

Official web site of

Oregon Secretary of State

Exhibit Home

Overview

Welcome to **Crafting the Oregon Constitution** — an exhibit that explores the development of the Oregon Constitution, particularly events surrounding the 1857 constitutional convention. In the process, it examines life, politics and important issues in the years before and after the convention. It also looks at how the constitution has evolved during the more than 150 years since the convention.

Contents

Introduction — Get a bird's eye scope and content view of this web exhibit

Before the convention — Experience life in Oregon in the decades before 1857

During the convention — Learn about the convention's delegates and issues

After the convention — Trace life in the new state and explore amendments

Learn more — Trivia, Crossword puzzle & Word Search



Top to bottom: John McLoughlin greets newcomers; 1857 Salem newspaper; territorial capitol; westward progress; John McBride.

Oregon Secretary of State

Introduction

This exhibit explores the development of the Oregon Constitution, particularly events surrounding the 1857 constitutional convention. In the process, it examines life, politics and important issues in the years before and after the convention. It also looks at how the constitution evolved during the more than 150 years since the convention. Generally, the exhibit follows the course of Oregon history chronologically from the era of the fur traders to the present.

About the Content

"Before the Convention" Section

The 60 delegates who would craft the Oregon Constitution didn't just come out of nowhere to take their seats at the 1857 convention in Salem. They carried strong and often conflicting beliefs, experiences and aspirations into the room. Thus, it's important to set the context of their experiences in the decades before the convention in order to answer questions about why they acted as they did in writing the constitution. For example, why were attitudes and statements seen as racist today accepted as part of the normal political discourse in the 1850s? The [Before the Convention](#) section reviews key trends and events in Oregon and American history to help define the goals, fears and motivations of the delegates and the citizens they represented.



Joseph Lane played a leading role in Oregon politics in the 1850s. (Image no. cph 3a02863 courtesy Library of Congress)

"During the Convention" Section



Slavery, and its effect on society, was just below the surface of debates at the convention.

With the general context of society and politics established, the [During the Convention](#) section focuses on individual delegates, with their strengths and weaknesses. The section examines the central issues of the convention, often with the overriding question of the day—slavery—standing just off-stage. Delegates argued about who should be allowed to vote, what provisions should be included in the bill of rights, and how powerful corporations should be allowed to grow. Many issues of importance to them continue to resonate today. Their debates about separation of church and state, the limits of development, and acceptance of immigrants might relate to today's headlines.

"After the Convention" Section

The fitful process of winning ratification of the constitution by Oregon voters and especially by Congress opens the [After the Convention](#) section. Many observers predicted that the Oregon Constitution would never emerge from the sectional strife of Congress on the eve of the Civil War. But the clouds parted long enough to ensure statehood. The ensuing decades saw the growth of a political system based heavily on money and influence as railroads and other corporate interests controlled a corrupt process. Change came with the emergence of reformers such as William U'ren, father of the Oregon System of initiative and referendum. That system of direct legislation continues today as constitutional amendments exert a profound influence on the day-to-day lives of Oregonians.

The Personal Lives of Delegates



Thomas Dryer left himself open for ridicule by opponents.

Thomas Dryer, influential editor of the *Oregonian* newspaper and prominent delegate at the constitutional convention, apparently had a credibility problem when it came to the use of alcohol.

His strong advocacy of temperance was not uncommon for someone associated with the Whig Party. However, the well-known fact that he was a drunk left the door open for his political opponents to gleefully skewer him with charges of hypocrisy.

Asahel Bush, editor of the rival *Oregon Statesman* newspaper in Salem, was keen to point out that people in other states where Dryer had resided before Oregon had bestowed on him a number of names referring to his fondness for the bottle. These included "toddy Jep," "gimlet eye," and "slop basin." Bush and his friends enjoyed exchanging reports about Dryer's drinking binges in Portland. Matthew Deady, convention president, once ridiculed "the damned old sot! Where I have drank a pint he has drank his gallons." [Footnote](#) ¹

Read more tidbits of background about the constitutional convention delegates and other Oregon political figures of the time on the [trivia page](#) of this exhibit.

For more information about the constitution explore the [Learn More](#)

section. It features games about the constitution—trivia, puzzles and quizzes—to test the reader's knowledge. Scanned images of the entire 1857 Oregon Constitution are included along with transcriptions of the text. Listings of all of the amendments from 1902 to present are available as well. Finally, links to other resources online offer more about the Oregon Constitution and the U.S. Constitution.

The main goals for this exhibit are to educate and entertain. The exhibit quotes extensively from accounts of the constitutional convention as well as newspaper letters to the editors, reminiscences, and other sources to help tell the story in the words of the times. Images, in the form of photographs, drawings, cartoons, maps, and other resources, complement the text and join sidebars in highlighting important people, events, or concepts.

Exhibit Goals

The main goals for this exhibit are to educate and entertain. The exhibit quotes extensively from accounts of the constitutional convention as well as newspaper letters to the editors, reminiscences, and other sources to help tell the story in the words of the times. Images, in the form of photographs, drawings, cartoons, maps, and other resources, complement the text and join sidebars in highlighting important people, events, or concepts.

Content Note

Some subject matter and images include insensitive portrayals of racial groups such as African Americans, Native Americans, and Chinese. The statements, descriptions of attitudes and images are included in this exhibit because they play a vital part of conveying the context of the times accurately.



Minorities often were portrayed stereotypically during the 1800s. This 1879 Thomas Nast cartoon poked fun at "The Chinese Problem." Many provisions of the Oregon Constitution of 1857 discriminated based on race.

(Image courtesy assumption.edu)

Sources Used

This exhibit is based on both primary and secondary sources. Primary sources include the original constitution and convention journal. The exhibit also includes information based on direct research in newspapers of the time. Secondary sources include books, journal articles and websites. The main source is Charles H. Carey's 1926 book entitled *The Oregon Constitution and Proceedings and Debates of the Constitutional Convention of 1857*. It includes transcriptions of the convention proceedings from two important newspapers of the time. Footnotes are used to refer readers to sources for further research.

About the Images

Images in this exhibit have been edited for display purposes. This may include cropping, coloration and other manipulations of the original images. Some images are from the records of the Oregon State Archives. These are supplemented by images from Internet sources. Most image captions include citations of the sources (e.g., Image courtesy Library of Congress). Please contact the sources cited for copies of images. Images lacking any citation are commonly available on the Internet.

Notes:

David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 164-165, 425.

Oregon Secretary of State

Before the Convention

Even though the people of the Oregon Country were geographically isolated from the United States, they were nonetheless inextricably linked to its most important events and issues—especially the overriding question of slavery. This section explores Oregon's long and momentous journey from wilderness to the threshold of statehood.

[The Fur Trade Exploits the Region](#)

[Missionaries Seek Souls to Save](#)

[Oregon Fever grips America](#)

[A New Territory and the California Gold Rush](#)

[Oregon Politics and Government in the 1840s](#)

[Democratic Party Machine Politics in the 1850s](#)

[Blacks in Oregon meet Hostility](#)

[The "Negro Question" and Oregon Politics](#)



Top to bottom: Fort Vancouver; Whitman Massacre; Oregon Trail; gold rush; 1857 Salem newspaper.

Oregon Secretary of State

The Fur Trade Exploits the Region



The top hat drove the fur trade.

As members of the Lewis and Clark expedition complained their way through the soggy and dark months at Fort Clatsop during the long winter of 1805-1806, they probably never imagined that within five years the first permanent white settlement in the region would be established at nearby Astoria. Why would anyone want to live in such a remote, dreary, and godforsaken place?

Fashion would provide the answer. No self-respecting European or American gentleman of the times would be without a beaver fur felt top hat, which was more highly prized than hats made of wool or other types of fur. Since much of the Pacific Northwest was teeming with beavers, laws of supply and demand soon led both investors and trappers to cast their gaze on the region.



Meriwether Lewis and William Clark led the Corps of Discovery to the Oregon coast where they spent a long winter in 1805-1806.

Pacific Fur Company

John Jacob Astor, spurred by reports of the Lewis and Clark expedition and the promise of profit, engineered an ambitious American toehold at Astoria in 1811. Workers for his Pacific Fur Company soon built a fort which, according to Ross Cox, looked quite substantial: "The buildings consisted of apartments for the proprietors and clerks, with a capacious dining-hall for both, extensive warehouses for the trading goods and furs, a provision store, a trading shop, smith's forge, [and a] carpenter's workshop," all located within the walls of a log stockade. [Footnote 1](#) Despite the initial appearances, the next year brought great privations. After learning of the War of 1812, the Astorians chose to sell the post to a British company rather than risk having it seized by a British naval vessel. While the sale ended a chapter of American involvement in the region, the construction of the fort bolstered U.S. claims to the Oregon Country after the war.

Hudson's Bay Company



John Jacob Astor dreamed of big profits.

Other American fur traders would ply the region in the coming decades, but none would rival the dominance of the British Hudson's Bay Company. The company named George Simpson to oversee field operations and he assigned Dr. John McLoughlin to serve as chief factor (manager) in the vast Columbia River watershed. Simpson and McLoughlin set up a hub and spoke system as the basis for operations. Fort Vancouver, built in 1825 near the confluence of the Columbia and Willamette Rivers, was designated the hub. The spokes reached to distant points in the region such as Fort Umpqua in southwest Oregon; Fort George at the mouth of the Columbia River; Fort Walla Walla and Fort Okanogan in present-day Washington state; and Fort Boise in present-day Idaho. These posts bartered trade goods for furs

brought by local Indian tribes. To augment this operation, the company sent brigades of 20 to 50 employees and their families into the field to trap and trade furs for months at a time.

The company developed an extensive infrastructure centered around the Fort Vancouver stockade, which measured 750 feet by 450 feet and stood about 20 feet high. Within its walls were 40 buildings including a school, library, pharmacy and chapel as well as houses, warehouses and a manufacturing operation. Outside the walls stood more housing in addition to facilities such as a tannery, sawmill, distillery and dairy. While ships brought trade goods and tools, food was too expensive to transport, leaving company workers to provide for themselves. They responded by planting vegetable gardens, starting orchards, and raising livestock at Fort Vancouver and other posts in the region. These efforts offered early evidence of the agricultural potential of the Oregon Country. At its peak, the company oversaw 34 outposts and 600 employees in the region while Fort Vancouver was by far the largest settlement of non-natives west of the Great Plains.



Fort Vancouver circa 1848. (Image courtesy National Archives of Canada)

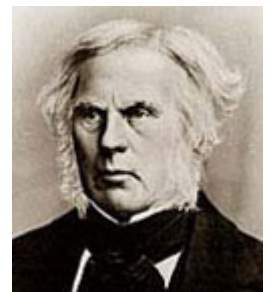
Politics and the Decline of the Fur Trade



George Simpson set larger policies and strategies for Fort Vancouver. (Image courtesy Manitoba Museum & Archives of Manitoba)

International geopolitics played an important role in the operations of the Hudson's Bay Company in the Oregon Country. The British and Americans agreed to joint occupancy of the region beginning in 1818, acknowledging that both nations asserted claims on the land and maintaining a political status quo. Meanwhile, the jockeying continued for advantage in what was assumed to be the endgame—the eventual division of the region into separate British and American territories. This reasoning led Simpson to order brigade leader Peter Skene Ogden to eradicate the fur-bearing animals in the upper Snake River area. The plan had the short-term advantage of maximizing fur production and the long-term goal of making the area less desirable to the growing numbers of American trappers crossing the Rocky Mountains. Simpson assumed any final negotiated division would leave the land in American hands so he had every reason to extract all he could from it.

While George Simpson developed plans and strategies, it was Chief Factor John McLoughlin who would be the towering daily presence over the region for over two decades as he presided at Fort Vancouver from 1825 to 1846. His role was the closest thing to government in the region until the early 1840s. McLoughlin's instructions were to monopolize the fur trade, keep peace with Indians and discourage agricultural settlement in the region. He succeeded for a time and earned the name "White Headed Eagle" from Indians. Over the years, however, fur trading declined at the same time missionaries and pioneers moved into the region from the U.S. beginning in the 1830s. Faced with this reality, and much to the chagrin of company officials, McLoughlin provided assistance, advice and supplies to settlers—in the process sealing the fate of the Hudson's Bay Company in the region. The 1846 Oregon Treaty between Great Britain and the U.S. set the boundary between British and American territory at the 49th parallel north.



John McLoughlin represented "authority" in the Oregon Country for over two decades as chief factor.

While the treaty respected the property rights of the Hudson's Bay Company in the new American territory, operations soon became unprofitable and were closed. By that time, beavers were harder to find and changes in fashion reduced the demand.

Notes

Oregon Secretary of State, *Oregon Blue Book* 2007-2008, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 339.

Oregon Secretary of State

Missionaries Seek Souls to Save

Religion proved to be the next major influence over the Oregon Country. Swept along by the power of the Second Great Awakening, more and more missionaries answered the call to bring the word of God to the heathen Indians. In the process, they helped pave the way for great migrations of white settlers.

Second Great Awakening

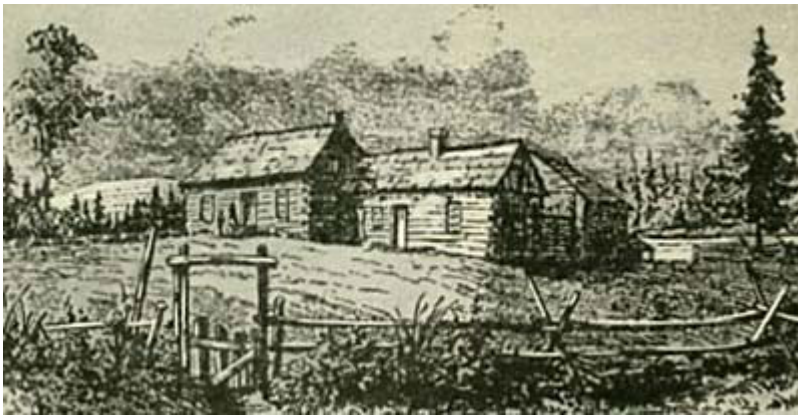
Covering much of the early 1800s, the Second Great Awakening infused religion with its trademark of renewed personal salvation in revivals and camp meetings. Highly evangelical, the movement leaders, such as Lyman Beecher, encouraged a wave of social activism. In the process, some denominations, such as Methodists, Baptists, and Presbyterians, grew in numbers and strength. The energy from this growth sought outlets in the form of missionary work, which led devout members of churches to distant lands to save the souls of heathens. The Oregon Country would be the recipient of a number of missionaries in the 1830s.



People seek personal salvation at an 1835 revival meeting that was part of America's Second Great Awakening. Energy from this evangelical movement led many devout church members to volunteer for missionary assignments during the 1830s. Several efforts focused on Indians of the distant Oregon Country. (Image courtesy New York Historical Society)

Jason Lee and the Willamette Mission

The Reverend Jason Lee first came to Oregon in 1834, following his assignment by the Methodist Episcopal Church to be a missionary in the Flathead Indian country of the West. After arriving at Fort Vancouver on the Columbia River, Lee was advised by Hudson's Bay Company Chief Factor John McLoughlin that the Flathead country was too isolated. He instead suggested a site about ten miles north of present-day Salem, Oregon on the Willamette River. Lee founded a school at the Mission Bottom site to educate the local Indians in what he considered a proper, Christian manner. The results contributed to a growing sense of futility. There were fourteen Indian students the first year, of whom seven died and five ran away. In 1836 there were twenty-five students, of whom sixteen fell ill. Only one of the surviving students converted. In fact, malaria and other diseases helped cause approximately a 90 percent drop in the population of Willamette Valley Indians in the 1830s. Lee received reinforcements, including Dr. Elijah White, to help with the mission but by 1838 he returned to New England to recruit more. In 1840 he returned with 50 recruits including ministers, teachers, farmers and mechanics yet by that time the pattern was set.



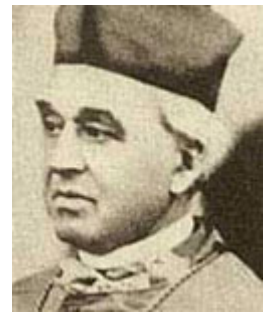
An 1834 view of the Methodist mission at Mission Bottom north of Salem. The mission later moved operations to present day Salem, founding what would become Willamette University. (Image from *Oregon: Her History, Her Great Men, Her Literature*)

Over the years, critics of Lee complained that he focused far too much on economic development and far too little on the original goal of saving souls. The Methodist Church removed him in 1843 for not converting enough Indians to justify the vast expenditures needed to maintain his missions. Disgusted by the outcome, the church closed the mission and ordered its assets to be liquidated. By that time the Oregon Methodists, though failing at their religious purpose, had succeeded in building a thriving community with farms, businesses and a growing political will. Their letters to relatives in the U.S. lauded the

fertility of the land and the promise for growth. These joined the growing number of restless people in the Midwest and East saw for forming wagon trains for the long overland journey to Oregon and what they hoped would be a better life.

Catholic Missionaries

Catholic missionaries had better luck than Methodists in converting Indians to Christianity. A group of retired fur trappers, mostly French-Canadians living on French Prairie in the Willamette Valley, petitioned the Bishop of Red River in Canada for a priest in 1834 and 1835. Their efforts were finally rewarded in 1838 with the arrival of Fathers Francois N. Blanchet and Modest Demers. The priests provided services to the French-Canadians and they also looked for converts among the Indians. Part of their success centered on the fact that they did not require the Indians to change their way of life significantly to be baptized. They also brought a mystique with their vestments, rituals and incense. Moreover, the priests were committed to a vow of poverty so avoided many of the extensive economic entanglements and distractions so characteristic of Jason Lee and the Willamette Mission. And, in contrast to the Methodists, they were willing to invest time to master the native languages in an effort to better spread their message. [Footnote 1](#)



Father Blanchet led Catholic missionaries beginning in 1838.

The Whitman Mission



An illustration of the Whitman Massacre. (Image from *Marcus Whitman M.D.: Pioneer and Martyr*.)

Other major missionary efforts during the period were made on behalf of the American Board of Commissioners for Foreign Missions, an umbrella group for Protestant missions. Led by Marcus and Narcissa Whitman along the Walla Walla River and Henry and Eliza Spalding on the Clearwater River at Lapwai, their methods suffered from a rigid insistence on forcing the Indians into a white way of life. This resulted in few conversions and a growing antagonism. When Whitman's superiors in the East decided to close the mission because of a lack of results in 1842, Marcus traveled through the winter to reach them and win

a reversal of their decision. On his return trip in 1843 he guided the "Great Migration" of settlers, nearly 900 strong, to the Oregon Country. Soon, the Whitmans were spending more time on the needs of the growing number of immigrants than they were ministering to the Cayuse Indians.

Increasingly frustrated, Marcus Whitman intended to move his family but a measles epidemic quickly changed his plans. The epidemic struck both white and Indian children. Yet while the white children recovered, the Indian children, lacking immunity, died in large numbers. Many of the Cayuse saw this as a plot designed to remove them to make way for white settlers. On Nov. 29, 1847, a group of Indians attacked, killing 12 whites, including the Whitmans; kidnapping over 50 women and children; and burning the mission buildings. The massacre drew national attention to the problems faced by settlers in the West and led to early passage of a bill to organize the Oregon Territory in 1848. It also triggered a prolonged campaign against the Cayuse by the Oregon Militia in retaliation. Eventually, the tribe surrendered five members who were tried and hanged in 1850. Sadly, the Cayuse War was one of many Indian wars that punctuated the period before Oregon statehood.

Notes

1. Oregon Secretary of State, *Oregon Blue Book* 2007-2008, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 344.

Oregon Secretary of State

Oregon Fever Grips America

Fur traders and missionaries helped set the stage for massive migrations of settlers to Oregon beginning in the 1840s. But other factors played roles in the spread of what became known as "Oregon Fever." Events and attitudes conspired to push and pull restless Americans to the Oregon Country. In the process, these pioneers transformed Oregon and stamped it with their dreams, values, prejudices and fears.

A Frontier Mentality

Many who chose to migrate to Oregon had developed a habit of moving to new frontiers. It was not unusual, for example, for a family to have moved from an eastern state to Ohio and then on to Missouri before once again looking westward for new opportunities. Most future Oregon immigrants were living in Ohio, Indiana, Illinois, Kentucky and Missouri in the early 1840s. Typically, the very wealthy and the very poor did not participate in the exodus. The abject poor could not afford to migrate to Oregon while the wealthy usually saw no need to risk their status and privilege. Those who made the move had enough money for wagons and provisions, but not so much that comforts of prosperity held them back. They were willing to work hard and take risks with hope of finding their agrarian ideal and leaving problems behind.



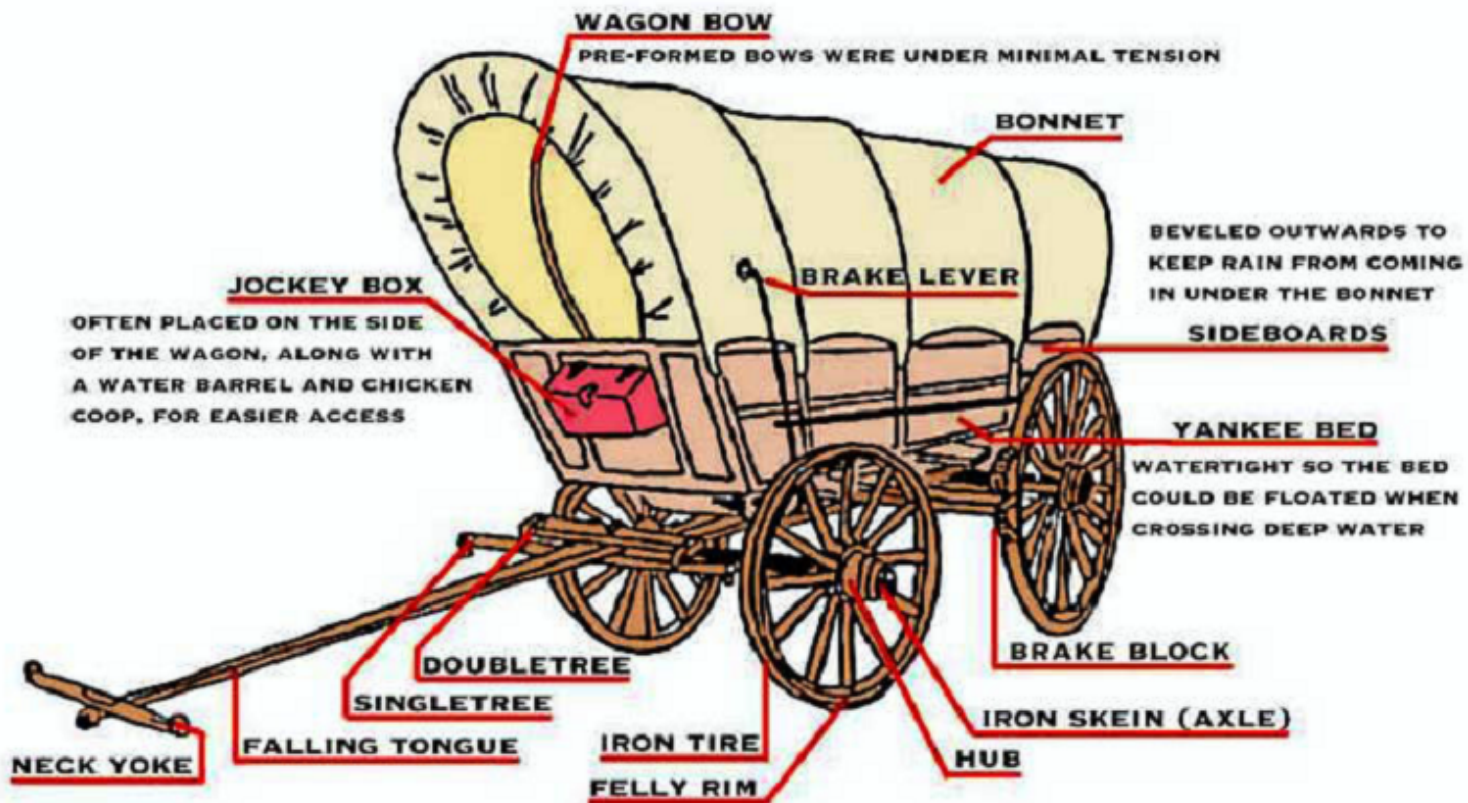
Albert Bierstadt's 1867 "Emigrants Crossing the Plains" painting shows a romanticized view of the overland journey to Oregon. (Image courtesy National Cowboy & Western Heritage Museum)

Problems and Promise



A political cartoon laments unemployment brought on by the Panic of 1837.

Those problems were multiplying for many midwesterners in the late 1830s and early 1840s. The Panic of 1837 brought economic depression that cascaded into bank failures, currency problems, tightened credit, foreclosed mortgages, unemployment and falling agricultural prices. Economic hardships often magnified social and marital problems. Health problems added to the suffering, particularly in the Midwest where diseases such as malaria caused thousands of deaths. Many saw homes and farms swept away in massive flooding along the Missouri, Mississippi and Ohio rivers. Others looked to escape the moral and political struggles caused by slavery and free blacks. As challenges mounted, a growing number simply wanted to walk away from the imperfect world they inhabited in search of a better place.



Detail of a typical covered wagon used by immigrants to Oregon. (Image courtesy Oregon Department of Transportation - colorized)

In contrast, news from Oregon was promising. Reports of Lewis and Clark, the Astorians, John B. Wyeth, William Slacum and others included narratives of a land rich with possibilities. Missionaries wrote glowing letters to magazines and newspapers and gave lectures and sermons extolling Oregon's virtues. Eager audiences heard of a place not so much different as better. They were tempted by descriptions of the Willamette Valley that promised a moderate climate, fertile soil, plenty of rain, vast stands of timber, fish virtually jumping out of rivers, a peaceful environment and a lack of diseases. Missouri senators Lewis Linn and Thomas Hart Benton added to the growing excitement by repeatedly introducing legislation in Congress to grant up to 1,000 acres of land to Oregon settlers. While the bills failed to pass, they gave hope to those who believed they would be rewarded for their risks. In fact, Oregon's provisional government moved forward with an act in 1843 that gave any white male settler the right to claim free of charge up to 640 acres of land.

Seeking a Better Place

Conditions were ready by the early 1840s for Oregon Fever to spread. A trickle of wagons grew into successive waves of wagon trains, particularly through the next decade. About 100 people followed Dr. Elijah White westward in 1842. According to historian John Unruh, 875 immigrants traveled overland to Oregon the next year. By 1847 the number reached 4,000. The California gold rush caused a temporary dip in 1849 as the number of Oregon overland immigrants dropped to 450 (meanwhile overland immigrants to California grew nearly tenfold in 1849 to 25,000). However, the passage of the Oregon Donation Land Act in 1850 helped cause another spike, leading 10,000 people to make the journey in

1852. [Footnote 1](#)

Immigrants were more interested in continuing their culture and way of life than starting anything particularly new in Oregon. Even faced with the challenges of the overland trail, most tried to hold to societal conventions such as strict gender roles and the observance of the Sabbath. Once in Oregon, they sought to recreate a better version of their lives in the Midwest. Historian Stephen Dow Beckham argues that:



The Ermatinger House was built in Oregon City in 1845 reflecting Federal Style architecture. (Oregon State Archives image no. clAD0047a)

"The Oregon Trail pioneers were creatures of habit. They carried their attitudes, prejudices, and ideas as part of their baggage. They were imitators rather than innovators. They attempted, as best they could remember, to recreate the governmental and social institutions they had left behind. They founded schools and academies and erected Federal, Greek Revival, and Gothic Revival buildings to house them—just like at home. Although they saw themselves as stalwart, brave, and independent, they were actually a highly dependent people, demanding righteously that the federal government give them land, survey their claims, guard them from Indians, erect lighthouses, establish postal routes, and construct wagon roads. They saw themselves as makers of history but seldom perceived they were locked into the historical fabric of which they were merely threads." [Footnote 2](#)

Notes

1. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 43.
2. Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 346.

Oregon Secretary of State

A New Territory and the California Gold Rush



Samuel Thurston wrote the Donation Land Act. (Image courtesy Bancroft Library Collection)

Waves of immigrants from the Midwest soon outnumbered the two groups that previously had dominated the white population in Oregon. Since the mid-1830s, people associated with the Hudson's Bay Company such as retired French-Canadian trappers and those associated with Jason Lee's Willamette Mission had spent several tense years co-existing in the Willamette Valley. The new Oregonians streamed in with their own attitudes and priorities, making moot many of the existing conflicts and jealousies. Just two years after the the 1846 Oregon Treaty finally solved the "Oregon question," two simultaneous events, one governmental and one economic, had profound impacts on the growing population.



Joseph Lane was the first governor of the Oregon Territory. (Image no. cph 3a02863 courtesy Library of Congress)

The Oregon Territory

The governmental event came when the U.S. government, after several petitions from the Oregon provisional government, finally assumed a dominant role with the formation of the Oregon Territory in August 1848. On the heels of territorial status came the passage by Congress in 1850 of the Oregon Donation Land Act, written by Oregonian Samuel Thurston. The law recognized the validity of the provisional land claims and set up a process for any white male to claim 320 acres (640 acres with his wife) of land. By 1856, when the law expired, 7,437 claimants had registered for more than 2.5 million acres of land, mostly in the Willamette Valley, but also in the Umpqua and Rogue valleys. So complete was the process that by 1857 the surveyor-general of the territory concluded that "there is but little vacant good land west of the Cascade mountains." [Footnote 1](#)



Fort Yamhill in Dayton was constructed in 1856. (Image no. HABS ORE,36-DAYT,1-1 courtesy Library of Congress)

Territorial status meant a steady stream of political patronage appointments from Washington D.C. The first was Joseph Lane, an Indiana legislator acclaimed as a hero of the Mexican War, who was appointed governor and inaugurated in March 1849. Other federal appointees included three judges, an attorney and a marshal. As in other territories, residents welcomed or reviled the appointees depending on their political leanings, but regardless of party politics often resented outsiders coming in to run what they saw as their affairs. Residents could elect a territorial legislature but Congress could veto any territorial laws. Oregonians also could elect a delegate to Congress, but that person had no vote and could only advocate for the territory.

Considerably more popular than the system of political patronage was the influx of federal money for projects in the territory. Money soon flowed in to pay for crews to survey the land so it could be distributed as part of the Donation Land Act. Likewise, a railroad survey was extended into Oregon and the coastline was surveyed, resulting in charts that marked depth readings and dangerous rocks to aid navigation. Federal courts and custom houses were established. Postal routes and offices helped to enhance communication across the territory. New military roads helped speed the movement of travelers and freight. Meanwhile, the Army constructed several forts in the 1850s, including Fort Orford, Fort Umpqua, Fort Yamhill and Fort Hoskins. All of these brought federal funds for construction and payrolls for soldiers. [Footnote 2](#)

The California Gold Rush

The most significant economic event came after the discovery of gold in California when Oregonians heard of the strike in August 1848. Hundreds of men dropped their work and departed for the goldfields. Oregon's first newspaper temporarily shut down because of gold fever, reappearing more than a month later with an apology: "The *Spectator*, after a temporary sickness, greets its patrons, and hopes to serve them faithfully, and as heretofore, regularly. That 'gold fever' which has swept about 3000 of her officers, lawyers, physicians, farmers, and mechanics of Oregon from the plains of Oregon into the mines of California, took away our printers."

[Footnote 3](#) Some of those left behind were anxious about Oregon's future but, for the most part, worries were unfounded. Oregon was well situated geographically to quickly take advantage of the discovery. While some of those who left for the goldfields stayed in California, a large number returned within a year or so—many considerably richer from their journey. They had their adventure, found plenty of gold and longed to return to their homes, families, and agrarian way of life.



Most Oregonians made it to the goldfields before the masses of "49ers" from the east coast. Transporting miners to California became a lucrative business in the early 1850s.



Oregon benefited from the gold rush in the longer term as well. The gold carried back by miners helped finance an economic expansion. More importantly, the tens of thousands of miners flowing into California helped create a growing market for Oregon products such as timber and wheat. As a result, timber crews, lumber mills, wheat farms, flour mills, and other market-based operations flourished during a period of prosperity for the territory. This activity attracted merchants from the northeastern states who helped form the nucleus of a business class. In contrast to the businessmen rushing to the entrepreneurial opportunities of San Francisco and other California cities, they were conservative and cautious. Their "cash on delivery" mentality fit well with the rural settlers in Oregon. [Footnote 4](#)

The Oregon economy benefited from supplying California miners, like this man panning for gold, with products such as timber and wheat.

The gold rush also helped to separate people with a "get rich quick" attitude of wealth accumulation from those who valued the agrarian ideal centered on the agricultural land claim and a goal of self-sufficiency. A 19th century tale symbolized the difference by describing a fork in the road about halfway along the Oregon Trail at Pacific Springs in present-day Wyoming where "a pile of gold-bearing quartz marked the road to California; the other road had a sign bearing the words 'to Oregon.' Those who could read took the trail to Oregon." The story emphasized the belief that those who chose Oregon did so deliberately, thereby rejecting the allure of the California gold and, by extension, the values it represented. [Footnote 5](#)

Notes

1. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 44.
2. Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 349-350.
3. "The Impact of Gold Strikes on Oregon," End of the Oregon Trail Interpretive Center Web Site, viewed June 14, 2007. <<http://www.endoftheoregontrail.org/road2oregon/sa300oregongold.html>>.
4. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 45-46.
5. *Ibid.*, 8.

Oregon Secretary of State

Oregon Politics and Government in the 1840s



John McLoughlin (center with white hair) welcomes the first white women to cross the continent overland in 1836. He was instructed by the Hudson's Bay Company to discourage American settlers in the Oregon Country but he commonly provided assistance. He did, however, resist efforts to form a government. This image is from a mural in the rotunda of the Oregon State Capitol. (Oregon State Archives Scenic Image No. DSC107-15)

Oregon politics were in a state of flux during the 1840s. The region went from having no government, other than the de facto civil authority exercised by the Hudson's Bay Company, to territorial status on a path to statehood. Along the way, Oregonians saw the creation of a provisional government in 1843 and the end of the British claim to sovereignty in 1846. Local political squabbles between Americans and an alliance of French-Canadians and the Hudson's Bay Company provided much of the early heat but politics in Washington, driven by the call "Fifty-Four Forty or Fight!," added to the rising temperature on the subject of what to do with the Oregon Country.

Ewing Young's Estate

Until the early 1840s, most people saw no need to organize politically or form a government. Indians already had tribal customs and laws developed over the centuries. Active and retired Hudson's Bay Company employees fell under the jurisdiction of that company's charter. And, while American fur traders, missionaries and arriving immigrants had no government, their numbers were small enough that the question didn't seem pressing. Philosophical differences as well as internal dissension reduced the chance for political agreement between the American and French-Canadian factions. Moreover, the Hudson's Bay Company had an ongoing interest in stalling the formation of any government that would reduce its clout and increase the influence of the American settlers. Over the years, no event had come along in the small community to trigger serious discussion of the subject.

The event finally came when American Ewing Young died in 1841 without a will. Young, by far the wealthiest independent settler in the Oregon Country, owned a large herd of cattle in addition to promissory notes from his neighbors for large debts. Since he had no known heirs, the subject arose at his funeral of what to do with his property in the absence of any sort of governmental probate procedure. In response, the settlers selected Ira Babcock as supreme judge with probate powers. They also agreed to form a committee, chaired by Father Blanchet, to draft a constitution and code of laws. But it was clear that trust between the Americans and the French-Canadians was low. Blanchet's ongoing argument with a Methodist missionary over who had the right to preach to the Clackamas Indians only intensified the acrimony as the squabble devolved into "threats, blandishments, and bribes."

bribes." Blanchet resigned as committee chair without ever calling a meeting.

Ultimately, disagreements over the type and power of the proposed government proved too strong.

Oregon Territory, Willamette Settlement

Articles of Agreement made and entered into
this 13th day of January in the Year of Our Lord One
Thousand Eight Hundred and Thirty Seven

Whereas, We the undersigned settle upon the
Willamette River, are fully convinced of the Importance
and Necessity of having ^{the} Cattle of our own ~~own~~ ^{own}
= fully to carry on our farms and gain a comfortable
livelihood, and whereas we find it impossible to
purchase them here, as all the cattle in the country
belong to the Hudson's Bay Company, and they refusing
to sell them under any circumstances, and as we
believe that the possession of Cattle will not only bene-
= fit us personally, but will materially benefit the whole
settlement, We the undersigned do therefore Agree

1st To avail ourselves of an offer of Miss Isaac Esq
to take passage in the American Brig Forest Capt
Bancroft, free of charge, to proceed to California to
purchase cattle for our selves and all our Neighbors
who choose to join us ~~with~~ in our Enterprise either
by accompanying us themselves or furnishing the
means of purchasing Cattle in California

2^d We agree to furnish funds according to our
Means making a common Stock concern subject
to the following conditions,

The expenses of all those who go down to California
are to be borne by the Company calculating the time
so employed at the rate of twenty dollars per Month;
provisions likewise to be paid by the Company,

3^d The wages of the men thus employed to be calculated
as so much money, and each one is to be credited
accordingly; and each and every member of the
Company shall have his portion of the cattle

This 1837 Willamette Cattle Company Agreement sent Ewing Young and others to California to acquire cattle. In 1841 he died without a will and no heir, leading to calls for the formation of a government. (Oregon State Archives image)

Transcript of original document:

<http://records.sos.state.or.us/ORSOSWebDrawer/RecordView/8924546>



version of the Oregon provisional government seal. (Oregon State Archives image)

Provisional Government



Colorful and outspoken pioneer Joe Meek led the call at Champoeg for a new provisional government for the Oregon Country. (Image courtesy U.S. Marshal Service)

Yet, political debate continued into 1843 and eventually resulted in the formation of a provisional government. Some settlers argued for the creation of an independent country while most favored waiting for the United States to step in and take ownership. Meanwhile, the increasing population added to the pressure to find a political solution as more Americans and retired fur traders flowed into the Willamette Valley. The influx of settlers increased the chance of land claim disputes for which there was no clear settlement mechanism. The ostensible reason for compromise came with the growing number of attacks on livestock by wolves, bears and cougars. Two "Wolf Meetings" were called in early 1843 in which a bounty system was devised for killing the predators. Residents were to contribute to a general fund from which the bounties would be paid. An executive committee was chosen to collect and distribute the money—effectively establishing Oregon's first tax.

During the last organizational meeting, held at Champoeg on May 2, 1843, settlers voted on whether to create a provisional government after Joe Meek yelled out, "Who's for a divide? All for

the report of the committee and organization follow me." The close vote of about 52 to 50 favored formation of a government. Nearly all of the French-Canadians voted against it. [Footnote](#) ² A legislative committee met in May and June to draft a constitution. The resulting product, called the Organic Act, was adopted July 5, 1843, officially marking the birth of the provisional government.

Oregon Treaty

Just a year after Oregonians managed to form a provisional government, the political rhetoric was rising in Washington D.C., leading to a standoff



Two Irish men in New York debate the controversy over Oregon in 1846 (Library of Congress image no. cph 3g05745)

between the United States and Great Britain. Attempting to appeal to expansionist sentiment in the 1844 election, the U.S. Democratic Party maintained that America had a valid claim to all of the Oregon Country. Democratic presidential candidate James K. Polk, an expansionist, won the 1844 election, but then softened the tone by seeking to establish the same boundary proposed by previous U.S. administrations, a compromise boundary along the 49th parallel. Tensions grew when subsequent negotiations between the U.S. and Great Britain broke down and many politicians demanded that Polk annex the entire Oregon Country up to latitude 54°40'N (hundreds of miles north of the 49th parallel). The resulting turmoil gave rise to nationalistic American slogans such as "Fifty-Four Forty or Fight!" Brinkmanship by Polk and domestic distractions in Great Britain finally helped lead to the signing of the Oregon Treaty in 1846, thus setting the boundary at the current 49th parallel and giving sole possession of the Oregon Country south of there to the United States.

Oregon Territory



The territorial seal on display at the Oregon State Capitol. (Oregon State Archives image)

After the Oregon Treaty was signed, formation of a new territory met delays while Congress grappled with the distractions of the Mexican War and the slavery issue. By late 1847, an anxious Oregon provisional legislature drafted a petition to Congress calling for a territory and cited pressing concerns in need of federal attention such as the Indian attack at the Whitman Mission, uncertainty about land claims and the need for revenue laws. Joseph Meek and nine others carried the petition to Washington D.C. in the spring of 1848 and President Polk signed the Organic Act creating the Oregon Territory on August 14. Joseph Lane, appointed to be the first governor of the new territory, traveled overland to the new capital of Oregon City and was inaugurated March 3, 1849. His new job was to govern an area that included all of the present-day states of Oregon, Washington, and Idaho as well as significant portions of present-day Montana and Wyoming. A new and very different period of Oregon politics was about to begin.

