



Oregon Provisional Government enacting prohibition, 1844

Transcription of 1844 document (original document starts on page 3)

<http://sos.oregon.gov/archives/exhibits/highlights/Pages/whitman.aspx>

Whereas the people of Oregon now occupy one of the most beautiful and interesting portions of the globe, and are placed in the most critical and responsible position ever filled by men, owing as they do, important duties to themselves, to their country, to posterity, and to mankind, as the (new) founders of a new government and a young nation, and whereas the introduction, distillation, and sale of ardent spirits under the circumstance in which we are placed, would bring withering ruin upon the prosperity and prospects of this interesting and rising community, by involving us in idle and dissolute habit, inviting hither swarms of the dissipated inhabitants of other countries, checking immigration, destroying the industry of the country, bringing upon us the swarms of savages now in our midst, interrupting the orderly and peaceable (industry) administration of (the) justice, and in a word producing and perpetuation increasing and untold miseries that no mind can rightly estimate; therefore

Be it enacted by the Legislative Committee of the Oregon as follows

Article 1

Sec. 1 That if any person shall hereafter import or introduce any ardent spirits into Oregon with intent to sell, barter, or trade the same and shall offer the same for sale trade or barter he shall be fined the sum of fifty dollars for each and every such offence (to be responded) which may be recovered by indictment or by trial before a Justice of the peace without the form of pleading

Sec 2 That if any person shall hereafter sell barter, or trade, any ardent spirits of any kind whatever directly or indirectly to any person within Oregon he shall forfeit and pay the sum of twenty dollars for each and every such sale, barter, or trade to be recovered by indictment in the Circuit Court or before a Justice of the Peace without the form of pleadings.

Sec 3 That if any person shall hereafter establish or carry on any manufactory or distillery of ardent spirits in Oregon he shall be subject to be indicted before the Circuit Court as for a nuisance; and if convicted he shall [^]be fined (pay) the sum of one hundred dollars and the Court shall issue an order to the sheriff (who) directing him to seize and destroy the distilling apparatus, which order the sheriff shall execute.

Sec 4 That it shall be the duty of all sheriffs, Judges, Justices of the Peace, constables and other officers, where they have reason to believe that this act has been violated to give notice thereof to same Justice of the peace a Judge of a court; who shall immediately issue his warrant and cause the offending party to be arrested and if such officer has jurisdiction to try such cases shall proceed to try such offender without delay and give judgment accordingly; but if such officer shall not have jurisdiction to try the case he shall if the party be guilty bind him over to appear before the next circuit court of the proper County

Sec 5 That all sales ^barter or trades^ made under color of gifts or otherwise with intent to evade this act shall be deemed a violation of the same; and all fines and penalties recovered under this act shall go into the general treasury and all officers receiving the same, shall pay above to the sheriff whose duty it shall be to pay the same into the Treasury

Sec 6 (Provided) That this act shall not be so construed as to prevent any practicing physician from selling such liquors (in small quantities) for medicine not to exceed one gallon at onetime

Sec 7 That the Clerk shall make out a copy of this act and put the same up in Oregon City as early as practicable

Sec 8 That this act shall take effect within 60 days from and after its passage

Passed 24th June 1844

M M McCarver

Speaker

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 one of the most beautiful and interesting portions
 of the globe, and are placed in the most critical
 and responsible position ever filled by men, owing
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 fifty dollars for each and every such of-
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 by indictment or by trial before a Justice
 of the peace without the form of pleading.

Sec. 2. That if any person shall hereafter sell, barter, or trade, any ardent spirits of any kind whatever, directly or indirectly, to any person within Oregon, he shall forfeit and pay the sum of twenty dollars for each and every such sale, barter, or trade, to be recovered by indictment in the Circuit Court, or before a Justice of the peace, without the form of pleading.

Sec. 3. That if any person shall hereafter establish or carry on any manufactory or distilling of ardent spirits in Oregon, he shall be subject to be indicted before the Circuit Court, as for a nuisance; and if convicted, he shall ^{be fined} pay the sum of one hundred dollars; and the Court shall issue an order to the Sheriff, ~~whom~~ directing him to seize and destroy the distilling apparatus, which order the Sheriff shall execute.

Sec. 4. That it shall be the duty of all Sheriffs, Judges, Justices of the peace, constables and other officers, when they have reason to believe that this act has been violated to give notice thereof to some Justice of the peace or Judge of a Court; who shall immediately issue his warrant and cause the offending party to be arrested and if such officer has jurisdiction to try such case, shall proceed to try such offender without delay, and give judgment accordingly; but if such officer shall not have jurisdiction to try the case he shall if the party be guilty bind him over to appear before the next Circuit Court of the proper County.

Sec. 5. That all sales ^{by} ~~made~~ ^{by} ~~under~~ ^{by} ~~color~~ ^{of} ~~of~~ ^{of} gifts
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sician from selling such liquors in small
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copy of this act and put the same up
in Oregon City as early as practicable.

Sec. 8. That this act shall take effect
within 60 days from and after its
passage.

Passed 21st June 1841
W. W. MeFawer
Speaker