OREGON IN THE DAYS OF 1857

ANECDOTES OF THE CONSTITUTIONAL CONVENTION AS TOLD BY JOHN R. McBRIDE, A SURVIVING DELEGATE

JUDGE JOHN R. McBRIDE, of Spokane, who was a member of the Oregon Constitutional Convention of 1857, delivered the following address before the Oregon Historical Society Saturday, December 20:

At the close of the Yakima Indian War of 1855-56 influences in favor of statehood for Oregon became so urgent that by a vote of the people of the territory it was decided with practical unanimity to send delegates to a convention to be held at the capital, to frame a state constitution. The delegates were elected in June, 1857, and the convention met at Salem on the 17th of August following. It may be observed that General Lane, Oregon's delegate in the United States Congress, had introduced a bill prior to this time, authorizing the territory to frame a constitution and present the same to Congress, but it had failed to pass, and the final direct movement for statehood was initiated entirely by the territory. It was known that states had been admitted to the Union without any action by Congress authorizing it, and it was assumed that it was not a necessary preliminary that this course should be pursued.

The apportionment of delegates from the different counties was made in the act authorizing their election, based upon the population of the counties, as near as could be ascertained, and was believed to be fair.

The convention consisted of 60 members. Matthew P. Deady was elected president and Chester N. Terry, secretary.

Political Complexion.

Politically, about three-fourths were chosen on regular Democratic tickets, while the opposition was a mixture of bolting Democrats, Independents, Old Line Whigs and a single member nominated by a Republican convention and elected as such.

It is not fair to say there were not others of the same political faith, but, as the party was a new one, and in many counties had no distinctive organization, its adherents as a rule contented themselves with voting against the regular Democratic nominees, so that a number of the delegates were elected on mere "opposition" tickets, in cases where the free state sentiment was strong, who were unavowed, but, in fact, Republicans.

Among a people who were farmers and stockmen, as most of the earlier settlers of Oregon were, there was much sturdy independence, and a very strong feeling prevailing that the new territory had been neglected by the Nation, because of the comparative weakness of its Legislative force in Congress; and this feeling cropped out frequently in making opposition to the Democratic National Administration in localities where the party was largely in the majority.

In the preliminary election of the delegates, the Democratic party had ignored the question of slavery in the new state as one to be tested by a separate vote of the people, and as no test of the party faith was had, and in some of the counties where the free state sentiment was pronounced, the delegates were divided on that issue, and in other counties nominations were made representing both elements, in the wish to keep the question in abeyance.

The convention was organized by the election of M. P. Deady, then an Associate Justice of the Supreme Court of the Territory, for president. In fact, all the Judges of the Supreme Court—George H. Williams, Chief Justice; Deady, an Associate Justice, and Cyrus Olney, until recently, succeeded by R. P. Boise, Associate Justice—were members of the convention.

There was one contested seat—between F. G. Lockhart and P. B. Marple, of Coos County. The contest ended by the unseating of Lockhart, who held the certificate, and the admission of his opponent.

Marple was nominally a lawyer, and he succeeded 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 in his contest. His caliber intellectually was small, but his voice was that of a Stentor. In after years he was indicted for some offense of a grave character, was disbarred as a lawyer, I think by United States District Judge Deady, and disappeared from public view.

Make-Up of Committees.

Hon. George H. Williams was chairman of the judiciary committee, and Olney and R. P. Boise were attached to that committee. I had recently been admitted to the bar, but being a lawyer in name, Judge Deady paid me the compliment of an appointment to the committee on the executive. I do not recall the membership of the other committees, but the selections were generally satisfactory to all, and showed the president's fairness and impartiality in the distribution and make-up of them.

The general character of the committees may be inferred from the elements that entered into the body. Thirty-three were farmers; 18 were lawyers; two were newspaper men, one a civil engineer, and five were gold miners, who hailed from the southern part of the territory.