Notes

1. Malcolm Clark, Jr., *Eden Seekers: The Settlement of Oregon, 1818-1862* (Boston: Houghton Mifflin Company, 1981) 142.
2. Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 346-347.

Oregon Secretary of State

Democratic Party Machine Politics in the 1850s

The 1850s brought new political players and rules to a period in which national issues were increasingly important to the debate. Old rivalries from the 1840s were dissolving into the past since the Hudson's Bay Company moved its headquarters from the Columbia River to Vancouver Island; the Methodist missionaries had disbanded; and federal legislation reduced anxieties about land claims. But the role of the federal government brought a new set of conflicts. These were heightened by the introduction of invective-laced partisan politics pitting the dominant Democratic machine versus a constantly evolving mix of Whigs, Know-Nothings, and insurgent Democrats. Meanwhile, dramatic national developments related to slavery led to urgent calls for statehood.



Newspaperman Asahel Bush controlled the Democratic Party machine that dominated Oregon politics in the 1850s.

(Image courtesy Bush House Museum, Salem Art Association Photo no. bh0614)

Democrats and Anti-Democrats

Not surprisingly, a large proportion of Oregonians in the 1850s were Democrats since most new settlers were arriving from the Midwest states where Jacksonian Democrats held considerable power.

Philosophically, they maintained an agrarian ideal based on personal

liberty and initiative. Conversely, they distrusted banks, corporations, urbanization and any reformers who wanted to exploit their labor or impose limits on their freedoms. The party featured highly organized and disciplined politics grounded in the local communities where precinct caucuses led to county, territorial and national conventions. These politics were intricately interwoven with a strong social component that further reinforced party loyalty into a way of life. Numerous party events scheduled around the all-important farming season brought like-minded men together, as historian David Alan Johnson notes: "The antebellum politics, marked by Jackson jubilees, Jefferson-Jackson dinners, Fourth of July bonfires, precinct caucuses, county conventions, elections and legislative sessions, made up the public life of individuals otherwise isolated from one another." [Footnote 1](#)



An 1854 soap advertisement capitalizes on the brief popularity of the anti-immigrant Know Nothing Party. (Image no. cph 3805004 courtesy Library of Congress)

In contrast, their opponents, while vocal, were small in number and lacking effective organization. The Whig Party, teetering toward oblivion on the national stage, never mounted a serious challenge in Oregon. Unlike the Democrats who typically looked no further than farming for a livelihood, Whigs often sought out business opportunities such as those presented in the small but growing commercial community of Portland. They also saw an important role for government in curbing what they deemed to be societal problems such as liquor and tobacco use. Meanwhile, an anti-immigrant movement rose to prominence nationally and in Oregon in the mid-1850s. Feeling threatened by the influx of Irish and other Catholic immigrants, the Know-Nothing or American Party called for strict limits on immigration to stem what was seen as the excessive allegiance to the Pope in Rome instead of the government of the United States. The party briefly benefited by drawing large numbers of members from the collapsing Whig Party, but soon fell apart itself over the issue of slavery. Other groups, such as the new anti-slavery Republican Party formed in 1854, lacked strong organization to compete with the Democrats in Oregon.

A Capital Case

Controlling about 75% of the vote, Democrats in Oregon enjoyed wide latitude in the politics of the territory. Still, they were not without their challenges. For example, soon after he was appointed in 1850, new Whig Governor John Gaines began a long quarrel with Democrats over the location of the territorial capital. The Democrats voted to move the capital from Oregon City, which was considered a Whig town, to Salem, a Democratic community. Gaines saw the move as a political power play by a defiant Democratic legislature and declared the action invalid on the grounds it violated the single subject provision of the organic act that created the territory (the omnibus bill that moved the capital also set the penitentiary in Portland and the state college in Marysville—later Corvallis). Democrats responded by mustering 26 of the 31 members of the legislature to assemble in Salem. There, in a memorial to Congress, they accused Gaines of "mental perverseness" and claimed that he "sought by indirect and extra official acts to usurp the powers placed in the hands of the representatives of the people alone." The Democratic *Oregon Statesman* newspaper predictably joined in to call Gaines a foreign interloper while praising the Democrats as defenders of local sovereignty. [Footnote 2](#)



Whig Governor John Gaines battled the Democrats. (Oregon State Archives image)

The controversy went on to involve more officials, both in Oregon and Washington D.C. The Oregon Supreme Court ruled in favor of the governor on a party line two to one vote. Gaines appealed to the Whig president for help and his opponents called on the Democratic Congress for assistance. Meanwhile, Oregon's Whig treasurer refused to authorize payment for the salaries and expenses of the legislators meeting in Salem, a decision supported by the U.S. Attorney General. The treasurer's actions were later upheld by the U.S. Supreme Court by its refusal to hear the case. But eventually Democratic delegate Joseph Lane managed to get Congress to declare Salem the capital. The president ended up horse trading his

signature on the bill in order to secure the passage of other more valuable legislation in 1852. Later wrangling would move the capital to Corvallis briefly before its permanent return to Salem. [Footnote 3](#)

The bitter dispute over the location of the capital helped consolidate the power of what became known as the

Oregon Style Journalism

While Asahel Bush and his Salem Clique struggled to control the Democratic Party political machine, Thomas Dryer busily threw wrenches into the works. Dryer founded and edited the *Oregonian* newspaper in Portland originally as a platform for the Whig Party in Oregon. But the odds were stacked against him since Oregon was overwhelmingly Democratic and the Whig Party was crumbling nationally. He eventually abandoned the party in favor of an anti-party stance and later drifted through the 1850s championing a variety of political interests such as temperance, Know-Nothingism and Republicanism. Defending his lack of loyalty, Dryer claimed both he and the founding fathers were "independent of all parties, factions, cabals, cliques, or combinations of men."

[Footnote 5](#)

What Dryer lacked in organizational consistency he made up for in oppositional tenacity as he and arch-rival Oregon Statesman editor and clique leader Bush battled with words in the pages of their newspapers. In an age before libel laws, they were leading examples of the bitter and paranoid rhetoric that became known as the "Oregon style" of political journalism. Personalizing the feud, Bush took to calling Dryer "the Sewer man" and Dryer called Bush "Ass-o-Hell." During one early journalistic encounter, Bush wrote a story about the capital location controversy that was so biting against the Whig governor that one observer suggested that Bush must have been "dining on pickles and case knives." Dryer demanded a retraction, at gunpoint, if necessary. In response, a clique crony sent a pistol to Bush so he could defend himself against those who resented his

journalistic style. [Footnote 6](#)



Editor Thomas Dryer practiced bare-knuckle journalism.

The Political Machine

The bitter dispute over the location of the capital helped consolidate the power of what became known as the "Salem Clique." This small group of influential Democrats took control of the levers of power in the territory to build a very effective political machine that dominated politics during much of the 1850s. At the core of the power was the ability of its members to funnel federal political appointments and money to themselves and their allies. Asahel Bush, editor of the *Oregon Statesman*, led the clique, which also included Matthew Deady, Delazon Smith, James W. Nesmith, R.P. Boise and La Fayette Grover. These members enforced the will of the clique on lower levels of the party apparatus, doling out favors for good deeds and loyalty while meting out punishments for those who strayed from their directives.



La Fayette Grover was a key member of the Salem Clique that struggled to maintain control of Democrats in the late 1850s. He later went on to serve as governor in the 1870s.

Complicating its grasp on local power, however, was the uneasy mutual alliance between the clique and Joseph Lane. The popular and charismatic former governor was elected to be Oregon's delegate to Congress in 1851. There he maintained a base of political power that was at least partially independent from the local power of the clique.

The clique needed Lane's help to maximize the money flowing to Oregon from federal coffers and to grease the wheels for patronage appointments of its allies. Meanwhile, Lane harbored much greater political aspirations—with his Mexican War record and his charm, he had been mentioned in some circles as a possible presidential candidate. To have any hope of progressing to that level, Lane would have to count on strong local support from the clique. By the mid-1850s the complicated arrangement was showing signs of breaking down. Lane was trying to build his own independent patronage network. Predictably, the clique saw this as a challenge to their dominant patronage machine and complained bitterly.

A second threat came in the form of an insurgency by Democrats based in Multnomah and Clackamas counties. By the middle of the decade, party members were growing weary of the iron hand of the clique, which derived most of its power from Democrats in the general region around Salem. The rival group, calling itself National Democrats, openly challenged what Bush called the "regular organization" of the party in 1855. By the next year, the "softs," as Bush derisively described them, set up a separate party organization in several counties. Further incursions by the political insurgents drew withering condemnation in the *Oregon Statesman*, where Bush denounced the group as a "wolf in sheep's clothing...engaged in efforts to misrepresent, malign, and create discord among Democrats." Meanwhile, the the clique was beginning to face a third, and more corrosive, threat as the national slavery crisis swept over Oregon in the mid-1850s. [Footnote 4](#)

Notes

1. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 86; David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 58.
2. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 53-54.
3. "How Salem Became the Capital of Oregon Territory," End of the Oregon Trail Interpretive Center Web Site, viewed June 17, 2007. <<http://www.endoftheoregontrail.org/road2oregon/sa27Bsalemsteal.html>>.
4. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 63.
5. *Ibid.*, 60.
- 6.

Malcolm Clark, Jr., *Eden Seekers: The Settlement of Oregon, 1818-1862* (Boston: Houghton Mifflin Company, 1981) 245-246.

Oregon Secretary of State

Blacks in Oregon Meet Hostility

The harbingers of the growing national divisions over slavery were imported to Oregon in the 1840s as waves of white settlers traveled west with potently racist attitudes. These immigrants, betraying their Midwest and border state experiences, brought their hatred of slavery and free blacks across the plains to their new homes. The great majority of these new Oregonians simply wanted to create an all-white society free of the racial problems threatening to cause an American civil war. By strength of numbers they soon passed legislation prohibiting slavery and banning free blacks. Although the laws were not really enforced, they still sent a message. Thus, while small numbers of blacks were tolerated in Oregon throughout the 1840s and 1850s, they struggled on the margins of society with few friends and fewer rights.



Western artist Charles Russell painted this view of Indians marveling at the sight of York during the Lewis and Clark Expedition. Arriving with the expedition in 1805, York was one of the first blacks to come to Oregon.

The Fur Trade Era

Before the first large influx of settlers from the Midwest in the early 1840s, blacks and other people of color played important roles in the development of Oregon despite the presence of fundamental racism in white culture. Obviously, Indians had existed throughout the Oregon Country for millennia. Throughout the first decades of the 1800s, they interacted in a generally peaceful way with white explorers and fur traders before eventually falling victim to diseases and land grabs. Hawaiians, also known as Kanakas, were highly valued as sailors, laborers and domestic servants by the Hudson's Bay Company and as farm laborers, kitchen workers, and blacksmiths by Methodist missionaries in the 1830s. The first black person known in Oregon was Marcus Lopus, a cabin boy for Captain Robert Gray who was killed by Indians near Tillamook Bay in 1787. He was followed by York, William Clark's reliable and hardworking slave, who came west with the Corps of Discovery in 1805. Other blacks, including some trappers, arrived in the 1830s. During this period, interracial families, such as French-Canadian trappers with Indian wives and their offspring, added to the mix of color in pre-settler Oregon. Indeed, the Fort Vancouver area was a colorful place.

New Settlers Bring Harsh Laws

But acceptance of blacks and other people of color eroded as waves of settlers migrated to Oregon carrying numerous resentments and hatreds. Many had lived in the border states of Kentucky, Tennessee and Missouri and wanted to leave behind what they saw as the economic and political domination of slaveholders. There, nonslaveholders commonly resented the institution for reducing the value of white farmers, artisans, mechanics and laborers. Most immigrants to Oregon from the states of



Peter Burnett worked to exclude blacks from Oregon in 1844. He went on to serve briefly as California's first governor. (Image courtesy californiagovernors.ca.gov)

Iowa, Illinois, Indiana and Ohio also shared the hatred of slavery and free blacks. Both groups commonly saw blacks as inferior and a threat to a free white society. As a result, during the period of 1830 to 1860, several states passed laws to restrict or exclude free blacks. [Footnote 1](#) One immigrant in 1844 gave voice to the attitude by remarking that "I'm going to Oregon, where there'll be no slaves, and we'll all start even." [Footnote 2](#) Peter Burnett, a former resident of Tennessee and Missouri and a new settler to Oregon in 1843, spoke of the desire to escape from the problems of the past: "The object is to keep clear of that most troublesome class of population [blacks]. We are in a new world, under the most favorable circumstances, and we wish to avoid most of those evils that have so much afflicted the United States and other countries."

[Footnote 3](#)

Attitudes quickly turned into action upon arrival in Oregon. The 1843 provisional legislature passed a measure prohibiting slavery but made no mention of free blacks. The next year, Burnett,

bolstered by a new wave of Midwestern settlers, introduced a bill that extended new restrictions against blacks. One section required people holding slaves in Oregon to remove them within three years or the slaves would be freed. Another section required free blacks over 18 to leave Oregon or be subject to trial. If found guilty, the person was to "receive upon his or her bare back not less than twenty nor more than thirty-nine stripes, to be inflicted by the constable of the proper county." The punishment was to be repeated every six months until the person departed. This "lash law" passed but was soon changed to replace the whipping provisions with ones calling for forced labor followed by removal from Oregon. After a shift in the makeup of the legislature, the law was repealed in 1845. [Footnote 4](#)

The first territorial legislature re-enacted a variation of the exclusion law in 1849 as racial fears among the settlers grew in the wake of the Whitman Massacre and other events. The preamble to the bill stated that "it would be highly dangerous to allow free Negroes and mulattoes to reside in the Territory, or intermix with Indians, instilling into

their mind feelings of hostility toward the white race." [Footnote 5](#) The law allowed any current black residents and their offspring to stay but required new arrivals to leave within 40 days. The only enforcement of the law came in 1851 when Jacob Vanderpool, the black operator of a Salem saloon and boarding house, was exiled. The exclusion law was unintentionally repealed due to a clerical error in 1854 and, despite efforts, did not return until after the constitutional convention.



Cayuse Indians Tiloukaikt and Tomahas led the attack on the Whitman Mission. Some whites worried free blacks would join in Indian hostilities.



The legislature passed a bill that called for whipping blacks who refused to leave Oregon but never enforced it. The law was later amended to replace whipping with forced labor.

Tolerated in Small Numbers

Even with the legislative bans, whites continued to tolerate a small number of slaves and free blacks in Oregon before statehood. Meanwhile, other territories, such as New Mexico and Utah, enacted similar bans. California, with by far the largest population of blacks and mulattoes in the West, tried to pass

comparable laws in the 1850s but failed. Still, the goal was to suppress black migration and the message was clear that blacks would be expected to live on the margins of society with virtually no rights. Indeed, in the words of historian Egbert Oliver, "African Americans were essentially illegal aliens in Oregon, without citizenship, without legal rights." [Footnote 6](#)

According to the U.S. Census, there were about 56 blacks and mulattoes in Oregon in 1850 and 124 in 1860. They held a range of occupations including barber, laborer, miner, bootblack and shinglemaker. Two were specifically

Fighting Racism in Salem

listed as slaves in the 1860 census. In spite of the lack of legal rights, some blacks managed to acquire considerable property and wealth but had little recourse in case of disputes. For example, Abner H. Francis amassed real estate worth 16,000 dollars and personal property worth 20,000 dollars as a Portland merchant and businessman in the 1850s before falling into debt to creditors and moving to British Columbia. [Footnote 7](#)

While the common attitudes of both supporters and opponents of slavery were blatantly racist, a small number of white Oregonians championed black equality and abolition. The American Home Missionary Society sent Congregational minister Reverend Obed Dickenson to Salem in 1852. He and his wife, Charlotte, challenged conventional thinking in the small community and regularly found themselves in controversies related to the degree to which they welcomed blacks as church members and their advocacy of equality. Among other blacks they welcomed into their church were the newly freed slaves, Robin and Polly Holmes, who opened a nursery in Salem after gaining their freedom. One church member later remembered seeing Polly and other blacks among the white congregation: "A half dozen or more of the colored people always clustered around the stove. ...Dear old Aunt Polly, as she swayed to and fro with her sincere singing, and 'Brudder Johnson' mighty in prayer, were as sincere worshippers as any." [Footnote 8](#)



Abolitionists wanted Americans to recognize the humanity of slaves. (Image no. cph 3a44497 courtesy Library of Congress)

Reverend Dickenson charged that the Salem community, among other examples of racism, had "closed the doors of all our schools against the children of these black families dooming them to ignorance in life."



This 1858 Salem school excluded black students. Charlotte Dickenson taught some black students and former slaves in her home. (Image no. pcdo32 courtesy Salem Public Library)

To help rectify the problem, Charlotte Dickenson taught black children and illiterate former slave women at her home in the evenings and reported excellent results. The general community was appalled by these and other kindnesses shown to blacks. Asahel Bush and leading political figures berated Dickenson on issues such as abolition and temperance as well as what Bush would describe as the problem of "ministers meddling in politics." Even within his own church, opposition grew from those who believed Dickenson's actions were bringing the scorn of the community down on the congregation.

At one point, members of the church drafted a resolution saying "that we therefore respectfully recommend to our Pastor that he abstain from these exciting topics, slavery, etc. in his future labors with this church." Dickenson resisted, writing that "I am stubborn because I would not yield to their counsel in having a separate meeting for the blacks to join the church. I am stubborn because I maintain the rights of blacks to an education for their children, against the popular opinion of the place. I am stubborn because I set myself firmly against hanging boys before they are proved to be guilty." That he officiated a so-called "nigger wedding" only added fuel to the flames. But the Dickensons persevered through years of turmoil before leaving the church in 1867. In that 15-year period, they left their indelible mark against racism on the Salem community. [Footnote 9](#)

Notes

1. Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967) 77-78.
2. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 82.
3. Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967) 81.
4. Quintard Taylor, "Slaves and Free Men: Blacks in the Oregon Country, 1840-1860," *Oregon Historical Society Quarterly* 83 (Summer 1982): 155.
5. "A Bill to Prevent Negroes or Mulattoes from Coming to, or Residing in Oregon," Oregon Provisional and Territorial Government Records #6075, Oregon State Archives, Salem.
6. Egbert S. Oliver, "Obad Dickenson and the 'Negro Question' in Salem," *Oregon Historical Society Quarterly* 92 (Spring 1991): 8.
7. K. Keith Richard, "Unwelcome Settlers: Black and Mulatto Oregon Pioneers," *Oregon Historical Society Quarterly* 84 (Spring 1983): 35-40.
8. Egbert S. Oliver, "Obad Dickenson and the 'Negro Question' in Salem," *Oregon Historical Society Quarterly* 92 (Spring 1991): 15.

9.

Ibid., 13-28.

Oregon Secretary of State

The "Negro Question" and Oregon Politics



Newspapers, such as Thomas Dryer's *Weekly Oregonian*, played central roles in Oregon politics and the debate about slavery during the 1850s.

Political leaders largely succeeded in marginalizing free blacks in everyday Oregon life and keeping the number of slaves in the territory to a minimum. But they couldn't withstand the tidal wave of bitter division sweeping through the nation in the 1850s. The national crisis became so overwhelming that it forced the Salem Clique political machine to respond to new fissures in the Democratic Party. And it compelled Oregonians to face what many perceived to be the real possibility of having slavery imposed on the territory. Debates ensued over the practicality of slavery in Oregon and whether citizens should vote for statehood as a way to protect their choice in the matter. As the tensions mounted, heated arguments erupted in newspapers over how to proceed.

Blatant Racism and Vitriol

Comments about race that would shock most modern readers were part of the normal political culture and debate in Oregon of the 1850s. It was accepted that Delazon Smith, the widely influential member of the Salem Clique, would comment that he disliked the black race because “his heels stick out too far; his forehead retreats too much; his smell too strong.” Even more forceful opinions could be found on the front pages of leading newspapers such as the following excerpt of an 1855 letter by N.V. Holmes to the *Oregonian* in which he argued that:

niggers...should never be allowed to mingle with the whites. They would amalgamate and raise a most miserable race of human beings. If niggers are allowed to come among us and mingle with whites, it will cause a perfect state of pollution. Niggers always retrograde, until they get back to the state of barbarity from whence they originated... The Almighty has put his mark on them, and they are a different race of human beings. Let any gentleman read the history of a physician that has dissected a nigger and see what you will find: their very brain is tintured with black. [Footnote ¹](#)

The Politics of Slavery

In addition to struggles with Joseph Lane and Democratic insurgents, a third and more complicated challenge to the dominant Salem Clique came from the poisonous debate within the Democratic Party over slavery. Since 1820 the Missouri Compromise had prohibited slavery north of latitude 36°30' north, thereby helping to avert a civil war. But the Kansas-Nebraska Act of 1854 rendered the compromise "inoperative and void" by deeming that settlers could decide by popular vote whether to allow slavery. Even though most Oregonians appeared to oppose slavery in the territory, the new law removed a barrier to the institution in the territory and ignited debates about how the party would respond. The clique tried to buy time by composing a party platform in 1857 that allowed members to follow their individual convictions. But the splits over slavery weakened the party by adding yet another problem on top of the already ongoing tensions with Joseph Lane and increasing assaults by the "softs."



Many Oregonians feared President Buchanan would impose slavery in the Oregon Territory

While Democrats were drifting on the issue of slavery, the Dred Scott Decision by the U.S. Supreme Court in March 1857 had a sobering effect on Oregon. The court ruled, among other things, that Congress and territorial legislatures had no authority to prohibit slavery in federal territories—only sovereign states could decide the issue of slavery. Adding to the tension, many Oregonians wondered if President James Buchanan might actually impose it here. This was no idle concern since federal forces had intervened on the pro-slavery side when violence broke out in the Kansas Territory. Amid the political turmoil, the Salem Clique saw the development as an opportunity to improve its fortunes in the upcoming June vote on whether to hold a constitutional convention. Statehood could help the party take some of the focus off of its divisions on the slavery issue and give it a chance to capture most of the new state's elective offices.

Voters, scared off by fears of higher taxes, had rejected proposals to make Oregon a state three times in the previous years. But now statehood could protect Oregon from having slavery imposed. Even the anti-Democrats agreed that, in the wake of the Dred Scott Decision, Oregon needed the protections of statehood. Thomas Dryer, the most prominent anti-Democrat in his role as founder and editor of the Oregonian newspaper, summed up the reasoning that led more than 80 percent of voters to endorse a constitutional convention: "Let us have a state government and make the issue at once. If we are to have slavery forced upon us let it be by the people here and not by the slavery propagandists at Washington City." Leaders had finally found an issue to unite most Oregonians across much of the political spectrum, if only briefly.

Once committed to statehood, the question became whether Oregonians should themselves decide in favor of becoming a free or slave state. [Footnote](#) ²

The Holmes V. Ford Case

Even before the Oregon political debates over slavery grew louder, an 1853 court case seemed to close the judicial door on slaveholders in the territory. The longstanding ban against slavery lacked enforcement, leaving some blacks in Oregon to find other ways to escape from servitude, either by flight or through legal means.

Nathaniel Ford (shown with his wife) brought slaves to Oregon in 1844.



The most famous legal case was that of *Holmes v. Ford*. White Missouri farmer Nathaniel Ford brought the slave couple Robin and Polly Holmes to Oregon in 1844 after promising to free the Holmes family upon arrival. Once in the Willamette Valley, Ford provided the family a small cabin and allowed them limited travel but denied them freedom. Five years later, Ford finally agreed to free the couple and their newborn son but refused freedom for their 3 other children. Ford claimed he was only holding them as "wards," not slaves, and was entitled to their services after having provided for them.

Holmes finally went to court to win their freedom in 1852 but the case languished until the next year when Chief Justice George A. Williams of the Territorial Supreme Court ruled against Ford and declared the children to be free. Williams comment that "in as much as these colored children are in Oregon, where slavery does not legally exist, they are free." No other pro-slavery settlers would attempt to use the courts to maintain slavery in Oregon but new developments on the the national scene would soon reopen the question politically. [Footnote 13](#)



Chief Justice George Williams heard the *Holmes v. Ford* case and later wrote the influential "Free State Letter." (Image no. 526752 courtesy National Archives)

Robin and Polly Holmes

Robin and Polly Holmes arrived in Oregon in 1844, as the property of Nathaniel Ford. In their mid-thirties at the time, they brought with them three of their six children. Their other three children were sold off as slaves in Missouri, prior to them leaving.

Before leaving Missouri, Ford promised the Holmes family their freedom upon arrival if they would help him establish a farm in the Oregon Territory. Settling in the Willamette Valley near Rickreall, Ford built a small cabin for the Holmes' but he denied the family its promised freedom.

By 1850, Robin and Polly had five children and Ford granted them and their infant freedom but kept their other four children as slaves. Harriet, one of the children still held by Ford, died in 1851. Recognizing that Ford would not willingly free the surviving children, Robin began an unprecedented legal battle to get custody of his children.

Robin was up against formidable odds. He had lived his life as a slave, raised in slave culture, bought and sold and was illiterate. He was bringing suit to an influential man with powerful connections, who was also recently elected to the territorial legislature.

In 1852, Robin's attorney, Reuben P. Boise, mounted a credible case against Ford. He filed a writ of habeas corpus in Second District Court in Polk County, seeking the return of the Holmes' "unlawfully detained" children. The intent of the writ was to require Ford to bring the children to court and explain under what authority he was holding them. If Ford failed to satisfy the court, he would likely be ordered to return the children to Holmes, or so Holmes hoped. According to the initial brief court record, Ford "admits that he detained" the children.

The case worked its way through lower courts and finally reached the bench of Chief Justice George A. Williams of the Oregon Territory Supreme Court fifteen months later. Williams ruled against Ford, declaring that slavery could not exist in Oregon without special legislation to protect it. He then declared the Holmes children free. Following the ruling, and with their rights to their children restored, Robin and Polly Holmes moved to Marion County where they operated a successful plant nursery.

The "Free State Letter"



Shortly before the scheduled start of the constitutional convention in August 1857, Territorial Supreme Court Chief Justice George Williams, who a few years before had underscored the illegality of slaveholding in his *Holmes v. Ford* ruling spoke out against the prospect of slavery in Oregon. Williams wrote a long letter, published in Asahel Bush's *Oregon Statesman*, responding to what seemed to

The Dred Scott Decision led many Oregonians to change their minds about statehood.

be a growing number of Democrats favoring slavery in Oregon. Bush had earlier declared that the sole question about slavery was, "Will it pay?" He elaborated that "we do not believe there are five hundred voters in Oregon, who, in exercising their suffrage upon this question, will be influenced by considerations of the morality or immorality, abstract justice or injustice, &c., &c., of enslaving the negro race. The only real questions here are, is the introduction of slavery in to Oregon practicable? and will it prove profitable?" [Footnote 3](#) Bush also claimed that pro-slavery sentiment had risen sharply in recent months. [Footnote 4](#) An apprehensive Williams used his "Free State Letter" to strongly argue that slavery was not not adaptable to Oregon's economy and to the contrary would be disastrous.

Williams established his credibility with his intended readers by declaring his hatred for abolitionism or black equality while affirming his belief that slavery should be left alone where it already existed. In fact, he considered southern slaveholders to be "as high minded, honorable, and humane a class of men as [could] be found in the world..." and maintained they were being persecuted by abolitionists. [Footnote 5](#) He went on to argue that slavery would harm the existing labor force, writing that

"Negroes are naturally lazy.... [They] are an ignorant and degraded class of beings, and therefore they will vitiate to some extent those white men who are compelled to work or associate with them." [Footnote 6](#)

Williams also argued that the cost of bringing slaves to Oregon and maintaining them would be prohibitively expensive. Only a handful of Oregon's farmers could afford the cost of buying, transporting and providing for slaves. Moreover, the territory's crops and economy generally were not suited for slavery or a plantation system such as was used with cotton in the South. And, Oregon's climate worked against the profitability of slavery. Williams contented that while white wage laborers could be hired and paid to work only for the period they were needed, such as planting and harvesting seasons, slaves would have to be supported by their master the entire year. This led to the question "what could a negro fitted

by nature for the blazing sun of Africa, do in an Oregon winter?" [Footnote 7](#) Williams also claimed southern slaveholders would only sell their most troublesome slaves. Would these slaves, once in Oregon, escape to the free state of California or the free territory of Washington? Or worse yet, would they flee to the refuge of hostile Indians, perhaps forming an alliance to attack isolated and poorly protected white settlements in Oregon?

Other Opinions

These and other arguments, logically presented and documented, helped Williams reverse the previous rise in pro-slavery sentiment but his was far from the only voice on the subject. Two weeks before the convention, Asahel Bush echoed Williams' argument: "We believe that the African is destined to be the servant and subordinate of the superior white race...that the wisdom of man has not yet devised a system under which the negro is as well off as he is under that of American slavery. Still...our climate, soil, situation, population, &c., render it...an impossible institution in Oregon." [Footnote 8](#) Hoping to publish a range of Democratic opinions on the issue in the *Oregon Statesman*, Bush tried to convince Matthew Deady, who would soon preside over the convention, to write a pro-slavery argument but was refused. Deady did, however, boil the entire issue down to the coldly simple question of the portability of property rights in a letter to a friend: "If a citizen of Virginia can lawfully own a Negro...then I as a citizen of Oregon can obtain the same right of property in this Negro... and am entitled to the protection of the Government in Oregon as in Virginia." [Footnote 9](#) He insisted any argument not related to the property issue was "begging the question or rather dodging it" since blacks were "just as much property as horse, cattle or land." [Footnote 10](#)



Asahel Bush published numerous letters on the subject of slavery in the *Oregon Statesman* newspaper during the months before the constitutional convention in 1857.

Jacksonville (shown here in ca. 1855) was at the heart of southern Oregon's pro-slavery movement. (Hutchings panoramic image courtesy Online Archive of California)

Bush tried to stick to the center of the debate in his party but there was no shortage of newspapers occupying the ends of the political spectrum on the issue. The *Oregon Argus*, which was published in Oregon City and had run letters to the editor against slavery since 1855, raucously conveyed the Republican Party's anti-slavery message. Most of its writers feared slavery would create a social caste system and discourage white settlers from coming to Oregon, leaving the state looking like some of the worst regions of the South. Although Thomas Dryer of the *Oregonian* hated slavery, he appeared to expend more energy dissecting the arguments and contradictions of Democrats than he did in espousing his views on the issue. Dryer claimed Democrats were trying to force slavery on Oregon, predicting that leaders would make sure the party apparatus was "whipped into line" on the issue. [Footnote 11](#)

Meanwhile, the Table Rock Sentinel, published in Jacksonville, forcefully represented southern Oregon's pro-slavery leanings. Likewise, the Occidental Messenger, published in Corvallis, argued strongly for slavery in Oregon. Historian Walter Woodward described the newspaper by writing that "more radical, vehement and defiant advocacy of the slavery dogma could hardly have been expected in South Carolina...." Looking forward to an election on the issue of slavery in Oregon, the editor of the *Occidental Messenger* hinted that, even if voters rejected slavery, their wishes would not be recognized: "Whether our principles triumph in the present election or not, so strong is our faith in the omnipotence of Truth, that we shall throw out upon our banner, to the pro-slavery men of Oregon, in whom we place our chief reliance, the consecrated words of [John] Paul Jones—'We have not yet begun to fight.'" [Footnote 12](#)

These were ominous words leading into the constitutional convention and indicative of a rising intransigence in the nation just a few years before the start of the Civil War.

Notes

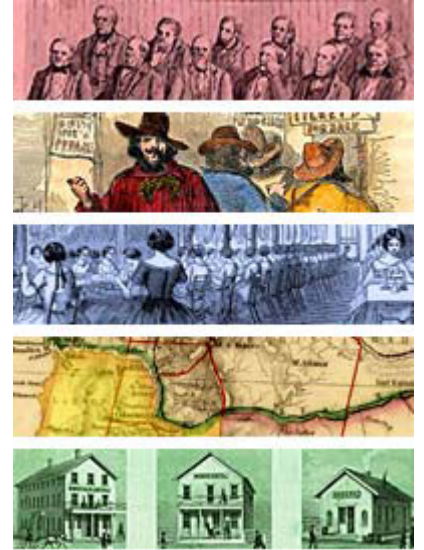
1. Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967) 84.
2. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 65.
3. *Oregon Statesman*, March 31, 1857.
4. Walter Carleton Woodward, *The Rise and Early History of Political Parties in Oregon, 1843-1868* (Portland: J.K. Gill Company, 1913) 112.
5. Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967) 91.
6. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 151.
7. Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967) 92.
8. Malcolm Clark, Jr., *Eden Seekers: The Settlement of Oregon, 1818-1862* (Boston: Houghton Mifflin Company, 1981) 290.
9. *Ibid.*, 289.
10. Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967) 89.
11. *Ibid.*, 86.
12. Walter Carleton Woodward, *The Rise and Early History of Political Parties in Oregon, 1843-1868* (Portland: J.K. Gill Company, 1913) 114.
13. Quintard Taylor, "Slaves and Free Men: Blacks in the Oregon Country, 1840-1860," *Oregon Historical Society Quarterly* 83 (Summer 1982): 167-168.

Oregon Secretary of State

During the Convention

Sixty men gathered in the courthouse in Salem to take an important step in the direction of statehood for Oregon. But what kind of state would Oregon be? How would it develop economically? And who would they exclude from its future? These questions would be central to the debates that began on that historic August day in 1857.

[About the Convention Delegates](#)
[An Overview of the Convention Process](#)
[Exploring the Limits of Debate](#)
[Defining the Role of the Judicial Branch](#)
[Executive and Legislative Branch Issues](#)
[Boundaries, a Capital and Education](#)
[The Trouble with Corporations](#)
[Debating Religion and Voting Rights](#)
[Pervasive Issues of Race](#)



Top to bottom: jury members; gold miners; female factory workers; Oregon map; The Dalles buildings.

About the Convention Delegates

The June 1857 vote that resulted in a 7,559 to 1,081 majority in favor of holding a constitutional convention also brought the election of 60 convention delegates. These men—women were more than 50 years from direct participation in state politics—represented something of a cross section of Oregon, but were numerically dominated by Democrats and farmers. Yet, sheer numbers don't tell the whole story. Individual personalities, past experiences, speaking skills and other factors also affected the outcome of the convention as it began in the small Salem courthouse on Aug. 17, 1857.



Over half of the convention delegates were farmers. Most of them idealized an Oregon dominated by prosperous farms such as the one shown above.

Social Commonalities

The delegates had much in common. According to historian Charles H. Carey, they were all pioneers, "none of whom was wealthy, and many of whom had known the pinch of hard times and had suffered from scarcity of the comforts of life..." [Footnote 1](#) Most came to Oregon seeking a rural, noncommercial and self-sufficient lifestyle that sharply contrasted with that sought by the gold-driven entrepreneurs who dashed in the direction of California. Despite their sometimes biting rhetoric, the delegates shared the ideals of civic-minded altruism and face-to-face political relationships. A large number came to Oregon from the Midwest where they had been influenced by issues debated at earlier constitutional conventions. Farmers comprised most of the delegates but they were easily overshadowed in terms of influence by lawyers, a group that included all three territorial supreme court justices. Of the total number, 33 were farmers, 18 were lawyers, five were gold miners, two were journalists and one was a civil engineer. Seventeen delegates had served in the territorial legislature, one was a veteran of an Ohio constitutional convention and two had participated in statehood campaigns in Iowa. [Footnote 2](#)



Democrats selected Matthew Deady to serve as convention chairman.

Political Contrasts

Politically the Democrats dominated from the beginning of the convention. According to one estimate, they claimed up to 75% of the delegates. The Democrats came in organized, disciplined and with a plan. Holding a clear majority, they set out to avoid division at the convention by planning to pass the issues of slavery and the immigration of free blacks to a vote of the people. They also agreed to use the Indiana Constitution as a template and had completed significant work on parts of the constitution. For example, the three territorial supreme court justices, who were also Democratic delegates, had drafted the outlines of a plan for the state judiciary. These intentions were cemented at a Democratic Party caucus meeting the first evening of the convention, as 45 delegates declared their solidarity and selected Matthew Deady to be their candidate for president of the convention. In contrast, anti-Democrats were unorganized and lacked a common purpose. At best, they were held together by a shared animosity for and suspicion of the dominant Democrats led by the Salem Clique. Their ranks included colorful figures such as Thomas Dryer and David Logan, complemented by evangelicals dedicated to the causes of anti-immigration, temperance and others. [Footnote 3](#)

The Delegates

The following men served as delegates to the Oregon Constitutional Convention. [Footnote 5](#)

Biographical Sketch of Levi Anderson

Levi Anderson

Born 1818

Died 1881

Washington County delegate

A handwritten signature in cursive script that reads "Levi Anderson". The signature is written in dark ink on a light-colored, textured background.

Levi Anderson was born in Hardin County, Kentucky. He came to Oregon in 1852 and settled in Washington County where he farmed a 160 acre donation land claim.

He was elected to represent Washington County at the Constitutional Convention and was identified as a free state delegate. He served as a member of the Committee on Boundaries. Anderson voted against final adoption of the Constitution.

In later life Anderson moved to Grant County where he died on May 30, 1881. He is buried in the Prairie City Cemetery.

Biographical Sketch of Jesse Applegate

Jesse Applegate

Born 1811

Died 1888

Umpqua County delegate



Jesse Applegate was born on July 5, 1811, in Henry County, Kentucky. He moved to and was schooled in St. Louis, Missouri, where he learned surveying. In 1831 he married and took up a land claim in St. Clair County, Missouri and farmed, surveyed and kept a country store.

In 1843, Jesse along with his wife and many children and accompanied by two brothers and their families moved to Oregon. He served as member of the legislative committee of the provisional government in 1845. In 1846 he was involved in establishing an important southern route to Oregon, which was later known as the Applegate Trail.

He represented Umpqua County at the constitutional convention but withdrew when a resolution he proposed prohibiting the discussion of slavery was not adopted. "I have no doubt there is honesty and talent enough in this body to frame a constitution that will be approved by the people of Oregon without my assistance."

He served for a number of years both as justice of the peace and as postmaster of Yoncalla. In 1856, he acted as a guide for Major Kearney in a campaign against the Rogue River Indians. He died on April 22, 1888.

Biographical Sketch of Avery D. Babcock

Avery D. Babcock



Born 1818

Died 1900

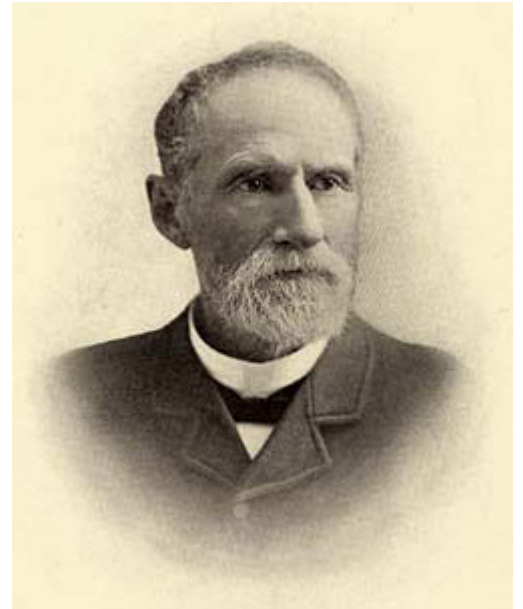
Polk and Tillamook County delegate

Avery D. Babcock was born in New York. He was trained as a lawyer and practiced in Indiana before coming to Oregon in 1852. He filed for a donation land claim in Polk County on what would eventually become the Grande Ronde Indian Reservation. When he married the widow on the neighboring claim he was able to combine her 640 acres to create a sizeable holding called Union Farm.

He was elected as a delegate from Polk and Tillamook counties to the constitutional convention and was a member of the Committee on Legislative Department and the Committee on Suffrage and Elections.

Oregon Secretary of State

Biographical Sketch of Reuben P. Boise



Reuben P. Boise

Born Jan. 10, 1818

Died 1907

Polk County delegate

Reuben P. Boise was born in Blandford, Massachusetts in 1818. In 1843 he graduated from Williams, and was admitted to the Massachusetts bar in 1847. He practiced law there until 1850.

Boise moved to Oregon in 1850 and practiced law in Portland and Salem. In 1851, Judge Pratt appointed him district attorney, and he was elected to this same position in 1852 by the territorial legislature. In 1854, along with James K. Kelly and D.R. Bigelow, he prepared the first code of Oregon. In 1857 he was appointed justice of the territorial supreme court and continued to serve as judge or justice in various courts until 1892.

During the constitutional convention, he represented Polk County and was on the Committee on Judiciary, the Committee on Legislation, the Committee on Education and School Lands and the Committee on Seat of Government.

Boise was also known for his association with agriculture. He had been raised on a farm and took an active interest in the agricultural development of Oregon and legislation that supported farm interests.

