

L A W S

OF THE

TERRITORY OF OREGON

ENACTED DURING THE

NINTH REGULAR SESSION OF THE LEGISLATIVE ASSEMBLY,

BEGUN

DECEMBER 7, 1857; CONCLUDED, FEBRUARY 5, 1858

THE 82D YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

SALEM, OREGON
ASAHEL BUSH, TERRITORIAL PRINTER.
1858

AN ACT to establish a College at the town of Sublimity, in the county of Marion.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That there shall be, and hereby is, established in or near the town of Sublimity, in the county of Marion, a College, to be called and known by the name of "The Sublimity College," and that John Denny, Thomas J. Connor, Eli Hubbard, D. S. Stayton, Jesse Harritt, William Bishop, Jeremiah Kenoyer, David B. McMillan, James Campbell, Allen J. Davie, Hadley Hob-

son, Solomon Albison, G. W. Hunt, James M. Chandler, Morgan Rudolph, and their associates and successors, are hereby declared to be a body corporate and politic in law, by the name and style of "The Trustees of the Sublimity College."

SEC. 2. *And be it further enacted*, That said corporation shall have perpetual succession, and shall have power to acquire, receive and possess, by donation, gift or purchase, retain and enjoy property real, personal and mixed, in trust for the Church of the United Brethren in Christ, and the same to sell, grant, convey, rent or otherwise dispose of at pleasure; *Provided*, That no part of the resources thereof shall ever be used for any other than educational purposes in or near the town of Sublimity, as herein contemplated; *And provided further*, That the yearly income of which, accruing to said institution, shall not exceed forty thousand dollars, nor shall the capital stock ever exceed two hundred thousand dollars. They shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts of justice, both at law and in equity; they shall cause to be made for their use a common seal, impressed with such devices and inscriptions as they shall deem proper, by which said seal all deeds, diplomas and acts of said corporation shall pass and be authenticated; and they shall have power to alter or amend the same at their pleasure; they shall have power to form and adopt a constitution and by-laws for their government, to make and carry into effect all necessary regulations, for the management of their fiscal concerns; to appoint subordinate officers and agents; to make ordain and establish such ordinances, rules and regulations, as they may deem necessary or expedient for the good government of said institution, its officers, teachers and pupils; *Provided*, That such ordinances, rules and regulations shall, in no manner, contravene the constitution and laws of the United States, nor the laws of this Territory.

SEC. 3. *And be it further enacted*, That said trustees shall meet at least once every year, and shall manage the concerns of said institution, as they shall judge most advantageous to the cause of education; that five of their number shall form a quorum, at any regular meeting for the transaction of business. The said trustees shall elect one of their number to be president of their board; and

when it may be deemed advisable to add to the number of said trustees, or become necessary to fill vacancies which may occur by death, resignation or otherwise, the annual conference of the Church of the United Brethren in Christ, within whose bounds said institution is located, shall elect such additional trustees, and fill such occurring vacancies; and in case the said annual conference of the United Brethren in Christ omit to fill such vacancies, then the same shall be done, and such additional trustees appointed by the remaining trustees. The first meeting of said board of trustees, after the passage of this act, shall be called by Eli Hubbard, and held in Sublimity; they shall divide themselves into three classes, the term of office of the first class shall expire in one year, the second in two years, and the third in three years, and thereafter, each class shall hold its term of office for three years.

SEC. 4. *And be it further enacted*, That all deeds, and other instruments of conveyance, shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by president, and by him acknowledged in his official capacity, in order to insure their validity.

SEC. 5. *And be it further enacted*, That the principal, or president, and professors of said institution shall be styled "The Faculty of Sublimity College," who shall have power, with the advice of, and in accordance with the rule adopted by the board of trustees, to suspend or expel any student for misconduct; and said faculty, by and with the approbation of the board of trustees, shall grant and confer degrees, in the liberal arts and sciences to such pupils of the institution, and others, who by their proficiency in learning, or by other meritorious considerations, shall have entitled themselves to academic honors; and the said faculty and board shall have and exercise generally all such powers and privileges of conferring honorary degrees, and other marks of literary and scientific distinction, as are exercised by other similar institutions in the United States.