After the convention was fairly under way, and a few long-winded speeches had been made by gentlemen whose purpose was to impress their fellow-members with their capacity for leadership, there was a rather mild protest on the part of those who went there to work instead of talk, and a motion was made to limit debate. This had the effect of precipitating discussion, and was made the occasion of some lively scenes, especially among those who regarded themselves as able to entertain the convention.

There were some able and useful men who had small gifts for debate, and they naturally were impatient with long speeches; there were others who never entered into any discussion, and were only tolerant of orations on their side of the question. The matter ended in a compromise that imposed a limit to any one speakor, and yet gave scope for reasonable debate. Truth, however, justifies the statement that the lawyers monopolized most of the time and the farmers the least.

President Matthew P. Deady.

If I may indulge in comment on individual members, I will begin with the president. As he has spent a long and useful life among the people of Oregon, I can say little of him that will be new, for his later life has been more familiar to you than to myself.

He was at that time, I should judge, about 35 years of age, was a man large in stature, of impressive manner and bearing, smooth in speech, courteous and affable in intercourse, though he had dignity and firmness as a presiding officer. I recollect that on one occasion Mr. Grover, of Marion, rose to a point of order, questioning the president's ruling. Mr. Grover was the better parliamentarian, and was a most accomplished man. The chair had ruled against him, and he entered into the debate over the question without exhibiting any temper. The president modified his ruling, assigning a reason that was erroneous, but Mr. Grover, in the coolest manner imaginable, met it with an exposure of the error, when another ruling was made equally erroneous, which he again attacked with the same admirable dignity of manner. The incident ended by the president admitting the member to be in the right, and correcting his own errors with a cordiality and frankness which did him credit with the convention.

There were a few subjects dealt with in that convention that gave rise to most interesting discussion.

The subject of corporations and their powers was one—the matter of the authority of the courts to give instructions to juries to bind them in criminal cases, and state taxation and salaries for state officers.

President Deady frequently called some member to the chair, and, descending to the floor, took an animated part in general discussion. On the subject of the powers of corporations, he and Judge Boise, then a delegate from Polk County, were in harmony, and I think they two are responsible for the language which the constitution contains. An exception was interpolated in the section which fixes the personal liabilities of stockholders of insolvent corporations, at the limit of the amount of stock held by the shareholders. Old Fred Waymire, of Polk, made a motion to add to this sentence the words "and no more," and, on this motion, he made his famous speech of denunciation of all corporations, which I shall mention hereafter. In vain was he told by some of his friends that the meaning was clear without it, and that these negative words would not add to the meaning he advocated. He insisted, and they were incorporated in committee of the whole, though afterward eliminated.

It was on this part of the constitution that President Deady took an active part and aired his social and economic opinions with vigor. He delivered one address on this subject of the proper field of commercial corporations, which he no doubt modified afterwards.

Deady's Views of Government.

His theory was that all pursuits that were not connected with the soil, as the legitimate business of life, were mere artificial outgrowths of modern civilization, and to be tolerated only by the necessities of society; and that the nearer the people kept to the primary methods of acquiring a livelihood the happier they were. The trades and callings of the artisan and the professional man were departures from the natural order of life. The man who lived at the base of some forest and raised and harvested a crop of grain and vegetables in the Summer and hunted coons and chased the wild deer in Winter was a happier man and lived nearer to God and nature than the man who sat in some factory driving shoepegs at a daily stipend. There was much of this kind of philosophy of the ideal sort in the address, and if he had been speaking to a crowd of modern reformers he would have been commended as an oracle. He was a great admirer of rusticity. Although his tendencies towards an aristocratic life were strong, he was an admirer of simplicity in home life. I think he divided mankind into two classes—those made to rule and those to be ruled. He was a student of medieval history, and never missed an opportunity to eulogize the times when baronial chiefs in feudal castle ruled their followers and gloried in knightly deeds and paternal protection. He was not only a Democrat, but one of the ultra-pro-slavery type, who advocated the adoption of slavery in the new state. He believed in a government that had force behind it, and when the Rebellion began in 1861 he became as ardent a champion of the Government as any Unionist in the land, and if "rioters" or "strikers" committing violence had ever been tried before him they would not have met any mild treatment.