Oregon Secretary of State

Biographical Sketch of Jonathan H. Brattain

Jonathan H. Brattain

Born 1813
Died 1859
Linn County delegate



Jonathan Hill Brattain was born in Bedford County, Tennessee. He moved to Iowa as a young man and married Mary Ellen Trimble in Van Buren County in 1839. He came to Oregon in 1846 settling initially in Linn County and claiming land under the Provisional Government's authority. With the passage of the Donation Land Act he and his wife made a claim of 640 acres and successfully pursued farming.

He was elected a delegate from Linn County to the constitutional convention and served as a member of the Committee on Executive. He served in the convention with his older brother Paul who was a delegate from Lane County.

Biographical Sketch of Paul Brattain

Paul Brattain

Born 1801
Died 1883
Lane County delegate



Paul Brattain was born in Randolph County, North Carolina. He moved with his family to Tennessee when he was very young and later went to Illinois where he became active in politics. In 1838 he moved his family to Iowa and while there participated in the Iowa Constitutional Convention of 1844.

In 1852 he came to Oregon with his wife and eight children. Joining other family members who had come to Oregon in 1849 and 1850. He settled in Lane County and made a donation land claim of 160 acres. He served as Lane County clerk from 1854-1859.

He was a delegate from Lane County to the constitutional convention and was a member of the Committee on Executive Department.

Oregon Secretary of State

Biographical Sketch of William W. Bristow

William W. Bristow

Born 1826
Died 1874
Lane County delegate

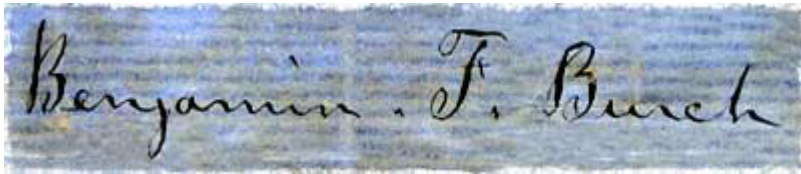


William W. Bristow was born in Kentucky. He came to Oregon in 1848 settling near Pleasant Hill in Lane County. In 1849 he went to California to try his luck in the gold mines. Upon his return he married Elizabeth Coffey and made a donation land claim of 640 acres.

He was elected as a delegate from Lane County to the constitutional convention and was a member of the Committee on Corporations and Internal Improvements.

In 1858 he was elected to serve in the state senate for Lane County and served again in the 1872 and 1874 sessions. He was instrumental in having the state university located in Eugene. At the time of his death he was running for election to the U.S. senate.

Biographical Sketch of Benjamin F. Burch



Benjamin F. Burch

Born 1825
Died 1893
Polk County delegate



Benjamin Franklin Burch was born on May 2, 1825 in Carlton County, Missouri. In 1845, he came to Oregon, settling in Polk County. He was a teacher in the first school in Polk County and one of the earliest schools in Oregon.

Burch served in the Cayuse and Yakima Indian wars and attained the rank of captain.

He was a delegate to the constitutional convention from Polk County in 1857 and served on the Military Affairs Committee. He served on a select committee with La Fayette Grover and James Kelly to create a design for a state seal.

Burch was elected to serve in the state house of representatives during the 1859 legislative session. Later he served in the state senate from 1867 to 1870. In the 1868 session he was president of the senate. In 1877 Burch was selected superintendent of the state penitentiary. He was appointed receiver of the Oregon City land office in 1887.

Oregon Secretary of State

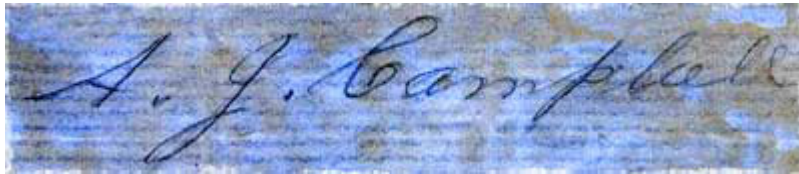
Biographical Sketch of Andrew J. Campbell

Andrew J. Campbell

Born 1829

Died 1870

Lane County delegate



Andrew J. Campbell was born in Indiana. He was a mechanic by trade. He lived in Scott County, Iowa before coming to Oregon with his wife in 1853. Upon arriving they settled in Lane County and made a donation land claim of 309 acres.

He was a delegate from Lane County to the constitutional convention and was a member of the Committee on Seat of Government and Public Buildings.

Biographical Sketch of Hector Campbell

Hector Campbell

Born 1793

Died 1873

Clackamas County delegate



Hector Campbell was born in Hampden County, Massachusetts. He and his wife came to Oregon in 1849 and settled in Clackamas County making a donation land claim of 649 acres.

He was elected to serve in the legislature in 1850. He was a delegate from Clackamas County to the constitutional convention and was a member of the Committee on Corporations and Internal Improvements. Early in the convention he proposed a resolution to have a chaplain. It was defeated by a significant margin. In later debates he opposed a provision that prohibited “drawing money from the treasury for compensation of religious services” as he felt it would prevent any future compensation for chaplains.

Oregon Secretary of State

Biographical Sketch of Stephen Chadwick



Stephen F. Chadwick

Born 1825

Died 1895

Douglas County delegate

Stephen Fowler Chadwick was born on Dec. 25, 1825 in Middleton, Connecticut. In 1850, he was admitted to the New York City bar. He moved to Oregon in 1851, settled at Scottsburg and practiced law, in addition to being the town's first postmaster. Chadwick eventually moved to Roseburg and became the first judge of Douglas County.

He was a Douglas County delegate to the constitutional convention and served on the Committee on Legislation and the Committee on Seat of Government.

From 1870 to 1878 Chadwick served as secretary of state. In 1877 when La Fayette Grover resigned as governor to become a U.S. senator, Chadwick became acting governor. He did not resign as secretary of state so served in both positions, signing official documents as both governor and secretary of state. He died in Marion County on Jan. 15, 1895.

Biographical Sketch of Jesse Cox

Jesse Cox

Born 1821

Died 1901

Lane County delegate



Jesse Cox was born in Fayette County, Missouri. He married Nancy Kenney in Johnson County, Missouri in 1840. In 1851, Jesse, Nancy and four children came to Oregon. The family was following Jesse's father and several siblings who had come to Oregon in 1848. They settled in Lane County and made a donation land claim of 320 acres.

Jesse Cox was a delegate from Lane County to the constitutional convention and served on the Committee of Expenses of the Convention.

Oregon Secretary of State

Biographical Sketch of Joseph Cox

Joseph Cox

Born 1811
Died 1876
Marion County delegate



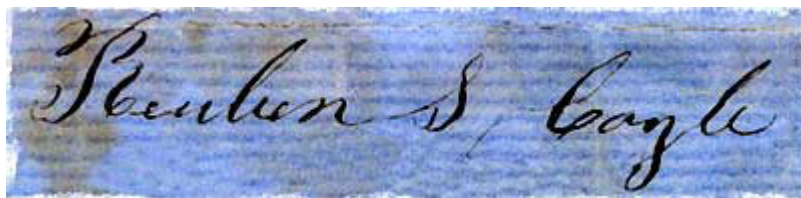
Joseph Cox was born in Ross County, Ohio. In 1833 he married Eliza Parker in Fountain County, Indiana. They moved from Indiana to Illinois and then Missouri before deciding to make the trek to Oregon in 1847. Five children accompanied Joseph and Eliza. The family settled in Marion County and filed a land claim with the Provisional Government. When Congress passed the Donation Land Act they filed a new claim for 640 acres in Marion County under the provisions of the federal act.

Joseph was a delegate from Marion County to the constitutional convention and served on the Committee of Suffrage and Elections.

Biographical Sketch of Reuben Coyle

Reuben Stringer Coyle

Born 1821
Died 1888
Linn County delegate



Reuben Stringer Coyle was born in Bullitt County, Kentucky. His family moved to Illinois when he was a young man. There he met Hannah Carroll and married her in 1843. In 1847, Reuben, Hannah and their two young sons immigrated to Oregon. Included in their party were Hannah's brother and father as well as one of Reuben's brothers. He settled in Linn County and began farming a 640-acre donation land claim and founded the town of Sodaville.

In 1854 Coyle became a Linn County commissioner serving in this position from 1854 to 1856 and again in 1858.

He served as a delegate from Linn County at the constitutional convention and served on the Committee for Military Affairs.

In the 1860s, Reuben and one of his sons headed to California in hopes of finding gold. He returned home at least once but eventually his family lost track of him. Records indicate that he and Hannah divorced in 1859. It is believed that he died in California in January of 1888.

Oregon Secretary of State

Biographical Sketch of John T. Crooks

John T. Crooks

Born 1807
Died 1896
Linn County delegate

A rectangular image showing a handwritten signature in cursive script that reads "John T. Crooks". The ink is dark and the background is a light, textured surface.

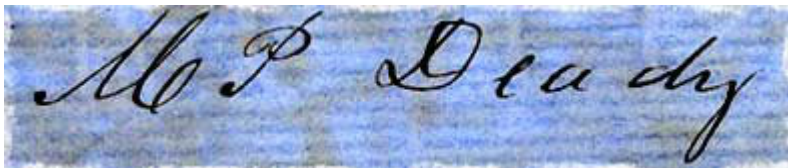
John T. Crooks was born in Loudoun County, Virginia. He married Demercy Everman in Montgomery County, Kentucky in 1833. They came to Oregon in 1848 and made a donation land claim of 640 acres in Linn County.

A life long democrat he wrote a letter to the *Oregon Statesman* newspaper regarding the Kansas-Nebraska Bill in 1855.

Crooks was elected as a delegate from Linn County to the constitutional convention. He was then elected to be a member of the first state legislature in 1858. Although the legislature did meet, Oregon had not been recognized as a state so they adjourned without having transacted any significant business.

In 1870 he served as the enrolling clerk for the legislature. He lived in Klickitat County Washington from 1887 to 1892, but returned to Linn County where he died in 1896.

Biographical Sketch of Matthew Deady

A rectangular image showing a handwritten signature in cursive script that reads "M P Deady". The ink is dark and the background is a light, textured surface.

Matthew Paul Deady

Born 1824
Died 1893
President of the constitutional convention
Douglas County delegate



Matthew Deady was born near Easton, Maryland. He attended public schools

in West Virginia and trained as a blacksmith. He studied law at Barnesville Academy in Ohio and passed the bar in 1847. In 1849 Deady came to Oregon with the Rifle Regiment Army Troop, escorting a military paymaster to Fort Vancouver.

In June 1850 he was elected to represent Yamhill County in the House of Representatives. In 1853 President Franklin Pierce appointed Deady to be an associate judge on the Territorial Supreme Court of Oregon, and he served this position until 1859.

In 1857 he was elected as delegate from Douglas County and served as president of the constitutional convention. He campaigned for the position as a supporter of slavery. Deady supported slavery because it was lawful. He did not consider applying morality to a public issue. The question of whether Oregon should be admitted as a slave or free state was passed to the electorate. They overwhelmingly rejected slavery.

Deady successfully advocated for provisions in law to set six-year terms for judges, four-year terms for state officers and biennial sessions for the legislature. Prominent in the Democratic Party, he was associated with the “Salem Clique” which virtually controlled state politics at this time.

In 1860, Deady moved to Portland. He prepared the act incorporating the city of Portland. This work soon became the model for acts of incorporation in Oregon towns. During the Civil War he was a strong supporter of the Union and later was associated with the Republican Party.

When Oregon became a state, Deady was appointed to be a U.S. district judge. In 1862 he was appointed to be a code commissioner and prepared the Code of Civil Procedure. He also prepared an Incorporation Act, Code of Criminal Procedure, Penal Code and Justice’s Code—all adopted in 1864. Deady was later asked to publish all the laws and codes in force in Oregon. This work became the General Laws of Oregon, which he compiled and annotated in 1866.

Deady also acted as President of the Board of Regents of the State University of Oregon. Deady Hall on the University of Oregon campus was built in 1876 and named in his honor.

He married Lucy Henderson in June 1852, and they had three sons, Edward, Paul and Henderson.

Oregon Secretary of State

Biographical Sketch of Thomas Dryer



Thomas J. Dryer

Born 1808

Died 1879

Multnomah and Washington County delegate



Thomas Jefferson Dryer, who is best known as the founder of the *Oregonian*, was born in Ulster County, New York. His business interest took him between New York and Ohio until 1848 when he went to California. He was editor of the *San Francisco Courier* in 1849 when he was convinced to move to Portland.

Dryer served as the editor of the *Oregonian* from 1850 to 1860. His writing style was described as “aggressive and spirited though not scholarly or polished.” He and Asahel Bush of the *Oregon Statesman* carried on a politically charged and vitriolic exchange in their respective papers for most of the decade.

Dryer served as member of the territorial legislature from 1856-59. He represented Multnomah and Washington counties at the constitutional convention and served on the Committee of Suffrage and Elections. He was a frequent speaker during the convention debates.

In 1861 President Lincoln appointed Dryer to be U.S. minister to the Sandwich Islands. He later returned to Oregon and served as a justice of the peace.

Biographical Sketch of Legrand J.C. Duncan

Legrand J. C. Duncan

Born 1818

Died 1886

Jackson County delegate



Legrand Duncan was born in Tennessee and came to Oregon in 1850, settling in the Jacksonville area. He married a young widow, Permelia Thompson, shortly before the convention opened in Salem.

Duncan was elected to represent Jackson County at the constitutional convention. His name does not appear as a member on any of the standing committees. Duncan proposed to strike out the question “do you vote for free negroes in Oregon?” His amendment lost and the question was submitted to voters as a separate issue on the ballot along with the constitution.

In later years he served as sheriff in Jackson County. He died in 1886 and is buried in the Jacksonville Cemetery.

Oregon Secretary of State

Biographical Sketch of Luther Elkins



Luther Elkins

Born 1809

Died 1887

Linn County delegate

Luther Elkins was born in Cornville, Maine on May 26, 1809. His family moved to Indiana where he was orphaned when he was only ten years old. In 1830 he married and moved to Ohio. Elkins suffered a terrible financial loss there, and so in 1852 he came to Oregon settling in Linn County. He made a donation land claim of 320 acres. In addition to farming he was one of the promoters of the Willamette Valley and Cascade Mountains Wagon Road and helped to construct the Albany and Santiam Canal. In 1853 and 1854 he served in the territorial legislature.

Elkins was a delegate to the constitutional convention from Linn County and served on the Committee on Legislation and the Committee on Corporation and Internal Improvements. Elkins proposed a clause be inserted into the constitution that would “prohibit free negroes, or mulattoes coming into or settling in the state.” He later withdrew the motion with the understanding that “exclusion” would be voted upon along with the constitution and the issue of slavery in November.

Elkins served as a state senator in 1858 being chosen as senate president for that session.

Biographical Sketch of William H. Farrar

William H. Farrar

Born 1826

Died 1873

Multnomah County delegate



William Humphrey Farrar was born in 1826 in New Hampshire. He studied law and became an attorney. In 1853 he was appointed as the territorial district attorney for Oregon. Farrar was described as a “man of fine education and a brilliant lawyer... but he seemed to live a wasted life.” Although he was a Democrat he was alienated from the ruling Salem Clique. In 1855 he served as adjutant for the Oregon First Volunteers.

In 1857 Farrar was a delegate to the constitutional convention for Multnomah County and served on the Committee on Executive. He voted against approving the constitution.

From 1862 to 1863 Farrar served as mayor of Portland. He later moved to Washington D.C. to practice law. He died on Nov. 2, 1873.

Oregon Secretary of State

Biographical Sketch of Solomon Fitzhugh

Solomon Fitzhugh

Born 1804

Died 1884

Douglas County delegate



Solomon Fitzhugh was born in Logan County, Kentucky in 1804. He married Polly Miriam Dickey in Lafayette County, Missouri in 1826. Solomon and Polly came to Oregon in 1850 with their six children. They settled first in Washington County and later moved to Douglas County. He made a land claim of 640 acres along the Umpqua River north of Winchester.

Fitzhugh was elected probate judge in 1852. In 1857 he was elected to be a delegate to the constitutional convention from Douglas County. He had a 43 percent margin over the other delegate from Douglas County, Matthew Deady. At the convention, he served on the Committee for the Bill of Rights.

Fitzhugh was a member of the state senate from 1860-1863. He was one of six senators who left Salem during the 1860 session and went into hiding in an attempt to prevent the election of U.S. senators. He died in Curry County.

Oregon Secretary of State

Biographical Sketch of La Fayette Grover



La Fayette Grover

Born 1823

Died 1911

Marion County delegate

La Fayette Grover was born on Nov. 29, 1823, in Bethel, Maine. He attended Bowdoin College in Brunswick, Maine and studied law in Philadelphia where he was admitted to the bar in 1850.

Grover originally came west to California but early in 1851 took a steamer to Oregon and settled in Salem where he practiced law. He served in the territorial legislature from 1853 to 1856. In 1853 Grover compiled the early government's public papers and published a volume know as the *Oregon Archives*.

Grover served as a delegate for Marion County to the constitutional convention in 1857 and served as chairman of the Committee on the Bill of Rights, as chair for the Committee on the Schedule and as member of the Committee on the Judiciary.

He was elected as the first U. S. Representative for Oregon in 1858, but due to the delay in passage of the statehood act, by the time he gained his seat there was less than a month remaining in his term. Grover served as governor from 1871 to 1877 and was U.S. senator from 1877 to 1883. He died in Portland on May 10, 1911.

Oregon Secretary of State

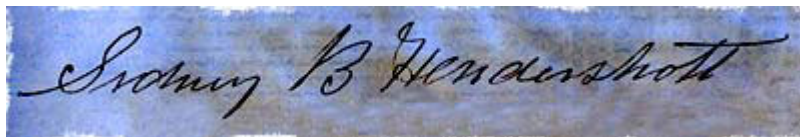
Biographical Sketch of Sidney B. Hendershott

Sidney B. Hendershott

Born 1832

Died 1886

Josephine County delegate

A rectangular image showing a handwritten signature in cursive script that reads "Sidney B. Hendershott". The signature is written in dark ink on a light-colored, slightly textured background.

Sidney Breeze Hendershott was born Jan. 8, 1832 in St. Clair County, Illinois. His family later moved to Des Moines County, Iowa. He and a brother, James, came to Oregon in 1853, settling in Josephine County.

Hendershott was chosen as a delegate from Josephine County to the constitutional convention in 1857. During the debates on the location of the seat of government, he proposed an amendment to the provision inserting Jacksonville as capitol. Hendershott served as a member on the Committee on Corporations and Internal Improvements. He opposed adoption of the constitution at the end of the convention.

In 1871 Hendershott moved to Del Norte County, California. He is mentioned in the census of 1880 with his wife Delilah and three daughters and is listed as a lumberman. He died in Crescent City California on Aug. 3, 1886 of an apparent suicide.

Biographical Sketch of Enoch Hoult

Enoch Hoult

Born 1825

Died 1889

Lane County delegate

A rectangular image showing a handwritten signature in cursive script that reads "Enoch Hoult". The signature is written in dark ink on a light-colored, slightly textured background.

Enoch Hoult was born in Monongahela County, West Virginia in 1825 and moved to Illinois in 1832. In 1853 he came with his wife and children to Oregon. Hoult lived in Lane County for ten years, then moved to Harrisburg in Linn County. Very "decided" in his political opinions, he was prominent in the Democratic Party.

In 1857 he was a delegate to the constitutional convention from Lane County and served on the Expenses of Convention Committee.

Hoult later served as state senator for Linn County from 1870 to 1882. During his last term as state senator he authored the bill to regulate fares and freight upon railroads known as the Hoult Law. He was described in later biographical works as "a warm-hearted, genial gentleman of the old school, full of public spirit, and a zealous worker in the interest of education." Hoult died in Harrisburg on March 18, 1889.

Oregon Secretary of State

Biographical Sketch of James Kelly



James K. Kelly

Born 1819

Died 1903

Clackamas County delegate

James Kerr Kelly was born in Blanchard, Pennsylvania on Feb. 16, 1819. He graduated from Princeton University in 1839 and earned his law degree from Dickinson College in 1842. He practiced law and was eventually appointed deputy attorney general in Pennsylvania.

In 1849 Kelly moved to California. He prospected for gold and then practiced law in San Francisco. In 1851 he relocated to Oregon City in the Oregon Territory. In 1852 Kelly was selected to serve as chair of a legal commission codifying territorial laws. From 1853 to 1857 he served in the territorial legislature.

When the Yakima Indian War broke out in 1855 Kelly raised a company in the Oregon Mounted Volunteers and was later elected colonel of the first regiment.

Kelly was a Clackamas County delegate to the constitutional convention and served on the Committee for Judicial Department. He proposed appointing a reporter to record the proceedings for history. He “did not want what was said and done at this convention to pass to oblivion.” The proposal was defeated.

Kelly served as senator for Clackamas County from 1860 to 1864 and later served as U. S. senator from 1871 to 1877. He then was named as the chief justice of the Oregon Supreme Court, serving between 1878 and 1882. Matthew Deady thought that he was “probably the best of the judges to have sat on the court.”

Kelly moved to Washington D.C. in 1890 and opened a law office there. He died on Sept. 15, 1903.

Oregon Secretary of State

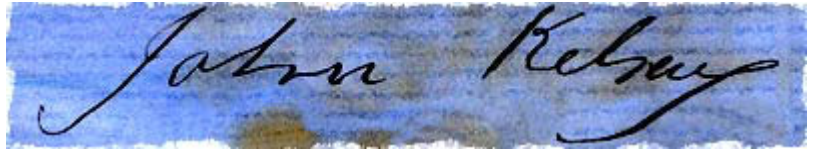
Biographical Sketch of John Kelsay

John Kelsay

Born 1819

Died 1897

Benton County delegate



John Kelsay was born on Oct. 23, 1819, in Wayne County, Kentucky. He moved to Missouri when he was ten years old. He began the study of law in 1842 and was admitted to the bar in 1845. In 1844 Kelsay also served in the Missouri legislature.

He and his wife came to Oregon in 1853 and Kelsay opened up a law practice in Corvallis. He helped to organize volunteers during the Rogue River Indian wars, and during this war service he earned the rank of colonel.

Kelsay was a Benton County delegate to the constitutional convention and served as chairman on the Military Affairs Committee and as a member of the Executive Department Committee.

From 1868 to 1869 he served on the state supreme court.

Biographical Sketch of Robert Kinney

Robert C. Kinney

Born 1813

Died 1875

Yamhill County delegate



Robert Crouch Kinney was born on July 4, 1813, in Belleville, Saint Charles County, Illinois. He helped found the town of Muscatine on the Mississippi River where he entered the milling business. Kinney was married to Eliza Bigelow in 1833 and in 1847 he came with his family to Oregon.

Settling in Yamhill County, he began farming and under the Donation Land Act he and his wife made a claim of 640 acres. He went to California to try his luck in the gold fields in the fall of 1848 and returned in early 1849 to his farm and family. Kinney served in the territorial legislature in 1849 and 1851.

Kinney was a “free state” delegate from Yamhill County to the constitutional convention and served on the Committee on Education and School Land. He voted against final approval of the constitution.

In 1858 he moved to McMinnville and bought the Newby Flour Mill the following year. The milling business prospered and expanded to include mills in Salem as well. His company was soon handling one-fourth of all Oregon’s grain crop and exported great quantities of flour and grain to foreign ports.

Kinney died in Marion County March 2, 1875.

Oregon Secretary of State

Biographical Sketch of Haman Lewis

Haman Lewis



Born 1809

Died 1889

Benton County delegate

Haman Lewis was born Jan. 31, 1809 in New York City. He married Mary Moore in September of 1839 in Cole County, Missouri. He and his family came to Oregon in 1845. Lewis and his wife settled a donation land claim of 640 acres in Benton County.

He was elected to represent Benton County at the constitutional convention as a “free state” delegate. He served on the Committee on Seat of Government and Public Buildings. Lewis was absent at the time the vote for final adoption occurred and his signature does not appear on the constitution.

He and his family figured prominently in the history and development of Benton County. Lewis was one of the directors for the first school organized in the county. The town of Lewisburg is named in his honor. He died in Benton County April 17, 1889 and is buried in Locke Cemetery.

Oregon Secretary of State

Biographical Sketch of David Logan

David Logan



Born 1824

Died 1874

Multnomah County delegate

David Logan (1824 - 1874)

David Logan was born in April 5, 1824 in Kentucky. His father, Stephen Logan, was a close friend of Abraham Lincoln. Logan moved to Oregon in 1850 to practice law, settling at Lafayette before moving to Portland.

He served on the territorial legislature in 1854 and as Portland mayor from 1864 to 1868. He was described as having “no politics, he is only opposed to the Democratic Party.”

Logan was a delegate to the constitutional convention from Multnomah County and served on the Judicial Department Committee. He voted against final approval of the constitution. In explaining his vote Logan stated that “he was satisfied that every gentleman in the convention had done the best he could to make a good constitution for Oregon.”

He died in Yamhill County March 26, 1874 and was remembered in one account as “the greatest jury lawyer of his time.”

Oregon Secretary of State

Biographical Sketch of Asa Lovejoy



Asa L. Lovejoy

Born 1808

Died 1882

Clackamas County delegate

Asa Lawrence Lovejoy was born in Groton, Massachusetts, on March 14, 1808. He attended both Cambridge and Amherst colleges. He studied law and was admitted to the bar.

Lovejoy came to Oregon in 1842 where he practiced law in Oregon City. He had a land claim along the Willamette River, and in 1845, with Francis W. Pettygrove, laid out sixteen blocks as a town site. He and Pettygrove then engaged in a famous coin toss to determine the name of the city. Lovejoy lost the toss, thus the city was given the name Portland rather than Boston.

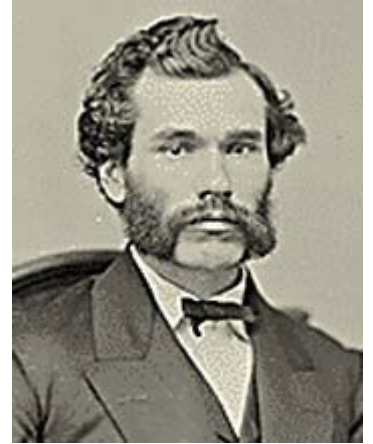
He was the mayor of Oregon City in 1845, and an adjutant general in the Cayuse War of 1847-48. Lovejoy served in the provisional legislature from 1844 to 1848. In 1849, he served as speaker of the house and in 1851 he was elected a member of the council (senate) and a representative from 1854-56.

Lovejoy was a delegate from Clackamas County to the constitutional convention serving on the Committee on the Legislative Department and as chair of the Committee on Boundaries.

He remained active in numerous business interests until his death on Sept. 10, 1882.

Oregon Secretary of State

Biographical Sketch of John McBride



John McBride

Born 1832

Died 1904

Yamhill County delegate

John McBride was born near St. Louis, Missouri on Aug. 22, 1832. He moved to Oregon in 1846 with his parents, who settled near Lafayette in Yamhill County. In 1852 he married Eunice Adams and three years later he opened a law practice in Lafayette.

McBride served as a delegate of Yamhill County in the constitutional convention and was a member of the Committee on Executive Department. In 1902 he gave a speech recalling details of the convention and making observations on the personalities of many of the participants. McBride was associated with the Republican Party from its inception in Oregon.

He served as a state senator in 1859, and was a member of Congress from 1863 to 1865. In 1865 President Lincoln appointed him to serve as the chief justice of the Idaho Territory. McBride continued to practice law in Boise, Idaho, Salt Lake City, Utah and Spokane, Washington. He died suddenly in Spokane on July 20, 1904.

Oregon Secretary of State

Biographical Sketch of Stephen McCormick

Stephen J. McCormick

Born 1828

Died 1891

Multnomah County delegate



Stephen J. McCormick was born in Ireland. He came to Portland in 1851 with his wife and her sister. He was active in local politics in Portland serving as mayor from 1859-1860, and served as a county commissioner and member of the school board as well.

McCormick was elected to represent Multnomah County at the constitutional convention where he served as chairman of the Committee on Expenses of the Convention and was a member of the Committee on the Bill of Rights. As one of two foreign born delegates, he opposed an amendment limiting suffrage to naturalized citizens, “to think that foreigners were a set of the most ignorant, degraded set of beings under the sun.”

A prominent printer and merchant in Portland, his name is associated with a number of firsts in the publishing history of the region. He published Abigail Scott Duniway’s book *Captain Gray’s Company*, which was the first commercially printed novel. McCormick began publishing a city directory for Portland in 1863 and published a business directory for the Pacific Coast shortly thereafter. He also printed what many historians have credited to be the first dictionary of Chinook Jargon. McCormick moved to San Francisco and died in California in 1891.

Biographical Sketch of Perry B. Marple

Perry B. Marple

Born 1819

Died 1862

Coos County delegate



Perry B. Marple was born in 1819 in Fredrick County, Virginia. He came to California in 1849 in pursuit of gold. With the discoveries of gold in southern Oregon Marple moved north. In 1853 he and several others formed a company and trekked across the mountains to the coast settling in the area of Coos Bay. He served as a private with the Coos Bay volunteers during the Rogue River War in 1856.

Marple contested the delegate seat for Coos County, which initially had gone to F.G. Lockhart. Eventually he won the issue and was seated by the convention. Years later John McBride recalled “he succeeding in rendering himself so much disliked by his tendency to indulge in discussion in a very loud voice, and with much violence, that there was a general regret that he had been successful.” Marple was against outlawing dueling, saying that it was “an honorable and gentlemanly mode of settling difficulties and that to disenfranchise duelers was to protect the cowardly and low minded.”

He died in Washington Territory in 1862.

Oregon Secretary of State

Biographical Sketch of William Matzger

William Matzger

Born 1819

Died 1883

Benton County delegate



William Matzger was born in Hanover Germany Aug. 11, 1819. He came to Oregon in 1847. In 1848 Matzger married Abigail Allen. He went to California during the gold rush and returned to Oregon having “gained wealth.”

Matzger and his wife filed for a 640-acre donation land claim along the Mary’s River, just west of Philomath in Benton County. Along with farming he opened a sawmill and flourmill. Matzger became a naturalized citizen in April of 1852.

He was elected as a delegate from Benton County to the constitutional convention. Matzger was a “free state” proponent and served on the Committee for Military Affairs.

In 1862 the family moved to Walla Walla in Washington Territory. Ten years later they relocated to Dayton, Washington.

Matzger died in Los Angeles April 13, 1883 while on a business trip.

Biographical Sketch of Charles Meigs

Charles Meigs

Born 1831

Died 1883

Wasco County delegate

Charles Meigs was born in 1831 in Connecticut. He lived in Ohio before coming to Oregon in 1855. He settled in Wasco County and began a law practice in The Dalles.

Meigs was elected to represent Wasco County at the constitutional convention. He was chairman of the Committee on Corporations and Internal Improvements and was a member of the Committee on Boundaries.

As the lone member from east of the Cascades, Meigs proposed to the convention that the eastern boundary of the state be fixed at the summit of the Cascade Mountains. He argued that the region east of the mountains interests differed from those of the western portion of the territory. “It was entirely gratuitous to presume that the interest of the people east of the Cascades would be promoted by being attached to Oregon.” Only one other delegate voted with him on the proposal. Meigs was absent when the final vote for approval of the constitution was taken.

He moved from Oregon to Kansas sometime after 1865. He died in Ottawa, Kansas in 1883.

Oregon Secretary of State

Biographical Sketch of Richard Miller

Richard Miller

Born 1803

Died 1872

Marion County delegate



Richard Miller was born in Queen Anne County, Maryland in 1803. He lived in Missouri before coming to Oregon in 1847 with his wife and 10 children. He and his wife had a donation land claim in Marion County along Abiqua Creek. He later sold the claim and moved to the forks of the Santiam River in Linn County.

In 1850 Miller served in the territorial legislature. He was elected to represent Marion County at the constitutional convention and served on the Committee for Corporations and Internal Improvements.

In reminiscences, other early Marion County residents often refer to him as "Uncle Dickey." He died June 2, 1872 in Scio and is buried in the Miller/Shelburn Cemetery.

Biographical Sketch of Isaac Moores

Isaac R. Moores

Born 1796

Died 1861

Lane County delegate



Isaac Moores was born in Madison County, Kentucky in 1796. As a young man he served in the Seminole Indian wars under Andrew Jackson. Moores lived for a time in Alabama where he was a friend of Sam Houston. According to one account, Houston attempted to convince him to move to Texas but Moores' aversion to slavery prevented him from accepting the proposition. Instead he immigrated to Illinois in 1824 and during the Black Hawk War he commanded a militia regiment.

Moores decided to move to Oregon in 1852, spending his first winter in Portland before moving to Lane County to take a donation land claim.

As a delegate to the constitutional convention, Moores served on the Committee on Military Affairs. He was nominated as a Republican candidate for the state senate in 1860 but lost.

Oregon Secretary of State

Biographical Sketch of Daniel Newcomb

Daniel Newcomb

Born 1800
Died 1867
Jackson County delegate



Daniel Newcomb was born in Berkeley County, Virginia in 1800. As a young man he moved to Illinois and in 1830 married Eleanor Caroline Rice. Newcomb and his family came to Oregon in 1853 and registered a donation land claim in Jackson County. Besides farming, Newcomb acted as an Indian agent for the Siletz Reservation. He served as a private in Oregon Mounted Volunteers during the Rogue River War in 1855-56.

Newcomb was elected as a delegate to the constitutional convention from Jackson County. He served as a member on the Committee on Boundaries. He served in the territorial legislature in 1858 as a member of the house of representatives.

Newcomb died in Jackson County on June 4, 1867.

Biographical Sketch of Henry B. Nichols

Henry B. Nichols

Born 1821
Died 1907
Benton County delegate



Henry Brainerd Nichols was born in Lyme, Connecticut Jan. 31, 1821 and attended Wesleyan University. He lived and taught school in Connecticut until 1847 when he went to Muscatine, Iowa to take charge of the seminary there. He married Martha Overman after arriving in Iowa. In 1852, Nichols moved his family to Oregon and settled in Benton County. He and Martha took up a donation land claim where he farmed, raised stock and taught school for 30 years.

Nichols served in both the territorial legislature and the state legislature from 1858-1860. He was elected as a "free state" delegate to the constitutional convention from Benton County. He served on the Committee on Expenses of the Convention.

Henry Nichols died on Oct. 3, 1907 in Benton County.

Oregon Secretary of State

Biographical Sketch of Martin Olds

Martin Olds

Born 1798

Died 1872

Yamhill County delegate

Martin Olds was born March 14, 1798 in Berkshire County, Massachusetts. He married Temperance Parker in 1823 in Ohio. Around 1835 the family moved from Ohio to Michigan. A younger brother had come to Oregon in 1844 and apparently sent favorable reports to his sibling. In 1851, Olds decided to leave Michigan and come to Oregon with his large family. He and his wife settled on a donation land claim in Yamhill County where he pursued farming.

Alienated from the Democratic Party machine, Olds was a "free state" delegate to the constitutional convention representing Yamhill County. He was an opposition candidate for president of the convention garnering fifteen votes. Olds served as a member of the Committee on Suffrage and Elections. During the early debates he stated "he did not come here as a party man but to make a constitution for the people," and he called upon the members "to let no party faction bear them down, but to get up a good constitution." At the conclusion of the convention Olds voted against final adoption of the constitution and did not sign the document.

Martin Olds died in Washington County in November of 1872.

Oregon Secretary of State

Biographical Sketch of Cyrus Olney

Cyrus Olney

Born 1815

Died 1870

Clatsop County delegate

Cyrus Olney was born Oct. 11, 1815 in Geneva, New York. He attended law school in Cincinnati and was admitted to the bar and practiced in Ohio. He moved to Iowa where he served as circuit court judge for four years.

Olney came to Oregon in 1851. President Franklin Pierce appointed him to the Supreme Court of the Oregon Territory in 1853. He served in the third district, which comprised Clatsop, Clackamas, Washington and Yamhill Counties, until 1858. It was during this time that Judge Olney presided over the trial of Oregon's first convicted murderess, Charity Lamb. She received a sentence of life in prison for killing her husband.

He was elected to the constitutional convention as the delegate from Clatsop County. He served on the Committee on Judiciary, Committee on the Seat of Government and Public Buildings and on the Committee on Boundaries. Although he took an active part in the various debates he was not present at the final vote for adoption of the constitution.

Later in his career he served as a state senator in 1866 and served in the House of Representatives in 1870. He died in Astoria on Dec. 12, 1870. The town of Olney in Clatsop County is named in his honor.

Oregon Secretary of State

Biographical Sketch of William Packwood

William Packwood

Born 1832

Died 1917

Curry County delegate



William Henderson Packwood was born Oct. 23, 1832 near Mt. Vernon, Illinois. He was acquainted with Abraham Lincoln while living in Springfield, Illinois. In 1848 Packwood enlisted in the Army and came west to Fort Vancouver with the U.S. Mounted Rifles. He went to California to look for gold and returned to Oregon in 1851.

Packwood worked as a packer and gold miner for several years. In 1853 he helped to subdue an Indian uprising in Port Orford and later served as a captain of the Coquille Guards during the 1855 Indian War.

Packwood was a Curry County delegate to the constitutional convention and was a member of Committee on Expenses of Convention. He voted against final adoption of the constitution.

He later moved to eastern Oregon where he continued to pursue mining. In 1862 he helped lay out the city of Auburn. During his long residence in Baker County he served as a police judge, a clerk of Baker City and an assistant postmaster. The last surviving member of the convention, he died Sept. 21, 1917.

Biographical Sketch of John C. Peebles

John C. Peebles

Born 1826

Died 1898

Marion County delegate



John Cannon Peebles was born in Northumberland County, Pennsylvania on Jan. 23, 1826. At age fourteen he moved with his parents to Indiana. He crossed the plains to Oregon in September of 1850.

Peebles married Eliza Jane Mark on Nov. 27, 1851 and they filed for a donation land claim in Marion County located sixteen miles north of Salem. He became associated with Ben Simpson in a store on this land and eventually the town of Fairfield was established. In 1852 the first post office at Fairfield was established with J.C. Peebles as postmaster. He served in the territorial legislature from 1853 to 1856.

Peebles was elected as a delegate to the constitutional convention from Marion County. He was chairman of the Committee on Education and School Lands.

He was state librarian one term, and in 1862 he was elected county judge of Marion County and served three terms. Peebles died in Marion County on Feb. 11, 1898.

Oregon Secretary of State

Biographical Sketch of Paine Page Prim

Paine Page Prim

Born 1822

Died 1899

Jackson County delegate



Paine Page Prim was born May 2, 1822 in Wilson County, Tennessee. He attended law school at Cumberland University in Lebanon, Tennessee. In 1851 he decided to head west to seek greater opportunities. Upon arrival in Oregon he first settled in Linn County but in 1852 he relocated to Jackson County where he dabbled in mining and set up a law practice.

Prim represented Jackson County in the constitutional convention and was a member of the Committee on Seat of Government and Public Buildings. During the debates he supported an amendment to exclude Chinese from entering the state. "Chinamen were an evil in the mines, and were growing to be a greater one." Prim also proposed submitting the constitution to the vote of the people in February rather than November as he felt the people needed more time to "examine and understand" the constitution before voting.

Prim served on the state supreme court from 1859 to 1880, and held the position of chief justice for three terms.

Upon leaving the court in 1880 he returned to private practice in Jacksonville. He was elected a state senator in 1882. Judge Prim died Aug. 7, 1899 in San Francisco, California. He is buried in the Masonic Cemetery in Jacksonville, Oregon.

Oregon Secretary of State

Biographical Sketch of J.H. Reed

John H. Reed

Born 1823

Died 1884

Jackson County delegate



John H. Reed was born 1823 in Pennsylvania. He lived in St. Louis, Missouri and practiced law prior to heading west to Oregon in 1855.

Reed was elected to represent Jackson County at the constitutional convention. He served on the Committee on Executive Department and the Committee on Bill of Rights. At one point in the convention an amendment was proposed to limit the amount of time each delegate could speak. Reed rose and gave a “witty, humorous, and sarcastic speech, which made him a favorite of the convention.” He was absent at the time of the final vote on the constitution.

In the 1860s, Reed went to Nevada and was involved in some of the well-known mining cases there. He then returned to Oregon and opened a law practice in Portland. In John McBride’s published recollections of the convention he described Reed as “a great joker, he was inclined to the convivial side of things, and was so seldom serious that I think his ability was often misrated. He made a useful member of the convention and was a man who once known was never forgotten.”

Oregon Secretary of State

Biographical Sketch of Nathaniel Robbins

A blue-tinted image of a handwritten signature in cursive script that reads "Nathaniel Robbins".

Nathaniel Robbins

Born 1793

Died 1863

Clackamas County delegate

Nathaniel Robbins was born May 5, 1793 in Franklin County, Virginia. As a young boy his family moved to Kentucky. In 1813 Nathaniel married his first cousin Nancy Robbins. Around 1818 they moved to Illinois but remained only a few years before they moved to Decatur County, Indiana. In addition to farming, Robbins became a “country doctor” and amassed one of the largest medical libraries in Indiana.