SEC. 6. That nothing in this act shall be so construed as to prevent any subsequent Legislative Assembly from altering, amending, or repealing the same.

SEC. 7. This act to take effect and be in force from and after its passage.

Passed the House January 6, 1858.

Passed the Council January 9, 1858.

IRA F. M. BUTLER,

Speaker of the House of Representatives.

H. D. O'BRYANT,

President of the Council.

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Notes on the listed "Trustees of The Sublimity College"

in Section 1. of the Special Law above

by Henry Strobel

2012

Solomon (Judge) Alberson (misspelled above as Albison). His ancestors are well documented in the *Descendants of Early Alberson* (google). We find he was born August 02, 1819 in Tennessee, and died in LaGrande, Union Co., Oregon. He married Sarah "Sally" Ann Coy September 11, 1845 in Miller Co., Tuscumbia, Missouri. He was the postmaster of Sublimity, Oregon in 1856. Why was he called Judge? Note: Oregon Donation Land Claims #3406. Census Marion Co., Ore. Sublimity Pct.



Judge

Solomon Alberson

Drury Smith Stayton, 1818-1875, Sublimity postmaster in 1854, founder of Stayton, Oregon. In 1866 he bought forty-one acres from James Lynch to form the town of Stayton, built a wool carding mill and a sawmill, was a farmer and a Baptist minister. He is buried with his wife Rachel King in the Grier Cemetery on the Sublimity - Stayton road.

John Fletcher Denny, born 1819 in Washington County, Indiana is best known as the father of James Denny, first postmaster of Sublimity in 1852 who gave Sublimity its name, and who gave the land for the college to be built on. James was born 1821 in Putnam County, Indiana and died 1855 in Marion County. James M. Denny died in 1855. He was unmarried with no children. His parents, John and Sarah Denny, inherited his land.

Eli Hubbard As stated above in Section 3 of the Special Law, ""The first meeting of said board of trustees, after the passage of this act, shall be called by Eli Hubbard, and held in Sublimity;"

He was born in Kentucky on Feb 27, 1808. His parents were Charles Hubbard and Jemima Capps. Twice a widower, he married his third wife, Elizabeth Buchanon, who bore him 8 children. They made the trek across the Oregon Trail in 1853 with 6 small children, ranging in age from approx. 4 to 12. They settled in Silverton and later moved to Salem, Oregon. <http://www.sokir.com/hubbard/elihbd3.htm>

Allen Jones Davie took a claim near Sublimity in the fall of 1849. He was born in Madison County, Alabama in 1816, and was elected secretary of Sublimity College in 1857. Died September 1874 in Marion County.

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Rev. Thomas J. Connor, Rev. Jesse Harritt, and Dr. Jeremiah Kenoyer were United Brethren ministers from Indiana particularly active in founding Sublimity College, in addition to preaching and missionary activities. Two of the Kenoyer children, Alice and Ferman, who drowned in his early twenties, are buried in the Hobson-Whitney Cemetery on the hill east of Sublimity. After Sublimity College closed he seems to have returned to Washington state. There is a long, fascinating, composite biography of Jeremiah Kenoyer at the Robert Rhoads Family web site. To read it, click on: <http://wc.rootsweb.ancestry.com/cgi-bin/igm.cgi?op=GET&db=:1450852&id=I11476> It is too long to excerpt here, but it is full of fascinating details perhaps not available elsewhere.

A History of the Church of the United Brethren in Christ

Edited By
Paul R. Feters
Church of the United Brethren in Christ
Department of Church Services
Huntington, Indiana
1984

Rev. Jeremiah Kenoyer (excerpt of pages 171-174)

Following the Frontier

The influx of millions of European immigrants to the United States in the 1800s pushed the frontier westward. Many United Brethren preachers joined the migration, and the frontier became their mission field. Some also went north to Ontario, Canada. On horseback and often on foot, in all kinds of weather, these preachers traveled through mud, rivers, and dense forests to spread the gospel in new settlements. With the establishment of the church in new territories and states, along with the growth of the church in the eastern United States, the denomination grew from an estimated 25,000 members in 1841 to over 200,000 by 1889—eight times larger, and twice the national growth rate. Other churches also experienced large gains during this time.