He took a deep interest in the judiciary discussions, led in the main by Hon. George H. Williams, the chairman of that committee, and Delazon Smith, who attributed some of his recent defeats as a lawyer before juries to rulings made by Williams, waxed eloquent when he assailed the power of Judges in criminal cases to bind the "consciences of jurors," as he phrased it, "by arbitrary instructions." The three Judges, Williams, Deady and Olney, overbore the arguments of the future United States Senator and triumphed.

Disliked the Methodists.

President Deady made a most excellent presiding officer, and increased his popularity with all its membership. I have always thought he favored me beyond my merits. He encouraged me to enter into debates and reproached my over-modesty. He took pains one day when I had made a brief speech on some question to come up to me and compliment me for it. Within a few years after I was candidate for Congress, against Judge Wait, a Democrat, he supported me, much to my surprise and that of many of his friends, and he jokingly told me the reason he had assigned to an old Democratic acquaintance for doing so (in those days all voting was viva voce, and every one knew how his neighbor voted). He said he accounted for his political treason as follows:

"The Methodist church has always had control of the Oregon delegation in Congress. From Thurston down to the admission of the state, Lane, Grover, Stout and the Senators have been tools of that church, and it dictated their conduct on any matter in which I took interest. I have grown tired of this church dictation and have concluded to give my Campbellite friends of Yamhill a chance to break up the campmeeting combination, and I voted for Mc., who has no religion at all, and I don't think can be used by any church or sect," and he laughed with merriment at his political change, which became permanent.

I cannot indulge in any general comment upon many of the delegates.

George H. Williams, still admired and honored, remains one of the convention landmarks.

Reuben P. Boise, who has served the people of his district almost continuously since 1857, as one of the pillars of the judiciary, is still alive, and, like Williams, still doing duty for the public. Most of the other 57 members have either died or passed out of the public eye. The survivors can be counted on the fingers of one's two hands. My own colleagues, three in number, are all dead but one. Every member from Marion County, except Williams and Grover, is in his grave; all of the Linn delegation and that of Lane are off the stage. Benton has, I believe, one survivor. Time has mowed almost the entire crop, leaving a few of us for a later harvest.

I return from this excursion into the personality of the convention to recall examples of some of its most interesting characters.

Frederick Waymire's Influence.

Perhaps the most influential man in the farming membership was Frederick Waymire. He was known as "Uncle Fred," or "Old Fred," just as his relations to any one who spoke of him happened to be. Nature had given him a good quality of common sense, a very active brain, but man had done practically nothing in the way of education or training. He was a sort of far West David Crockett. His politics were, I suppose, inherited, for he often alluded to Andrew Jackson and must have voted for him for President. He had been in the Territorial Legislature much of the time since the territory was organized, and for a man of his limited education was known as a useful member. In all things he was honest. He had a blemish in one eye, but as he said, this did not prevent his "spotting a rascal" when he came in the way, or seeing straight ahead in the line of duty. In the convention he spoke quite often, but briefly, always to the point. His pronunciation was often not only bad, but ludicrous, but he spoke easily and with vigor, and always made himself understood. He was direct, if not elegant, and had the power of convincing people by the simple way of being sincere and earnest. He was a Methodist in religion, but he had to get a new supply of it every year or two, as he said of himself, or his stock would run too low to live on. He had indorsed the propriety of forming a state government, but had done so with reluctance, and in the convention he gave early notice that he meant to fight high taxes, high salaries and corporations, as he put it, "tooth and toe-nail." He faithfully kept his word.