Nathaniel Robbins and wife Nancy

In the fall of 1851 he moved to Missouri to winter over in preparation for crossing the plains to Oregon in 1852. He and his wife lost three daughters, a son-in-law and two grandchildren by the time they reach Oregon. They settled in Clackamas County amongst their large extended family.

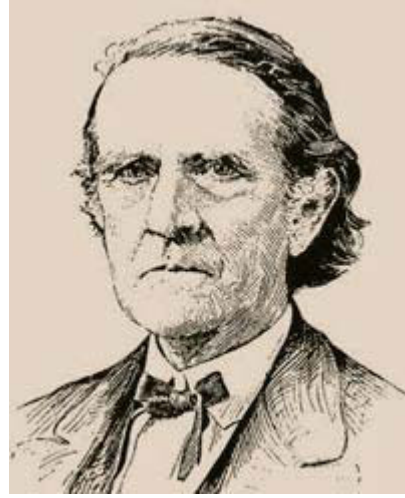
Robbins was elected as a delegate from Clackamas County and served on the Committee for Education and School Lands. He was the oldest member of the convention.

Despite his desire to retire from doctoring, Robbins skills were in demand from settlers in the surrounding area. He was drowned in the Tualatin River Dec. 15, 1863 while attempting to cross the flood-swollen river to attend the birth of a child. He is buried in the Bird Cemetery in Stafford, Oregon.

Oregon Secretary of State

Biographical Sketch of Levi Scott

Levi Scott



Born 1797

Died 1890

Umpqua County delegate

Levi Scott was born Feb. 8, 1797 in Monroe County, Illinois. In 1844 he moved to Oregon, first settling near Dallas in Polk County. In 1846 he helped lay out an important southern route to Oregon which became known as the Applegate Trail. In 1848 he made a claim in Douglas County in an area now known as Scott's Valley. He served as a Captain during the Cayuse war in 1848.

In 1850 Scott founded the town of Scottsburg on the Umpqua River. Mt. Scott in Crater Lake National Park is also named after him, and though similar in name, a different mountain called Scott Mountain was named after him in Douglas County.

Scott was a member of the territorial legislature from 1852 to 1854.

He was elected as a "free state" delegate to the constitutional convention representing Umpqua County and served on the Committee on Military Affairs. He was absent at the time of the final vote for the constitution.

Scott died April 21, 1890 in Malheur County.

Biographical Sketch of Davis Shannon

Davis Shannon



Born 1811

Died 1889

Marion County delegate

Davis Shannon was born April 19, 1811 in Union County, Indiana. He came to Oregon in 1845 with his younger brother Wesley and took a land claim in the eastern portion of Marion County in Howell Prairie.

Shannon was a delegate from Marion County and served on the Committee on Seat of Government.

He never married. In later biographical accounts, Shannon was described as "having one defective limb, broken when he was a young man. He was a strong man of 180 pounds, dark strong face, a large head and a big heart." Shannon died Nov. 2, 1889 in Marion County.

Oregon Secretary of State

Biographical Sketch of Erasmus Shattuck

Erasmus D. Shattuck

Born 1824

Died 1900

Washington County delegate

Erasmus Darwin Shattuck was born Dec. 31, 1824 in Bakersfield, Vermont. He graduated from Vermont University in 1848 and early in his career taught school in Georgia and Maryland. He studied law and was admitted to the New York bar in 1852.

Shattuck came to Oregon in 1853 and began teaching at various schools in Washington County, eventually serving as superintendent of schools. He opened a law practice in Portland and acted as probate judge in 1856 and district attorney in 1861. He was a trustee of the Portland Academy and one of the founders of the Portland Library.

Shattuck was a “free state” delegate from Washington County to the constitutional convention and was member on the Committee of Education and School Land. He opposed the adoption of the constitution and was absent for the final vote.

He served as a circuit court judge from 1862 to 1867 and again from 1886 to 1898. He was also a state supreme court judge from 1874 to 1878. He died in Portland July 26, 1900.

Biographical Sketch of James Shields

James Shields

Born 1811

Died 1888

Linn County delegate



James Shields was born in Bourbon County, Kentucky Dec. 5, 1811. He came to Oregon with his first wife Matilda and their four small children in 1852. They filed for a 320-acre donation land claim in Linn County shortly after arriving.

In 1857 he was a Linn County delegate to the constitutional convention and served on the Committee on Expenses of Convention.

James' first wife died in January of 1857 and he married Sarah Cotton on April 26, 1859. They had five children together. Shields died Oct. 11, 1888 in Linn County. He is buried in Riverview Cemetery in Albany.

Oregon Secretary of State

Biographical Sketch of Robert V. Short

Robert V. Short

Born 1823
Died 1908
Yamhill County delegate



Robert Valentine Short was born in Fairview, Pennsylvania on March 31, 1823. He trained as a tailor and worked until he could pay for a course at the Ohio Wesleyan University. Short then taught school and worked at his trade until 1847 when he came to Oregon and opened a tailoring business Oregon City. In 1849 he went to join the gold rush in California, returning to Oregon in 1850.

Not long after his return from California he moved to a donation land claim in Yamhill County and served as the county's first surveyor. Short was involved in the first survey of Portland in 1850 and also completed a survey of Oregon City for John McLoughlin.

Short was a democratic delegate from Yamhill to the constitutional convention and was a member of the Committee on Expenses of Convention. He served in the territorial legislature from 1857 to 1858. In the aftermath of the Civil War, Short joined the Republican Party and served in the state legislature from 1888 to 1891. He died in Portland on Sept. 7, 1908.

Biographical Sketch of Nicholas Shrum

Nicholas Shrum

Born 1803
Died 1863
Marion County delegate



Nicholas Shrum was born September 15, 1803 in Smith County, Tennessee. He married Delilah Fine July 19, 1820 in Montgomery County, Missouri. They came to Oregon in 1846 with their nine children. Shortly after their arrival Shrum claimed a section of land through the provisional government. With the passage of the Donation Land Act, he and Delilah filed a 640-acre claim along the Pudding River. In addition to farming Shrum worked as a blacksmith.

A Democrat, he was elected as a delegate from Marion County to the constitutional convention and served on the Committee on Bill of Rights.

Shrum died in Marion County on Oct. 4, 1863 and was buried in Stipp Cemetery near Howell Prairie.

Oregon Secretary of State

Biographical Sketch of Delazon Smith



Delazon Smith

Born 1816

Died 1860

Linn County delegate

Delazon Smith was born in New Berlin, New York on Oct. 4, 1816. He was educated in New York and at Oberlin College in Ohio. He studied law and was admitted to the bar. In addition to the law, Smith was involved in journalism throughout his life. He owned and edited newspapers in New York and Ohio and founded the Albany Democrat after the convention.

Smith came to Oregon in 1852, and settled in Linn County. A prominent Democrat he was a member of the "Salem Clique" which virtually ran the Democratic Party in Oregon. He served in the territorial legislature from 1854 to 1856.

Smith represented Linn County at the constitutional convention. He served on the Committee on Legislation and was chairman of the Committee on Suffrage and Elections. A renowned orator, he spoke frequently and at length during the various debates at the convention.

He was elected to serve as one of the first senators from Oregon. Because of the delay in admitting Oregon to statehood Smith served less than a month as senator before his term expired.

Smith died in Portland on Nov. 18, 1860 shortly after he was defeated for re-election to the senate. He is buried in the City Cemetery in Albany.

Oregon Secretary of State

Biographical Sketch of William Starkweather

William Starkweather



Born 1822

Died 1905

Clackamas County delegate

William Starkweather was born Feb. 16, 1822 near Preston City, Connecticut. He moved to Ohio and was a teacher there for three years before heading to the gold fields of California in 1850. Tiring of life as a gold miner Starkweather moved to Oregon in December of 1850. He taught school and farmed a donation land claim in Linn County. In 1853 he moved to Clackamas County and married Eliza Gordon.

He served in the territorial legislature from 1854 to 1857.

Starkweather was a Clackamas County delegate to the constitutional convention and was a member of the Committee on Education and School Lands. At the time of the convention he was identified as a Democrat. After the Civil War he became affiliated with the Republican Party.

From 1861 to 1865 Starkweather was the register of the U.S. Land Office in Oregon City. He served as state senator from 1881 to 1883.

William Starkweather died in Clackamas County on April 22, 1905.

Oregon Secretary of State

Biographical Sketch of William H. Watkins

William H. Watkins

Born 1827

Died 1888

Josephine County delegate

William Henry Watkins was born in Yorkshire, New York on April 16, 1827. He graduated from Buffalo Medical College in 1849. Watkins set up his first medical practice in Wisconsin but in 1852 he decided to move to Oregon. He settled in Josephine County and took up a donation land claim. In 1858 Watkins returned to New York and married Elizabeth Bloomfield, bringing her to Oregon.

Watkins represented Josephine County at the constitutional convention. He served on the Committee on the Legislative Department. During the convention Watkins objected to the black exclusion clause, particularly a section that denied black people the right to bring a suit in court. He could not support legislation “that would place other human beings so completely outside the protection of the law.” Watkins voted against the final adoption of the constitution and did not sign the document.

In 1861 he moved his family to Portland. With the outbreak of the Civil War, Watkins volunteered as a surgeon with the First Oregon Cavalry. A physician and surgeon with a wide practice, he also served on the Portland City Council; was a founder and trustee of the Portland Hospital; and served as a faculty member for Willamette University from 1865 until his death. Watkins died in Portland on Jan. 26, 1888.

Oregon Secretary of State

Biographical Sketch of John W. Watts

John William Watts

A rectangular image showing a handwritten signature in cursive script that reads "John W. Watts". The ink is dark and the background is a light, textured surface.

Born 1830

Died 1901

Columbia County delegate

John William Watts was born Nov. 6, 1830 in Pike County, Missouri. He came to Oregon in 1852 and settled in Columbia County. Watts was a physician by training.

Watts represented Columbia County as a “free state” delegate at the constitutional convention. He served as a member of the Committee on Boundaries and opposed adoption of the constitution at the final vote.

Some accounts indicate that Watts was affiliated with the Know-Nothing Party in the 1850s. He became an active and respected member of the Republican Party in Oregon once it organized.

In 1863 Watts moved his family to Yamhill County. He was appointed to serve as receiver at the U.S. Land Office in Oregon City in 1879. In 1886 Watts was elected senator to the Oregon Legislature. He was appointed register at the U. S. Land Office in Lakeview in 1892 and in 1895 he served as Mayor of Lafayette.

He died in Yamhill County July 6, 1901.

Biographical Sketch of Frederick Waymire

Frederick Waymire

A rectangular image showing a handwritten signature in cursive script that reads "F. Waymire". The ink is dark and the background is a light, textured surface.

Born 1807

Died 1873

Polk County delegate

Frederick Waymire was born March 15, 1807 in Montgomery County, Ohio. He was a millwright and a farmer and came to Polk County in 1845 with his wife and children.

Waymire served as sheriff in Polk County in 1846. He served in the territorial legislature in 1852-1853 and 1855-1856. Waymire was part of the Democratic Party machine know as the “Salem Clique.”

He was elected as a delegate from Polk County to the Constitutional Convention. During the convention he served on the Committee on Bill of Rights. Fellow delegate, John Mc Bride, characterized him as having limited formal education “a sort of Far West Davey Crockett.” Waymire spoke often during the convention. He gave early notice that he meant “to fight high taxes, high salaries, and corporations.”

Waymire died on April 28, 1873 and was buried on his donation land claim in Polk County.

Oregon Secretary of State

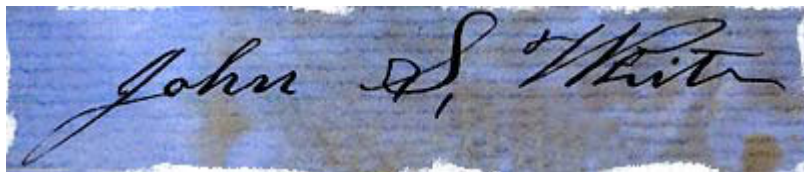
Biographical Sketch of John S. White

John S. White

Born 1828

Died 1886

Washington County delegate



John Spencer White was born in Gibson County, Tennessee on Nov. 5, 1828. He came to Oregon in 1845. He filed for a donation land claim of 630 acres in Washington County with his wife Elizabeth.

He represented Washington County as a “free state” delegate at the constitutional convention. White served on the committee on Suffrage and Elections. During the debates on providing for a system of common schools, White voiced opposition to a proposal to insert the word “white” before children. As he stated there were many “half-breed children in his county” and as their parents paid taxes they should be allowed to benefit from the common school system. During the controversy over whom to seat as Coos County delegate, he supported F. G. Lockhart’s claim. He also voted against the final adoption of the constitution.

White was elected to represent Multnomah County in the state legislature in 1866. After moving to Umatilla County he was elected by the voters there to represent them in the 1878 legislature. White died Sept. 1, 1886 in Umatilla County. He is buried in the Weston Cemetery.

Biographical Sketch of Thomas Whitted

Thomas C. Whitted

Born 1819

Died after 1880

Douglas County delegate



Thomas C. Whitted was born in Maury County, Tennessee on Jan. 5, 1819. He came to Oregon in 1850 and settled in Douglas County where he filed for a donation land claim.

Whitted was elected to represent Douglas County at the constitutional convention. He served on the Committee on Military Affairs. He supported P. B. Marple regarding the contested election for delegate from Coos County and offered the resolution that eventually allowed Marple to claim the seat.

Whitted married Delia Rudd in Roseburg on June 21, 1860. From 1870 to 1880, Whitted lived in Coos County but no record can be found to confirm when or where he died.

Oregon Secretary of State

Biographical Sketch of George Williams

A close-up photograph of a handwritten signature in cursive script, which reads "Geo. H. Williams". The ink is dark and the background is a light, textured surface.

George H. Williams

Born 1823

Died 1910

Marion County delegate

George Henry Williams was born in New Lebanon, New York on March 26, 1823. As a young man he studied law and in 1844 he was admitted to the New York bar. In 1852, President Zachary Taylor appointed him to serve as chief justice of the Supreme Court of Oregon Territory. He arrived in Salem in 1853. President James Buchanan reappointed him to the court in 1857.



Williams was a delegate from Marion County to the constitutional convention and was chairman of the Committee on Judiciary and served on the Committee on Corporations and Internal Improvements. Nearly 50 years after the convention in an address to the legislature Williams recounted some of the activities surrounding the convention. He concluded his remarks by saying, "I trust those who come forward to take our places will think kindly of what we have done and strive to improve upon our work."

Williams left the bench and went into private practice in Portland in 1859. Although he had been a Democrat during his early career, in 1865 he joined the Republican Party. That same year he was elected as a U.S. senator and served until 1871. In 1873, President Ulysses S. Grant made him the U.S. Attorney General, a position he held until 1877. During this time, he authored what would become the 14th amendment to the U. S. Constitution. He returned to Portland where he practiced law and served two terms as mayor, from 1902 to 1905. Williams died in Portland on April 4, 1910.

Oregon Secretary of State

An Overview of the Convention Process

As the middle of August 1857 approached, delegates converged on Salem for the convention that would create a framework for a new state. The political debates in anticipation of the convention had intensified in the weeks before the delegates convened on Aug. 17, with slavery as the dominant issue. Democrats rightly feared that full debate on slavery could fatally split the convention before it started. Instead, they engineered plans for separate and direct votes of the people on slavery and the immigration of free blacks, thereby practically removing the issue from the convention agenda. Largely freed of the paralyzing prospects of making decisions about the "peculiar institution" of slavery, the delegates set about more mundane questions. They started with decisions about the process and organization of the convention. Footnote***

Not Starting from Scratch

The delegates knew there was no need to start their work with a blank slate. Rather, they could pick and choose provisions from constitutions that had come before. Not surprisingly, they were heavily influenced by constitutions from their old home states, mostly in the Midwest. Delegate Frederick Waymire gave voice to this view: "We might as well take old constitutions that the people are familiar with, as to try to strike up into something new, that we know nothing about. If [I] was sent here to form a new Bible, [I] would copy the old one, and if [I] was employed To make a new hymn book, [I] would report an old one—they are better than any [I] could make." Because of this, he optimistically looked forward to ending the convention in 15 days. Footnote ¹

And as luck would have it, Chester Terry, a recent immigrant from Indiana, carried a copy of that state's constitution with him. The Democrats, at the urging of influential Delazon Smith, agreed to use it as the starting point for the deliberations. But through the course of the convention, it became clear that many delegates were familiar with the constitutions of other states including Iowa, Wisconsin, Ohio, Michigan, Maine, New York and others. Footnote ²



The Marion County Courthouse was the site of the convention.



Democrats decided to use the Indiana Constitution of 1851 as a template for their work.

Some would argue that perhaps the Oregon framers relied too much on other states, at the expense of originality. Writing about the convention in 1995, Oregon judge David Schuman dryly distilled their work to its essence: "The sixty drafters, most of whom were farmers, produced a state charter remarkable only for its conventionality and small-mindedness; 172 of its 185 sections were copied from other constitutions, and the thirteen original ones consisted almost entirely of various racial exclusions and measures limiting state expenditures." [Footnote 3](#)

The Haves and the Have-nots



Delegate James Kelly argued that the expense of hiring a reporter for the convention would be "comparatively trifling." (Image no. 04922v courtesy Library of Congress)

The Democrats, with their strong majority, quickly set out to control the process and move their agenda forward as proceedings began. Not surprisingly, Salem Clique stalwart Matthew Deady was elected president by a vote of 39 to 15 over anti-Bush Democrat Martin Olds, who was favored by a mix of Whigs, Free-State Republicans and others. The Democrats also swept other convention offices such as secretary, assistant secretary, sergeant-at-arms, doorkeeper, and printer. [Footnote 4](#) Deady then appointed seven-member standing committees to draft articles of the constitution. The committees included executive department, legislative department, judicial department, education and school lands, military affairs, seat of government and public buildings, corporations and internal improvements, boundaries, suffrages and elections and bill of rights. Befitting his party's numerical advantage, Deady made sure to have plenty of Democrats sitting on each committee and he placed trusted insiders as chairmen of key panels. [Footnote 5](#)

Anti-Democrats, while lacking in real power, had plenty to say during the course of the convention on how the majority wielded power. Thomas Dryer,

David Logan and others admitted that the Democrats had the ability to essentially dictate the outcome. But, according to historian David Alan Johnson, they claimed, "the solidarity of the majority party rested only on shaky, and illegitimate, grounds of personal interest, embodied in a spoils system through which Democratic leaders assured personal control by dispensing and withholding patronage crumbs to the rank and file." [Footnote 6](#) Early on, the anti-Democrats charged that their opponents were engineering the process to maximize their chances to hold new government offices that would result from statehood. According to a newspaper account, angry discussion led to the charge "that the majority were disposed to 'gag' and 'cram measures down the throats' of the minority." [Footnote 7](#)

No Official Reporter

The first day of the convention the delegates decided not to hire an official reporter of debates, despite several arguments in favor. James Kelly, in proposing a reporter, noted that the expense would be "comparatively trifling," not more than 500 dollars. In his view, "a convention of this character, involving as it does the very organization of the state, happens only once in an age." Saying it would be "penny wise and pound foolish" to let "this convention pass to oblivion," he argued that they had a responsibility to posterity since the proceedings would be "sought after as a matter of the historical record, and I do think that we ought not let them pass by and go out of the memory of man...." [Footnote 8](#) Long-winded

orator Delazon Smith added a somewhat ironic argument in favor of a reporter, saying that recording the debates would help preserve decorum because "the knowledge that every word that is uttered within these walls will go upon the record may prove, if there be danger of excess, a check upon those who might be disposed to indulge in improprieties here."

[Footnote 9](#)

But the concern for posterity apparently fell victim to the larger interest in frugality and the task of recording the proceedings fell to the newspapers. The convention did keep an official journal but it only rarely documented the substance of the debates. Newspapers carried long accounts of the proceedings and those of the *Oregon Statesman* and *Oregonian* were republished in 1926 by Charles H. Carey in *The Oregon Constitution and Proceedings and Debates of the Constitutional Convention of 1857*. The accounts, considering the strongly partisan viewpoints of the newspapers, are not always reliable. Each reported the speeches favorable to his own paper's position carefully while devoting less attention to opposing views.

As time went on, some of the descriptions of long debates were reduced to reports such as "upon this quite a lengthy and animated discussion ensued." [Footnote 10](#) Of course, the reporters had their own perspective on speeches that went on "ad infinitum," as the *Oregonian* reporter described early in the convention:



[NOTE - We have not the time to write out all the speeches made on the present occasion and if any speaker finds himself neglected in this respect, we beg of him to charitably reflect that it is a physical impossibility for one reporter to do the work of eight. There is as much speech-making in the convention thus far, as is usually indulged in in either house of congress, where a corps of eight reporters are employed. We shall endeavor to write out as much of the speeches as we can, according as we find the time.—*Reporter*.]

[Footnote 11](#)

In pursuance of an Act of the
Legislative Assembly of Oregon Territory,
passed December 12th 1856 - An Act
authorizing a Convention to be held to
frame a Constitution for Oregon

The Delegates elect assembled in the
Court House in Salem, Marion County on
Monday the 14th day of August A. D. 1857

On Motion of Mr Deady,

A. S. Loujoy was elected President *pro tem*,

On Motion of Mr Crover,

Chester H. Terry was elected Secretary *pro tem*,

On Motion of Mr Boise,

A committee of five was appointed to
examine the credentials of Delegates

The President *pro tem* appointed as said
committee Messrs Boise, Reed, Applegate,
Elkins and Dyer.

Mr Kelly offered the following Resolution
which was adopted,

Resolved, That on tomorrow the Convention
proceed to elect *pro tem* a President, a Secretary
and Assistant Secretary, a Sergeant at Arms, a
Door Keeper and a Printer -

Moving the Proposed Articles Forward

The process of moving draft articles through the convention generally followed a typical legislative pattern. In its simplest form, a committee would compose and report a draft article. The text was given a "first reading" after which it was "passed to a second reading" with no debate. The purpose of the first reading apparently was to offer the committee's draft to the convention as a whole, allowing all delegates to formulate arguments and amendments. The second reading presented the text for serious consideration and debate. Upon motion, the entire convention would temporarily "resolve itself" as a committee of the whole to debate and amend a particular article. The article was then "engrossed" or put in final form before it was given a third reading and a vote by the entire convention. At the end of the convention, all approved articles were "enrolled" or placed in a single document and reapproved together as the constitution. Of course, numerous procedural maneuvers soon surfaced to complicate the path of some of the more controversial articles and added significantly to the length of the debates. [Footnote 12](#)



Thomas Dryer balked at the motion to require delegates to swear an oath of allegiance to the U.S. Constitution.

Smaller Questions of Process

The delegates settled other issues related to convention process in the first days. For instance, they debated the use of honorific titles (e.g., the honorable Mr. Smith). Thomas Dryer argued that the practice smacked of "bombastic egotism," saying that "whatever position gentlemen may occupy outside, upon the floor they are all equal." His colleagues agreed, deciding to use a simple "Mr." After considerable debate, the delegates tabled a motion requiring them to swear an oath of allegiance to the U.S. Constitution. During the discussion, John Kelsay pointed to previous conventions in which oaths were taken without question, but once again, Thomas Dryer rose to ridicule the idea: "Perhaps [Kelsay] may need some sort of shackles or bridles upon his conscience to keep him in subjection. But, sir, I will obey the constitution... [without an oath]." [Footnote 13](#) Delegates also chose to do their smoking outside of the convention room and decided they could succeed in their work without the services of a chaplain.

[Footnote 14](#)

Salem Greet the Convention

The delegates coming from all over the territory were no strangers to Salem as they arrived for the convention in August 1857. Nearly all had conducted business of some sort there, be it serving in the legislature, attending court, or interacting with the territorial government. It was only with some hyperbole that a California newspaper writer, in town to cover the convention, said that Salem "is to Oregon what Rome is to Christendom—the point from which emanate mandates that are felt to the outward rim of its jurisdiction."

However, Salem would have looked inconsequential to modern eyes. Still unincorporated, its residents numbered fewer than 1,000. Yet, its layout had betrayed larger ambitions ever since W.H. Willson platted the townsite to include broad avenues and an oversized public square. Surrounding the square were streets bearing the names "Capitol," "State," and "Court" that looked forward to the public buildings that were anticipated with statehood.

By the time of the convention, the growth of territorial government and the rising importance of the California market helped Salem prosper. Government and agriculture dominated but artisans and skilled craftsmen played a growing role in the commercial development of the town. The large Willamette Woolen Mill was nearing completion as the convention adjourned, promising more growth. A mostly male population included a large number of unattached boarders living with nuclear-family households.

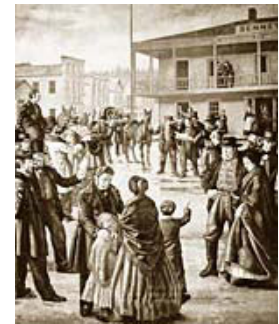
Public entertainment came in many forms during the summer of the convention. Shakespearean readings, poetry recitals and theatrical troupes were among the offerings. Some residents found entertainment by driving off a Mormon speaker with a hail of rotten eggs. But the biggest event of the summer was the "Mammoth Circus, direct from California," boasting the "largest pavilion ever in this territory." The act featured a slack rope performer, a juggler, an "equilibrist" [tight-rope walker], and Master J. Armstrong and his "Incredible Act of Throwing a Double Somersault." [Footnote ¹⁵](#)



An 1857 circus. (Image no. C-156 courtesy Princeton University Library)



W.H. Willson had big plans for Salem. (Image courtesy Salem Online History)



Salem in 1859. (Oregon State Archives image)

Notes

*** For a systematic and exhaustive examination of the Oregon Constitutional Convention, see: Claudia Burton and Andrew Grade, "A Legislative History of the Oregon Constitution of 1857—Part I," *Willamette Law Review* 37 (2001); Claudia Burton, "A Legislative History of the Oregon Constitution of 1857—Part II," *Willamette Law Review* 39 (2003); and Claudia Burton, "A Legislative History of the Oregon Constitution of 1857—Part III," *Willamette Law Review* 40 (2004). These articles proceed step by step through the articles of the constitution. They include extensive analysis of contemporary accounts of the convention and opinions of various newspaper writers. Most significantly, they tap into previously unresearched resources such as initial committee reports, amendments, and engrossed articles. These documents provide a fuller legislative history of the convention and in many cases new insight into the intent of the framers.

1. Carey, *Oregon Constitution*, 109.
2. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 172.
3. David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 611.
4. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 173.
5. *Ibid.*; David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 619.
6. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 174.
7. *Ibid.*, 175; Carey, *Oregon Constitution*, 199.
8. Carey, *Oregon Constitution*, 59-60.
9. John J. Dinan, *The American State Constitutional Tradition* (Lawrence, Kansas: University Press of Kansas, 2006) 25.
10. David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 622.
11. Carey, *Oregon Constitution*, 86.
12. David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 620-621.
13. Carey, *Oregon Constitution*, 68-69.
14. David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 619.
15. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 66-69.

A Wild Account of the Convention

An Oregon correspondent for the New York Tribune newspaper gave its famed editor Horace Greeley a boldly fictitious account of the Oregon Constitutional Convention, implying another "bleeding Kansas" was unfolding in Oregon. The report, which ran in October 1857 said that at the convention:

Pro-Slavery desperadoes...[intend] to carry things at the point of a dagger.... The vexed subject of slavery was introduced before the Convention had been in session two hours, by the introduction of a resolution, the purport of which was to prohibit the discussion of that bloody question on the floor of the Convention.

The resolution fell like a fire-brand! Members (Pro-Slavery) rose to their feet with flashing eyes and distended nostrils, and with frantic eagerness shouted, or rather yelled their disapprobation of the resolution; timid members left the hall in disgust, while those who remained, consisting of all the Pro-Slavery men and a few others who would be called in Kansas "freedom [fighters]," waxed warm, till the discussion rose to such a pitch that the cry of order, order, was called in vain.... Bowie knives, dirks, and pistols were drawn; the vilest personalities were indulged in' the most scurrilous attacks were made upon Free State men; the most bitter invective was hurled indiscriminately; the most infamous calumnies were bandied by the reckless Border Ruffians.... Several shots were fired, and two members were slightly wounded. One Free State Democrat, the [champion] of Umpqua County, received a severe wound in the abdomen.

The authorities were requested to suppress this disgraceful riot..., and the Mayor of the city...immediately called out the Salem Band, an independent company, and marshalled them in front of the Court-House, with loaded weapons, in time to prevent a general scene of bloodshed. While those blood thirsty villains were thirsting for human Free State gore, they were approached by the Marshall and Sheriff..., and were disarmed amid the [proclamations] of the populace, who, I assure you, felt grateful to a retributive Providence for arresting this evil in the nick of time.(1)

Although the correspondent's writing was impressively creative, it was also entirely false. The Oregon Statesman newspaper later reprinted the story and its editor, Asahel Bush, happily noted that "Philosopher Greely" had been "sold." The convention saw no Bowie knives unsheathed, no shots fired—no violence of any kind. Indeed, the Salem Band was actually a brass ensemble and their "arms" were never "loaded with anything but wind."(2)

Notes

1. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 140-141.
2. *Ibid.*, 141.



Editor Horace Greeley had a creative correspondent.

Oregon Secretary of State

Exploring the Limits of Debate



George Williams argued for shorter convention speeches, fearing delegates would waste time on "silly questions" while ignoring important issues. (Image no. 04874v courtesy Library of Congress)

As discussion ensued on how to structure the process of the convention, delegates argued over restrictions on the length and content of speeches. The issue boiled down to two questions for the dominant Democrats: How to keep long-winded orators, such as their own Delazon Smith, in check so the convention could be completed in a reasonable period of time; and how to stifle debate about slavery in order to avoid potentially fatal divisions within the party and the convention.

While most Democrats obliged, with the intermittent exception of the indefatigable Smith, the opposition took relish in shining a light on the "tyranny" of the majority and the folly of "dodging the nigger question."

Long-winded Speakers

The delegates argued at length over whether to limit the length of speeches to 40 minutes, which in an age of oration was considered too restrictive by some. Still, others clearly disagreed as witnessed by one early tabled resolution to limit speeches to 15 minutes. Indeed, the question came up several times during the convention and generally revolved around two opinions. Some, such as George Williams, argued that time needed to be regulated so the convention could be completed in a reasonable period of time. He feared delegates would engage in three or four weeks of long speeches "upon immaterial subjects" and then be forced to hurry through important subjects at the end in order to end the session. Williams referred to the example of a Massachusetts convention that dragged on for three

His Splendid Oratory

Some 45 years after the Oregon Constitutional Convention, delegate John McBride reminisced about the experience and shared stories about some of his fellow delegates. Fittingly, he expended a considerable number of words to describe Delazon Smith, also known as the "Lion of Linn." The following is an excerpt of McBride's memories of the oratorical skill of man who, along with Thomas Dryer, spoke the most and the longest at the convention.



Delegate Delazon Smith was renowned for his oratory skills.

"As a platform orator he was seldom equaled. I doubt if he were ever surpassed. He had a splendid voice, was rather under medium height, of good presence, could say beautiful things with splendid effect, and while not often indulging in the dramatic style, had great powers of imitation, and his powers of sarcasm and jibe were like the bolts of Jove. His speeches usually began with great deliberation of manner. His mind was orderly and his intellectual processes logical. As he advanced in his subject, his ideas seemed to flow in a more rapid current, his language grew in intensity and force until the listener was carried upward and onward and drifted with the speaker to the final conclusion. He simply swept men by his force and intensity to coincide with him."

Smith's life would end tragically only three years

months and filled most of three volumes with "silly questions" before it became necessary to adopt a five-minute speech rule to finally close the proceedings.

Footnote ¹



While not sharing political beliefs with legendary Whig Senator Henry Clay, delegate Delazon Smith must have admired his skills of oration. (Image courtesy University of Louisville)

Others argued that the debates were too important to impose time limits. The longest winded of these were Thomas Dryer and Delazon Smith. Smith, from Linn County, was also known as the "Lion of Linn" by his admirers and as "Delusion Smith" by his detractors.

None, however, doubted his oratorical skills or his willingness to employ them. He admitted that "I have no doubt that I talk too much" but claimed he had "the gift of gab" and that "the people of the country expect us to talk." Perhaps considering

himself a kindred spirit of great legislative orators such as Henry Clay and Daniel Webster, Smith said, "I do not desire to be cramped with your 40-minute rules.... Why sir, I could not begin to have a good sweat on by that time. Some men can not get their minds off freely until they get warmed up. I am among that number. And right in the midst of my progress the hammer of the speaker falls and I am cut short. As well to be cut off at the knees. I would rather not speak at all."

Footnote ²

Smith had his supporters in resisting the limitations on speeches. However, his political opponent, Thomas Dryer, certainly had ulterior motives when he rose to heap praise on Smith: "[B]y my vote there shall be no padlock put upon my friend Smith's lips, for I like to hear him talk. I like to hear him roll forth those lofty bursts of eloquence which agitate men's souls and set them to thinking, and I shall not for myself, forego the intellectual treat of listening to him, because there may those whose cowardice would induce them to ignore the question [of slavery] altogether." [Footnote ³](#) But others grew weary of Smith's long orations. At one point, David Logan proposed that each member be charged for reporting based on the length of their speeches. Smith recognized the proposal was aimed at him and felt compelled to vindicate himself...with a long speech. [Footnote ⁴](#) But Smith's supporters on the issue melted away as the convention proceeded and patience grew shorter. After progressively shrinking over the course of weeks, the speech limit finally reached five minutes on September 8 after a decisive vote of 30 to 11. [Footnote ⁵](#)



Delegate John McBride shared his memories about the convention some 45 years later.

after the convention. He and fellow Democrat Joseph Lane were elected by the legislature in 1858 to be Oregon's first U.S. senators. In order to stagger future elections, Smith and Lane drew lots in 1859 for short and long senate terms. Lane won and Smith drew the short term of only 17 days, expiring March 3, 1859. When the

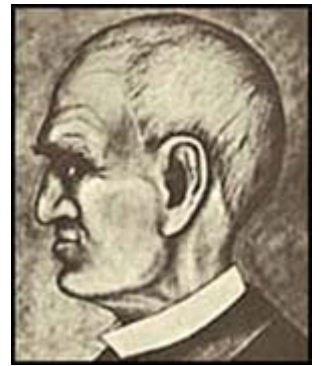
Legislature first met after statehood in May 1859, Smith was not reelected and no successor was named.

According to McBride, "within a few days after the election which made Abraham Lincoln President, he was taken seriously ill at the home of a friend, and embittered by defeat and the dismal prospects of the future [the decline of his Democratic Party], he died more from a broken heart than physical illness. He was one of

Oregon's greatest men." [Footnote ¹³](#)

Dodging the "Nigger Question"

The Democrats generally wanted to avoid discussion of the slavery issue and instead submit it to a direct vote of the people. This would reduce open divisions within the party, save time, generally make for a more economical convention, and likely enhance their later chances at state office. But many of the anti-Democrats had less interest in helping the Democrats run an efficient operation. Instead, they saw an opportunity to poke a stick in the eye of the Salem Clique. Their chance came when delegate Jesse Applegate sought adoption of a resolution making "all debate upon the subject of slavery, either as an abstract proposition or as a mere matter of policy, out of order." His resolution claimed that such debate would only be "calculated to engender bitter feelings among the members of this body, destroy its harmony, retard its business and unnecessarily prolong its session." [Footnote 6](#)



Jesse Applegate stirred up a hornet's nest by proposing to ban debate about slavery.

Delegate Thomas Dryer, just as he had done for years as editor of the *Oregonian* newspaper, railed against Applegate's proposal to ban discussion of slavery. Dryer didn't oppose submitting the slavery question to a vote of the people, but he was against "dodging the nigger question" at the convention, saying he "wanted every man to show his hand." Moreover, he smelled a Democratic plot: "The Salem Clique was chained to the black car of slavery, and they were resolved to fasten niggerism upon Oregon. And they wanted to stifle debate here as a preliminary step." [Footnote 7](#) Dryer further derided the resolution:



Mary Jane Holmes was a slave in Oregon until 1849.

Who is afraid to meet their constituency upon this question? ...Is the gentleman from Umpqua (Mr. Applegate)? Does he wish to shirk off the responsibility of defining his position upon the question of slavery? ...Then why do you want to choke down discussion? To save time? To save expense? Go home if you are not ready or willing to discuss it. ...[T]here may be those whose cowardice would induce them to ignore the question altogether. I want the people of this territory to be educated by the discussion of this question of slavery in the newspapers of Oregon. ...The gentleman from Umpqua (Mr. Applegate) wants to put the collar and shackles upon the consciences of men. ...Is that freedom of speech? Is it freedom of thought? Is it manly? Is it bold? ...I intend to discuss this question of slavery at the proper time. [Footnote 8](#)

Others, such as Erasmus Shattuck, also chaffed at the restriction: "Is it to be supposed that members are going to sit quiet and suffer a gag to be put in our mouth? To call ourselves freemen and to see ourselves be made slaves here?" [Footnote 9](#)

Meanwhile, Democrat Delazon Smith couldn't find it in him to "put a padlock...upon the lips of any other gentlemen," even his opponents. Smith claimed to concur with those who wanted to avoid discussion of slavery: "For one, I should be well satisfied that this convention should proceed to the formation of a constitution without any discussion upon the question of slavery.... If no other gentleman introduces that question here, I pledge myself not to consume the time of the house in its discussion." However, if the subject were broached by others, he seemed to be agreeable to discussing it, as long as the convention did not make a final decision on slavery. Smith dramatically proclaimed that "I would sooner sever my right hand as to vote for a constitution that would either inhibit or adopt slavery here." [Footnote 10](#)



Stephen Chadwick denied trying to "gag" long-winded speakers but believed the convention was not the place to debate the issue of slavery.

But the majority wanted nothing of it. George Williams favored the resolution banning debate of slavery, saying that "it was perfectly proper for the convention to cut it off, and economize time." He considered slavery to be an abstract question "foreign to the purpose of this convention." The only exception Williams saw was to discuss the mechanics of how the issue would be presented separately to the voters. Likewise, Stephen Chadwick supported the resolution and denied an attempt to limit freedom of speech: We do not propose to gag them; we only ask for common fairness at their hands. ...Upon the question of slavery, it is none of your business how I shall vote and none of mine how you may choose to record your vote."

[Footnote 11](#)

Despite this early debate over Applegate's resolution to ban discussion of slavery, no official action was taken. Historian Charles H. Carey observed that "outside of this particular debate little was said in the open convention on the burning topic." [Footnote 12](#) Perhaps delegates sensed the potential for disaster was too strong, leading to an informal self-restraint. They would instead put the issue of slavery in Oregon directly to a vote of the people.

Notes

1. Carey, *Oregon Constitution*, 97.
2. *Ibid.*, 80-94.
3. *Ibid.*, 82.
4. *Ibid.*, 28.
5. *Ibid.*, 290.
6. *Ibid.*, 80.
7. *Ibid.*, 88.
8. *Ibid.*, 82-83.
9. *Ibid.*, 85.
10. *Ibid.*, 80.
11. *Ibid.*, 85-87.
12. *Ibid.*, 31-32.
13. *Ibid.*, 489.

Oregon Secretary of State

Defining the Role of the Judicial Branch

A central task of the constitutional convention was to devise the basic structure of what would be the new state government. Theoretically, they could have chosen any arrangement, but characteristically, none of the delegates offered proposals for anything other than the standard three branches consisting of a single executive, a bicameral legislature and a judiciary with a supreme and lower courts. Previous experiences of other states showed that there was no justification for experimentation. The delegates instead sought to make minor modifications to an already proven structure. The convention first discussed the makeup of the judicial department.



Convention delegates traveled a well-worn path that set up three branches of government, including a supreme court and lower courts. Shown above is the U.S. Supreme Court Building in Washington D.C. (Image courtesy Wabash College)

The Power of the Courts

While much of the rest of the constitution used the Indiana

charter as its basis, the convention's committee on the judiciary looked to the 1848 Wisconsin Constitution for much of its inspiration. As part of the Democratic leaders' efforts to speed the convention down a path of their choosing, some delegates had been working on specific parts even before the body convened. These included the judges of the territorial supreme court, all of whom also served as delegates and sat on the lawyer-dominated committee on the judiciary. [Footnote 1](#)



Some delegates may have lost confidence in George Williams as chairman of the judiciary committee after his report was "cut all to pieces" by the convention. Internal divisions hampered the work of the committee. (Image no. 06-1891a courtesy National Archives)

Despite laying the groundwork, debate on the judicial department article consumed almost a week of the convention. Some attributed this to the fact that the committee tried to draft a more original article than typical in the convention. Others looked to the number of lawyers involved or the fact that debate occurred early in the convention before increasingly strict limits on the length of speeches were imposed. [Footnote 2](#) But some delegates may also have lacked confidence in the committee chairman, Democrat George Williams. One letter writer to the *Portland Democratic Standard* newspaper complained that "Williams has shown himself a very weak man in the Convention. His Judiciary Bill has been cut all to pieces by the Convention.—Hardly any report of the committee has been treated with more contempt than has that made by the Hon. G.H. Williams." Apart from the writer's judgments about Williams, the committee did suffer from significant internal divisions and left a number of unanswered questions in the article that was reported to the convention.

