

# Provisional Government

*By Barbara Mahoney*

The Provisional Government, created in May-July 1843, was the first governmental structure created by non-Natives on the Pacific Coast of North America. Launched in an effort to secure an American rule of law in the Oregon Country, the Provisional Government was formed at a time when the region was open to eventual control by either Great Britain or the United States through the London Convention Treaty of 1818. The agreement for "joint occupancy" forbade either nation from creating any administrative structure that implied sovereignty. In the absence of anything formal in the way of administration or defense, a group of resettlers decided to establish a government themselves.

The British had been attracted to the Oregon Country primarily because of its potential for a lucrative fur trade, while Americans were interested in the region primarily because of its agricultural promise. In 1825, the Hudson's Bay Company sent John McLoughlin, head of the British company's Columbia Department, to oversee the fur trade. While that was his focus, McLoughlin also encouraged the non-Native settlement of the Willamette Valley, and over time many of the trappers and other HBC employees, most of them French Canadians, settled out in the Willamette Valley and turned to farming.

In 1834, when American Jason Lee established a Methodist mission in the Willamette Valley, he found that disease had reduced the Native population. He believed that the presence of British and French Canadian farmers in the valley threatened American interests and began promoting American immigration. At his urging, a contingent of Americans known as the Great Reinforcement arrived by ship in 1840 and took up farming, but their primary purpose was to bolster the Methodist Mission. They were followed by others, known as the Mission Party, who would play an important political role in the region through the 1840s. In 1841, at the behest of the Mission Party, several meetings were held to write laws and choose officers to enforce them.

While resettlers found McLoughlin and the Hudson's Bay Company to be helpful, Lee and others, who were in debt to the HBC and fearful of the economic power of the British, saw McLoughlin as an obstacle to American control of the region. In 1842, the British and French Canadian fur traders, who were members of the Pioneer Lyceum and Literary Club, called for the establishment of an independent government. The Americans, counting on the United States to extend its jurisdiction to Oregon, did not think an independent government was necessary. An immediate issue was the need to settle the will of Ewing Young, which left his estate to a "government" that did not exist.

In February and March 1843, a group of men gathered at two so-called Wolf Meetings, whose purpose was to develop a plan to deal with wolves and other predators that were threatening resettlers' livestock. A committee of twelve men, charged with exploring ways to provide security, concluded that only a governmental structure could address the problem. They proposed a meeting at Champoeg, in the mid-Willamette Valley, to consider the idea. HBC Chief Factor John McLoughlin encouraged British and French Canadians who lived in the valley to attend.

The meetings continued into May and reflected a change of heart: the Americans favored the development of an administration while the British and French Canadians had come to the conclusion that such a move would solidify American claims to the region. On May 2, the Americans prevailed in a vote that supported a provisional government. They passed the Organic Act on July 5, 1843, establishing a provisional government with a three-member executive committee, a secretary and a treasurer, and a nine-member legislative committee. Americans were chosen for each office.

To attract more American settlers, the act gave 320 acres of land to any white man in the region who was at least eighteen years old and 640 acres to a married couple. Thousands of people came to the Oregon Country in response. In 1850, the U.S. Congress passed the Oregon Donation Land Claim Act, which rationalized and legalized the Provisional Government's land law claims.

Another section of the Organic Act banned slavery, and the Provisional legislature excluded Blacks from the Oregon Country in June 1844. That year, the legislative committee also passed the first

taxes in Oregon—a poll tax and a property tax—and created the Rangers, a militia whose main purpose was to police the Native population. In 1845, the legislature referred to the voters an amendment to the Organic Law substituting a single executive for the three-man executive committee. The amendment passed. George Abernethy, with his close connection with the Methodist-related entity known as the Mission Party, was chosen as the first executive.

In the background to the development of a government in the Oregon Country was the question of Joint Occupation of the region by Britain and the United States. The Treaty of 1846 settled that question, but the Provisional Government remained in place until 1848, when Oregon became a territory under American law. The popular sovereignty that had prompted the Provisional Government in the first place was retained in the Legislative Assembly, which allowed Oregonians a voice in their own government.

## Sources

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