One of the most amusing and effective speeches was made by Fred Waymire on corporations. He regarded them as devices of the devil to begin with, and, after denouncing them generally, he illustrated his opposition argument with a little personal experience. A year or two before this some enterprising manipulators had organized a telegraph company under an act of the Territorial Legislature to construct a line of telegraph from Portland to Corvallis, passing up the west side of the Valley through Waymire's County of Polk. Everybody 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 in and the line practically built and the wire was stretched most of the distance and used for a few weeks. What this sparsely settled country of farmers and cowherders wanted a telegraph line for no one could tell by the time it was constructed. They had about as much use for it as if it had been built to the moon, and it soon fell into disuse, had no patronage and went to ruin. A considerable debt had been incurred, causing the franchise and the property, which was of no value, to be sold, leaving a balance for which resident stockholders had to pay, as the managers were a set of Californians who pocketed the cash on hand and flitted from the territory.

"Pizen" on Corporations.

"Now," said Waymire, "came on our troubles. The wire was down and was giving trouble to stock, was lying all along the roads, and we could not get rid of the thing. The local subscribers to stock were sued in the courts, and, though they contested, they were held liable for the debt of the corporation personally, and the Sheriff went into our pockets for what the schemers had stolen."

After detailing the wrongs from a personal point of view he related the final catastrophe. He said he had gone into the court over which Judge Williams presided to contest the liability of the thieving corporation promoters; had fought it through a long trial and was beaten. 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 took the road along which the old telegraph wire had been strung, and it was lying at intervals along his path, as if to add to his misfortunes. In the darkness his horse stepped into a coil of it, and the rider soon found himself and his horse tightly wound up to a tree by an iron wire that he could not break, untie, or cut. "That d——d telegraph wire," he exclaimed, "was as tightly round us as the judgment of the court rendered against me that day for helping to put it there. 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!" And he closed his diatribe with another burst of honest indignation.

The debate was more animated and exciting than any other question in the convention, and while Waymire's efforts to prevent corporations were not entirely successful, he did succeed in hedging them with such restrictions and limitations that their power has been less liable to abuse than in any other state in the Union.

Close to the People.

The other vital matter with Waymire was state taxation and salaries for state officials. These he proposed to put at the lowest possible limit. The Judges, he insisted, should be paid no more than $2000 per year, then paid by the Government to the Judges of the territory, and besides performing the duties of trial Judges in their various districts, they were to be the Supreme Judges en banc; and this he forced the convention to adopt, with a proviso that when the population should reach a certain figure a separate Supreme Court might be authorized by the Legislature, and as four Judges were provided for the state, the Judge who presided in the inferior court was not allowed to sit on any appeal taken from that district. The lawyers in the convention almost unanimously opposed this system, but most of the laymen were with Waymire and the knights of the bar had to accept it.

Indebtedness on the part of the state was limited, and the objects of it were specified with distinctness, and finally the salaries for the Governor, Secretary of State, Treasurer and State Printer became the topic of Waymire's vigilant attention. For days he fought the salaries proposed like a bulldog guarding his master's treasure. He thought $1500 was enough for the Governor. As the Secretary's office had much duty to perform he finally agreed to $1800 for him. The State Treasurer had only to keep the money safely, he argued that $1000 was enough for him, and so on down through the list. Some slight changes took place before the constitution was adopted, but it remains true that as a whole the provisions of the Oregon Constitution were economical to the degree of parsimony. If I am correctly informed some of these limitations have by indirection and ingenuity been so extended by the Legislative Commissions as to avoid the restrictions contemplated in the constitution, but they have had the effect to make the State of Oregon one of the most economical state governments ever brought into being. For this condition I cheerfully give the credit to Fred Waymire.

MEMBERSHIP OF THE CONSTITUTIONAL CONVENTION.

The Oregon constitutional convention consisted of 60 members, as follows:

Benton County—John Kelsay, Haman C. Lewis, *Henry B. Nichols, William Matzger.

Clackamas County—James K. Kelly, Asa Lawrence Lovejoy, William A. Starkweather, HectorCampbell, Nathaniel Robbins.