Of all the United Brethren missions on the frontier, the mission to Oregon Territory stirred the church to more systematic, organized action on the frontier and in foreign lands. When sixteen families gathered at Council Bluffs, Iowa, in May 1853 to begin their long and arduous journey to Oregon, among them was thirty-three-year-old Jeremiah Kenoyer. He was a preacher and doctor, who, along with T. J. Connor, had been appointed to go with a colony of laymen to join other United Brethren families already settled there. Jeremiah was one of a family who in an unbroken line from 1800 to the present have been United Brethren. He exemplified the spirit that characterized those whom God used to enlarge the church in the face of great difficulties. Jeremiah's maternal grandfather was J. G. Pfrimmer, one of the church fathers and a pioneer in establishing the church in Indiana.

Fredrick Kenoyer, Jeremiah's father, became an itinerant of the Miami Conference in 1827, and in 1830 a charter member of Indiana Conference. Following the western movement of settlers, he

became a charter member of three other conferences, Wabash, Illinois, and Upper Wabash. In addition to being a successful itinerant pastor who organized many local societies, he also served as a presiding elder and was a delegate to the General Conference of 1837.

At age seventeen Jeremiah was converted and joined the church. He was licensed by his quarterly conference and began preaching as a young man. From this period of his life there is an account of a time when he, in place of his father, traveled to a frontier settlement in Jasper County, Indiana, to fill an appointment:

He was mounted. His horse was a pale sorrel with white mane and tail, badly crimped with burs, a very inferior animal, whose gait was seriously retarded by a stiff knee. The saddle was in keeping with the horse's knee, and the stirrups in keeping with the saddle, one of which was repaired with hickory-bark. An old, dilapidated blind-bridle comprised the head-gear. The dress of the minister was quite as ludicrous, and consisted of a coon-skin cap, an old-fashioned shinglecape overcoat, and "jeans" coat, pants, and vest, with a pair of patched shoes. Add to this in your imagination the appearance of the man as somewhat homely, with dark hair and eyes, uncomely, heavy eyebrows, and you have a picture of our preacher. I must confess that I felt much chagrined at his uncouth appearance, and then thought that the newly-arrived could do more good in his father's cornfield.

However, young Jeremiah "opened the services by singing in the most melodious and impressive manner . . . then followed with a prayer that seemed to open heaven," and delivered a sermon "of unusual power and tenderness . . . some wept and praised God, while many trembled. . . . Such eloquence and oratory were not expected from Father Kenoyer, much less from one so young." Three more services followed in the next two days. Fourteen united with the church, and Jeremiah organized a class. He

. . . said he would visit and preach for us once a month if we would pay him one dollar for each visit, as he would have to ride twenty-five miles to reach us, and that he would necessarily have to use Saturday and Monday and would have to hire a hand to fill his place on the farm, which would cost him fifty cents per day. As for Sunday, he charged nothing for preaching on that day.

At the organization of the Illinois Annual Conference in 1845, Jeremiah was granted an annual conference license to preach and appointed to a mission field on the Kankakee River. Two years later he was sent to Wisconsin Territory, "where the labors of this homespun, but marvelous, preacher did much toward establishing the church in this new field." While serving as presiding elder there, he was appointed as a missionary to Oregon. He had offered to go if \$150 of his expense would be provided by the mission board, though the chief missionary, T. J. Connor, had an appropriation of \$1000.