[Footnote 3](#)

Still other factors came into play to extend the debates. Delegates recognized that even minor judicial positions carried substantial power and represented significant forms of public employment, therefore bringing with them important political advantage. These ramifications became clear when Williams proposed deviating from the existing territorial system of probate courts and county commissions. Instead, Williams argued for an enlarged county court that would consolidate the two bodies into one with an elected county judge. He predicted this would allow for more economical and efficient operation while eliminating confusion over local legal authority.

Footnote 4

Anti-Democrats countered that the change would concentrate too much power in one man who, given the current political imbalance, would most likely be a Democrat. They worried that the county judge would be granted nearly unchecked power over local public rights and private property. Anti-Democrats charged that the move was another example of the ruling Democrats penchant for placing their own self-interests over the public good. Instead of consolidating power, they insisted the judicial system would benefit from an expansion through the creation of a municipal court of record. The Democrats held firm and dismissed the idea, but not before being accused of conspiring to create a "judicial monarchy."

Footnote 5

The Facts and the Law

Meanwhile, the *Oregonian* reported that "one of the most interesting, lengthy, and animated discussions" of the convention rose from the question of whether juries should decide both the facts and the law related to criminal cases. The main debate pitted anti-Democrat Thomas Dryer against the Democratic insider and Supreme Court Justice Matthew Deady. Both agreed the jury should decide the facts, but Dryer argued that members of a jury were just as capable of understanding the law "as any judge who ever sat upon the bench." He claimed judges were too apt to concentrate power in their own hands while they "mystified and misconstrued the law." And, he essentially accused judges of dereliction of duty, saying that "murders had been committed in this territory, but only one man has been hung, and he was crazy." Deady and his supporters countered that "unscrupulous lawyers" could easily mislead juries about the meaning of the law. After considerable debate, the two sides reached a compromise that called for juries to determine both the facts and the law "under the direction of the court as to law, and the right to a new trial as in civil cases." [Footnote 6](#)



Delegates engaged in a long debate on whether gentlemen of the jury (no women could sit on a jury in 1857 Oregon) would be allowed to determine both the facts and the law. (Image courtesy West Virginia Archives & History)

Defining Legal Functions

The convention struggled with other questions related to legal functions and logistics. Delegates debated whether or not to have grand juries. Reuben Boise claimed grand juries were cheaper than the



Reuben Boise argued that grand juries were cheaper and more effective than magistrates.

(Image courtesy Yamhill County Circuit Court)

alternative system of using a magistrate and represented "the most vigilant system of police and most efficient enforcement of criminal law we could have." Others, such as David Logan, contended that prior abuses showed that grand juries should be abolished, saying that "in this age of liberty and light such inquisitions were a disgrace to a country boasting of its freedom." Delegates finally decided to create grand juries and set the number of members at 7 after debating memberships ranging from 5 to 15. [Footnote 7](#) Following more long and contentious exchanges, other legal system provisions were set. The jurisdictional boundaries between courts were defined; the number and terms of the elected supreme court justices was resolved; and salaries for judges were set.

A Bill of Abominations?

But the path to completion of articles that related to the judicial branch was littered with rhetorical excess. Anti-Democrat David Logan opposed the judiciary article, calling it "a bill of abominations, a running sore designed to suck out the substance of the people..." [Footnote 8](#) Likewise, Thomas Dryer castigated the committee on the judiciary for the product they reported to the convention and insisted that it be sent back to the committee for more work: "They have brought forth a thing here imperfect, deformed, unfinished, and born before its time; so lame that even its very friends balk as it comes in here. I move that the report be referred back to the committee, that they may perfect it." The Democrats refused, leading Dryer to mockingly declare:

"if it is to be understood that we are not to be heard—that the majority are to ride roughshod over us, let us know it, and we will know how to act." [Footnote 9](#)

Despite the intensity of the rhetoric, in the end, the convention approved a judicial article that has been judged by at least one modern observer to be nothing more than "unremarkable." [Footnote 10](#)

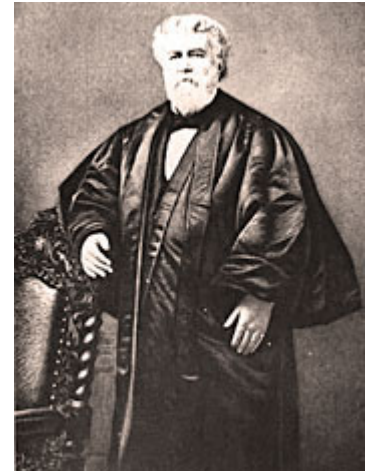
Notes

1. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 172.
2. David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 623.
3. Claudia Burton, "A Legislative History of the Oregon Constitution of 1857—Part II," *Willamette Law Review* 39 (2003): 393-394 David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 175-176.
4. *Ibid.*
5. Carey, *Oregon Constitution*, 310-314.
6. *Ibid.*, 212-214.
7. *Ibid.*, 199.
8. *Ibid.*, 187-188.
9. David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 623.

Oregon Secretary of State

Executive and Legislative Branch Issues

Though the delegates devoted a great deal of time debating issues related to the judicial branch, they had plenty of questions to answer when discussion of the nature of the executive and legislative branches began. Many questions devolved into a challenge to see who could propose the lowest salaries for government officials. While it was assumed that there would be no radical departures from previous state constitutions, important debates focused on the structure and operations of the executive and legislative branches. How long would the governor's term last? How would representation be apportioned? How large would the legislature be? Where, when and how often would it meet? These and other questions remained on the table.



Matthew Deady (shown here in later years) lamented penny-pinching at the convention. (Image courtesy Salem Public Library)

Pinching Government Pennies



Convention delegates were tight with a penny.

Frugality dominated the debates related to executive offices and also carried implications for other state and local offices. The delegates repeatedly obsessed over the value of a penny in setting up offices, leading a frustrated convention president Matthew Deady to lament that "every question which came up here was first discussed on the ground of its expense, as though a government could be devised without expense." [Footnote 1](#) Many delegates thought there would not be a need for a separate state treasurer for 20 or perhaps 50 years. In

the meantime, they could save money by making the governor ex-officio treasurer, as Frederick Waymire dangled before the convention: "Consolidate the offices, and we decrease the taxes." Others foresaw conflicts of interest, saying that it would be an unwise "union of purse and sword." A fear of innovation also led to opposition, with W.H. Watkins saying he "was opposed to experimenting in this constitution. He was in favor of a cheap and simple government, but would not go about experimenting." In the end, lingering misgivings led the delegates to balk, in spite of the potential savings. [Footnote 2](#) They harbored no such misgivings, however, about designating the governor to be the ex-officio superintendent of public instruction, a dual role that saved the state money until the offices were separated in 1872.



James Kelly cautioned delegates about the danger of pettifoggers in the judiciary.

Debt limits and salaries also suffered under the parsimonious eyes of the delegates. They agreed to limit state government debts to 50,000 dollars and county debts to 5,000 dollars except in case of armed conflict. Delazon Smith's proposal to pay the governor just 1,500 dollars a year triggered a debate about just how stingy the convention could get. Thomas Dryer rose to accuse those on the cheap of wanting to "ride the hobby of economy," saying that he "did not believe that there was a competent man in Oregon who would accept the office for \$1,500. You could get men to accept—but what sort of man would he be?" Ignoring Dryer's reasoning, one delegate suggested a mere 500 dollars, another noted that six states paid their governors less than 1,000 dollars. David Logan suggested



New state officials would see few dollars.

750 dollars, which was followed with several other proposals before the convention settled on the modest amount of 1,500 dollars. [Footnote 3](#) Similar discussions covered other state offices, including the supreme court justices, but delegates were warned by James Kelly that

men might be willing to serve the people for less than fair compensation, if the people were too poor to pay; but when they refuse to pay a reasonable salary from downright meanness, men would not serve for less than fair pay; you put their salary [at] \$1,500, and you could not get a good lawyer to take it—he can make more than that at his profession. You would get a pettifogger [inferior lawyer] on your bench, who could not make anything at his profession. And such a man you would empower to pass upon your lives, person and property. [Footnote 4](#)

The delegates relented and agreed to pay the justices 2,000 dollars a year. Interestingly, they seemed blind to the hazards of paying the treasurer, the man with whom they would entrust the money of the state, a mere 800 dollars a year. Apparently, none of the delegates voiced concerns of incompetence or of embezzlement or other skulduggery by an underpaid official holding the new state's purse strings. That concern may have been allayed by Oregon's sorry anticipated financial situation. As Frederick Waymire noted, with "an empty treasury, we should have no purse." [Footnote 5](#)

Executive Terms and Conditions

Other discussions about the executive department related to the term, residency and powers of the governor. After some debate, the delegates decided on a four-year term with two terms allowed within any 12-year period. An earlier proposal called for two-year terms based on fears that voters would reject the constitution without the added control of shorter terms. Opponents Frederick Waymire and Delazon Smith objected, however, to having elections too frequently, saying that other states allowed the governor to remain over two sessions of the legislature, thus adding some continuity to the government. Smith argued that "we in common with the rest of the world, were governed too much. We had elections too frequently, and had too much legislation of local character. Statutes were enacted one season to be repealed the next. If we had only biennial sessions of the legislature, let the governor be elected for two terms." [Footnote 6](#)



Delazon Smith argued in favor of longer terms for governors.

Another debate questioned if a three-year residency requirement should be imposed on the office. James Kelly asked "why should a man be elected our chief executive who had only just arrived amongst us? A man should know something of a state before he assumed to take into his hands the reins of power."

Frederick Waymire warned that "if this three years' residence is dispensed with, we will have half the office seekers of California up here."

But William Starkweather countered that "no shackles should be put upon the people in the choice of their officers...." Starkweather's argument carried the day and no residency requirement was imposed.

[Footnote 7](#) The delegates also granted the governor customary executive pardoning powers as well as the ability to call a special session of the legislature. [Footnote 8](#)

Legislative Apportionment



A large population of bachelor miners in southern Oregon counties was an element in the debate about legislative apportionment. (Image—Hand tinted plate from *Annals of San Francisco*—courtesy ourhealdsburg.com)

Apportionment proved to be central to the discussions related to the legislative branch. Fairness was at the heart of the debate over how to apportion or base representation in the legislature. Should it be set on the total population of a district or only on the number of voters? The difference in 1850s Oregon could shift the power of a county or region significantly. Many of the newly-settled "bachelor counties" had voters who were single or had yet to be joined by their wives and children. An apportionment based on total population would, it was argued, be unfair to them. William Watkins thought that these counties "had pains and penalties enough without being curtailed in their representation. In his support, William Farrar asked the provocative question that "if women were represented, why not let them vote?" Delazon Smith and others, while certainly not favoring women's suffrage, pointed out that some women paid taxes and many held land claims and should be recognized in some way. Besides, doing otherwise could distort society and "hold out a premium to celibacy." In the end, the delegates chose to base representation on the total population based on five-year censuses.

[Footnote 9](#)

Scheduling Legislative Sessions

Delegates also engaged in long debates over when to schedule sessions of the legislature. The Legislative Department Committee proposed sessions beginning in early November. Supporter Delazon Smith described the practicality by saying that "it is the intention of the convention to limit the session to fifty or sixty days and by convening in November, there would be no necessity for adjourning over the Christmas holidays." But some delegates from the far flung counties of southern Oregon objected, protesting that muddy roads of the end of the year made travel very difficult. Because of this, many at the convention, such as John Kelsay, favored a September start. Kelsay recalled one soggy instance in which he "had got mired in a swale in the winter on an Indian pony and had to wade out in the water up to his waist and ride all day wet." Over the course of the debate, a parade of delegates representing miners, ranchers, orchardists and farmers proposed nearly every month of the year as suiting their particular needs. Eventually, the convention settled on the second week of September. [Footnote 10](#)

Other topics centered on the location, makeup and size of the legislature. In the end, the convention decided to create a bicameral body (house and senate) that would meet every other year in Salem. The house would be about twice as large as the senate. The size of the legislature was set to grow with the population of the state, up to a maximum of 60 members in the house and 30 members in the senate. [Footnote ¹¹](#)

Notes

1. Carey, *Oregon Constitution*, 213.
2. *Ibid.*, 223, 228.
3. *Ibid.*, 369-370, 425.
4. *Ibid.*, 370.
5. *Ibid.*, 228, 425.
6. *Ibid.*, 226-227; Claudia Burton, "A Legislative History of the Oregon Constitution of 1857—Part II," *Willamette Law Review* 39 (2003): 343-344.
7. Carey, *Oregon Constitution*, 222.
8. David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 624.
9. Carey, *Oregon Constitution*, 279-280.
10. *Ibid.*, 280-283, 291.
11. David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 624.



Muddy roads hampered winter travel from distant Oregon counties to Salem. Delegates discussed roads when they set legislative sessions. (Image no 8a42508r courtesy Library of Congress)

Oregon Secretary of State

Boundaries, a Capital and Education

In addition to setting up the framework of the three branches of government, delegates answered other questions related to forming a new state. Of course, they needed to define the geographic boundaries of Oregon. They also sought to bring clarity to the oft-debated question of where to locate the capital. And, they moved to provide a solid foundation for public education in the state. Through these and other efforts, such as limiting government debt, the delegates further refined their vision of the role of government in Oregon.

Setting the State Boundaries

By 1857, Oregon Territory west of the Cascade Mountains had developed into counties with boundaries similar to those of today (with the significant exceptions of Umpqua County, which was absorbed by Douglas County in 1862 and Lincoln County, which was formed in 1893 from the western portions of Benton and Polk counties). But east of the Cascades, Wasco County covered all of the rest of the territory, a geographic expanse totaling about twice the size of the other counties combined. The small city of The Dalles was incorporated that year, but until gold discoveries a few years later, only scattered tiny settlements of whites existed elsewhere. The county largely consisted of unsurveyed Indian territory. At the convention, the boundaries committee proposed state borders similar to those of modern Oregon, with the notable exception of considerable land to be taken from Washington Territory south of the bend in the Snake River to its confluence with the Columbia River.



The Dalles stood to gain if Oregon set its eastern boundary at the Cascade Mountains. (Image courtesy Online Archive of California)



The added yellow shading on this early map of the Oregon Territory shows the State of Oregon as Charles Meigs envisioned it at the convention. His vision was not well received. (Image courtesy Cartography Associates.)

But Oregon could have looked very different if Charles Meigs had gotten his way. Meigs represented Wasco County at the convention. He sought to have the eastern boundary of the new state end at the Cascade Mountains, thereby leaving Wasco County free to form a new territory. Meigs said it was a "fixed fact in political science, that great natural boundaries are to be observed." In support of this

argument, he optimistically cited high elevations for Mount Hood and Mount Jefferson, "varying from 12,000 to 16,000 feet in height." He also

creatively described nearby Mount St. Helens as "the highest mountain in North America" before asking "if this is not a great natural boundary where such mountains as these rise?" Meigs claimed he knew the only route through the mountains "and that one trail is impassable—entirely impassable—for probably eight months of the year...." Fearing domination by the more heavily populated western part of the state, he argued that people in his county would rather be vassals to the United States than to the new state of Oregon. Besides, he mockingly assured the delegates, Wasco County could do quite well without Oregon "hanging over us like an incubus [a nightmare demon]": "Our country...is bordering upon Indians; danger hangs over us, but we shall try to take care of ourselves." [Footnote 1](#)

Despite his assurances of self-reliance, Meigs was badly outnumbered in this debate by those who wanted the land for the new state of Oregon. Thomas Dryer characteristically aimed straight at what he saw to be the political motivations of the Meigs proposal, saying it would benefit "a few gentlemen living at or near The Dalles, who may have high hopes of becoming governors, judges, and all that sort of thing [in a new territory]." Delazon Smith worried about the ability of a much smaller Oregon to compete with other states since it wouldn't have room to grow: "If we are hemmed in between these ranges of mountains here, with every acre of available lands appropriated [via the Donation Land Act], what avails it, sir? Nothing! We are left to struggle as best we may." He claimed that Wasco County contained inexhaustible timber and was mostly covered "with a luxuriant growth of grass." With these advantages, and "with no country more healthy[,] why not take it? What hinders us? Congress surely has no objection." [Footnote 2](#) The writing was on the wall and when the voice vote came asking who was in favor of setting the eastern boundary at the Cascades, only one voice responded.



Mt. Hood, shown here over Timothy Lake, was part of the "great natural boundary" Charles Meigs said should form the eastern boundary of Oregon. (Oregon State Archives scenic image no. clacD0023)



Delegates sought to take back the area south of the bend in the Snake River (shown in added yellow) from Washington Territory. (Image courtesy Cartography Associates)

The other significant debate relating to boundaries centered on the committee's proposal to take the land between the Columbia and Snake rivers from Washington Territory and add it to the state of Oregon. Thomas Dryer, never at a loss for words, spoke in favor of the annexation:

"By some hocus pocus we had been robbed of a portion of our territory, and the little one-horse territory of Washington was created [in 1853]." Others worried that Congress might reject statehood based the convention's insistence that the disputed land be part of Oregon. They favored an amendment allowing Congress to decide the

issue and the convention agreed. Thus, when Congress passed the act of admission for Oregon in 1859, it chose to exclude the land from the new state and keep the existing boundary with Washington Territory. [Footnote 3](#)

Choosing a State Capital

The sticky political question of how to decide the location of the seat of government drew a number of proposals. One early question in the debate revolved around when the final decision should be made. Matthew Deady argued that "the country had just begun to settle. We proposed to take in a large scope of territory on the east, and no man can now tell where the center is to be." Deady preferred waiting ten years to settle the issue. In the interim, "let us provide temporary accommodations until that time. The expense would be but a trifle." George Williams agreed and appealed to the frugal by arguing for postponing construction of a statehouse until at least 1870. Williams predicted that "for the first years of our state government the expense of it would be heavy...and it would be much cheaper to rent temporary buildings." [Footnote 4](#)

Several delegates had comments about the temporary or eventual placement of the new state capital. Delazon Smith hoped to see "his favorite town (Eugene City) [as] the future seat of government." Another favored Jacksonville. Thomas Dryer proposed that the capital be moved to Portland until a final decision was made. Smith responded to the attempt by reminding the convention of recent politically motivated movements of the territorial capital, arguing that for an interim period the state capital "might as well be [in Salem] as anywhere...it picked nobody's pocket, and broke nobody's legs. What removed it from Salem [for the short time it was moved to Corvallis]? Bribery and corruption. Who brought it back? An indignant people, speaking through the legislative assembly." Meanwhile, Frederick Waymire appeared to call for a pox on all their houses when he was "opposed to having anything to do with towns in locating the seat of government." He vowed that "he would not locate the seat of government to please town proprietors and raise the price of their property." Instead, he wanted to save money by "locating the capital somewhere in the country where we could get a large donation of land, lay it out into a town and sell lots for enough to build the statehouse without one cent of expense to the people." [Footnote 5](#)



This 1855 Oregon Territorial Capitol in Salem was destroyed by fire soon after it was occupied. Convention delegates banned any spending on a new capitol until 1865 so the question of locating the state capital could be settled. A new capitol wasn't built until 1867. (Image courtesy Salem Online History)

In the end, the convention would allow the people to answer the question of where to place the seat of government. The delegates specifically prohibited the legislature from setting the permanent seat. Instead, it required the first state legislature to put the decision before the voters. Their selection would need to garner a majority of the vote to be valid. In the meantime, it banned any spending to build a statehouse until 1865. Moreover, once the voters had decided on the capital, they would not be allowed

to change the location for 20 years. [Footnote 6](#) The convention apparently didn't want a repeat of the recent political wrangling over the question. And, they certainly didn't want large sums of money spent on building a statehouse at one location, only to see the capital moved to another city by political whim or maneuver.

Providing an Education



Delegates debated whether or not only "white children" should be allowed to attend public schools. (Oregon State Archives, Marion County Educational Exhibit image)

Debates about education revealed a few general characteristics about the convention: Its delegates favored a solid fund to pay for a basic system of common schools; many wanted to exclude non-whites from attending school; and they were deeply ambivalent about the value of higher education and the wisdom of providing state support for it. The delegates made "liberal and abundant provision for the education of the rising generation" by setting up a common school fund. The fund would be based on the sale of public land as well as other money that accrued to the state in the form of forfeitures and escheated property such as estates without heirs. The interest and other

revenues from the fund would be distributed to school districts around the state. These provisions caused no significant debate. [Footnote 7](#)

However, disagreements soon arose over who should attend the public schools. The committee draft simply referred to "children." David Logan objected, worrying that someone could "wring in a nigger or an Indian under the provision as it stood." He wanted the text to read "white children." But the realities of living in a frontier territory led others to oppose banning non-whites. John White of Washington County noted that "there were many half-breed children in his county." J.C. Peebles from Marion County agreed, adding that "there were many voters in his county whose children had Indian blood—half-blood or less. They paid taxes, and their children ought to enjoy the benefits of common schools." The final version of the constitution referred only to "children." [Footnote 8](#)

Another debate centered on funding higher education, especially in relation to religious influence. In the 1850s, a university education was very uncommon, usually associated with a religious denomination, and often seen as a symbol of elitism. For these reasons alone, many delegates distrusted higher education. Many thought it was unnecessary for building the mostly agrarian society they envisioned for the state. Matthew Deady, fearing that a state university could be used for political or religious indoctrination, argued against funding, saying that

"state universities were of very little use to anybody. They had better be left to private enterprise."

Instead of the state creating a university, he thought higher education should be under the direction of religious denominations so parents could send their children to the school that best matched their beliefs. William Watkins said that "the state universities of the west were generally failures." He described the state university of Indiana as "completely under the control of the Methodists" and called the "Massachusetts university...a bigoted theological institution." [Footnote 9](#)

Others, such as Thomas Dryer, supported a university, saying that "children wanted to learn more than was taught in common schools." Likewise, Delazon Smith said there was enough money for both common schools and a university. He claimed that "it was the poor who wanted the university, not the rich. The rich could send their children anywhere." In the end, the delegates postponed the decision on founding a state university until ten years after the passage of the constitution. [Footnote 10](#)

Notes

1. Carey, *Oregon Constitution*, 155-157.
2. Ibid., 150-151.
3. Ibid., 366, 30.
4. Ibid., 349-350.
5. Ibid., 350-351, 356-357.
6. Ibid., 425-426.
7. Ibid., 388, 420-421.
8. Ibid., 331.
9. Ibid., 332-333, 421
10. Ibid., 332, 334

The Trouble with Corporations



Many delegates were suspicious of bringing corporations and industry to Oregon. Others wanted the growth corporations offered. (Image courtesy Columbia University)

Many of the delegates entered the convention with a strong mistrust of corporations. They had seen abuses in the Midwest and elsewhere in which unscrupulous corporate operators left innocent stockholders deep in debt and workers unpaid. Other delegates saw no way for Oregon to move forward without easy access to "the genius of our age to incorporate." Some of the debate revolved around stereotypes of corporations as large and uncaring machines of the economy that routinely chewed up farmers and workers. But couldn't corporations also be seen as a small group of local people banding together to build something that would benefit the entire community—such as the Willamette Woolen Mill that was nearing completion within view of the convention? These very different views of corporations and their role in Oregon's future would drive delegates to long and intense debates.

Much of the rhetorical heat centered on stockholder liability. The committee with responsibility over corporations, drafted a report that proposed limiting this liability to the amount of each stockholder's investment, but it placed no limit on the liability for debts owed to laborers. Each stockholder, therefore, conceivably could be sued into insolvency for wages owed by a failed corporation. The proposal quickly drew a response and exposed divisions between anti-Democrats and Democrats as well as within the ranks of the Democrats.

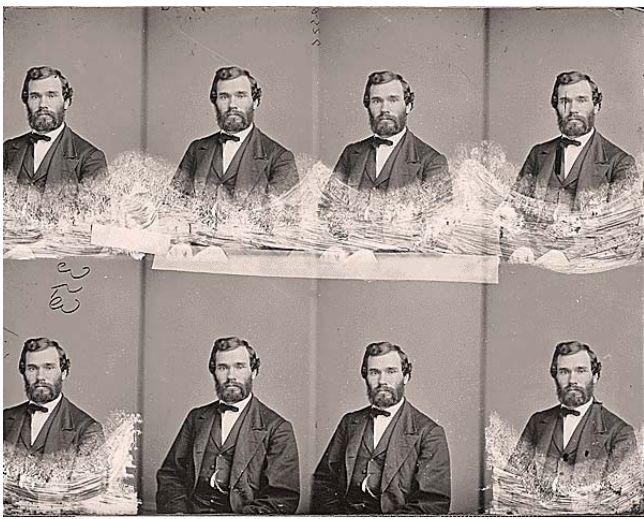


Should stockholders be liable for all debts to laborers?

The Genius of Corporations

Anti-Democrats viewed the lack of liability limits for labor as a threat to the meaningful development of corporations in the new state. In the temporary absence of firebrands Thomas Dryer and David Logan, they were led in debate by John McBride and William Watkins, both denouncing nearly any barrier to corporate growth. Watkins pointed to the "tangible modern benefits of liv[ing] in a country of plank roads and telegraphs, canals and railroads." He declared that "it is the genius of our age to incorporate—the genius of our institutions, and has laid the very foundation of the improvement and progress of the present time. ...Why, the United States is nothing but a great corporation." Watkins pointed to another state for an example of the possibilities: "Look at the old state of Massachusetts, and what in her position? Why, her corporate wealth is sufficient to buy up a half dozen of the smaller states of the union. To buy them up real estate and all. And she has obtained it by acting according to the tendencies of the age...."(1)

McBride predicted a chilling effect on investments in Oregon if there were no limits on the liability of individual stockholders for labor expenses. He said one or two other states had similar provisions and "the effect is [that] capital is driven beyond their limits." In looking to the progress of Oregon, McBride declared that "we want capital here. Can we get it if we lay on this restriction? If a gentleman in New York or Boston has capital to invest in any enterprise that this country stands in need of, will he send his capital here and make all the property he has left behind liable?" McBride argued that investors would logically put their money into states without liability issues...states that welcomed them instead of erecting barriers.(2)



John McBride argued against restrictions on corporations. (Image no. 07-0595a courtesy National Archives)

That D___D Telegraph Wire

Polk County delegate Frederick Waymire, also known as "Uncle Fred" or "Old Fred," was one of the most influential of the 33 farmers at the convention. Uneducated and with a "Far West Davy Crockett" demeanor, he was known for "spotting a rascal" if one crossed his path. But even "Uncle Fred" was taken in by some corporate sharpers selling a telegraph line.

Delegate John McBride reminisced decades later about a speech Waymire gave to the convention warning about corporations: "A year or two before...some enterprising manipulators had organized a telegraph company...to construct a line of telegraph from Portland to Corvallis.... Everyone was solicited to subscribe to the stock, and Waymire admitted that he was 'fool enough to join this lightning-using enterprise,' along with his other neighbors."

The money was paid and the line was built through the sparsely settled country of farmers and cow herders. "They had about as much use of it as if it had been built to the moon, and it soon fell into disuse, had no patronage and went into ruin." The California managers "pocketed the cash on hand and flitted from the territory." They also left considerable debt to the local stockholders who were sued personally and lost. As a result, "the sheriff went into our pockets for what the schemers had stolen."

For Waymire, a long trial to contest the liability ended in defeat and "when night came on and he started home he was full of indignation combined with some of Ad Starr's wheat whisky, and his head was not entirely clear." He followed the road with the partially fallen telegraph wire lying at intervals across his path. "In the darkness his horse stepped into a coil of it, and the rider soon found himself and his horse tightly wound up in a tree by an iron wire he could not break, untie, or cut. 'That d___d telegraph wire,' he exclaimed, 'was as tightly wound around us as the judgment of the court rendered against me hat day.... My best horse was ruined by the cutting of the wire about his legs, and there I stood in the dark, cussin' the rascals who got me into this mess and wishing in my soul that wire was round their necks and I had the right to draw it. No corporations of any kind, sort, or character for me!'"(9)



Delegate Frederick Waymire's demeanor reminded some of famed frontier hero Davy Crockett (shown above).



Waymire came to rue his investment in the telegraph line. (Image courtesy Smithsonian)



Waymire sampled some whiskey before leaving for home. (Oregon State Archives image no. 54)

A Fungous Growth of Improvement

Democrats Matthew Deady and Reuben Boise were no less forceful in attacking the excesses of corporations, with Deady going so far as to say that the world would be better if they were outlawed. He claimed the the lack of liability limits for labor would cause the demise of small farmer investors and that their labor (expended to gather capital for investments) should be valued no less than other workers. Deady described the evils of the typical corporate process: "How are these companies got up? They are generally got up by some smart gentlemen running round among the farmers and representing to them some glittering schemes where hundreds of thousands of dollars may be made. They get the farmers to subscribe...and they keep managing the concern until everything connected with it is managed into their own pockets or gone to ruins. The farmers...know little or nothing about how the thing is managed until it bursts." Deady heaped shame on the proposal in which "these honest farmers are followed as long as they have a dollar, while the worthless scamps who got it up go away...."(3)

As the debate deepened, Deady upped the ante by offering a sort of "poison pill" in the form of a proposal calling for stockholders to be "individually liable for all of the debts and liabilities" of corporations. This would have the practical effect of stifling most incorporations in the state, but in his eyes would benefit Oregon by discouraging "a fungous growth of improvement in this country," with its attending California-style speculators. Deady then went further, asking delegates to compare visions of two worlds, a darkly Dickensian industrial nightmare and their own agrarian ideal:

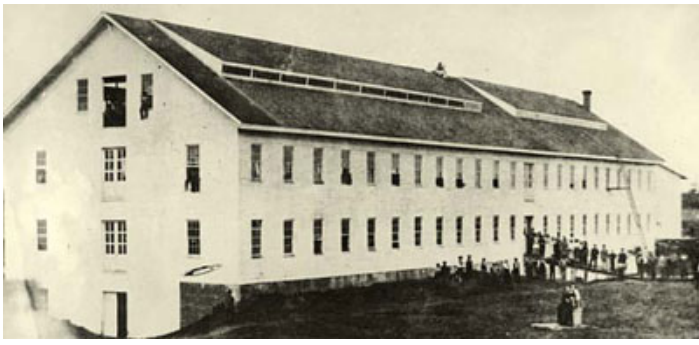


How much better off will we be then than now? Contrast your own condition with the countries that have manufactories scattered over them. They have millions of wealth, and millions of poor human beings degraded into the condition of mere servants of machinery, overtasked and overworked, and seething in misery and crime from the age of puberty to the grave. Enter in imagination if you will one of those giant factories, so common in old England or in New England. See that hive of human beings, with scarcely room to breathe, keeping time to the revolutions of the never-ceasing, unwearied machinery, and notice the sunken eye, and the collapsed chest, and the mournful sense of servitude legible on every limb. Contrast their condition with the condition of your own people, breathing the pure air, with the canopy of heaven for a ventilator, and then tell me with whom is the preference. Every one must admit that the preference is with us.⁽⁴⁾

But despite Deady's moving contrasts, the eloquent support of Reuben Boise, or even the colorful anecdote of Frederick Waymire's experience with the corporate misdeeds of the Portland Plank Road and Telegraph Company (see sidebar above), the delegates decisively voted down the call for effectively banning corporations. The vote showed a pragmatism that neither worshipped at the feet of unfettered corporate growth as preached by McBride and Watkins nor subscribed to the hellish vision of Oregon portrayed by Deady and Boise.

Middle Ground

Instead, most Democrats followed the lead of George Williams and La Fayette Grover. They looked to the benefits provided by corporations that would enhance rather than threaten the rural character of the agrarian ideal. An example could be viewed only a short walk from the convention where the final work was being completed on the Willamette Woolen Mills, the territory's first large factory. This corporate endeavor was home-grown in origin, scope, and benefit. This was proof that, within the proper framework and regulation, corporations could benefit Oregon and free it from the need to import expensive products from far-off factories. Otherwise, Williams warned, "We must pay tribute to Massachusetts and New England all our lives, unless we can devise some way here for the erection of manufacturing establishments in this state."⁽⁵⁾



The Willamette Woolen Mill (shown here in circa 1870) gave delegates hope that responsible corporate development was possible in Oregon. (Image courtesy Salem Online History)

Williams envisioned a benevolent corporation that was far removed from Deady's cold and uncaring machines or scheming swindlers. He looked to more of an association of "men of moderate means" consisting of relatives, friends, and neighbors banding together to meet local needs and break the shackles of dependence on far-off corporations: "But with liberal provisions in the constitution,

those little farmers throughout the country can put their capital together, as they have in the case of the woolen factory now in this city. Then a man can put in \$250, one \$500, and another \$1,000, and the prospect is that there will be a fine and flourishing manufactory established in the territory of Oregon." (6)

After several days of debate, delegates finally voted 31 to 20 for an amendment that consisted of the more pro-corporate language that the anti-Democrats had promoted: "The Stockholders of all corporations, and joint stock companies, shall be liable for the indebtedness of said corporation to the amount of their stock subscribed, and unpaid, and no more."⁽⁷⁾ The delegates were swayed by the argument that the legislature could enact a mechanic's lien law to protect laborers from corporate failures. And, while they approved language that could be interpreted to support a robust capitalism and corporate enterprise, they did so while embracing the pragmatic, locally-based ideal embodied by the Willamette Woolen Mill. Oregon, they hoped, could avoid the worst excesses of the "soulless and irresponsible bodies called corporations," free itself from dependence on distant factories, and still maintain the essence of the agrarian society as it moved to statehood.⁽⁸⁾

Notes

1. Carey, *Oregon Constitution*, 242.
2. *Ibid.*, 247.
3. *Ibid.*, 233-234.
4. *Ibid.*, 248-249.
5. *Ibid.*, 255; David Schuman, "The Creation of the Oregon Constitution," *Oregon Law Review* 74-2 (Summer 1995): 638.
6. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 183, 185-186; Carey, *Oregon Constitution*, 255.
7. Carey, *Oregon Constitution*, 423.
8. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 183, 186-187.
9. Carey, *Oregon Constitution*, 487-488.

Oregon Secretary of State

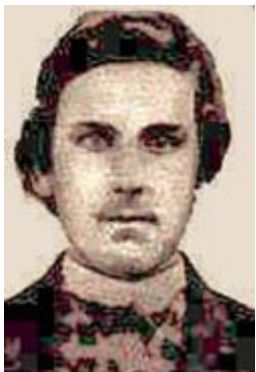
Debating Religion and Voting Rights

The delegates left the convention with a constitution offering a liberal bill of rights that went far in protecting individuals from the excesses and intrusions of the state. Freedom of expression "on any subject whatever" could not be restrained; private property could not be taken without just compensation; and no taxation could be imposed without the consent of the people. While vigorously supporting freedom of religion, the convention also expressed strong beliefs about the separation of church and state. But they showed that they had limits as well. Despite the nod they gave to women's separate property rights, the question of women's suffrage was never seriously raised. Although the first words of the bill of rights read "We declare that all men, when they form a social compact are equal in right," the delegates considered proposals that would have prohibited foreign immigrants from voting for five years.



Delegates supported strong provisions for freedom of speech in the Oregon Constitution. (Image courtesy E Pluribus Unum)

Church and State Issues



Preachers, such as circuit rider John Rigdon, were welcome as long as the state didn't have to pay them. (Image courtesy ncbible.org)

Debate about religion began after a committee submitted a section "declaring that no money shall be drawn from the treasury for the compensation of any religious services...." Hector Campbell rose to complain that in practical terms the provision would prohibit the employment of a chaplain by the legislature. He asked "why was it that our armies on the plains of Mexico were superior to their enemies? It is their moral power? We recognize the instrumentality of an overruling and allwise and almighty Providence, that has hitherto guided and controlled the destinies of our nation, and to which we are indebted for the enjoyment of our privileges. But now, shall we take the back track and become a nation of infidels?" Thomas Dryer agreed, saying "he believed that money should be drawn from the treasury to pay for religious services just as readily and as liberally as to pay for any other services. Sir, ...are you to take this position, that religion is an ill, and that it is unworthy of any sort of compensation? Why, sir, that is worse than infidelity. It is a disgrace to any country." [Footnote 1](#)

But Campbell and Dryer found plenty of opposition. Frederick Waymire contended that "if a chaplain was to be elected from any denomination, all of the other denominations would feel slighted, and feel as mad as _____ about it." But money probably had more to do with Waymire's opinion since he was always against the government spending money on anything that it could get for free. He continued that:

He was perfectly willing that the legislature should have a chaplain, but opposed to paying one out of the public treasury. If we didn't hold out any inducement to them for pay, we might get good men to act without pay, but the moment you do hold out the inducement of pay, money-loving ministers will be crowding down on us, and button-holing the legislature all the time. The very worst class of preachers will come and log-roll and electioneer for the purpose of getting hold of the public teat. [Footnote 2](#)

Matthew Deady supported the idea of an unpaid chaplain for the legislature but warned that "if he were one of those stump pulpit orators and fanatical demagogues with which our generation is cursed, I should vote against him. A pious and good man would not be insulted by being asked to pray without pay." George Williams went on to claim that paying a chaplain amounted to an unfair form of taxation, declaring that "a man in this country had a right to be a Methodist, Baptist, Roman Catholic, or what else he chose, but no government had the moral right to tax all of these creeds and classes to inculcate directly or indirectly the tenets of any one of them." [Footnote 3](#)



Matthew Deady decried some "stump pulpit orators" as a curse. Shown above is a mural of a sermon at Pulpit Rock in The Dalles. (Oregon State Archives scenic image no. wasc0037)

Ultimately, the delegates voted 31 to 15 to strongly affirm separation of church and state with the section reading that "no money shall be drawn from the Treasury for the benefit of any religious, or theological institution, nor shall any money be appropriated for the payment of any religious services in either house of the Legislative Assembly." While this provision of the bill of rights seemed to be aimed partly at repelling the "stump pulpit orators and fanatical demagogues" from the halls of the legislature, other provisions armed religion against governmental intrusions. Thus, they declared that "no law shall in any case whatever control the free exercise, and enjoyment of religious [sic] opinions...." Likewise, the delegates prohibited

any religious test as a qualification for office and they said that religion should have no role in deciding the competence of jurors or witnesses in trials. [Footnote 4](#)

Women's Property Rights

While the delegates did not seriously entertain the possibility of voting rights for women, they did approve a strong measure protecting women's property rights. Many women had 320 acres of land in their names as a result of provisions in the Donation Land Act of 1850 that gave 640 acres of federal land to married couples. In the wake of abuses, a proposal sought to protect the wife's half of property from creditors trying to collect judgments against "the improvidence or spendthrift habits of her husband."

George Williams predicted dire consequences if the proposal passed: "In this age of woman's rights and insane theories, our legislation should be such as to unite the family circle, and make husband and wife what they should be—bone of one bone, and flesh of one flesh." He claimed the Donation Land Act "had been the cause of much domestic trouble and many divorces in this country." Meanwhile, John Kelsay worried the provision would give the woman too much power, making "the husband simply a boarder at the wife's establishment."

But Frederick Waymire turned the debate with his arguments in favor of women's property rights: "If we should legislate for any class it should be the women of this country. They worked harder than anybody else in it. How many men had already in this country married girls, used them a year or two, spent all their property, and put off to the states. He didn't want a man to marry a daughter of his, with a large band of cattle, and then skin the cattle, and skin her, and leave her. If men married for money they ought not to have control of it. Every day they live together they live in adultery, for he married the money and not the girl." [Footnote 11](#)



Delegates wanted to protect wives from irresponsible husbands. (Oregon State Archives scenic image no. malD0014)



Frederick Waymire worried about unscrupulous men marrying for money. (Oregon State Archives trademark image no. 265)

Suffrage for Foreign Immigrants

In contrast to the expansive rights provided to individuals in the realm of religion, the delegates were stingy in handing out the right to vote. Suspicion, hatred and racism punctuated the debate around the question of who would enjoy suffrage in the new state. One argument focused on when to grant voting rights to immigrants. The committee report proposed copying the Indiana Constitution, which extended the vote to "every white male of foreign birth of the age of 21 years and upwards, who shall have resided in the United States one year, and shall have resided in this state during the six months immediately preceding such election." [Footnote 5](#)



Delegates debated how long to make immigrants wait before enjoying full rights in the new state.

