? The individual, when sober, informs us he did not know what he was doing;--the seller says, I have a license to sell liquor, and sold it to him, according to law. Would it not be for the interest of the territory to take away his plea from the seller? The license system throws a bulwark around the dealer in ardent spirits, behind which he entrenches himself. Remove this bulwark, place the law against him, and public sentiment will put him down. The temperance cause is an onward one; we hear of state after state deciding through the ballot box, that no license to sell liquor shall be granted within its bounds; and the supreme court at Washington, to which several cases had been carried up from the circuit courts arising from the liquor question, decided at the last term of the court that the states have a right to regulate the trade in, and the licensing of, the sale of ardent spirits.

Our organic law says that the legislature shall have the power to regulate the introduction, manufacture, or sale of ardent spirits. In the United States, some of the states prohibit the granting of license. The supreme court says the states have the right to regulate the licensing of the sale of ardent spirits, and, under the right to regulate, the states prohibit, and the court upholds them in that.

The question, shall the license system be continued, or shall the introduction, manufacture, and sale of ardent spirits, be prohibited? Is in your hands; and, I hope, in deciding upon it, you will take the happiness and future prosperity of the territory into your consideration. You are well aware of our situation, with regard to the Indian population, and have seen the effect liquor has upon them. You may have heard them say, if the Boston people would not furnish us liquor, we would not become such fools. I leave the question with you, sincerely hoping that, should we come under the jurisdiction of the United States, the coming year, we may be found with a law on our statute books prohibiting the sale of ardent spirits in this territory.

Our relation with the Indians becomes every year more embarrassing. They see the white man occupying their land, rapidly filling up the country, and they put in a claim for pay. They have been told that a chief would come out from the United States, and treat with them for their lands; they have been told this so often that they begin to doubt the truth of it; at all events, they say he will not come till we are all dead, and then what good will blankets do us? We want something now. This leads to trouble between the settler, and the Indians about him. Some plan should be devised by which a fund can be raised, and presents made to the Indians, of sufficient value to keep them quiet, until an agent arrives from the United States. A number of robberies have been committed by the Indians in the upper country, upon the emigrants, as they were passing through their territory. This should not be allowed to pass. An appropriation should be made by you, sufficient to enable the superintendent of Indian affairs to take a small party in the spring, and demand restitution of the property, or its equivalent in horses. Without an appropriation, a sufficient party could not be inclosed to go up there, as the trip is an expensive one.

The emigration, the past season, has been much larger than any preceding one, amounting to between four and five thousand souls. They have all arrived in the settlements, unless a few families should still be at the Dalles and Cascades, and scattered themselves over the territory. The most of them are farmers and mechanics; they will add much to the future welfare and prosperity of Oregon.

During the past year we have been visited by a number of vessels, some of them drawing more water than the vessels which have usually visited us. I am happy to say they received full

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cargoes on board, and crossed the bar in safety. The provisions of the pilot law have been carried out, and its good effects are already visible. The able pilot at the mouth of the river, has made himself thoroughly acquainted with the channels and currents, thus diminishing the dangers formerly attending vessels coming into the river. The time is not far distant, when our river will be entered with more ease and facility than many of the ports in the United States, on the Atlantic coast, and captains will wonder why the entrance was so much dreaded, forgetting that they are reaping the benefits of experience.

The cause of education demands your attention. School districts should be formed in the several counties, and school-houses built. Teachers would be employed by the people, I have no doubt, and thus pave the way for more advanced institutions.

In closing, allow me to unite with you in expressions of gratitude to that Being who has preserved us during the past year, and granted us the blessings of health, peace and prosperity. May we continue to merit his mercies, by acknowledging our dependence on him, and keeping his law before us.

GEO. ABERNETHY  
Oregon City, Dec 7th, 1847

**Legislative Message, 1849**

Source: Oregon Archives, Journals, Governors' Messages and Public Papers of Oregon, Salem, Asahel Bush, Public Printer, 1853

To the Hon. The Legislative Assembly of Oregon Territory.

Fellow Citizens,--

You are once more assembled in your legislative capacity under the provisional government of Oregon. The proclamation issued for the purpose of convening the legislature at this time, as you are well aware, was for the purpose of transacting the business that should have been done at the regular session, but which was not attended to in consequence of there not being a sufficient number of the members present to form a quorum. At that time there was no certainty of a territorial government having been organized for the territory of Oregon by the congress of the United States.

Since that period we have received information that our territory has been provided for; that the officers necessary to carry on the government have been appointed and are now on their way to this territory, and will no doubt soon be in our midst.

This entirely changes the aspect of affairs, and places us in a far happier position than the one hitherto occupied by us as a people; we will take rank with our sister territories, and I have no doubt will be apparent in the right direction given to her steps.

The most important business that will come before you at this session will be that connected with the late Indian difficulties.

I am happy to inform you that through aid of the territory to go in pursuit of the murderers and their allies, and of those who contributed so liberally to the support of our fellow citizens in the field, the war has been brought to a successful termination.