With that meager amount, Jeremiah and his wife, Elizabeth, committed themselves and their seven children, the oldest age twelve and the youngest only a few weeks old to a 2000-mile journey paced by slow-moving oxen over no well-defined road but merely a rough trail. Saturday, May 7, at ten in the morning, their wagon train, consisting of thirty wagons, ninety-eight persons, and about three hundred head of cattle and a number of horses, commenced crossing the Missouri River. By four o'clock all were safely on the western shore. "For the first time we felt we had left civilization, turned our backs to happiness while our faces fronted dangers, hunger, and fatigue," wrote Basil Longworth, one of the company. From his diary one gets a glimpse of the excitement, beauty, boredom, hardships, and weariness of traversing the plains, desert, mountains, and rivers of the Oregon Trail through heat, rain, hail, dust, and mud.

No United Brethren mission undertaking was more notable for the fortitude and endurance required of so many persons and animals. When the Kenoyer family reached their destination, the home of a cousin in the Willamette Valley, they were penniless. According to grandson J. A. Kenoyer, they had to leave one of two milk cows with a ferryman because they had no money to pay him. He took them across only when they agreed to leave the cow until they returned with money for the crossing. When they arrived at the cousin's, two miles from the river, Jeremiah was holding up one side of the neck yoke in place of the cow at the ferry. Elizabeth's dress was worn to the knees from walking through brush. But they had survived the nearly five-months ordeal, even baby Louisa, who lived to age ninety-

seven! Settling in Yamhill County, Jeremiah split rails and chopped wood for their living, and preached week nights and Sundays in the homes of settlers. Milton Wright, who was associated with him two years as a fellow missionary, and other years as his bishop, said that he excelled as a preacher and revivalist.

To inform the church of the work in Oregon, letters from Jeremiah were published in the Religious Telescope (May 3, June 7, and August 30, 1854):

February 27, 1854 . . . Religion here is at a very low ebb, cold, dead formality prevails almost universally. . . . I have more calls for appointments than I can fill, situated as I am, having to travel afoot, and wade the mud and water . . .

May 7, 1854 I am now about 100 miles from home, hunting up the lost sheep. . . . We have had some good times but no general stir. People here know nothing about us, though they seem anxious to learn, and we have more calls than we can fill. I have traveled 150 miles and tried to preach twenty sermons in the last seventeen days. I have settled my family in the country one half section of land. I have fenced and broken about six acres, and put in a spring crop.

June 7, 1854 To give an idea of what we are doing in Oregon I will give them a leaf from my Journal. . . . March 25, Preached at Salem, the capital of the territory; preached at night to a good congregation. March 26, Preached at eleven o'clock. Had a good congregation, notwithstanding Bishop Simons, of the M.E. Church, preached in town at the same hour. Walked three miles into the country, and preached at three o'clock. Returned to town and preached again at night. I think that our prospects are fair for a good class at this place at no distant date, though the people that attend on preaching are mostly irreligious.

In 1856, missionary secretary John C. Bright, in his third annual report, said that from its beginning to June 1856 only \$2450 had been appropriated for Oregon Mission. Then he added: We see from the above, how much under God, can be done by humble, self-sacrificing men, with a little money, to promote the Kingdom of Christ. We do not hesitate to say, that we perform in proportion to the amount of money we use, as much, and perhaps more missionary labor than any other church in the land (unless we may except the Moravians). The reason is obvious. The itinerants of our denomination labor for souls. The untiring missionary, if not fully compensated on earth, will have a rich reward in heaven.

Oregon Mission Conference was organized in 1855 and by 1861 had forty-eight preaching places, twenty-seven classes, and five hundred sixty-five members. The mission board tried to send additional reinforcements there, but had to report: "Attractive as is the Pacific coast, it seems harder to get men there as missionaries than to Africa."

In 1868 Jeremiah Kenoyer and his family moved to Washington Territory, where to old age he continued as a pioneer itinerant and served as the leader in establishing and building up the Walla Walla (earlier called Cascade) Conference. He also played a role in going and sending workers from Walla Walla to Idaho Territory in the 1870s. Three of Jeremiah's sons and a son-in-law became ministers in the church, and five grandsons also.