Clatsop County—Cyrus Olney.

Columbia County—John W. Watts.

Coos County—Perry B. Marple.

Curry County—*William H. Packwood.

Douglas County—Matthew P. Deady, Solomos Fitzhugh, Stephen F. Chadwick, Thomas Whitted.

Jackson County—L. J. C. Duncan, John H. Reed, Daniel Newcomb, P. P. Prim.

Josephine County—Sidney B. Hendershot, William H. Watkins.

Lane County—Enoch Hoult, W. W. Bristow, Jesse Cox, Paul Brattain, A. J. Campbell, Isaac R. Moores.

Linn County—Delazon Smith, Luther Elkins, Reuben S. Coyle, John T. Brooks, James Shields, J. H. Brittain.

Marion County—*George H. Williams, *Lafayette Grover, John C. Peebles, Joseph Cox, Nicholas Shrum, Davis Shannon, Richard Miller.

Multnomah County—StephenJ. McCormick, William H. Farrar, David Logan.

Multnomah and Washington—Thomas J. Dryer.

Polk County—*Reuben P. Boise, Frederick Waymire, Benjamin F. Burch.

Polk and Tillamook—A. D. Babcock.

Umpqua County—Jesse Applegate, Levi Scott.

Wasco County—C. R. Meigs.

Washington County—E. D. Shattuck, John S. White, Levi Anderson.

Yamhill County—M. Olds, *R. V. Short, Robert C. Kinney, *John R. McBride.

*Living.

He was an example of an honest pioneer, who, while illiterate and unpolished, had many of the qualities of a wise and shrewd guardian of the public interest. In the circle of the leading men in that convention, when it was once asked who was the most influential of all its membership, it was said, as the judgment of all present, that Waymire could come nearer getting what he wanted done than any man in it.

Delazon Smith.

There were a number of the members of the convention who became prominent in the state. Delazon Smith was one of the first United States Senators. Grover eventually became a Senator, and Kelly served a term in that body. Deady was appointed United States District Judge and died after 30 years of service on the bench. Dryer was appointed United States Commissioner to the Hawaiian Islands and died subsequently in Portland. Williams became a United States Senator, and afterwards Attorney-General of the United States, and is now the Mayor of Portland. Shattuck, of Washington County, served as a District and Supreme Judge for many years acceptably and ably, and many others who were prominent in the deliberations have done good service to the state in honorable positions. To give any fair notice of them would far exceed the limits of a paper like this, and the few of whom I have made particular mention must suffice.

Many interesting features and incidents of the convention, scenes sometimes gay and humorous contributing to its entertainment, must be passed over. The grim humor of Reed, of Jackson County, never failed to excite mirth, and Logan, of Multnomah, with his sarcastic tongue, made many an opponent subside in silence to his seat. The useful work was done by Williams, Olney, Boise, Grover, and a few others; the debates being participated in by Smith, Dryer, Logan, Kelsay and spasmodically by others who took an interest in that which affected them locally. Kinney, Shrum, Miller, Duncan, and many others did not, to my recollection, make a single speech during the entire session.

No account of the convention would be just that does not include a reference to Delazon Smith, of Linn County. As a political speaker no man on the Pacific Coast was his equal, except it be General Baker, who eventually became a Senator from Oregon.

Smith was by birth, I believe, a New Yorker. He was educated at Oberlin College in the days of old President Finney, and while almost a youth he entered the world as the editor of a political newspaper. This portion of his life is rather obscure, but in the political contest of that day he so impressed himself upon his fellows, that he became noted as one of the champions of President Tyler in the latter's quarrel with his party. Some time in 1834 he was appointed Minister to one of the South American republics. Whether his office was one that demanded constant attention or not, I cannot say, but, at all events, after having entered upon his duties for a season, he concluded to inform himself by traveling in that wild and almost unknown region traversed by the Andes. He crossed the continent on horseback, and for 11 months was the quest of the State Department. This incident led to his being dubbed by the newspapers "Tyler's lost Minister," and the name "Delusion" Smith was a sobriquet that stuck to him ever afterwards.