But opposition came on at least two fronts. First, strong anti-immigrant feelings ran just under the surface of some of the anti-Democrats who saw the waves of foreigners as a threat to the country. They argued that six months was too short of time for residence to vote—instead it

should be one year or more. John McBride claimed they should wait five years. William Watkins said, "foreigners should reside long enough in our country to become acquainted with our language, institutions, and people, before voting." Meanwhile, Thomas Dryer contended more generally that "a foreigner was not capable of administering the laws of the country as a native-born citizen. ...[T]hey should never control him or the rights and liberties of the people." And, always keen to ferret out the political motivations, he saw a Democratic plan to pack the ballot boxes with the votes of grateful immigrants, charging that "there was a great disposition on the part of some members of the convention to court popularity by sympathizing with foreigners. He thought they felt disposed to give the foreigners more liberty than those who were born on the soil." [Footnote 6](#)

The Democrats responded and the debate continued until compromise language finally was added. Delazon Smith brushed off charges about "secret societies of foreigners to control the ballot boxes" and



Delazon Smith praised immigrants for braving perilous voyages to get to Oregon.

claimed that liberal voting laws had worked fine in other states. [Footnote 7](#) Besides, he said that "any foreigner who had the energy of character enough to leave all and brave the perils of two oceans and come to the Pacific Coast, he was willing to trust." [Footnote 8](#) Matthew Deady indignantly declared "he had no sympathy with those who oppose foreigners—his father was a foreigner, and every drop of blood in his veins was of foreign origin." [Footnote 9](#) After further debate, the two sides found common ground. Deady proposed a revision leaving the residency requirement at six months but added the provision that a person "shall have declared

his intention to become a citizen of the United States one year preceding such election." [Footnote 10](#)

Notes

1. Carey, *Oregon Constitution*, 296-298.
2. Ibid., 298
3. Ibid., 300-301, 305
4. Ibid., 330, 401.
5. Ibid., 173.
6. Ibid., 320; David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 179.
7. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 179.
8. Carey, *Oregon Constitution*, 323.
9. Ibid., 322.
10. Ibid., 404.
11. Ibid., 368-369.

Oregon Secretary of State

Pervasive Issues of Race

Attitudes about white foreign immigrants divided the convention, but the delegates were much more united in their animosity to people of color. The convention avoided discussion of slavery by planning to pass the issue to the voters, thereby giving its members the political cover of respecting the sovereignty of the electorate. This tacit agreement worked in direct relation to the slavery question, but did nothing to curb racist debates related to other issues. Thus, delegates spoke freely about people of color in relation to a number of subjects, including participation in the militia, voting rights and the upcoming election asking the question: "Do you vote for free Negroes in Oregon?"

A Free White Militia?

The question of who would be eligible to serve in the Oregon militia brought with it discussion of race and freedom. The original article reported by the military affairs committee made all "able-bodied free white citizens" subject to conscription. Thomas Dryer moved to strike the word "free" from the text since "there can be no white slaves here—all men here are free, and there are none else but free, white or black, thank God." But this triggered an obtuse concern from John Kelsay. He claimed that "every one who is from a slave state knows that

there are slaves as white as any man in this house." If Oregon adopted slavery, he argued, "such slaves would be brought here. ...Then if we take [Dryer's] doctrine that all white men shall be soldiers...I am opposed to that. I want free men to stand by me whilst we have to fight the battles of the country." Dryer responded by ridiculing the argument as "very far-fetched" and stuck to his call for removing the word "free." [Footnote 1](#)

But the debate quickly devolved into the esoterics of whether or not it was possible for any white man to be *unfree*. Dryer insisted on "plain, simple language so that everybody can understand it," explaining that "I go upon the hypothesis that all men are free in this country [Oregon], and therefore I want the word stricken out ...[otherwise] it is a libel upon the truth." He argued that naturally "a man called to bear arms is a free man.... If you want slaves to bear arms specify it in your article." After further discussion, the delegates distilled the language further to read only "able-bodied male citizens" with the unwritten but clear implication that members of the militia had to be both free and white. Matthew Deady summed up the reasoning: "If every free white person be the definition of citizens, and in the military bill all citizens shall be the persons to do military duty, it is understood what it means." [Footnote 2](#)



The convention debated who would serve in the Oregon Militia. Most delegates wanted only free white men to be eligible.



As debate escalated about who should be allowed to vote, Matthew Deady sought to exclude everyone other than white men. (Image courtesy National Park Service—Whitman Mission National Historic Site)

Race and Elections

A later debate sought to clarify the racial terms of who could vote in elections. The draft article reported from the suffrages and elections committee included a provision that only white male citizens could vote. Moreover, another section of the article further underscored the intent, specifying that no "negro or mulatto shall have the right of suffrage." But Matthew Deady rose to ask what the word "free" meant in the related provision that "all elections shall be free and equal," expressing concern that it could be misinterpreted. In response, Delazon Smith pronounced the term "sufficiently explicit" since he thought it was clear that "it did not mean Chinese or niggers." Just to make sure, La Fayette Grover moved to add the word "Chinamen" to the prohibition on negro and mulatto voting and it was adopted without any specific debate. [Footnote 3](#)

However, rushing to ensure that no other people of color, such as Indians or Kanakas (Hawaiians), could be interpreted to have the right to vote, Deady sought to amend the text to read: "No persons, other than those of the white race, shall have the right to suffrage." David Logan then reminded delegates of John Kelsay's report that there were white slaves in Missouri, thus calling for the words "free white." But Thomas Dryer demanded some more precise definitions, saying that "if we were going into this question of color, he wanted some standard set up." The waters were further muddied by Logan's contention that the wording as proposed "would admit quarter-blood negroes—they had a predominance of white blood, and would be entitled to vote under Mr. Deady's proposal." Following an increasingly absurd racial path, Deady claimed that "the word white is well understood" but offered the further suggestion that the words read "pure white." Finally, Smith sought to bring the drifting debate back to the simplicity of the original text, remarking that "the moment we undertook to get something new, we found ourselves afloat."

The final text returned to that originally proposed, with the additional prohibition on voting by "Chinamen." [Footnote 4](#)



In a Thomas Nast cartoon from 1879, an Indian warns a Chinese immigrant about the white solutions to "the Chinese problem." Oregon convention delegates prohibited Chinese from voting and outlawed Chinese new to the state from owning property or mining claims. (Image courtesy assumption.edu)

Scheduling a Constitutional Vote

As the convention wound down to its final days, delegates met to decide the details of the three questions to be submitted to a vote of the people: 1.) whether to approve the constitution; 2.) whether to approve slavery in Oregon and; 3.) whether to allow free blacks in the state. The proposed voting date of the second Monday in November caused Paine Page Prim to worry that voters wouldn't have enough time to examine and understand the lengthy text: "The people in the distant counties would not see it at all. It looked like too great haste." He proposed postponing the vote to February. Others proposed even more delay until April or even June, when the roads would be more passable. [Footnote 5](#)



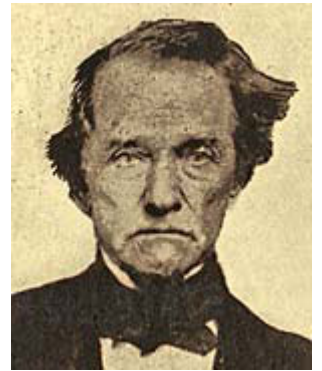
A cartoon shows Uncle Sam trying to keep Chinese immigrants out using the Chinese Exclusion Act of 1888. Some Oregon Constitutional Convention delegates tried to add "Chinamen" to the vote on excluding negroes and mulattoes in 1857. (Image courtesy Library of Congress)

But many of the delegates opposed a delay. Thomas Dryer contended that "the people of Oregon would understand this constitution as well in two months as in two years. To say they could not was a reflection upon the thickness of their skulls." Once again, Dryer attributed political motives to the proposed delay, saying that the only argument he heard urged for extending the time, was that it did not give the pro-slavery Democrats a chance—they wanted to stump the territory in behalf of slavery." Others registered their opinions pro and con referring to the weather, the possible effect on the territorial legislature, and Dryer's accusation about pro-slavery efforts before voting to confirm the vote on the second Monday of November. The convention ordered that 5,000 copies were to be printed and mailed to county auditors and postmasters for distribution to as many voters as possible. And, it offered 50 dollars to each newspaper that would print the complete constitution in one issue to further disseminate the document. [Footnote 6](#)

The "Chinamen" Question

With the date of the election scheduled, the delegates moved to a debate of the wording of the ballot questions. L.J.C. Duncan led the call for amendments by moving to omit the question on the admission or exclusion of free blacks but the convention voted it down, apparently with no discussion. William Watkins then broadened the debate by seeking to add "Chinamen after free negroes" in the proposed text. He said that his white constituents in the mining areas of Jackson County needed help: "Chinamen in his county were practically slaves, they were bought and sold to one another, and to white men, as much as negroes were in the south. If Chinese emigration continued to come into that county, he predicted that in five years no white man would inhabit it. White men could not compete with them—they would work for \$1.50 or \$2.00 per day." [Footnote 7](#)

The debate then turned to a comparison of the relative value of "Chinamen" and blacks, an exercise that prompted the delegates to share starkly candid observations. Pro-slavery delegate Matthew Deady said that "he saw no reason for making a difference between Chinamen and negroes. The negro was superior to the Chinaman, and would be more useful." William Watkins agreed that "the negroes far surpassed, morally and physically, the Chinamen; if there were any class of thieves who understood their profession thoroughly it was the Chinamen." William Packwood said that they [Chinese] were evil and "spent very little in the country." And Prim chimed in that "Chinamen were an evil in the mines, and were growing to be a greater one." [Footnote 8](#)



Thomas Dryer wanted to exclude all non-whites from Oregon, warning of the "demoralization" of whites.

An Expanding Debate

Soon, the debate escalated as delegates proposed other people of color for exclusion. George Williams "believed that the state had the power to exclude from her borders all classes not competent to become citizens. And he was in favor of excluding both Chinamen and negroes. He would consecrate Oregon to the use of the white man, and exclude the negro, Chinaman, and every race of that character." Thomas Dryer looked to practicality as he suggested separating the vote on each race: "In this portion of the country [the Willamette Valley] Chinamen had not become an evil, and people might desire to vote to exclude negroes and not Chinamen." He then summed up his expansive views on race by declaring that "he would vote to exclude negroes, Chinamen, Kanakas, and even Indians. The association of those races with the white was the demoralization of the latter." [Footnote 9](#)

Some, however, counseled against adding "Chinamen" to the vote. La Fayette Grover thought that despite the uproar among whites in the southern counties about Chinese immigrants, "two-thirds [of the voters territory-wide] know nothing about it." Reuben Boise also advised caution, saying that "the most we should do was to give the legislature power over it." Meanwhile, Frederick Waymire doled out some backhanded compliments as he declared that

"he could not vote to exclude Chinamen; so far as his constituents were concerned, he believed they would like to have a lot of them come among them. They make good washers, good cooks, and good servants."

Ultimately, as the delegates' spasms of racial intolerance waned, Watkins withdrew his amendment and the convention sent the wording to the people as "Do you vote for free Negroes in Oregon? Yes or No."

Footnote ¹⁰ They had flirted with expanding the question to other races but came back to the original idea of tying the vote on slavery with one on free blacks. Most of the delegates must have hoped for "no" votes on both questions, seeing this as Oregon's best hope to preserve the ideal of the white agrarian society. Finally, with their scheduling work complete, the delegates tied up the loose ends of the convention and looked forward to the public vote on the constitution and the promise of statehood.

Notes

1. Carey, *Oregon Constitution*, 174-178.
2. Ibid.
3. Ibid., 318-324.
4. Ibid.
5. Ibid., 359-361.
6. Ibid.; Claudia Burton and Andrew Grade, "A Legislative History of the Oregon Constitution of 1857—Part I," *Willamette Law Review* 37 (2001): 474.
7. Carey, *Oregon Constitution*, 361-362.
8. Ibid.
9. Ibid.
10. Ibid.

Oregon Secretary of State

After the Convention

The work of creating a new state was far from complete when the final gavel fell at the Oregon Constitutional Convention of 1857. The Oregon voters and the Congress had the final say. Once ratified, the constitution guided the state through the choppy waters of the late 1800s. By 1902, the time to amend its words had long since arrived.

- [Oregon Ratifies the Constitution](#)
- [Statehood Survives the Congressional Morass](#)
- [Politics in the New State of Oregon](#)
- [Oregon Social Life and Minorities After Statehood](#)
- [Oregon Railroads in the Late 1800s](#)
- [Oregon Economic Mainstays in the Late 1800s](#)
- [Forging the Oregon constitutional amendment process](#)
- [Oregon Constitutional Amendments Over the Decades](#)
- [Comparisons With Other State Constitutions](#)



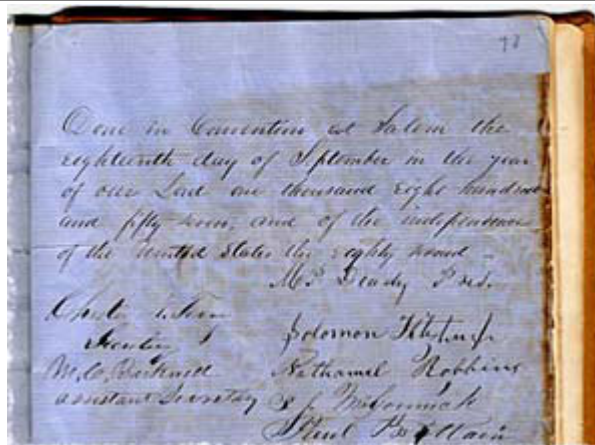
Top to bottom: westward progress; U.S. House members; reform newspaper; farmer; Oregon locomotive.

Oregon Secretary of State

Oregon Ratifies the Constitution

As delegates cast their mostly party line votes on the enrolled constitution at the end of the convention, they were already looking forward to taking their arguments for or against ratification to the people. The issue of slavery once again dominated the debate as partisans hurled accusations through the newspapers. Once the votes were counted it was clear Oregonians liked the constitution. They also rejected slavery and nearly nine out of ten voters didn't want free blacks in the state.

On the last day of the convention, Sept. 18, 1857, the delegates held to the partisan script and voted 35 to 10 in favor of the completed constitution. The Salem Clique had maintained its control to the end. Anti-Democrats such as Thomas Dryer and David Logan voted against the constitution, joined also by a small number of "soft" Democrats such as Martin Olds. Others opposing the process or the product of the convention were among the 15 names listed as "absent or not voting." These included Jesse Applegate and Levi Scott, who abandoned the convention weeks earlier, and Republican John McBride. Interestingly, most who were opposed or absent signed the document, with some signatures added later. In total, 52 of the 60 delegates signed the constitution. [Footnote 1](#)



First of two signature pages in the constitution. Most delegates signed the document at the end of the convention. Jesse Applegate left early and didn't add his signature. He complained that "under the rules of caucus-sovereignty an opposition member was as useless as a fifth wheel to a wagon." (Oregon State Archives image)

Campaigning for Voters



Both sides waged a campaign for voters in the short period between the end of the convention and the Nov. 9, 1857 ratification election. Several newspapers were arrayed against passage of the constitution. These included the free-state *Oregonian*, *Oregon Argus* and the *Standard* as well as the intensely pro-slavery *Messenger*. *Oregon Argus* editor William Adams described the constitution as "a huge viper, with poisonous fangs in its head, a legion of legs in its belly and a deadly sting in its tail." He continued with the metaphor: "It is now coiled up, labeled from head to tail with Democracy, trying to charm the people to take it into their bosom, when it will instill its poison into the body politic and render it as completely paralyzed as under the odious principle of caucus sovereignty."

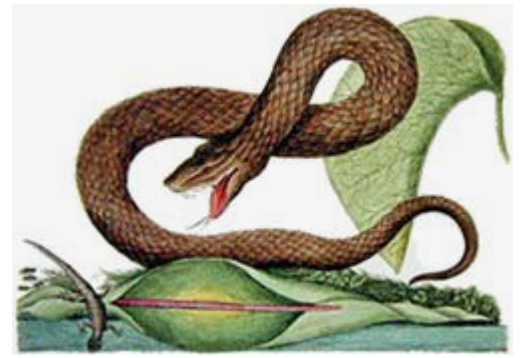
[Footnote 2](#)

Oregon Argus editor William Adams said the constitution would "instill

its poison into the body politic." (Image courtesy ncbible.org)

Oregonian editor Thomas Dryer soon weighed in as well. In spite of his considerable presence at the convention, Dryer lambasted the "*Salem conspirators*,"

claiming that "the truth is, none but the *Salem Clique* had anything to do with drafting that instrument. It was prepared in advance at Salem, to subserve the interest and preserve the controlling power in the hands of that little band known as the 'Salem Inquisition.'" He accused Democratic delegates of "surrender[ing] their birthright and manhood, as well as the interests of their constituents to the ordeal of the Salem 'party caucus.'" In doing this they have fixed the seat of government at Salem for all time; have tied up the hands of future legislatures; [and] have prevented any amendments to the constitution for at least eight years by taking all power from the people, and placing it in the hands of the party caucus. In short, [they] became slaves and serfs to a petty party *monarchy*, comprising a half score of reckless office-hunting knaves in and about Salem, who have too long controlled the political rights of the people of Oregon." [Footnote 3](#)



Using his typical hyperbolic rhetoric, editor William Adams attacked the constitution, describing it as "a huge viper...trying to charm the people to take it into their bosom." (Mark Catesby print image courtesy philographikon.com)

Those in favor of passage were not silent. The Democrats responded with Asahel Bush leading the charge through the pages of the *Oregon Statesman* and Delazon Smith delivering plenty of stump speeches. Meanwhile, other voices, such as the *Oregon Weekly Times* newspaper, appealed for progress:



America was built on the concept of progress, as shown in this 1872 painting. (Library of Congress image)

We are a people of progression. To stand still and inert is stagnation, and it is full time that we divest ourselves of the swaddlings, throw away the "bib apron," and play the deeper and nobler act that belongs to maturity and to manhood. Oregon no longer requires guardianship, but is to-day capable and fitted to the assumption of her sphere amid the bright and lustrous constellation of free and independent States.

Oregon must now become a state, or she is nothing.... Our choice is humiliating, neglected and contemned vassalage and serfdom, or sovereignty and full-grown manhood of state government. [Footnote 4](#)

A Decisive Vote

Oregon's electorate voted decisively on all three questions. Their viva voce votes (oral votes in public view) left no doubt the convention had indeed reflected their attitudes. Oregonians endorsed the

constitution by more than two to one. Their votes against slavery and free blacks, expressing their ideal of an Oregon with only free white labor, were even more striking—with 75% voting down slavery and 89% in favor of prohibiting the immigration of free blacks to the state. Two counties, Columbia and Wasco, voted against the constitution. No county was even close to voting in favor of allowing free blacks in Oregon. Likewise, no county voted in favor of slavery. However, Jackson County narrowly voted it down 426 to 405. [Footnote 5](#)

The *Oregon Statesman* published the following official returns on the Nov. 9, 1857 vote: [Footnote 6](#)

| Counties | Constitution | | Slavery | | Free blacks | |
|-----------------|---------------------|-----------|----------------|-----------|--------------------|-----------|
| | Yes | No | Yes | No | Yes | No |
| Benton | 440 | 215 | 283 | 368 | 132 | 459 |
| Clackamas | 530 | 216 | 98 | 655 | 113 | 594 |
| Clatsop | 62 | 37 | 25 | 71 | 25 | 65 |
| Columbia | 30 | 66 | 11 | 84 | 24 | 66 |
| Coos | 68 | 26 | 19 | 72 | 10 | 79 |
| Curry | 117 | 14 | 35 | 95 | 8 | 121 |
| Douglas | 419 | 203 | 248 | 377 | 23 | 560 |
| Jackson | 465 | 372 | 405 | 426 | 46 | 756 |
| Josephine | 445 | 139 | 155 | 435 | 41 | 534 |
| Lane | 591 | 362 | 356 | 602 | 97 | 783 |
| Linn* | 1111 | 176 | 198 | 1092 | 113 | 1095 |
| Marion | 1024 | 252 | 214 | 1055 | 76 | 1115 |
| Multnomah | 496 | 255 | 96 | 653 | 112 | 587 |
| Polk | 528 | 188 | 231 | 484 | 53 | 584 |
| Tillamook | 23 | 1 | 6 | 22 | 1 | 25 |
| Umpqua | 155 | 84 | 32 | 201 | 24 | 181 |
| Wasco | 55 | 89 | 58 | 85 | 18 | 122 |
| Washington | 265 | 226 | 68 | 428 | 80 | 393 |
| Yamhill* | 371 | 274 | 107 | 522 | 85 | 521 |
| Total | 7195 | 3195 | 2645 | 7727 | 1081 | 8640 |
| Majorities | 3980 | | | 5082 | | 7559 |

* Recent research shows discrepancies between precinct abstracts and the official county results. The official county results are shown.

Reaction to the Vote

Once voters had spoken, reaction came from all sides. Seeking to heal potential wounds, Asahel Bush declared that Oregon Democrats would regard the vote as a settled question. There would be no retribution—no difference in standing or influence—based on how party members voted in the election: "The watchword shall be harmony." He went on to issue a warning to eastern newspapers not to misinterpret Oregon's overwhelming vote against slavery. Bush claimed that Oregonians did not seek to elevate slaves at the expense of whites: "Let not Black Republicanism lay the flattering unction to its soul that we are free soilish here." [Footnote 7](#) Despite the vote, Thomas Dryer doubted "that any free state" could be admitted to the union with pro-slavery James Buchanan as president. And, he worried that "the constitution contains provisions which will be regarded by *even a locofoco Congress*, in direct violation of the liberal principles set forth in the Declaration of Independence and the Constitution of the United States."

[Footnote 8](#)

Meanwhile, the Corvallis pro-slavery *Messenger* newspaper simply refused to accept the vote as final. It argued that according to the doctrine of equal rights between the states, the territories were common property. Therefore, the people of a territory had no power to exclude slave-holders, since doing so would invalidate the common partnership. It pondered the extreme:

"As great an evil as disunion would be, we consider there is still a greater, and that is, submission to the unrestricted will of a reckless fanaticism which overrides the barriers erected by the Constitution for the protection of the minority, and tramples with ruthless iron heel, upon the plainest principles of justice and liberty." [Footnote 9](#)

Fate would provide Oregon newspapers plenty of time to write editorials and publish letters to the editor about the prospects of statehood. All sides of the question locally would be forced to endure over a year of uncertainty before receiving an answer from Washington D.C. The question appeared to be hopelessly tangled with the politics of slavery on the national level.



Thomas Dryer had little confidence that Congress would approve the Oregon Constitution. Shown above is the U.S. Capitol circa 1846. (Image no vco06223 courtesy Library of Congress)

Notes

Walter Carleton Woodward, *The Rise and Early History of Political Parties in Oregon, 1843-1868* (Portland: J.K. Gill Company, 1913) 119.

Oregonian, Oct. 24, 1857.

Claudia Burton, "A Legislative History of the Oregon Constitution of 1857—Part III," *Willamette Law Review* 40 (2004): 425.

Walter Carleton Woodward, *The Rise and Early History of Political Parties in Oregon, 1843-1868* (Portland: J.K. Gill Company, 1913) 120.

Ibid., Appendix 1.

Ibid., 120-121.

Oregonian, Nov. 14, 1857.

Walter Carleton Woodward, *The Rise and Early History of Political Parties in Oregon, 1843-1868* (Portland: J.K. Gill Company, 1913) 121.

Oregon Secretary of State

Statehood Survives the Congressional Morass

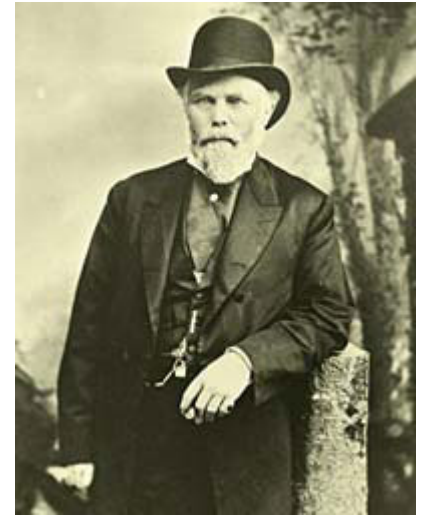
Members of the Salem Clique must have been heartened by the Oregon ratification of the constitution as well as the companion votes on slavery and free blacks. The convention stayed true to Democratic form and now the election had followed in its footsteps. All that was left was approval by Congress and then the dominant Democrats could lay claim to various new state offices. But actual events soon spun out of control and political turmoil followed both in Salem and in Washington D.C. After a seemingly interminable delay pockmarked with political intrigue and betrayal, Oregon finally became a state on Feb. 14, 1859.

Oregon Governmental Confusion

Government leaders in Oregon groped their way through a fog of political confusion in 1858. Provisions in the newly ratified constitution scheduled a special election in June 1858 to elect a new state legislature, a congressman, and state and county officials. The new legislature was then to elect two senators to send to Congress. But these plans were based on the assumption that Congress would already have ratified Oregon's constitution, thus leaving leaders with doubt on how to proceed. Still, the June election went forward and yielded a mixed victory for the "hard" Salem Clique-led Democrats, with some legislative seats going to the "soft" or National Democrats. The resulting four-day legislative special session saw the election of Joseph Lane and Delazon Smith as the state's first senators. Smith, along with recently elected representative La Fayette Grover, soon left for Washington to join Lane in pushing for ratification in Congress. Some opposition members of the state legislature tried to hold a regular session as scheduled in September 1858. However, lacking support from the Salem Clique, the session attracted only ten representatives and two senators. The abortive effort adjourned on its second day. [Footnote 1](#)



Sitting Territorial Governor George Curry continued at the helm during the confusion in Congress as state Governor John Whiteaker yielded.



John Whiteaker was elected to be Oregon's first state governor in a June 1858 election. Unfortunately, statehood wasn't ratified by Congress until the next year.

As the territorial legislature assembled for its regularly scheduled session in December 1858, politicians faced further confusion because Oregon now had two governors. The June election had named John Whiteaker as the first state governor. But George Curry continued to serve as sitting territorial governor. Congress could not decide the issue yet so Governor Whiteaker and the other state officers finally yielded to Governor Curry. The territorial legislature would meet according to the old provisions of territorial law. Curry voiced concerns about the netherworld in which Oregon government found itself: "Notwithstanding the accumulation of doubt which has settled on the question, we indulge hope that at the present session of congress Oregon will be admitted as a state in the Union." [Footnote 2](#)

Congressional Debate on Oregon

The issue was deeply entangled in Washington politics. The U.S. Senate began to consider Oregon statehood in May 1858 amid a worsening split of the Democratic Party over slavery and ongoing controversy over admitting Kansas to the union. Oregon's bid only complicated the debate. Some southerners, such as Senator Jefferson Davis, opposed the admission of any more northern states, fearing an erosion of the sectional political balance. Others looked at specific issues such as the real question of whether Oregon had a large enough population to qualify for statehood. Debate, not surprisingly, frequently returned to slavery, yielding its predictably polarizing effect. Many southerners opposed admitting Oregon because it had voted three to one against slavery. Conversely, many Republicans objected to the way Oregon treated blacks and other minorities as witnessed by the overwhelming vote to prohibit free blacks as well as other discrimination against "Chinamen." The senate finally passed the bill by a vote of 35 to 17 but Congress adjourned before the house could reach a vote, holding the question over until the December

session. [Footnote 3](#)

During the long congressional adjournment from June to December 1858, Oregon's senators and representative in waiting, Joseph Lane, Delazon Smith and La Fayette Grover, lobbied members of both houses looking for support. They, of course, were in an expensive holding pattern since they couldn't claim their seats in Congress or their salaries until Oregon was admitted. Meanwhile, Asahel Bush had grown discouraged about Oregon's chances on admission, seeing the issue hopelessly bogged down by the Kansas debate. Expressing his doubt, Bush wrote in the Nov. 16 *Oregon Statesman* that Oregon's population was estimated to be only 42,862, barely half the number required for a representative. This contradicted Lane's earlier optimistic estimates of as many as 80,000 and led to testy comments by frustrated fellow Salem Clique member Smith, who viewed Bush's public doubts as decidedly unhelpful:

"What in God's name is meant by this? The rejection of our application would not only bankrupt me, but it would, in my humble judgment, be greatly injurious to the country, forfeit a great partizan victory already won, and perhaps, prostrate the democratic party." Footnote 4

The final vote on the Oregon admission bill in the U.S. House of Representatives was delayed until February 1859, after languishing in the committee on territories for over six months. Once the bill was reported to the floor, the committee chairman noted questions about the population requirement, prompting delegate Joseph Lane to once again give his optimistic opinion that the population "is very nearly equal to the ratio upon which representation is based." Many house Republicans, meanwhile, called attention to what they saw as the injustice of the Oregon constitution and decried the barbarity of



Senator Jefferson Davis (shown here later as president of the Confederacy) opposed the admission of any new northern states during debate in 1858. (Image courtesy R. W. Norton Art Gallery, Shreveport, Louisiana)



A coalition of moderate Republicans and Democrats finally broke the logjam in the U.S. House of Representatives and passed the Oregon statehood bill by a slender 114 to 103 vote. Congress was becoming increasingly chaotic over the issue of slavery. (Image courtesy Library of Congress)

the anti-free black clause, saying that it discriminated against a whole class of people born on American soil. [Footnote 5](#)

The deadlock finally ended when 15 Republicans broke ranks and ignored Republican Party opposition to the bill. Despite extraordinary efforts to enforce party discipline, the breakaway members insisted on viewing the question of Oregon statehood on its merits. In their view, the people of Oregon had acted in good faith as they proceeded with a convention and ratification vote and therefore were entitled to statehood. Combining with moderate Democrats, the group overcame the opposition consisting of Republican party hard-liners and Democratic southern extremists. The final vote on Feb. 12

showed a narrow 114 to 103 victory for statehood. Two days later the president signed the bill and Oregon officially became the 33rd state in the union. [Footnote 6](#)

The Collapse of the Oregon Democrats

Delazon Smith's harsh words against his longtime ally Asahel Bush betrayed a growing rift in the Democratic Party. During the long months of waiting in Washington D.C. for congressional action, Smith had grown increasingly impressed by Joseph Lane's standing with the Buchanan Administration as well as by talk of a possible Lane presidency. Over time, he switched allegiance and supported Lane in a bid to wrest control of the Oregon Democratic Party from the Salem Clique, a group in which Smith had long played a key role. Both men had strong motives. Long at odds with Bush, Lane wanted control of the state party in support of a bid for the White House. Meanwhile, Smith was desperate to win reelection after having the bad luck of drawing a short term in a process designed to stagger elections for senators. His term of less than three weeks was ending just as his feud with powerful clique leader Bush was heating up. [Footnote 7](#)



President Buchanan (above) held Joseph Lane in high esteem, impressing Delazon Smith enough to make him turn against the Salem Clique.

The two new senators successfully engineered a strategy that would move forward on two tracks. First, Lane used his connections with President Buchanan to replace the old Oregon patronage appointments that had been influenced by Bush with those of his own choosing. Meanwhile, Smith rushed back to Oregon and secretly engineered a slate of party delegates that combined his friends with those loyal to Lane. The trap was set at the April 1859 Democratic Party convention and the takeover strategy worked as planned. Caught off guard and outnumbered, Bush loyalists could do nothing more than walk out. This allowed Smith's delegates to renominate Smith for his senate seat and take control of the party central committee. Not surprisingly,

what amounted to a party coup would be seen as nothing less than a blatant betrayal by Bush loyalists.

Footnote ⁸



John C. Breckenridge ran for president in 1860 on a southern Democratic ticket with Oregon's Joseph Lane as a running mate.

Enraged, Bush responded aggressively, attacking his former allies as heretics. And, as a consolation for losing control of the party, he did managed to block Smith's reelection as senator. By arranging for his loyal Democrats to walk out during debate on the election of a senator, he left the legislature without a quorum and denied a bitter Delazon Smith of his coveted senate seat—a seat that would remain vacant for more than a year and a half. The two sides settled into a long and ugly struggle of words, intensified by the growing fractures in the Democratic Party nationally. By the spring of 1861, the state party had collapsed, a victim of the swirling currents of political realignment in Oregon. During the Civil War, Republicans gained from the divisions and grew into a patronage party not unlike the Democrats in the 1850s. [Footnote](#)

[9](#)

Three of the most important leaders in the Democratic Party of the 1850s all suffered political defeat. The year after losing his senate reelection bid, Delazon Smith "died more of a broken heart than physical illness" at the age of 44. Joseph Lane ran for vice president on the pro-slavery Breckenridge ticket in the four-way presidential race of 1860 that elected Abraham Lincoln with a mere 39 percent of the vote and split the nation further. Thereafter politically hampered by his support of slavery, Lane withdrew to the Roseburg area where he was occasionally involved in politics over the years before he died in 1881. Likewise, Asahel Bush sold the *Oregon Statesman* in 1861 and largely retired from politics in the wake of his bruising experiences leading up to the Civil War. He instead concentrated on founding and building the Ladd and Bush Bank into an impressive financial force in the Willamette Valley. He remained a prominent citizen until his death in 1913.

Notes

1. Carey, *Oregon Constitution*, 40-43.
2. Ibid., 44.
3. Ibid., 45-46; David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 277.
4. Carey, *Oregon Constitution*, 46-47.
5. Ibid., 50.
6. Ibid., 50-51; Walter Carleton Woodward, *The Rise and Early History of Political Parties in Oregon, 1843-1868* (Portland: J.K. Gill Company, 1913) 148-149.
7. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 280-281.
8. Ibid.
9. Ibid.

Oregon Secretary of State

Politics in the New State of Oregon

The long gathering political storm between the North and the South finally burst over the nation in 1861. Wars often serve as catalysts for change and in Oregon the Civil War helped to complete the political realignment from the formerly dominant Democratic Party to the young Republican Party. The Republicans would use the familiar patronage system as well as the increasingly important distribution of public lands to control politics in Oregon for decades. In the process, powerful timber, ranching, mining and railroad magnates bought off politicians to do their bidding. Feeling victimized by the process, farmers, miners, and others banded together to fight for reform.

Oregon During the Civil War

Oregon was far removed geographically from the battlefields of the Civil War, but felt some effects nonetheless. As the war progressed, the Army began moving regular soldiers stationed in Oregon to more critical areas. But the state still had Indian reservations to guard as well as an increasing number of gold miners to protect in eastern Oregon. To fill the void, federal and state officials found replacements in the form of volunteers from California, Washington Territory and Oregon to man the forts around the state and maintain a military presence. Oregon's volunteers included the six companies known as the First Oregon Cavalry, which served until 1865. Some of the soldiers vainly chased after Indian raiders in eastern Oregon, but most of them experienced little more than boredom and hangovers. [Footnote 1](#)



During the Civil War, southern sympathizers in Jacksonville, Oregon raised the Confederate flag before thinking better of it. (Image courtesy gwest.org)



Philip Mulkey sparked the Long Tom Rebellion and was nearly lynched. (Image courtesy ncbible.org)

Despite the distance from the battles, some southern sympathizers took provocative actions in Oregon. Partisans in Jacksonville, briefly raised the Confederate flag before backing down in the face of opposition. And, members of an anti-Union group called the Knights of the Golden Circle allegedly plotted to seize military headquarters at Fort Vancouver, but took no action. Just after Abraham Lincoln was assassinated in 1865, Philip Henry Mulkey sparked what came to be known as the Long Tom Rebellion by walking the streets of Eugene yelling "Hurrah for Jeff Davis [Confederate President], and damn the man that won't!" Arrested and jailed, Mulkey was nearly lynched by a pro-Union mob that broke down the jail door. Meanwhile, his pro-Confederate friends from the nearby Long Tom area were ready to fight but the Oregon infantry diffused the situation by spirited Mulkey 130 miles away to Fort Vancouver for a three month stay in jail. [Footnote 2](#)

Money and Power

The political realignment that began with the collapse of the once dominant Democratic Party in Oregon continued during the Civil War and well beyond. The newly ascendant Republican Party consolidated its gains as its opposition mired in the political chaos. The patronage system that served the Democrats so well in the 1850s worked equally well for Republicans in later decades. Over the years, it was augmented by an increasingly more valuable tool: the distribution of public lands. Firmly in control of the levers of power, Republicans won every presidential election in the state from 1872 to 1908. Moreover, they usually controlled the legislature and the governor's office. [Footnote 3](#)

The intersection of money and power was well traveled in the late 1800s politics of Oregon. For many during the Gilded Age, the lofty ideals that were so eloquently expressed at the 1857 constitutional convention lost their meaning. Historian Gordon Dodds described the attitude of Republican Gold Beach businessman, R.D. Hume who looked at his time in the legislature as "neither service to the state nor desire for personal glory, but a business expense requiring careful investment of time and money." In order to succeed in the political system, many of Oregon's legislators, congressmen and leaders shared his decidedly businesslike approach, often bought and sold by the state's most powerful economic interests. [Footnote 4](#)

The stakes were high with the legislature writing laws that favored railroad magnates and cattle barons as well as large timber and mining interests. For example, Oregon officials facilitated notorious abuses by speculators in vast areas of "swamp lands." While it was billed as a way to promote the reclamation of otherwise unproductive land, the Swamp Land Act became a playground for speculators. Over time, those with connections exploited loopholes in the law and insider information to gain ownership of valuable land. Meanwhile, Ben Holladay convinced a compliant legislature to give away four million acres of public land for the construction of the Oregon & California Rail Road.



Oregon's Republican U.S. Senator John Mitchell used his power in Washington D.C. to do the bidding of corporate interests in the state for decades in the late 1800s before reform efforts finally made progress. (Image no. 04276v courtesy Library of Congress)

Four-time Oregon U.S. Senator John Hipple Mitchell, wasn't shy about his influence peddling, reportedly saying that "Ben Holladay's politics are my politics and what Ben Holladay wants I want."

While he never completed the railroad line, Holladay did use his control over lawmakers to rebuff reform efforts designed to lower freight rates and curb what farmers and others saw as outrageous railroad excesses. [Footnote 5](#)



A poster from the Patrons of Husbandry, also known as the Grange, shows various American occupations but places the farmer at the center of the society in importance. (Image courtesy Texas A&M University-Corpus Christi)

Reform Efforts

Predictably, the blatant corruption triggered protests and eventually a movement for reform. Local farmers meetings, first called simply to share advice on the more efficient agricultural techniques, eventually turned to protesting the widespread economic abuse and political corruption they saw as a direct threat to their viability. Soon their efforts dovetailed with larger organizations such as the Patrons of Husbandry—known as the Grange—and the Northwestern Alliance. Together, they fought to end monopolies, regulate freight rates and reduce corruption. Many farmers joined the People's Party, also known as the Populist Party, which designed its 1892 agenda to cater to agrarian goals. The new party called for a secret ballot, direct election of senators, limits on immigration, free coinage of silver to stimulate western mining and government ownership of railroads and other utilities such as the telegraph and telephone. Other groups, such as miners, organized as well, joining unions including the Knights of Labor and the Western Federation of Miners in an effort to secure safer working conditions and better pay. [Footnote](#) ⁶

Notes

1. Oregon Secretary of State, Oregon Blue Book 2007-2008, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 354.
2. Ibid.
3. David Peterson Del Mar, Oregon's Promise: An Interpretive History (Corvallis, Oregon: Oregon State University Press, 2003) 117.
4. Ibid., 116.
5. Ibid, 116-117; Oregon Secretary of State, Oregon Blue Book 2007-2008, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 362.
6. Oregon Secretary of State, Oregon Blue Book 2007-2008, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 361-362.

Oregon Secretary of State

Oregon Social Life and Minorities After Statehood

Oregon's social and cultural life in the last decades of the 1800s depended largely on location. Portland, which grew rapidly after 1880, offered a range of social and cultural opportunities unrivaled elsewhere in the state. Small towns and rural areas, in contrast, often suffered from isolation, especially in the muddy winter months, yet they made the most of it with creativity and pluck. Women and minorities also had to make the most of it. Women were called on to play a supporting role in society, upholding morality and making good homes for their families. Minorities were expected to stay out of the way and not challenge the dominate white culture. If they did that, they would be tolerated in small numbers on the fringes of society.



Details of three Portland buildings featured in a 1890 map of the city. Portland dominated the economic and cultural life of the state in the late 1800s. (Image courtesy Bancroft Library)

Social and Cultural Life



The ornate Geiser Grand Hotel was built in 1889 during the glory days of Baker City. Many impressive buildings of the era still grace the downtown. (Oregon State Archives scenic image no. bakD0159)

As Portland came to dominate the Oregon economy in the late 1800s, a thriving social and cultural life developed, both highbrow and low. Opera, symphony, ballet, visual art and theater were among the higher cultural offerings. Working class Portlanders frequented vaudeville theaters, pool halls, sports arenas and more "colorful" locales. On the whole, arbiters of culture based in New York, Boston, or San Francisco would have no problem identifying Portland's "provincial" deficiencies. Nonetheless, relative to other Oregon communities, it culturally dominated the state. However, this was tempered by the fact that many of its inhabitants worked such long hours in factories, offices, or shops that they had limited time to enjoy the cultural fare. [Footnote 1](#)

Smaller communities made the most of their resources in the late 1800s. Numerous local musical bands, orchestras and theatrical groups performed for appreciative audiences. Places such as Baker City, fueled by mining riches, boasted remarkable offerings for their size. Small towns often stirred local political and social debates with multiple newspapers that practiced a feisty, opinionated journalistic tradition.