Rev. Jeremiah Kenoyer

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Rev. Thomas J. O'Connor, born 1830 is also mentioned in *The Bishop's Boys, the life of Wilbur and Orville Wright* by Tom Crouch, chairman of the department of aeronautics at the National Air & Space Museum of the Smithsonian Institution, published in 1986 by WW Norton and Company, New York, and London. He traveled with **Milton Wright** to Oregon:

"They journeyed across Panama by rail, passing "villages, huts, mosquitoes, then boarded the Golden Age, and sailed for San Francisco on July 18. . . . They touched at Acapulco and Manzanilla, "sorry towns." Milton had a slight chill on July 26, the first symptom of the dreaded Panama (yellow) fever. By the time they reached San Francisco he was a very sick man, his fever so high he almost fainted simply walking aboard the Commodore, the ship that would carry them on to Portland. **T. J. Connor**, a fellow mission worker, nursed him through the delirium that followed, when, as Milton later recalled, "my thoughts with painful vigor flew over the universe."

Rev. Jesse Harritt, above, was born in October 1818 in Harrison County, Indiana and died in 1888 in Polk County, Oregon. His parents were Hiram Harritt and Mary Kenoyer.

George Washington Hunt was the first postmaster of Whiteaker, three miles north of Sublimity. This post office operated from 1880 to 1903. He was born in February 1831 in Wayne County, Indiana and died October 1902 in Marion County, Oregon.

and **Hadley Hobson**, born September 1811 in Surrey County, North Carolina, apparently the first white settler, owning 1500 acres. Several small stores were built, and the place unofficially was known as Hobson Corner. He died in August 1887. More on Mr. Hobson in the following letter excerpted from *Hadley Hobson, Marion County Pioneer*, Terrence Emmons, *Oregon Historical Quarterly*, Vol. 93, No.1 (Spring, 1992)

Oregon, Marion County

June 15, 1851

Dear Father, Mother and Brothers and Sisters:

It is now 18 years since we had the pleasure of conversing together and as we are upwards of three thousand miles apart, as we have no other way of conversing only by letter I will drop you a few lines to let you know where I am at this time.

I have settled myself in Oregon Territory in Marion County. I and my family are all well at present and I hope that these few lines may find you all enjoying the same blessings.

I have been roving and rambling for four long years over this settling and have neglected writing to you until I am all most ashamed of myself. But I hope you will excuse me for this time.

I have underwent a great many hardships since I set out for the Pacific country. I first emigrated to California. There I found such a mixed multitude of people from all parts of the world and the society was so bad that I could not bear the idea of raising a family in such a wicked country, so I steered for Oregon. So I went on board of a ship and after sailing on the Briney O'Shore for nineteen days we entered the mouth of the great Columbia River, then I steered my course for the Wallamet Valley where I am now living. I have been back to California gold mines and stayed about seven months and then returned back to my family.

Since that there has been gold mines found in the southern part of this Territory, that is equal to those in California, but I have not had the chance to go to them yet. I have been improving my farm so as I could raise my own support. I have a fine prospect for wheat and oats and vegetables this year as I have ever had in my life. We don't have to raise anything to feed anything, only the horses that we use.

The grass is green here all winter, we can kill a good beef any time of the year we please here, off the range.

I have never fed one bushel of grain since I have been in this country. I have been here three winters. I have thirty head of cattle at this time and a very pretty shack of hogs. All the trouble we have with our stock is to keep them gentle and to keep the bears and wolves from catching them, which causes us a great deal of trouble at times.

I have made out very well in the mines. I suppose I can command about eight thousand dollars in Oregon and I have made it all since I have been in this Pacific country, for the Indians stole very near all I had before I got here. They stole seven head of horses from me at one time, and left me one. They were horses that I sent by land from California to Oregon.

It is thought by some, that I will get pay for the horses yet, as that country is about settled up and the Indians will have to sell their land to the Government, then I can bring in my account and draw my money from the Government.

Now I will give you the prices of property and produce. Horses are worth from \$150.00 to \$200.00; a yoke of cattle worth from \$100.00 to \$150.00. Cow and calf are worth \$50.00, and all other stock in proportion to that. Wheat is worth \$1.50 per bushel, oats \$3.00 per bushel.

