

# Practicing law at the century's turn

by Kathryn Hall Bogle

We know that history is being made every day by each of us, the humble and the great, by black and white, and that some of the history is recorded, some of it is overlooked, some of it is twisted out of recognition, and a great lot of it just blends into the sands of time leaving no trace.

Attorney John Toran, Jr., never met Attorney McCants Stewart, but, if it could be arranged, a conversation would be illuminating on the subject of "How it is to be a black attorney in Oregon—then and now."

John Toran, Jr., in 1983, the president of the Association of Oregon Black Lawyers, an organization formed in December, 1978, counts 13 attorneys as charter members. The group, incorporated in 1980, now has 29 active members most of whom live and practice in Portland. A few live and practice in Salem and Forest Grove. One member, Derrick Bell, of national renown, is head of the Law School at the University of Oregon. Toran, with degrees from the U. of O. and Northwestern College of Law, is in private practice.

Some of the others are public defenders, some are attached to corporations, others are judges and there are others in private general practice or in offices of state or national government.

It was different back in 1902. McCants Stewart passed the Oregon Bar Examination that year, according to his daughter, Katherine Stewart Flippin, of San Francisco.

When this black attorney opened his office in the Abington Building in downtown Portland, McCants Stewart was the lone black attorney in the state of Oregon. He became a controversial figure: a black man with a white man's education in a town with a very small black population.

When he came to Portland, McCants Stewart came with a heritage of legal brilliance passed to him directly from his father, Attorney

Thomas McCants Stewart, a graduate of South Carolina University, who had done graduate work in philosophy at Princeton from 1882 to 1884.

McCants Stewart came to Portland garlanded with the admiration and praise of his legal peers at the University of Minnesota. "He was the first colored person to finish any post-graduate course in the history of the U. of Minnesota"—so says *The Forty Years of the University of Minnesota*. Stewart was a graduate of Tuskegee in 1895, received his bachelor's from U. of Minnesota in 1899 and his master's degree in 1901. He was secretary of his day law class there in 1899. He was 25 years old, brimming with health, vitality, and enthusiasm.

McCants Stewart brought a beautiful bride, Mary Delia Weir, from Minneapolis to share his life in Portland. Their wedding had been a ceremony among palms, asters and roses with all their friends gathered at the Church.

The newlyweds settled into a home on Dixon Avenue (now called

Union Avenue) at Brazee Street. Their first and only child, Mary Katherine, was born at that address.

McCants Stewart became the first black attorney to take a case (and essentially, to win the case) before the Supreme Court of Oregon when he won his appeal from Multnomah County Court in the case of Oliver Taylor versus S. Morton Cohn. Taylor, according to the *Oregonian* of Feb. 28, 1906 and the *Telegram* of Feb. 27, 1906, had purchased box seats for the Star Theatre. "After Taylor and his party were seated, he was requested to leave, the reason given being his color," said the *Telegram*.

All the ingredients for success seemed present, but adversity assailed, as sometimes it does. The fact that the black population of those times did not need legal services to the volume that could support the attorney and his family, together with the hostile environment, eventually discouraged this brilliant man. He moved with his family out of Oregon to a more accepting atmosphere.



McCants Stewart, Secretary, and other officers of graduating law class, 1899, University of Minnesota.



McCants Stewart, Carlotta Stewart Lai, Harriet Anna Weir, Katherine McCants Stewart & Teddy, Mary Delia Weir Stewart.

## A salute to Black History

# PEOPLE POWER

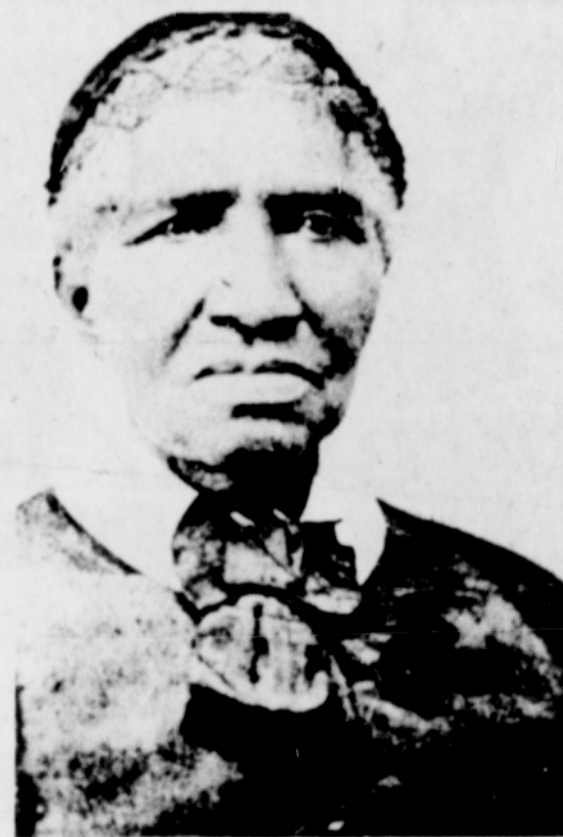


The People at Pacific Power are proud to be part of the progress of Oregon. From helping customers find ways to save energy, to seeking new sources of power, to providing

you with reliable electric service, we're a team you can count on.

At Pacific Power, you'll find people you know, people with the power to help.

**THE PEOPLE AT PACIFIC POWER**



"Aunt" Clara Brown

Born a slave in Virginia in 1803, she and her mother were sold, in 1806, to a family that headed west. Carefully saving every penny she could, she was able to buy her freedom in the 1850s. In 1859, while in St. Louis, she hired on as a cook to a party of prospectors, and the 30-wagon caravan ended in Denver. Brown then opened a laundry in Central City, Colorado and she began to save money to purchase the freedom of her family. With the money from her laundry, mining investments and nursing jobs, she accumulated ten thousand dollars in seven years. Although unable to locate but one daughter, she found thirty-four other relatives. Mrs. Brown encouraged and sponsored wagon trains of blacks to move west. Aunt Clara organized the first Sunday School in Central City and aided many organizations. She was buried with honors by the Colorado Pioneers Association. She has also been commemorated by a brass plaque in the St. James Methodist Church, and a chair in the Opera House is dedicated to her.

— A Friend