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It is true that the Indians engaged in the massacre were not captured and punished; they were however driven from their homes, their country taken possession of, and they made to understand that the power of the white man is far superior to their own. The Indians have a large scope of country to roam over, all of which they were well acquainted with, know every pass, and by this knowledge could escape the punishment they so justly merited. In view of this the troops were re-called and disbanded early in July last, leaving a small force under the command of Capt. Martin to keep possession of the post at Waulatpu until the middle of September, when the time of which his men had enlisted expired. He however, before leaving, sent a party to bring in the last company of emigrants.

The appearance of so many armed men among the Indians in their own country had a very salutary effect on them; this is seen by their refusing to untie with the Cayuse Indians, by their profession of friendship to the Americans, by the safety with which the immigration passed through the Indian country the past season.

Heretofore robberies have been committed and insults offered to Americans as they would pass along, burdened with their families and goods, and worn down with the fatigues of a long journey, and this was on the increase; each successive immigration suffered more than the preceding one; but this year no molestation was offered, in any way. On the contrary, every assistance was rendered by the Indians in crossing rivers, for a reasonable compensation.

Having learned the power and ability of the Americans, I trust the necessity of calling on our citizens to punish them hereafter will be obviated.

I submit to you the report of the adjutant-general, by which it will be seen that the expense incurred, for the services of privates and non-commissioned officers, in accordance with an act passed 28th Dec., 1847, allowing one dollar and fifty cents per day, amounts to \$109,311.50; in addition to this will be the pay of officers, and persons employed in the several departments connected with the army.

This will devolve on you to arrange during you present session; until it is done the total expenses of the war cannot be ascertained. Accompanying the report you will find the report of the commissary, and quarter-master-general department. One thing connected with the war department needs attending to. It is well known that the volunteers endured much fatigue and hardship, and suffered many privations while prosecuting the war, and, as many of them wish to avail themselves of the funds due them to supply their immediate wants, I would recommend that a law be passed authorizing scrip to be issued, redeemable as early as possible for the amount due each individual, and bearing interest until paid.

It has been supposed that the United States government would pay the expenses of this war; and I see no reason to doubt it, as it was entered into for the protection of American citizens. This will induce persons to purchase the scrip, and enable the holders to realize something for their services.

Every effort was made by me, after the breaking out of these difficulties, to get letters to California, asking for assistance from governor Mason. The earliest conveyance by which I could forward letters was the brig Henry, in March. By the return of the Henry, in August, a liberal supply of ordnance, and ordnance stores, was received from California, though not in time for the late campaign; still, should any difficulty occur hereafter, it places in our hands the means of defense.

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The proposed amendments to the Organic law will come before you for final action; to amend the oath of office, to make the clerks of the different counties recorders of land claims, &c., and to strike out the word "regulate," and insert the word "prohibit," in the clause relating to the sale of ardent spirits. The last amendment came before the people for a direct vote, and I am happy to say that the people of this territory decided through the ballot box, by a majority of the votes given, that the word "prohibit" should be inserted.

This makes the question a very easy one for you to decide upon. I am fully satisfied that if ardent spirits could be kept out of this country, it would tend very much to promote the prosperity and welfare of this territory.

This is destined to be a very wealthy portion of the United States, and, if to this we can add the most temperate, nothing will prevent our rising, and becoming a valuable acquisition to the union. Much power now lies in your hands, and, I sincerely hope, we may commence our new career with a law in our statute books, prohibiting the manufacture and sale of ardent spirits in Oregon territory.

I would call your attention to a law passed at the last session of the legislature, entitled "An act to prevent the introduction of fire-arms among the Indians. As many of the Indians live by hunting and a small quantity of powder and lead is actually necessary to provide for their wants, I think the law should be modified, so as to permit the sale of powder and lead to friendly Indians.

A communication is about to be opened with the eastern states, through the agency of the steamers, that will tend very much to the advantage of this territory. Every facility we can afford them will help us. Coal, in large quantities, will be required for their use.

This article is, no doubt, abundant in this territory, and, if any way could be devised by which supplies from the different portions of the country could be procured and forwarded to their agents in order that the different qualities might be tested, it would tend to benefit us. If we have coal of the right description, so located that it can easily be placed on the banks of the Columbia river, there is no doubt that the Columbia river will become their principal depot. The dangers that have been thrown around the mouth of our river, will vanish on their first entering, and the dreaded bar will soon be forgotten.

As the probability is that the legislature of Oregon will convene at no distant day, under the new government, when the laws passed will have a more permanent basis to rest upon at the present, I would recommend that, after the indispensable business of the session is attended to, you adjourn.

In closing, permit me to unite with you in an expression of thankfulness to our Creator, for the many mercies bestowed on us during the past season, among which may be enumerated an abundant harvest, and the blessing of health. May we look to him for guidance and direction in the discharge of our several duties.

GEO. ABERNETHY  
Oregon City, Feb. 5, 1849.