Schools, churches, granges and Chautauqua Societies brought some form of culture to more isolated communities of the state. Fraternal organizations and ladies' societies further strengthened the social fabric. [Footnote 2](#)

Still, social and cultural life on the farm or in the small town could be frustratingly limited—especially for younger Oregonians. The question "how do you keep them down on the farm?" was not an academic one at the dawn of the 20th century. Distance, geography and weather conspired to keep most Oregon communities isolated. Roads were overwhelmingly made of dirt—producing sloppy troughs of mud in the winter and roiling clouds of dust in the summer. Year-round they were rutted. These realities naturally limited travel in a way that modern Oregonians would scarcely recognize. [Footnote 3](#)



Isolation created cultural challenges for rural Oregonians. Above is a Klamath County horse drawn cook wagon. (Image courtesy Lake County Museum)

Economic realities also conspired to socially and culturally limit rural Oregonians. Summers often demanded work from sunup to sundown in order to plant, tend and harvest the crops as well as complete the associated chores. Loggers, fishermen and others also saw long hours of work in summer. The coming of fall brought increasing preparations for "wintering in." Essentially, large numbers of Oregonians stocked up on firewood, home canned fruits and vegetables, cured meats and other necessities in anticipation of winter. Often rainy or snowy days of winter were largely spent "holed up" in and around farmhouses and cabins. Children would walk to small local schoolhouses and the family may travel to church or to the neighbor's farm, but the term "cabin fever" still had real meaning for many rural Oregonians. [Footnote 4](#)

Women and Minorities



The "cult of domesticity" defined women as the keepers of the home and the family's moral well-being. (Library of Congress Image no. 3b53018r)

Significant differences existed between the lives of typical Oregon women living in the city and those residing in rural areas. Yet, in general, they lived in a male dominated society. By today's standards, Oregon women had few legal rights. But while women exercised limited legal and political power, they certainly held significant moral power in traditional society. Developing out of the rise of the middle class many decades earlier, the "cult of domesticity" saw women as the keepers of the home and the family's moral well-being. This societal ideal viewed the outside world where the husband worked as corrupt and full of temptations.

In contrast, the wife oversaw a domestic world focused on piety, purity and submissiveness. She was expected to maintain a cheerful and peaceful home that would keep her husband away from the evils of the larger world and would provide her children with a sound moral upbringing. Homes and families

across Oregon, particularly middle-class Portland homes, adhered to this ideal well into the 20th century. But in the last decades of the 1800s, pioneers such as Abigail Scott Duniway fought tirelessly for an expansion of women's rights. Women's suffrage, or the right to vote, formed the centerpiece of the effort, which finally passed a state vote in 1912. [Footnote 5](#)



Many Chinese laborers worked in salmon canneries such as the one advertised on this 1885 Astoria trademark label. They also worked mining areas abandoned by whites. (Oregon State Archives trademark image no. 190)

Minorities saw few of the gains registered by women in the late 1800s. Indians, those who survived decimating diseases, were relegated to bleak reservations, the borders of which started shrinking almost immediately. The federal government began allowing white settlement on the Siletz Indian Reservation in 1865, leaving only a fraction of the original land by 1900. Meanwhile, the Dawes Act of 1887 broke up many reservations into individual allotments that were rarely economically viable. Not surprisingly, the law led to disastrous consequences as fraud artists and speculators robbed many Indians of their land, leaving them homeless and destitute. [Footnote 6](#)

With the discovery of gold, Chinese miners moved to eastern Oregon in the early 1860s, resulting in more than 1,600 Chinese living in Baker and Grant counties combined by 1870. Many worked over previously mined areas that were ignored by white miners. Over time, they labored on railroad construction crews and in the salmon canneries of Astoria.

Racism periodically escalated into violence, fueled by ignorance of Chinese customs and resentment over labor competition. This became pronounced in the mid-1880s when rioters drove Chinese out of Oregon City, Salem and other communities. Violence reached its peak in an 1887 Wallowa County incident in which a gang of whites robbed, tortured and murdered 31 Chinese miners. Reflecting the common attitude, one observer later commented that "I guess if they had killed 31 white men, something would have been done about it, but none of the jury knew the Chinamen or cared much about it, so they turned the men loose." [Footnote 7](#)

Blacks were openly unwanted by the overwhelmingly white population of settlers to Oregon as witnessed by the nearly nine to one vote in 1857 against free blacks in Oregon. Out of over 52,000 state residents in the 1860 census, a mere 124 were blacks or mulattoes. Over the decades, those few blacks who quietly managed to make a living in Oregon routinely lived as second-class citizens, both in the eyes of the law and the minds of most Oregonians. They commonly were refused housing as well as access to many businesses such as hotels and cafes.



White society tried to limit blacks and other minorities to unskilled jobs. Even so, small numbers of minorities eventually made inroads into professions, especially in Portland. (Image courtesy antiquebottles.com)

In time, the dominant white society saw only certain jobs as acceptable for blacks. These generally included menial labor such as cleaning stables and some types of service work such as shining shoes. In spite of the hurdles, by the early 1900s small numbers of blacks were making inroads as doctors, lawyers and businessmen. Others, particularly in Portland, opened restaurants, barber shops and stores serving a growing, and culturally rich, inner city black community. Still, in 1900 barely over 1,000 blacks lived in the entire state. They continued to be as unwanted in 1900 as they were in 1857. [Footnote 8](#)

Abigail Scott Duniway

Abigail Jane Scott was born and raised on a family farm near Groveland, Illinois. Her parents, John Tucker Scott and Anne Roelofson, led the family on the Oregon Trail in 1852. Tragically, her mother and youngest brother died along the route. Abigail, age 17, recorded the difficult crossing in her journal.

She taught school in Cincinnati (Eola), Oregon before marrying Benjamin C. Duniway in 1853. Her husband's crippling accident in 1862 required Abigail to provide the sole support for her family, which included several children. She responded by teaching school and operating a women's hat shop in Albany, Oregon for several years. The experience heightened Duniway's awareness of the legal inequalities endured by women.

The Duniway family moved to Portland in 1871 after Benjamin accepted a job at the U.S. Customs Service. Abigail began publishing the *New Northwest*, a weekly newspaper that ran from 1871 to 1887 and demanded equal rights for women. In 1873 she helped found the Oregon State Women Suffrage Association. Duniway lectured regularly around the Pacific Northwest and elsewhere. Her efforts as leader of the campaign for women's voting rights in the region helped women get the vote in Idaho in 1896, Washington in 1910 and Oregon in 1912. Interestingly, Abigail's brother, Harvey W. Scott, publisher of the *Portland Oregonian* newspaper, was an outspoken opponent of women's suffrage.

Duniway died in 1915, a year after writing her life story in *Path Breaking*. She also authored two other novels and a book of poems.

[Footnote 9](#)

Notes

1. Oregon at War: World War I and the Oregon Experience," Oregon State Archives Web Site, viewed July 18, 2007. <http://sos.oregon.gov/archives/exhibits/ww1/Pages/before-interact.aspx>
2. Ibid.
3. Ibid.
4. Ibid.
5. Ibid., <http://sos.oregon.gov/archives/exhibits/ww1/Pages/before-striving.aspx>
6. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 112.
7. Ibid., 108-109.
8. "Oregon at War: World War I and the Oregon Experience," Oregon State Archives Web Site, viewed July 18, 2007.
9. <http://sos.oregon.gov/archives/exhibits/ww1/Pages/before-striving.aspx>
10. "Notable Oregonians: Abigail Scott Duniway," Oregon Blue Book Web Site, viewed July 18, 2007. <http://sos.oregon.gov/blue-book/Pages/explore/notable/duniway.aspx>



Abigail Scott Duniway lived a very eventful life from the Oregon Trail to the struggle for women's rights.

Oregon Secretary of State

Oregon Railroads in the Late 1800s



The steamboat *Beaver* on the Willamette River in circa 1875. (Image no. 7993 courtesy Salem Public Library)

Many pioneer Oregonians held a longstanding and deep distrust of technology and corporations. Matthew Deady railed against both (see the [Trouble with Corporations](#) page)

during debates in the 1857 Oregon Constitutional Convention. But most also recognized progress was inevitable and had to be managed to enhance rather than threaten the rural character of the agrarian ideal. In this regard, the last decades of the 1800s produced mixed results. Both technology and corporations brought marvelous advances as well as exploitation to Oregonians. And no other industry embodied the promises and bitter disappointments of the period better than the railroads.

Developing Oregon's Railroads

The influx of increasing numbers of settlers to Oregon brought the economic need for better transportation. Roads that existed were mostly primitive—plagued by mud in the winter and choked by dust in the summer. A growing number of steamboats plied the Columbia and Willamette rivers in the 1850s, but supporters of increased development called for a more comprehensive transportation system. William Watkins, for example, lauded in 1857 the "tangible modern benefits of liv[ing] in a country of plank roads and telegraphs, canals and railroads" as part of a more prosperous future Oregon. [Footnote](#) ¹



An Oregon & California Rail Road locomotive in Ashland. (Image no. 4542 courtesy Salem Public Library)

Railroads in particular offered the hope of low cost year-round transportation. In 1868, bold and colorful entrepreneur Ben Holladay took up the challenge of connecting Oregon to the Union Pacific transcontinental railroad nearing completion to California. His aptly named Oregon & California Rail Road (O&C) managed to complete the route from Portland south to Roseburg by 1872 before shaky finances and high expenses halted progress. However, even without a connection to the

transcontinental railroad, the Oregon economy benefited as Willamette Valley farmers finally had an efficient link to Portland's seaport. Construction on the O&C line resumed in 1882 and, under the control of the Southern Pacific Company, finally reached the California border and a connection to the transcontinental line in 1887.



By the early 1880s, Henry Villard was one of the most important railroad promoters in the country.

Meanwhile, work was progressing on a railroad to the east of Portland in a race to get a transcontinental connection before James J. Hill and the Great Northern Railway reached rival Seattle. Financier Henry Villard led a group of investors with the Oregon Railway and Navigation Company (OR&N) in the purchase of the Oregon Steam Navigation Company and its existing tracks, giving it a partial route along the Columbia River. By 1883 Villard had gained control of the Northern Pacific and created a link with the OR&N, thus completing the first Oregon transcontinental connection. A master at the intricate chess match of railroad investment and construction, a year later Villard's Oregon Short Line Railroad made a second transcontinental connection to the Union Pacific line in Wyoming, thus branching to the southeast.

Ben Holladay and the Railroad

Ben Holladay moved to California in 1852 where he made a profit in high finance and became known as the "Stagecoach King" for his operation of stage and express routes. By the spring of 1864 Holladay had acquired a dominant portion of the stage, mail and freighting business between the Missouri River and Salt Lake City. He controlled 2,670 miles of stage lines and was among the largest individual employers in the United States.



Holladay made his name early as the "Stagecoach King." (Image courtesy Kansas City Public Library)

Holladay sold his routes to Wells Fargo Express in 1866 for 1.5 million dollars and moved to Oregon where he soon became involved in a competition to build a railroad south along the Willamette River. In 1868 ground was broken for routes along both the east and the west sides of the river. Holladay's "Eastsiders" completed 20 miles of track before the competition, which subsequently sold out to him. He won a federal subsidy and built the Oregon and California Railroad as far south as Roseburg before the Panic of 1873 financial crisis stopped the effort. In 1876 Henry Villard took over the railroad.



Holladay entertained extravagantly and kept several homes.

At his peak he entertained lavishly and spent a great deal of money in an unsuccessful bid for a seat in the U.S. Senate. In contrast to his youth growing up in a log cabin, by the age of 50 Holladay maintained mansions in Washington D.C., on the Hudson River in New York and in Portland. He also kept an elaborate "cottage" at Seaside, Oregon. In spite of these efforts, Holladay was disliked by many who described him as crude and semiliterate. He spent the last years of his life involved in a number of lawsuits related to his complex financial holdings and died in Portland on July 8, 1887 at age 68. Footnote6

Growth Predictions Hold True

In many ways, railroads delivered the progress developers predicted. Tracks were soon carrying tons of Oregon wheat to other markets. In Linn County alone, the railroad triggered a 250% jump in wheat production from 1870 to 1877. Over time, farmers in other areas of the state responded to the enhanced access to new markets by increasing the amount of land put into production. Railroads carried new and expensive machinery from factories in the East and Midwest to Oregon farmers who in turn became more specialized and profit oriented. As a result, manufacturing in the state grew and diversified in and around agricultural communities as well. While wage laborers still represented a small percentage of the state's population, the number of Oregonians working in manufacturing skyrocketed by nearly 400% in the 1880s. Lumber mills benefited from the need for railroad ties and trestles. Railroad repair shops, woolen mills and flour mills often followed the lumber mills. Numerous spur lines carried freight and trade farther into previously economically and socially isolated areas. [Footnote 2](#)

Once the transcontinental lines were completed, more migrants from the eastern U.S. and Europe came to Oregon—enticed by railroad literature advertising cheap land prices and boundless economic possibilities. Both the Union Pacific and Northern Pacific railroads sold property along their routes to settlers and businesses who would eventually need to use the railroads to ship products. Thus, railroads dispensed countless acres of free land from Congress at a reasonable price in essence to create a growing and largely captive market. The strategy worked as Oregon's population grew from 90,000 in 1870 to over 413,000 just thirty years later. Portland exemplified the growth. From 1880 to 1900, its population soared from 17,500 to 80,871. [Footnote 3](#)



Oregon lumber mills benefited from huge orders for railroad ties and trestles. (Image courtesy steaminthewoods.com)

Persistent Problems



Roseburg saw a shift in the proportion of wealth and land ownership to the more well-off after the arrival of the railroad. Shown above is an 1877 view of Roseburg's Metropolitan Stagecoach Inn. (Image no. 12060 courtesy Salem Public Library)

But the changes carried by the new railroad tracks did not benefit everyone. Some towns were left behind when railroad alignments bypassed them. Once thriving Jacksonville fell into economic decline after the O&C Rail Road decided to run the line several miles to the east through Medford. Eventually, Jacksonville lost the county seat to Medford, an acknowledgement of the economic and political power shift. Even the attitudes of people in those areas directly served by railroads sometimes soured as the lofty promises failed to materialize for everyone. Critics charged that railroads discriminated between communities and between large and small shippers. Many small farmers and businessmen, feeling increasingly gouged by

what they considered to be monopolistic railroad practices, complained bitterly. [Footnote 4](#)

The divide between the haves and the have-nots seemed to grow in railroad towns. For example, the richest 10 percent of Roseburg residents owned 44 percent of the town's wealth in 1866. Within eight years of the arrival of the O&C Rail Road in 1872, that same 10 percent of the residents controlled 63 percent of the wealth. The proportion of people owning land in the town also dropped during the period. Indeed, quite unlike the idealistic Oregon vision of small local corporations formed for the benefit of the community, the railroads were huge entities, replete with layers of holding companies and controlled by eastern capitalists focused on the goal of extracting profit. Disillusioned by the perceived unfairness and

corruption brought by the railroads, many farmers and workers organized into unions and other organizations to struggle for change. Their efforts would be part of a nationwide populist movement that would begin decades of economic and political struggle between capital and labor, a central theme of American history in the late 1800s and early 1900s. [Footnote 5](#)

Notes

1. Carey, *Oregon Constitution*, 242.
2. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 98-100.
3. Gordon B. Dodds, *Oregon: A Bicentennial History* (New York: W.W. Norton & Company, 1977) 138.
Ibid.; David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 98.
4. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 98-99.
5. "Notable Oregonians: Ben Holladay," *Oregon Blue Book* Web Site, viewed July 18, 2007. <http://sos.oregon.gov/blue-book/Pages/explore/notable/holladay.aspx>

Oregon Secretary of State

Oregon Economic Mainstays in the Late 1800s



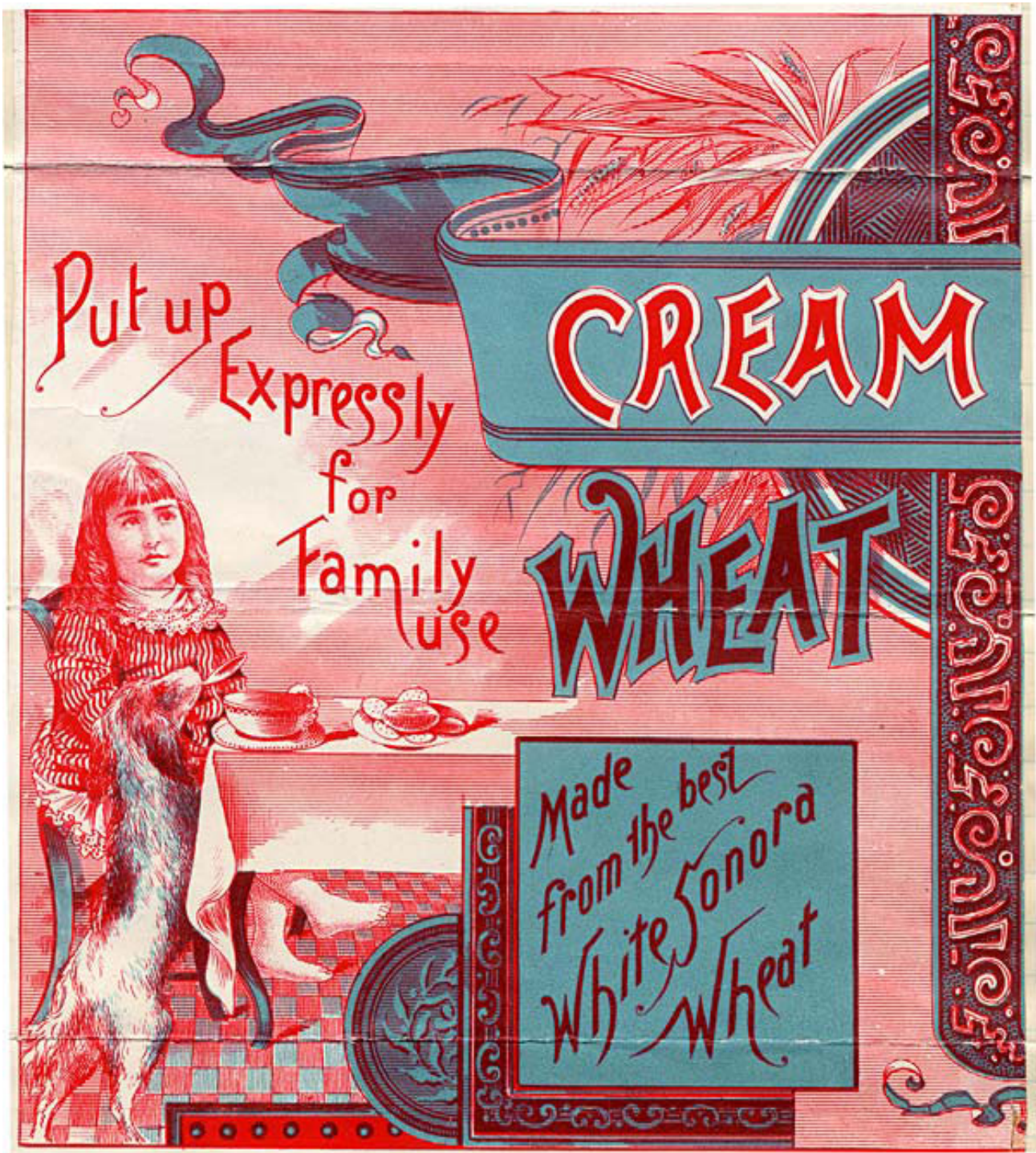
Advances in technology, such as this steam-powered tractor, helped Oregon farmers put more acreage into production. (Image courtesy Salem Online History)

Railroads transformed the Oregon economy in the late 1800s by bringing more people, cheaper shipping and more efficient technology to many existing industries. During this period, farming remained a mainstay of the economy as the acreage and productivity climbed. Other industries were dominated by distant companies seeking to extract as many products as cheaply as possible. Thus, lumbering, mining and fishing created local jobs for workers who found themselves at the whim of the boom and bust economic cycles that plagued the nation. Moreover, once the lumber, ore, or fish were extracted, the companies would often abandon the area for new opportunities, leaving both communities and the environment to fend for themselves.

Farming and Ranching

Despite the inequities and corruption brought to some farmers by railroads, farming generally grew and prospered in the last decades of the 1800s. Railroads carried heavy and bulky equipment such as horse-drawn cultivators and steam-powered threshers from factories in the East and Midwest to Oregon, allowing farmers to greatly expand the number of acres in production. Large portions of the original 320 and 640 acre land grants from the 1840s and 1850s that many farmers previously held in reserve were now falling under the plow in an increasingly mechanized and specialized market. Western Oregon saw the planting of a wider range of crops such as hops for beer brewing, flax for making linen and hemp for rope and paper. Thousands of acres were dedicated to orchards producing prunes, walnuts, filberts and other fruit and nut crops. Footnote 1

Eastern Oregon farmers also saw growth based on the railroads. Hoping to capitalize on a captive market, some farmers followed gold miners to eastern Oregon in the early 1860s, only to suffer when the mines played out in the late 1860s and 1870s. But with the construction of the railroad through the Columbia Plateau in the late 1870s, a booming wheat farming region took root.



Wheat farming boomed in eastern Oregon after railroads provided access to the Columbia Plateau. Shown above is a trademark label for cream wheat produced by Oregon's Marion Ehrinan & Company in 1887. (Oregon State Archives trademark image no. 217)

The climate, soil and proximity to the railroad all favored growth. Soon branch line railroads added further access—Umatilla County alone boasted more than 200 miles of track in 1893. Other areas of the wheat belt also benefited, stretching west to the Sherman County wheat farms surrounding Grass Valley, Shaniko, and Moro. The large and flat or gently rolling farms of the Columbia Plateau showcased the potential of new agricultural machines. By the 1890s most wheat in the region was threshed by steam-powered machines that were transported from farm to farm by commercial operators. New towns developed to serve the local farm families and a growing number of transient farm and ranch laborers

with stores, grain warehouses and saloons. [Footnote 2](#)



Tax money from wheat farming and cattle ranching helped finance this 1889 Umatilla County Courthouse. (Oregon State Archives image no. OAE0026)



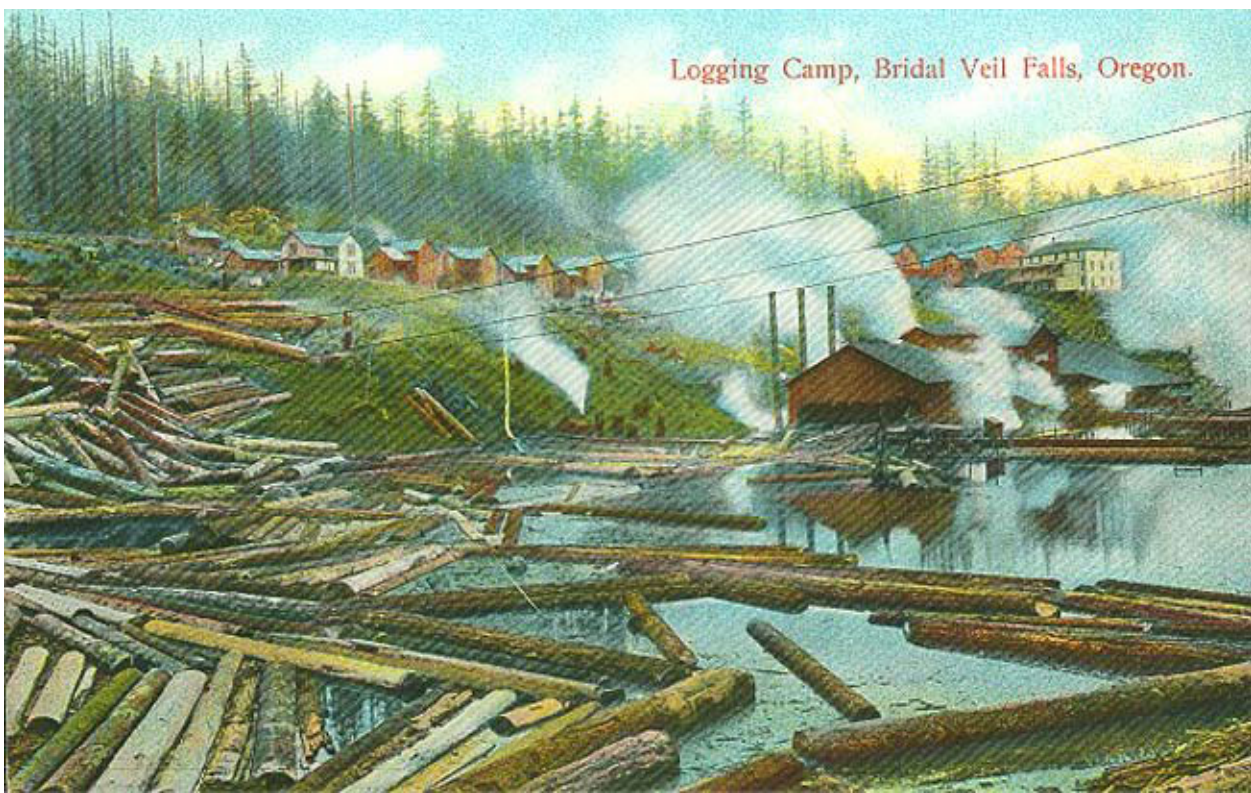
Peter French

With more farmers, ranchers and shepherders moving onto the public land of central and eastern Oregon, conflicts were bound to arise. In the 1860s cattle ranchers moved into eastern Oregon to provide meat for the thousands of gold miners. But by the early 1880s, sheep ranches were setting up on land the cattle ranchers previously had to themselves. Claiming the sheep ruined the grazing land by cropping the grass too short, many cattle ranchers routinely shot sheep on sight, a practice that obviously raised tensions. In the last years of the century, owners of huge ranches in Harney County quarreled with new small farmers and ranchers over the right to use the land. The large ranchers claimed the newcomers were destined to fail in an environment naturally suited for large ranches. The small farmers and ranchers countered that the cattle barons were monopolizing more land than they had a right to.

The fight included a flurry of lawsuits in the 1890s before coming to a violent head when homesteader Edward Oliver shot and killed an unarmed cattle baron named Peter French. Fellow settlers sitting on the jury quickly found Oliver not guilty, ruling that French had died of "natural causes"—a bullet to the head. [Footnote 3](#)

Extraction Industries

Logging, mining and fishing experienced increased mechanization in the late 1800s. Although not approaching the heights of production the industry would see in the 20th century, logging productivity grew as steam locomotives moved down new narrow-gauge tracks into previously inaccessible areas. Stationary engines with winches, called steam donkeys, were used to yard logs from the stump to the railway where they could be hauled to a steam-operated mill. Increasingly large lumber mills used expensive new equipment designed to rationalize the process and boost production, running multiple band saws all day long to cut the huge old growth timber. By the 1890s, Oregon was shipping a large portion of its export timber by railroad as opposed to steamship. The lumber provided building material for a rapidly growing U.S. population, including the midwestern centers of Denver, Omaha and St. Louis. But new industrial techniques favored clear-cut practices in which nearly all trees were removed or damaged. The bare hillsides were left to the ravages of erosion. Moreover, the clear-cutting removed riparian cover, causing stream temperatures to rise dangerously high for fish. Likewise, splash dams that were used to float logs out of forests damaged salmon runs by blocking access to spawning grounds and scouring important habitat. [Footnote 4](#)



A postcard image of Bridal Veil Falls logging camp. (Image courtesy iinet.com)

Gold discoveries in eastern Oregon's Blue Mountains beginning in 1861 brought boom times as tens of thousands of miners streamed into the region hoping to strike it rich. Auburn, now a ghost town, grew almost instantly to 5,000 people. Canyon City ballooned to 5,000 people as well. Baker City, spurred early on by mining and later by the building of the railroad, gained a reputation by the 1890s as the "Denver of Oregon." During this period, it was one of the more colorful towns in the Pacific Northwest as miners, ranchers, cowboys and shepherders mingled with gamblers and dance hall girls. By 1900 it was the trading center for a vast region and the largest city between Salt Lake City and Portland. As the placer or surface mining waned, new and more expensive equipment was needed to extract gold ore efficiently. In the process, lone prospectors were replaced by mining crews working for large companies. While creating great wealth for some, mechanized mining used techniques that were disastrous to the environment. Hydraulic mining washed away entire hillsides and sent massive amounts of sediment into previously pristine streams. Mercury used in the mining process poisoned streams. Meanwhile, miners stripped hillsides of trees that were used to shore up mine shafts.

The denuded landscape allowed tons of debris to run into streams. [Footnote 5](#)



A water cannon blasts rocks from hillsides for gold mining. (Image courtesy Online Archive of California)

Salmon fishing and canning also took advantage of new machinery and techniques in the last decades of the 1800s. While salmon canneries operated on the Umpqua, Nestucca and other coastal rivers, the most production came from those along the mighty Columbia River. After a modest start in 1866, cannery production quickly ramped up to serve markets in the eastern U.S. and Europe. By 1883 there were 55 canneries operating on the lower Columbia River alone, all profiting from the fact that canned salmon could be shipped long distances and sold at prices attractive to working-class families. Feeding the canneries were several efficient methods of "mining" the fish from the river during the annual salmon runs. Equipment included fish traps, seines and gill nets, but the fish wheels proved to be the most ingenious—and destructive. These were water-powered nets that automatically scooped up salmon and funneled them into the wheel before dropping them into a holding bin. The methods were so efficient that catches of the valuable Chinook salmon peaked by 1883, presaging the massive declines of salmon generally early in the next century.^{Footnote 6}



A postcard image of a fish wheel on the Columbia River. Fish wheels were so efficient that they depleted salmon runs. (Image courtesy iinet.com)

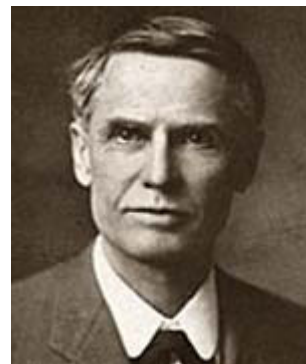
Notes

1. Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 358.
2. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 102.
3. Ibid., 103-104.
4. Ibid., 100, 106-107.
5. Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 359; David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 100-101, 106.
6. "The Oregon History Project : Political and Economic Culture, 1870-1920: New Salmon Markets," Oregon Historical Society Web Site, viewed July 19, 2007. <http://www.ohs.org/education/oregonhistory/narratives/subtopic.cfm?subtopic_ID=53>

Oregon Secretary of State

Forging the Oregon Constitutional Amendment Process

By the 1880s, an increasing number of Oregonians looked for a way to reform the political system so it would "defend a citizen's rights against injustice by powerful corporations." [Footnote 1](#) Rising from Grangerism and steeped in populism, advocates decried the often secret and corrupt government that seemed uninterested in the will of the people. After casting about for effective reform methods, many people settled on the idea of "direct legislation," through a system of initiative and referendum. The effort proved to be a central aspect of the growing progressive movement that put its faith in reason and morality to elevate the political system and correct the worst conditions in the economic and social environment. In the process, the new "Oregon System" made history when voters cast their ballots on the first initiatives ever in a state election.



William U'Ren worked tirelessly to bring direct legislation to Oregon.

"Referendum U'Ren" Forges a Tool

The reformers had their work cut out for them. The Oregon Constitution had not been amended in the decades since the 1857 constitutional convention and provisions to do so were politically daunting. But they had an advantage in the person of a Wisconsin blacksmith and lawyer who moved to Oregon in 1889. Attorney William U'Ren, a quiet, contemplative man, was nevertheless determined to change public participation in Oregon government. He found his calling in the ideas of James W. Sullivan, author of the 1892 book entitled *Direct Legislation by the Citizenship Through the Initiative and Referendum*. U'Ren later commented on his new reform work from the unique perspective of his old trade:



Blacksmithing. (Image courtesy dderrick.typepad.com)

Blacksmithing was my trade and it has always given color to my view of things. I wanted to fix the evils in the conditions of life. I couldn't. There were no tools. We had tools to do almost anything with in the blacksmith shop; wonderful tools. So in other trades, arts and professions...in everything but government.

In government, the common trade of all men and the basis of social life, men worked still with the old tools, with old laws, with institutions and charters which hindered progress more than helped. Men suffered from this. There were lawyers enough, many of our ablest men were

lawyers. Why didn't some of them invent legislative implements to help people govern themselves: Why had we no tool makers for democracy? [Footnote 2](#)

The political system of 1890s Oregon was inhospitable for a reformer to attempt to forge the tools of direct legislation. But U'Ren managed to get elected to the legislature as a member of the Populist Party in 1897 and resolved that, no matter how distasteful, he would co-opt the rules of the existing system to bring about change. When he was warned that all of his wheeling and dealing might send him to purgatory, U'Ren retorted: "I'd go to hell for the people of Oregon!" At another point, he underscored his determination and maintained the dark metaphor by proclaiming that

"I am going to get the Initiative and Referendum in Oregon if it costs me my soul." [Footnote 3](#)

The "Holdup of '97"

U'ren shrewdly exploited divisions within Oregon's dominant Republican Party machine. He first tried to make a deal with Oregon's powerful Republican U.S. Senator John Mitchell to deliver the 13 Populist Party votes in the legislature to Mitchell's reelection bid (until 1906 the legislature rather than the voters elected U.S. senators). When Mitchell confidently backed out of the deal, U'Ren turned to Mitchell's former ally and new Republican opponent, Representative Jonathan Bourne for an alliance. In what became known as the "Holdup of '97," U'Ren, Bourne and others forged a coalition that blocked the Oregon House of Representatives from meeting because of lack of a quorum. Bourne got what he wanted when Mitchell was denied reelection (the seat in Congress was vacant for a year and a half). U'Ren then toned down some of his more radical rhetoric

and reached out to more mainstream elements, thereby gaining first passage of the initiative and referendum process in the 1899 legislature. [Footnote 4](#)



Jonathan Bourne allied with U'Ren against Mitchell's allies to block a quorum and prevent the 1897 Oregon House of Representatives from meeting.



Oregon's U.S. Senator John Hipple Mitchell was politically outmaneuvered in the "Holdup of '97."

He still had one more legislative hurdle since under the Oregon Constitution, amendments had to be passed by two consecutive legislatures. By the next session, the politics had shifted even more in his favor as the progressive movement was gaining strength. The 1901 legislature passed the amendment with only one dissenting vote and the next year the voters ratified it by an 11 to 1 margin, 62,024 to 5,668. [Footnote 5](#)

The Oregon System of Direct Legislation

The system voters approved made it much easier to amend the constitution. Functionally, the initiative allowed petitioners to *initiate* legislation directly to a vote of the people while the referendum allowed petitioners to *refer* a newly enacted law from the legislature to the voters for final approval. Initiatives could address either constitutional or statutory provisions. The number of signatures required to qualify an initiative to the ballot was based on the number of the votes cast for justice of the Supreme Court. It was set at 8% for both constitutional amendments and statutory enactments. The number of signatures required to qualify a referendum to the ballot was set at 5%. In 1954, the people amended the Oregon Constitution to increase to 10% the number of signatures required for a constitutional amendment.

[Footnote 6](#)

Current System

The current requirements were established by a vote of the people in 1968. To place an initiative or referendum on the ballot, supporters must obtain a specified number of signatures from registered voters. The number required is determined by a fixed percentage of the votes cast for all candidates for governor at the general election preceding the filing of the petition. In the 2014 general election, 1,381,772 votes were cast for governor.

- Referendum petitions require 4%, or 58,789 signatures.
- Initiative petitions for statutory enactments require 6%, or 88,184 signatures.
- Initiative petitions for constitutional amendments require 8%, or 117,578 signatures. [Footnote 7](#)



U'Ren's efforts dovetailed with other Progressive Era reforms, such as the creation of the *Oregon Blue Book*, which was designed to help inform the public about government.

U'Ren's Legacy

For the first time since its creation in 1857, the Oregon Constitution was amended with the 1902 vote on initiative and referendum. This opened the floodgates to additional progressive legislation in the next 10 years including the direct primary in 1904, the direct election of U.S. senators in 1906, the recall of public officials in 1908, the presidential preference primary in 1910 and woman's suffrage in 1912. By continuing to exercise U'Ren's legacy of direct legislation, Oregon voters made direct and significant impact on the actions of the legislature and state government.

[Footnote 8](#)

Notes

1. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 128.
2. David D. Schmidt, *Citizen Lawmakers: The Ballot Initiative Revolution* (Philadelphia: Temple University Press, 1989) 262.
3. *Ibid.*, 263; David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 129.
4. Gordon B. Dodds, *Oregon: A Bicentennial History* (New York: W.W. Norton & Company, 1977) 163-166; Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2007) 363.
5. *Ibid.*
6. David D. Schmidt, *Citizen Lawmakers: The Ballot Initiative Revolution* (Philadelphia: Temple University Press, 1989) 3; Carey, *Oregon Constitution*, 441; Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon Election History Section (Salem, Oregon, Oregon Secretary of State, 2007) 290.
7. Oregon Secretary of State, *Oregon Blue Book 2015-2016*, Oregon Election History Section (Salem, Oregon, Oregon Secretary of State, 2015) 288.
8. Oregon Secretary of State, *Oregon Blue Book 2015-2016*, Oregon History Section by Prof. Stephen Dow Beckham (Salem, Oregon, Oregon Secretary of State, 2015) 361

Oregon Constitutional Amendments Over the Decades

Voters immediately used the new tool that blacksmith William U'Ren had so skillfully forged for them. Many reform ideas that had persisted in society for decades but had been blocked in the legislature by powerful interests now enjoyed real chances of becoming law. Temperance activists soon had measures on the ballot. Women's suffrage advocates flooded the ballot in the first several cycles of direct legislation. Persistence proved vital for both efforts as women soon became pivotal in many elections after casting their first votes in 1914. Following the initial surge of initiatives during the reform-minded Progressive Era, use of the initiative ebbed and flowed depending on the times. By the 1990s a potent resurgence of the process would have a profound influence on government in Oregon.

Women and Minorities

One of the first initiative measures to go before voters sought to give women the vote. But while many voters were in a reform mood, they weren't quite ready to see women voters. Indeed, advocates of women's suffrage faced powerful foes. Saloon and liquor interests feared women voters would provide enough votes to enact prohibition. A 1906 suffrage initiative was defeated by a vote of 47,075 to 36,902. But the new direct legislation process put no limits on the number of times reformers could go back to voters with the same issue. Once again the measure made it to the ballot in 1908 and again voters dismissed it, this time by a larger margin of 58,670 to 36,858. Undaunted, supporters tried a compromise measure in 1910 that would give the vote only to female taxpayers but that vote went down by a similar amount. Finally, voters narrowly approved women's suffrage in 1912 by a vote of 61,265 to 57,104. After decades of struggle, 79-year-old women's rights leader Abigail Scott Duniway handwrote the proclamation that Governor Oswald West signed to finally give half the population the vote.

[Footnote ¹](#)

Minorities also benefited, eventually, from the initiative process. The provision in the 1857 Oregon Constitution prohibiting blacks and mulattoes from living in Oregon—rendered moot by the U.S. Constitution in the wake of the Civil War—would remain in the Oregon Constitution until voters finally repealed it in 1926. The next year Oregon voters repealed the constitutional prohibition on blacks, mulattoes and "Chinamen" from voting. They had defeated a similar repeal measure by less than 700 votes out of more than 200,000 cast in a 1916 election. [Footnote ²](#)

President Teddy Roosevelt took a leading role in the Progressive Era. Among other reforms he championed, Roosevelt fought against corporate monopolies and for consumer and environmental protections.



Abigail Scott Duniway (right) arrives to vote in Portland for a 1914 election. (Marion County Historical Society Image)

Abigail Scott Duniway worked for decades to help secure the vote for women in Oregon as well as in neighboring Washington and Idaho. She was honored as the first woman to vote in Oregon.



The Oregon women's suffrage proclamation written in Duniway's own hand:

Proclamation
State of Oregon - Executive Department,
Salem, Oregon, November 30, 1912.