We send most of our oats to California. Pork 8 cents per lb., beef the same; bacon 25¢ per lb.; butter 37 1/2¢ per lb.; eggs 37 1/2¢ per dozen. Potatoes \$1.00 per bushel and all other kinds of vegetables in proportion. Sugar and coffee 25¢ per lb., and articles of clothing are very high.

Common labor is worth from two to three dollars per day. Mechanics labor from five to six dollars per day.

I want you to write to me as soon as you get this letter. Direct your letter to Salem, Marion Co., Oregon. So nothing more at present, I remain,

Your son until death.

Hadley Hobson

While **Milton Wright**, later Bishop Wright in the United Brethren Church, is not listed among the "Trustees," he was the first teacher and president of Sublimity College, so here is a small excerpt from

Trials and Triumphs, History of the Church of the United Brethren in Christ, Edited by Dr. Paul R. Fetters, Huntington, Indiana 1984, 460 pp. Everything about this "first born American denomination."

Excerpt of pages 171-174

Bishop Milton Wright was born in Rush County, Indiana, November 17, 1828, the son of Dan and Catherine Reeder Wright, who were farmers in the primitive country of Indiana. His ancestors can be traced to Essex, England, with Samuel Wright coming to America and settling in New England in 1636. The Wright family lived in this region until Dan Wright moved to Ohio in 1814 and then on to Indiana in 1821.

Milton Wright received a meager public education in country schools and attended Hartsville College for a short time. The larger part of his education was the result of diligent and extensive private study.

He was converted in 1843 while working alone in his father's field. For four years he was unconnected with any church but was under the influences of the Presbyterian and Methodist churches. After having

carefully studied the teachings and principles of the United Brethren Church, he chose to join it. After passing through the stages of exhorter and quarterly conference preacher, he became a member of the White River Conference in 1853. After brief pastorates in Indiana, he was chosen and sent as a missionary to Oregon, going by the Isthmus of Panama. During his brief stay in Oregon he was engaged in preaching as well as serving as principal of Sublimity College from 1857 to 1859. This was the first United Brethren school on the Pacific Coast. He returned to Indiana in 1859, and that fall he married Susan Catherine Koerner. To this marriage seven children were born, five of whom survived infancy. Their two sons, Wilbur and Orville, achieved worldwide fame because of their invention of the "flying machine."



Bishop Milton Wright

Church historians covering Wright's era picture him as the crusader type, a man of strong persuasions and willing to take up the battle for what he believed to be right. "From first to last he was opposed to slavery, the rum traffic, and secret societies." Daniel Berger reported, "His strong convictions on this subject [secret societies], and the active interest taken in opposing secret societies, led to his election as editor of the Religious Telescope by the General Conference of 1869, the first conference in which this question was made an issue in an election."

He served eight years as editor. This liberal United Brethren historian revealed his bias when he observed, "During the eight years of his incumbency the columns of the Religious Telescope were intensely radical."

Wright served two terms as bishop before the division, 1877-1881 and 1885-1889. He continued for four consecutive terms after the division, 1889-1905. Members of the Old Constitution United Brethren Church believe that it was in the providence of God that Wright had served in the Bishop's office before the storm broke, and thus he was ready to help guide the "ship of state" through the troubled waters of reconstruction. Musgrave aptly made this comparison: "If Philip William Otterbein can be truthfully called the founder of the Church of the United Brethren in Christ, Milton Wright with equal truth can be called the preserver of that Church."

As perceived by William Dillon, a radical United Brethren editor, Wright is described in the pages of The Christian Conservator, May 23, 1889: "Bishop Milton Wright stood like a hero. When all the other bishops faltered and fell prostrate before the commission compromise with the world, he stood faithful among the faithless,' and deserves great credit from every United Brethren."

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William Bishop, David B. McMillan, James Campbell, and James M. Chandler, the other Trustees, remain unaccounted for by me.