Whereas: The women of Oregon, after long and patient effort, have persuaded the men of the State to place them upon a footing of potential equality by granting to them the right of suffrage through an amendment to Section 2 of Article 11 of the Constitution of the State; and, Whereas: Pursuant to the provisions of law, the Secretary of State of the State of Oregon in the presence of the Governor of the State of Oregon, did on the ^{29th day of November 1912} canvass the official election returns for the general election held in the State of Oregon on Tuesday the fifth day of November, 1912; and, Whereas: It appears from the said official canvass that the following ^{measure} has been approved by a majority of the electors of the State of Oregon who voted thereon:

"Section 2 of Article 11 of the Constitution of the State of Oregon shall be and hereby is amended to read as follows:

"Section 2. In all elections and elections provided for by this Constitution, every citizen of the United States, of the age of ^{have} twenty-one years and upwards, who shall, ^{reside} in the State during the six months immediately preceding such election, and every person of foreign birth of the age of twenty-one years and upwards, who shall have resided in this State during the six months immediately preceding such election, and shall have declared his or her intention to become a citizen of the United ^{States} one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law."

And Whereas: The above quoted amendment, at the mentioned election received 61,268 affirmative and 57,118 negative votes,

Now, therefore, I, Oswald West, Governor of the State of Oregon, by virtue of the authority in me vested, and in obedience to the provisions of Section 9 of Chapter 226 of the General Laws of Oregon for the year 1907, do hereby make and issue this proclamation to the people of the State of Oregon, ^{that the said amendment} ~~announcing~~ to Section 2 of Article 11 of the Constitution of Oregon, is now, and hereafter shall be, in full force and effect as a part and portion of the Organic Law of the State of Oregon.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the State of Oregon to be hereunto affixed on this 30th day of November 1912.



Attest: W. H. Olson,
Secretary of State.

Oswald West

Governor.

The above is transcribed by
Abigail (Dora) Durrin
in her 72nd year.



Oregon State Archives
800 Summer St. NE, Salem, OR 97310
sos.oregon.gov/archives

Women's Suffrage Proclamation 1912

Transcribed by Abigail Scott Duniway in her 79th year.

Proclamation
State of Oregon--Executive Department,
Salem, Oregon, November 30, 1912

Whereas: The women of Oregon, after long and patient effort, have persuaded the men of the State to place them upon a footing of political equality by granting to them the right of suffrage through an amendment to Section 2 of Article 11 of the Constitution of the State; and,

Whereas: Pursuant to the provisions of law, the Secretary of State of the State of Oregon in the presence of the Governor of the State of Oregon, did on the 29th day of November 1912 canvass the official election returns for the general election held in the State of Oregon on Tuesday, the fifth day of November, 1912; and,
Whereas: It appears from the said official canvass that the following measure has been approved by a majority of the electors of the State of Oregon who voted therein: "Section 2 of Article 11" of the Constitution of the State of Oregon shall be and hereby is amended to read as follows:

"Section 2. In all elections not otherwise provided for by this Constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, and every person of foreign birth of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, and shall have declared his or her intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law."

And Whereas: The above quoted amendment, at the mentioned election received 61,265 affirmative and 57,104 negative votes. Now, therefore, I, Oswald West, Governor of the State of Oregon, by virtue of the authority, in me vested, and in obedience to the provisions of Section 9 of Chapter 226 of the General Laws of Oregon for the year 1907, do hereby make and issue this proclamation to the people of the State of Oregon, and vowing that the said amendment to "Section 2" of Article 11 of the Constitution of Oregon, is now, and hereafter shall be, in full force and effect as a part and portion of the Organic Law of the State of Oregon.

In witness whereof, I have hereunto set my hand, and caused the Seal of the State of Oregon to be hereunto affixed this 30th day of November 1912.

OSWALD WEST,
Governor.

Attest: BEN W. OLCOTT,
Secretary of State.

PROCLAMATION.

STATE OF OREGON ----- EXECUTIVE DEPARTMENT.

Salem, Oregon, November 30, 1912

WHEREAS, the women of Oregon, after long and patient effort, have persuaded the men of the State to place them upon a footing of political equality by granting to them the right of suffrage, through an amendment to Section 2 of Article II of the Constitution of the State; and,

WHEREAS, pursuant to the provisions of law, the Secretary of State of the State of Oregon, in the presence of the Governor of the State of Oregon, did on the 29th day of November, 1912, canvass the official election returns for the general election held in the State of Oregon on Tuesday, the fifth day of November, 1912, and,

WHEREAS, it appears from the said official canvass that the following measure has been approved by a majority of the electors of the State of Oregon who voted thereon:

"Section 2 of Article II of the Constitution of the State of Oregon shall be and hereby is amended to read as follows:

"Section 2. In all elections not otherwise provided for by this Constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, and every person of foreign birth of the age of twenty-one years and upwards, who shall have resided in this State during the six months immediately preceding such election, and shall have declared his or her intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law".

And, WHEREAS, the above quoted amendment, at the mentioned election received 61,265 affirmative and 57,104 negative votes,

NOW, THEREFORE, I, Oswald West, Governor of the State of Oregon, by virtue of the authority in me vested; and in obedience to the provisions of Section 9, of Chapter 226 of the General Laws of Oregon for the year 1907, do hereby make and issue this proclamation to the people of the State of Oregon, announcing that the said amendment to Section 2, Article II of the Constitution of Oregon, is now, and hereafter shall be, in full force and effect as a part and portion of the organic law of the State of Oregon.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Oregon to be hereunto affixed on this 30th day of November, 1912.



Oswald West
Governor

Attest: *W. M. Chiles*
Secretary of State

Prohibition

Saloon and liquor interests had reason to worry about giving women the vote. Both sides of the liquor debate offered well-worn arguments. Supporters of prohibition envisioned a society with less crime, domestic abuse, neglect and accidents. They predicted that, with the proper guidance, people whose lives had revolved around saloons and drinking would be transformed into better spouses, parents and workers. Freed from the debilitating effects of alcohol, these people would rise to a higher moral plane and become more productive citizens. As a result, the nation would grow stronger. Industries and individuals standing to lose from prohibition mounted a spirited counteroffensive. They cited the economic hardship that would come to farmers of such liquor-related crops as wheat, potatoes and hops. Owners and employees of breweries, distilleries, saloons and associated businesses also foresaw doom. Some opponents predicted that a criminal element and black markets would fill the void left by the loss of legitimate businesses related to liquor. [Footnote 3](#)



A Women's Christian Temperance Union axe breaks through a door in an attack on the liquor industry, represented by various Oregon agricultural products that would be harmed by prohibition. This portion of a 1913 cartoon is from a Salem Welfare League broadside opposing prohibition. (Colorized. Original image courtesy Oregon State Library subject vertical files on Prohibition)



Activists other states worked for women's suffrage in the years before the 19th Amendment to the U.S. Constitution finally gave women the vote nationally in 1920. (Ohio Historical Society Image)

In their first general election, female voters proved decisive to the 1914 passage of statewide prohibition. Five years prior to national prohibition, the voters of Oregon passed an amendment to the state constitution prohibiting the manufacture, sale or advertisement of intoxicating liquor. In 1915 the legislature, via the Anderson Act, enacted legislation implementing statewide prohibition. The law became effective on January 1, 1916. Less than a year later, in November of 1916, the state's voters defeated a proposed state constitutional amendment to permit the sale of beer. In 1917 the Oregon Supreme Court upheld prohibition in a challenge to the law's constitutionality. Meanwhile, an unrelated measure on the 1914 ballot once again proved the critical role of women voters to the new political reality. Out of over 200,000 votes cast, women helped pass an amendment abolishing the death penalty in Oregon by a mere 157 votes. The balloting on the issue in 1912—before women could vote—was not even close, going down to defeat by nearly 23,000 votes. [Footnote 4](#)

The Ebbs and Flows of the Oregon System

Over the decades, the use of direct legislation varied depending on the mood of the times. Predictably, the number of measures that made the ballot in the early years was high as Oregonians unleashed their pent-up ideas for reform. At the height of the Progressive Era in 1912, the state's voters found 37 measures on the ballot—still a record. Interest soon waned, however, as many succumbed to voter fatigue from facing such a large number of measures. They also expressed frustration with not understanding the complicated issues involved in the measures. Aggravating the problem, ballot titles were limited to 25 words and measure explanations could not exceed 100 words, thus leaving many unanswered questions. In an early backlash against the system, some people simply chose to vote no on all initiatives. The 1914 election saw only four out of 29 measures pass. [Footnote 5](#)

By the end of the Progressive Era, the increasingly apparent limitations of the system caused many voters to be cynical about the tools of initiative and referendum. Use was low in the politically conservative decade after World War I. But desperate Depression Era voters returned to initiatives as a possible way to lessen their misery. The post-World War II period saw a brief spike after the relative dormancy caused by the war. But the 1950s brought another conservative and patriotic period that suppressed use. Oregon's population growth of 40% in the 1940s contributed to the decline in initiative use since it became increasingly logistically difficult for low-budget citizen groups to gather the required number of signatures to make the ballot. The long trend continued into the 1960s when Oregonians voted on only seven initiatives during the entire decade but use rebounded in the 1970s with 17 initiatives and continued its climb in the 1980s when 32 initiatives made the ballot. [Footnote 6](#)

A Modern Resurgence



Bill Sizemore was one of several initiative activists wielding power in the 1990s.

Finally, the 1990 passage of the Measure 5 property tax limitation kicked off a contentious period that extended into the 2000s, with large numbers of polarizing economic and social measures making it to the ballot. Activists such as Don McIntire and Bill Sizemore tapped a deep vein of voter suspicion and discontent with government. Sizemore formed Oregon Taxpayers United in 1994 and used a skillful mix of political organization, fund-raising and public relations to place numerous measures on the ballot. In the process, Democratic establishment politicians, such as Governor John Kitzhaber, were forced to play defense, often considering it a victory simply to block some of the initiatives. [Footnote 7](#)



Democratic Governor Kitzhaber was often forced to play defense against busy initiative activists during the 1990s. (Oregon State Archives image)

By 1998 Sizemore parlayed his mastery of the system into winning the Republican Party nomination to challenge Kitzhaber for governor. Echoing many themes from his initiative campaigns, Sizemore ran on a platform calling for smaller government and no new taxes. But while many Oregonians supported his brand of populism outside of the

government, most were unwilling to put him in the governor's office, sending him to a resounding defeat. [Footnote 8](#) Meanwhile, political commentator Russell Sadler complained,

"self-appointed 'citizen activists'...helped turn Oregon's initiative process into a private, parallel shadow government, bypassing the checks and balances of the legislative process." [Footnote 9](#)

Notes

1. David D. Schmidt, *Citizen Lawmakers: The Ballot Initiative Revolution* (Philadelphia: Temple University Press, 1989) 264; Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon Election History Section (Salem, Oregon, Oregon Secretary of State, 2007) 291-292.
2. Oregon Secretary of State, *Oregon Blue Book 2007-2008*, Oregon Election History Section (Salem, Oregon, Oregon Secretary of State, 2007) 294-296.
3. "Prohibition in Oregon, The Vision and the Reality," Oregon State Archives Web Site, viewed July 19, 2007.
4. Ibid.; David D. Schmidt, *Citizen Lawmakers: The Ballot Initiative Revolution* (Philadelphia: Temple University Press, 1989) 264.
5. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 131.
6. David D. Schmidt, *Citizen Lawmakers: The Ballot Initiative Revolution* (Philadelphia: Temple University Press, 1989) 264-265.
7. David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 274-275.
8. Ibid.
9. "Sadler's Sense: Measure 45, The Way We Never Were," West by Northwest.org Online Magazine, viewed July 19, 2007.

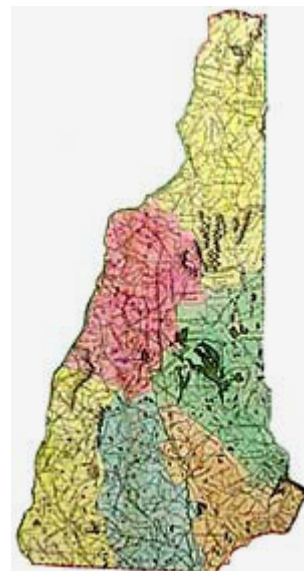
Oregon Secretary of State

Comparisons With Other State Constitutions

The framers of Oregon's constitution, practical and frugal men, copied extensively from the Indiana Constitution and borrowed liberally from other state constitutions. These men were mostly from the states around Indiana so it is to be expected that its constitution would reflect their beliefs about the proper role of government. Other states also borrowed from those that followed the path to statehood before them. Many commonalities surface while taking a broader look at how states have created and maintained constitutions. But many contrasts are apparent as well—for example, while Oregon has held only one convention, New Hampshire has seen 17 spanning from 1776 to 1984.

Holding Conventions

The 50 states held a total of 233 constitutional conventions between 1776 and 2005. Oregon is in the minority in holding only one convention, sharing that distinction with nine other states including several western states such as Idaho, Alaska, Arizona and Wyoming (Washington and California each held two). New Hampshire has company at the other end of the spectrum, with Georgia and Louisiana holding 12 each and Vermont holding 11. Some of this frequency can be attributed to significant constitutional activity in the years following the American Revolution and the Civil War. [Footnote 1](#)



New Hampshire held 17 constitutional conventions from 1776 to 1984, the most of any state. New Hampshire allowed no legislative amendments until 1964. (1822 map image courtesy Grace Galleries)



An increase in state constitutional conventions came with an age of reform ushered in by the presidency of Andrew Jackson. (Image courtesy U.S. Senate)

But the numbers also point to how difficult some states made it to amend the constitution via the legislature or through direct legislation, leaving conventions as the only realistic avenue for change. Tennessee, for example, held five conventions over 23 years ending in 1977 and New Hampshire permitted no legislative amendments before 1964. Louisiana is unique in that its more malleable civil law system is inherited from France rather than England, causing observers to quip that constitutional revision there "has been sufficiently continuous to justify including it with Mardi Gras, football, and corruption as one of the premier components of state culture." [Footnote 2](#)

Convention Trends

Conventions waxed and waned through eras of conservatism and reform and as new states were added to the union. Thus, an initial round of states held conventions in the late 1700s, followed by a relative decline in the first decades of the 1800s. A growing movement to democratize state governments and limit public debt during the reform-minded Jacksonian Era led to another burst of activity as new states drafted inaugural constitutions while others made significant changes to their original charters. [Footnote](#)

The Civil War was at the root of states holding more conventions in the 1860s than any other decade in history. Nearly all southern states held conventions to secede from the United States and join the Confederacy. As the war was winding down, most of these states held conventions to organize provisional governments. Finally, another round of conventions were aimed at rejoining the union, declaring the rights of freedmen and acknowledging federal supremacy. The late 1800s saw conventions related to the admission of a number of western states and the Progressive Era triggered more revisions designed to make direct legislation a reality in many states. The 1960s marked the last significant period in which conventions were held, often targeting inequitable legislative apportionment plans. Most changes after the 1960s have come through the legislative or initiative process. [Footnote 4](#)



The Civil War brought several rounds of state constitutional conventions. Shown above is a young Confederate soldier.

Convention Organization and Process

Oregon followed the most common means of selecting convention participants, holding an election specifically for choosing delegates. But other routes have been taken as well. In the late 1700s, several legislatures resolved themselves into conventions to draft constitutions. Two states in the modern era also used this method. A 1974 Texas convention composed of legislators was held after voters previously approved the arrangement. In contrast, Louisiana legislators dispensed with any public vote and simply made their own decision to resolve into a convention. That 1992 convention has been noted for its "questionable pedigree" and was "regarded by Louisianans as a special legislative session in disguise." While some conventions have been organized on a nonpartisan basis, others have fallen into sharp divisions. Minnesota's only convention, held in 1857, was the most extreme example. Its delegates were so split that they assembled separately in Democratic and Republican conventions. Each convention kept its own record of proceedings and disputes between them were finally resolved in a conference committee. [Footnote 5](#)



Delegate Lansford Hastings wanted to use the U.S. Constitution as a guide during the California Constitutional Convention of 1849. The convention was held in Monterey's Colton Hall, shown above. (California State Capitol Image)

As in Oregon, once a convention started, delegates needed to settle on a model for their state constitution, especially when drafting an inaugural charter. Occasionally, members argued that the federal constitution should be used as the guide, following each article and amending it to state circumstances. Lansford W. Hastings extolled the virtues of the federal constitution during the 1849 convention in California, saying that delegates "were not without a guide; there was one book to which they had access, containing the Constitution adopted by the wisdom of the age in which the framers lived—sanctioned by long experience—pronounced superior to any ever adopted in the known world." But while delegates often drew generally from the U.S. Constitution, they were far more likely to borrow from a state that shared their political culture or had crafted a particularly admired document. Thus, southern states often looked to the Virginia Constitution while northern states emulated the New York Constitution, both widely considered to be well-written. In the end, however, most states chose provisions a la carte from several constitutions. [Footnote 6](#)

Other common convention process questions also shared similarities with those raised at the Oregon Constitutional Convention. For example, delegates in other states often had conflicting views about whether or not to record convention debates. Many argued against recording the proceedings of the conventions. Thomas Laine contended in the California Convention of 1878-1879: “Now, it has been my fortune to wade through a number of constitutional debates, and I have found them, in the main, trashy and worthless.... In my judgment, there is not one man, woman, or child out of every ten thousand that would ever read it.” Those in favor of recording countered that voters should see the delegates’ “motives and influences.” Others noted that the record would serve as a guide for courts in the future in interpreting the constitution and that it would make delegates more careful and weigh their words because they would be preserved for history.



Many conventions in southern states looked to the Virginia Constitution for inspiration. Likewise, northern states admired New York's constitution. Shown above is a George Catlin painting of the Virginia Constitutional Convention of 1830.

Another twist on the debate came from the South where frank discussions about the rights of blacks led to opposition. Thus, J. Thomas Heflin revealed during the Alabama Convention of 1901 that “there will be things done and said in this convention that we do not want the Northern papers to have.”

[Footnote 7](#)

Amending State Constitutions

Before arriving at a method for amending their constitutions, framers typically argued about the relative benefits of rigid or flexible approaches. Those in favor of a more rigid process—similar to the one used with the U.S. Constitution—pointed out that frequent change could threaten government stability and, as James Madison worried, reduce the reverence that citizens had for government. John Clayton lauded the U.S. Constitution as a model when he told the 1831 Delaware Convention that “nothing was further from the thoughts of the framers of the United States constitution than that the work which the[y] had done, should be altered at every popular election. They said that what they had done should not be changed by popular excitement, and the consequence was that our primary institutions were growing stronger as they became more venerable in the eyes of the people.” Put another way, Andrew Gray cautioned his fellow delegates in the Delaware Convention of 1852-1853 that

“a constitution is an instrument which is not to be put on and put off as we would our coats....”

Needless to say, beyond the lofty platitudes extolling the founding fathers, those with entrenched interests such as slaveholding or favorable regional voting inequities generally favored the rigid approach. [Footnote 8](#)



Large numbers of people moving west into the piedmont and mountain regions of Virginia and North Carolina in the early 1800s led to complaints about geographic inequities in legislative power and calls for more flexible state constitutions. (Image courtesy docsouth.unc.edu)

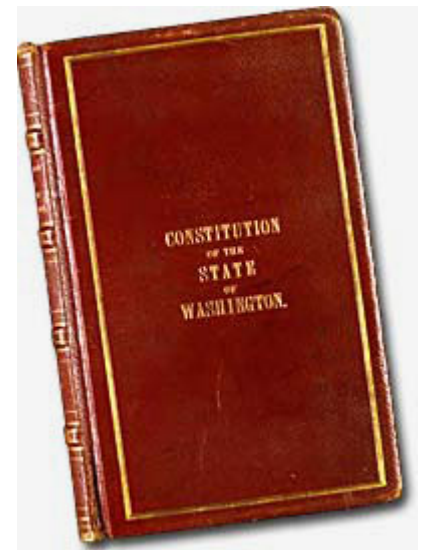
Others argued in favor of allowing constitutions to evolve to better meet the needs and conditions of the times. Proponents of this approach pointed out that a flexible process allowed more equitable distribution of legislative power geographically. This became increasingly important in areas that had experienced significant population shifts. For example, by the 1830s both Virginia and North Carolina had seen population shifts from eastern tidewater counties to western piedmont and mountain counties. Those in the west argued that a more flexible amendment process would allow for correction of inequities in legislative apportionment plans that were routinely blocked in the legislature. During the Kentucky Constitutional Convention of 1890-1891, H.H. Farmer boiled down the argument to an old truism, reminding delegates that “inflexible constitutions are not necessarily the strongest. The willow

will stand the storm when the oak will break.” [Footnote 9](#)

Whether using conventions or the initiative process as the vehicle, states eventually moved toward more flexible approaches to amending constitutions. One method favored periodic conventions because they would empower the people to bypass entrenched interests and gain passage of constitutional changes that the legislature would otherwise block. Speaking at the Maine Constitutional Convention of 1819, Nahum Baldwin wanted to force the issue by submitting a convention question to the voters every seven years, thus not allowing the legislature to shirk their duty. He asked the question: “Is it more safe to trust the people with the right of revising, or to give their rulers unlimited power?” And just as in Oregon, during the Progressive Era many other states looked to direct legislation, through initiative and referendum, as a tonic for commercial and industrial interests that were seen as too powerful and too much in control of legislatures and courts. [Footnote 10](#)

Current Practices

Both the convention and direct legislation methods are still in operation. While all states now allow legislatures to propose amendments to their constitutions, the details vary. Most states empower legislatures to call constitutional conventions, with caveats—usually voters must approve the



Neighboring Washington State's constitution was ratified in 1889. Since adopting the initiative and referendum process in 1912, Washington voters have used direct legislation often. (Image courtesy Washington Secretary of State)

convention and also ratify the results. Fourteen states give citizens an opportunity to vote on whether to call a convention. [Footnote](#) ¹¹

States vary in how they implement the initiative process. Some allow changes to both the state constitution and statutes. Others allow changes to either the constitution or statutes, but not both. Some states have direct initiative processes in which measures that qualify go directly to the ballot, while others have indirect or partially indirect initiatives in which some or all measures are submitted to the legislature first. Some states have waiting periods before defeated initiatives can be resubmitted. With all of the variation, however, the clear trend has been toward more flexible constitutions and more democratic access to the legislative process. Learn more about the initiative process in other states at the [National Conference of State Legislatures](#)

(<http://www.ncsl.org/research/elections-and-campaigns/chart-of-the-initiative-states.aspx>) .[Footnote](#)

Notes

1. John J. Dinan, *The American State Constitutional Tradition* (Lawrence, Kansas: University Press of Kansas, 2006) 7-8, 11.
2. *Ibid.*, 11-12.
3. *Ibid.*, 9.
4. *Ibid.*, 9-10.
5. *Ibid.*, 12.
6. *Ibid.*, 14-16
7. *Ibid.*, 19-25
8. *Ibid.*, 37-41
9. *Ibid.*, 33-37
10. *Ibid.*, 42-53
11. *Ibid.*, 31

Oregon Secretary of State

Oregon Constitutional Convention Delegates Trivia



Thieves and sharpers would swarm into Oregon if slavery were not instituted to protect farming, according to Matthew Deady.

These snippets of trivia describe less well-known aspects of some of the delegates to Oregon Constitutional Convention of 1857 as well as others in the political arena during the period. The trivia shows that imperfect men produced the Oregon constitution—men who often displayed their weaknesses, jealousies and ambitions.

Sharpers, Thieves and Rowdys

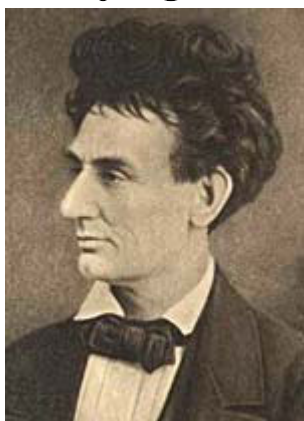
Convention president Matthew Deady argued that slavery in Oregon would protect republican virtue and build a "'high wall and deep ditch'...between us and the tide of New England [abolition] fanaticism...." He went on to say that slavery would help keep the people of Oregon focused on farming the soil "instead of swarming into over grown cities to strive to live by their wits—becoming in some instances purse proud millionaires, but more frequently sharpers, thieves, rowdys, bullies, and

and vagabonds." [Footnote 1](#)

Wandering the Andes

Delazon Smith was appointed by President John Tyler to be U.S. special commissioner to the Republic of Ecuador in the mid-1840s. Smith stayed in the Ecuadorian capital of Quito for a few weeks before disappearing for over a year. Legend has it he wandered the Andes Mountains. His mysterious disappearance earned him the title of "Tyler's lost minister." Others took to calling him "Delusion Smith," a name he carried the rest of his life. [Footnote 2](#)

Studying with Abe Lincoln



Abraham Lincoln helped teach law to delegate David Logan.

Leading anti-Democratic delegate David Logan grew up in Springfield, Illinois where his father was a law partner of Abraham Lincoln. As a teenager, Logan read the law with his father and Lincoln, later passing the bar. The elder Logan and Lincoln then dissolved their partnership in order to bring the son into the law practice. But an apparent falling out over the son's alcoholism blocked the plan and Logan later made his way Oregon. [Footnote 3](#)

Flourishing his Revolver...

A feud between Matthew Deady and David Logan came to a head in 1854 after Deady authored an unsigned letter to a Democratic newspaper reporting a drunken Logan raping an Indian girl in broad daylight on the main street of Jacksonville. Logan, according to Deady, responded by threatening to kill him. A worried Deady soon wrote that "Logan has been beastly drunk and gambling since the first day [of the court session]. We meet every day.... Nothing has passed between us, but when I am not about he flourishes his revolver and says that he will shoot me on the bench." Logan never carried out his threats and never was threatened with prosecution even though Deady claimed there were witnesses willing to testify. [Footnote 4](#)

Have You Seen my Ear Anywhere?

While campaigning for U.S. delegate to Congress in the mining community of Althouse near the California border, former governor Joseph Lane witnessed how liquor could "lubricate the democratic processes." He and political opponent Alonzo Skinner were addressing a citizens' meeting at Ball's saloon and bowling parlor in 1853 when their arguments set off a drunken melee. According to writer Malcolm Clark, "a pair of partisans of the rival candidates exchanged blows. Setting off a general scrum during which one of the original combatants was beaten senseless and lost most of one ear, which was chewed off or removed by some equally efficient means." A dirty and weary Lane later complained that Althouse was "the hottest damned place he'd ever seen and that that fight was the roughest fight, too."

[Footnote 5](#)



Joseph Lane experienced frontier-style politics while campaigning in Althouse.

Pregnant with His Own Future Greatness

Colonel Nathaniel Ford, who brought the Holmes family to Oregon as slaves, was once described by [Matthew Deady](#) as "pregnant with his own future greatness." Ford acquired his military title by crusading against Mormons for Missouri Governor Lillburn Boggs and then managed to get elected sheriff in Howard County, Missouri. He left the state in a hurry in 1844 "to escape acute pecuniary embarrassment and harassment by his creditors." He was later party to the 1853 [Holmes v. Ford](#) court case that underscored the illegality of slavery in Oregon. [Footnote 6](#)

A Loudmouthed Buffoon

Abraham Lincoln appointed *Oregonian* founder and editor [Thomas Dryer](#) to be minister to the Kingdom of the Sandwich Islands (Hawaii) after Dryer helped Lincoln win Oregon in 1860. But soon critics in Hawaii were disparaging him as a "loudmouthed buffoon" who was routinely drunk. He was recalled in 1863 and went to Washington D.C., possibly to plead for another chance. Eventually, Dryer returned to Portland "broken down and dispirited," cobbling together a meager income from serving as justice of the peace and coroner. He died in 1879 penniless and alone in Portland. The newspaper that Dryer founded only briefly mentioned him as "a figure of some note during the 1850s" in a burial notice on the back pages. [Footnote 7](#)

A Smooth Transition

After his party collapsed in Oregon, Democratic delegate [George Williams](#) made a smooth transition to the



Republican Party and won election in 1864 as a U.S. senator. His years as senator were marked by his staunch support of railroads and by charges of corruption. But by 1870 at least one Oregon newspaper mentioned his name as a possible presidential candidate. The next year, President Ulysses S. Grant tapped Williams to be U.S. attorney general, a position he held until 1875 when he was driven out by scandals enveloping the Grant Administration. He was nominated in 1873 to be the chief justice of the U.S. Supreme Court but later withdrew his name.

[Footnote](#) ⁸

This 1877 Thomas Nast cartoon shows Oregon Democratic elector C. A. Cronin heading to Washington D.C. to tilt the presidency to Samuel Tilden during the Electoral College controversy of 1877. La Fayette Grover had installed Cronin to replace a Republican elector. (Image courtesy HarpWeek.com)

Attempted Political Larceny?

Democratic convention delegate [La Fayette Grover](#) won election to the U.S. Senate in 1876 under a cloud that he had openly bought votes. Then, before taking his senate seat and while still serving as Oregon governor, he got himself in the middle of a drawn out presidential Electoral College controversy. Republican Rutherford B. Hayes won the Oregon popular vote but Grover disqualified one of Hayes' electors on a technicality and replaced him with a supporter of Democrat Samuel Tilden, thus apparently giving the presidency to Tilden. But the reaction nationally was fierce and the congressional commission "compromise of 1877" repudiated his actions and affirmed the Hayes presidency. Labeled a pariah, Grover spent the next six frustrating years in the senate as a

backbencher. [Footnote](#) ⁹

The Power of the Pen

Using a pseudonym, future *Oregon Argus* newspaper editor William Lysander Adams published a notorious play in 1852 entitled *Treason, Strategems and Spoils*. The play spared no mercy in cleverly lampooning the Salem Clique as "self-seeking and incompetent spoilsmen." Members of the clique were so tormented by the play that they attempted to get their hands on all of the copies and destroy them.

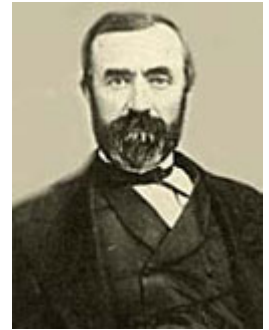
Inevitably, a few copies survived. [Footnote](#) ¹⁰

Leave Out Your Vulgarly!

Oregon Statesman newspaper editor and Salem Clique political leader Asahel Bush once received advice from friend Matthew Deady to tone down the flagrancy of his Oregon Style journalism: "Leave out your vulgarity when you address decent folk." Deady went on to good-naturedly jab at Bush's place in history: "Think how your memory will suffer, when the future Biographer will give your memoirs to the world, with your blackguard letters to me interspersed through the dog-eared volume."

But Deady's advice fell on deaf ears as Bush continued to vigorously go after his opponents, real and imagined, in private and in print. For example, after G. N. McConaha wrote to comment in 1853 that the *Oregon Statesman* contained vulgar and offensive language, Bush responded personally by unleashing a withering editorial description of McConaha as "a man who very countenance is redolent with filth, from whose polluted lips it drips in an incessant stream, who has festered in brothels and wallowed in gutters half his life."

Luckily for Bush, this was an age before libel laws. [Footnote](#) ¹¹



Editor Asahel Bush spared no effort attacking those who criticized him. (Image courtesy Bush House Museum, Salem Art Association Photo no. bh0508)

Notes

1. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 156-157.
2. *Ibid.*, 158.
3. *Ibid.*, 168-169.
4. *Ibid.*, 170-171.
5. Malcolm Clark, Jr., *Eden Seekers: The Settlement of Oregon, 1818-1862* (Boston: Houghton Mifflin Company, 1981) 258-259.
6. *Ibid.*, 259-260.
7. David Alan Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley: University of California Press, 1992) 288-289.
8. *Ibid.*, 295-297.
9. *Ibid.*, 302-303.
10. Gordon B. Dodds, *Oregon: A Bicentennial History* (New York: W.W. Norton & Company, 1977) 108.
11. Malcolm Clark, Jr., *Eden Seekers: The Settlement of Oregon, 1818-1862* (Boston: Houghton Mifflin Company, 1981) 257.



Oregon State Archives Oregon Constitution Word Search Puzzle



r e f e r e n d u m e a l l n r s o d d
 o r u d e l e g a t e s l p o e u a e m
 y a r t p w i m b p t e o i i v t g t r
 s i t i b h s e i d l p r r t e o e m h
 l l r n c w e t g l u n a i n f o e r e
 e r a e o h i i a l i n i i e n m h e a
 e o d e r i i l i t o t l i v o i t s i
 h a e i p y t s l i e h i a n g a i h j
 w d o s o m t a s i g c n a o e p m e y
 h s u o r p a s c u a e a p c r v s n e
 s i o w a e i t o i v m y p o o s n r u
 i d r r t m y l t i f r u h i e a o y q
 f r t t i e c r t h l i i r a t m z v i
 g y t n o m e a d t e b t p e e a a i l
 a r i e n l i l u s i w p a z n y l l c
 n s a h s t i a n t a l d i r r e e l m
 e l o n i s o i i o e m s e e l i d a e
 y j m n g d t o w g s l o v a a m f r l
 a e i n o e n s a o l a a h h d h o d a
 r t e r o t s t y i y l j t t a y i a s
 j e a s a h e l b u s h e g a r f f u s

INSTRUCTIONS

Words listed below are related to the web exhibit.

Find them in the puzzle above. Words can run in horizontal, vertical, diagonal, or reverse directions.

Fur trade

Oregon Fever

Missionaries

Jason Lee

John McLoughlin

Asahel Bush

Thomas Dryer

Slavery

Convention

Delegates

Jesse Applegate

Matthew Deady

Delazon Smith

Salem Clique

State Capital

Corporations

Suffrage

Militia

Ratification

Grange

Populist Party

Abigail Scott Duniway

Railroads

Henry Villard

Fishwheels

William URen

Initiative

Referendum

Prohibition

Bill Sizemore

(Answers found on following page)

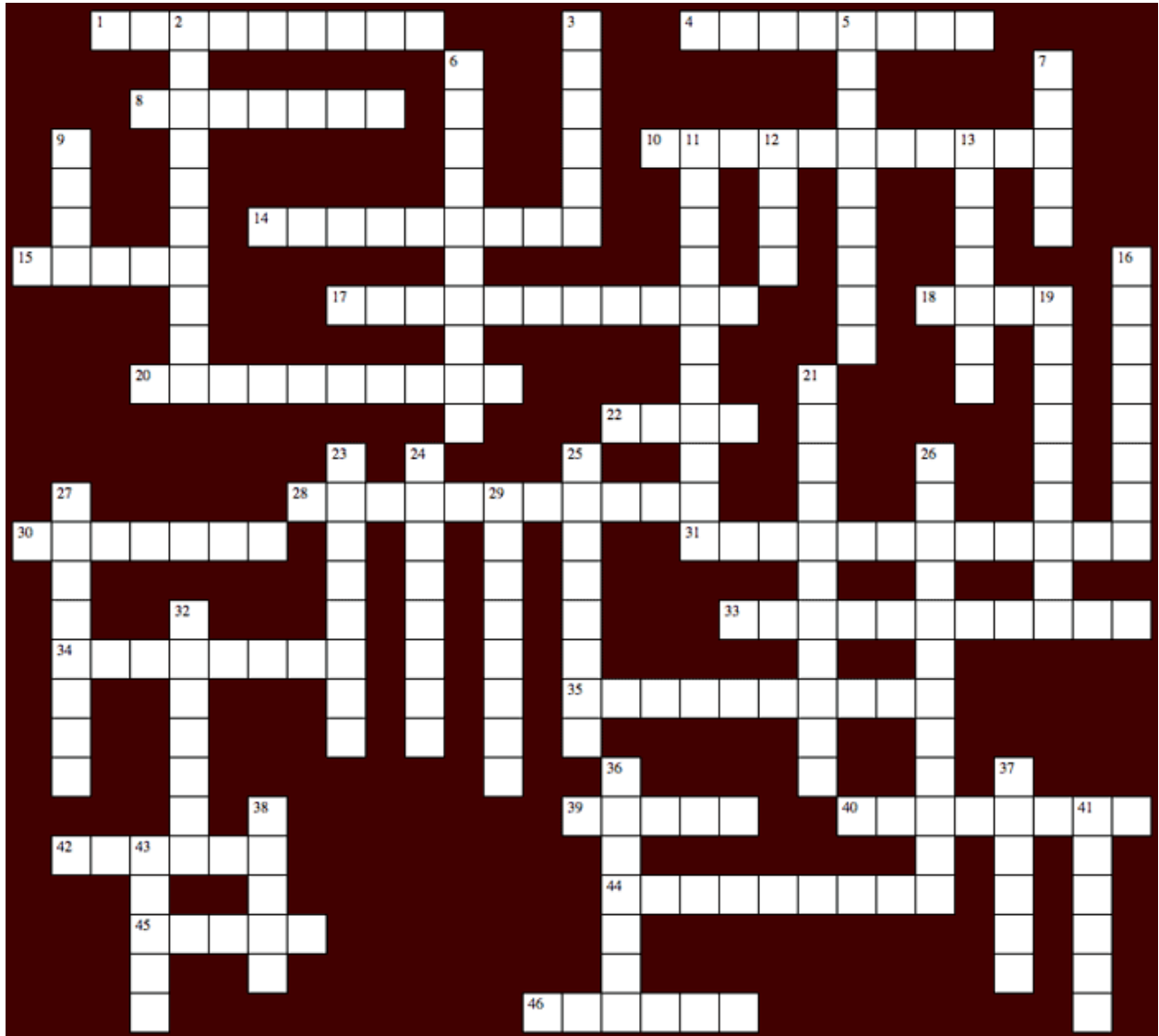
ANSWERS

r e f e r e n d u m e a l l n r s o d d
o r u d e l e g a t e s l p o e u a e m
y a r t p w i m b p t e o i i v t g t r
s i t i b h s e i d l p r r t e o e m h
l l r n c w e t g l u n a i n f o e r e
e r a e o h i i a l i n i i e n m h e a
e o d e r i i l i t o t l i v o i t s i
h a e i p y t s l i e h i a n g a i h j
w d o s o m t a s i g c n a o e p m e y
h s u o r p a s c u a e a p c r v s n e
s i o w a e i t o i v m y p o o s n r u
i d r r t m y l t i f r u h i e a o y q
f r t t i e c r t h l i i r a t m z v i
g y t n o m e a d t e b t p e e a a i l
a r i e n l i l u s i w p a z n y l l c
n s a h s t i a n t a l d i r r e e l m
e l o n i s o i i o e m s e e l i d a e
y j m n g d t o w g s l o v a a m f r l
a e i n o e n s a o l a a h h d h o d a
r t e r o t s t y i y l j t t a y i a s
j e a s a h e l b u s h e g a r f f u s



Oregon State Archives

Oregon Constitution Crossword Puzzle



(Answers to this puzzle can be found on last page)

ACROSS

- 1 First governor of state of Oregon
- 4 Powerful Oregon U.S. senator in late 1800s
- 8 Financier-promoter who connected Oregon railroad to East in 1883
- 10 Business entity with stockholders
- 14 State office proposed to be combined with governor function to save money
- 15 Crop that became important on the Columbia Plateau in late 1800s
- 17 A 1914 Oregon constitutional amendment that made alcohol illegal
- 18 First governor of Oregon Territory
- 20 Dominant political party in 1850s Oregon
- 22 Father of Oregon direct legislation
- 28 A group of leaders of powerful political machine based in the capital in 1850s Oregon
- 30 Oregon women's rights leader in late 1800s and early 1900s
- 31 The approval of the constitution by voters and Congress
- 33 The type of Oregon government formed in 1843
- 34 Transportation mode that transformed Oregon in late 1800s
- 35 Abraham Lincoln's party
- 39 Oregon Constitutional Convention president
- 40 California event that brought the "Forty-niners"
- 42 Profession of delegates who sat on judicial committee at convention
- 44 Umpqua County delegate who left convention early
- 45 City that hosted the constitutional convention
- 46 Season that would bring muddy roads to legislative sessions

DOWN

- 2 System that allows voters to initiate changes in constitution
- 3 Occupation of most of the constitutional convention delegates
- 5 Type of mining that used huge water cannons
- 6 Hudson's Bay Company chief factor at Fort Vancouver
- 7 Coin that convention delegates wanted to pinch
- 9 Editor of Oregon Statesman newspaper
- 11 A wave of interest in migrating to Oregon
- 12 President who secured treaty with Great Britain in 1846
- 13 State constitution most copied by Oregon constitutional convention delegates
- 16 U.S. president in late 1850s
- 19 A type of law that prohibited blacks from living in Oregon
- 21 The type of Oregon government formed in 1848
- 23 Mountain range proposed as eastern boundary of Oregon
- 24 A person usually designated to record convention debates
- 25 Prominent initiative activist beginning in 1990s
- 26 Southern Oregon town proposed as state capital
- 27 A right that Oregon women won in 1912
- 29 1860s event that caused numerous state conventions in the South
- 32 The major issue in the United States before the Civil War
- 36 First name of an influential orator at constitutional convention
- 37 Farm organization that fought against monopolies in late 1800s
- 38 Oregonian newspaper editor in 1850s
- 41 Type of fish that was canned on the Columbia River
- 43 County that covered all of eastern Oregon in 1857

ANSWERS