His Splendid Oratory.

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 adavnced 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. I once heard him address a company of volunteers who were mustered to say good-bye to their fellow-townsmen, as they started to the Yakima war. He sat on his horse while he spoke. It was a 10-minute speech, full of fire that was usual to him, and every sentence was a bugle call and an inspiration; such a speech as would make a man proud to fight and die. Many times as I have heard Smith, I would give more for a verbatim report of that speech than any other I ever heard him make. It was the cry of the warrior. General Baker, who had heard all the great speakers of his time, said to me, after a debate, where he upheld the Republican banner against Smith, who fought for the Democrats in 1860, that the latter was, in his judgment, the ablest platform orator in the Democratic party. Baker was the most magnificent speaker whom I ever heard, and he frankly admitted that Smith was a foeman worthy of his steel.

He was an ambitious man who knew his own powers, and felt he had a right to expect recognition from his party. He was sometimes petulant and intolerant of the small men who nibbled and pecked at him because they knew his superiority, but as a rule he had the magnanimity which always belongs to intellectual greatness, and only occasionally turned aside to send a spearthrust at the annoyer. I was once in debate with him—a mere youth against a giant—I had been denouncing the Dred Scott decision of the United States Supreme Court, a fashionable thing with Republicaans of those days, when he turned upon me with a manner that few could equal, and said with a tone of mirth and irony that was more severe in effect than brilliant sarcasm, "How those grave old judges at Washington will be humiliated when they hear that the young David of the Bar of Yamhill County, Oregon, differs from their deliverance in the Dred Scott case. They will hide their old gray heads in shame, and we can only pity them:" I felt myself crushed as though a lion had touched me a passing blow with his paw.

Smith was one of Oregon's first United States Senators, serving only a few days. The Douglas-Breckenridge contest came on shortly after. Smith and General Lane were with Breckenridge, and no successor was chosen to Smith at the session following the vacancy. Smith went into the Congress of 1859, and lived to witness the downfall of his party, and to realize that the fires of the Civil War were soon to lighten the horizon. 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 prospect of the future, he died more from a broken heart than physical illness. He was one of Oregon's greatest men.

How He Lost an Audience.

I once heard him tell a story on himself that was very amusing. He said that he was making an address on political questions in one of the largest theaters in Baltimore, where the Whigs were largely in the majority, and where Democratic speakers found much difficulty in procuring a hearing. Interruptions and catcalls were rather the rule than the exception. Smith said he had had experience in these incidents elsewhere, and, though warned in advance, had faith that he could make any audience listen. On appearing on the platform he found a tremendous audience and began his speech. He had proceeded but a short time when he was interrupted by a question. He responded a little forcibly, but not offensively, but discovered by the uproar that a good share of his audience had come for the purpose not of hearing his speech, but on some pretext to break up the meeting. He paused for a while until the tumult had died down, then started to go on with his address. He was hardly fairly launched when the interruptions began again. He paused for some time until there was a lull once more. This time he resumed in a conciliatory tone, and had succeeded apparently in getting his audience in hand and interested. He proceeded with his address and there appeared to be a willingness to give him a fair hearing, and for a few minutes curiosity and interest were in his favor. In the course of his argument he had occasion to illustrate the point he was making by referring to himself as "Mr. Smith." Seated in the gallery right in front of the speaker was a small, keen-looking man, with coal-black eyes that snapped with a wicked intelligence, and as the orator uttered the name "Smith" this fellow called out in swift, clear tones: "Are you Jo Smith, the Mormon phophet?" The interruption was too sudden and too directly put to be ignored, and before any reply could be made the theater was a roaring mob. The suggestion was fatal. "I lost my hold on that audience," said Smith, "and while it howled and roared, after waiting for a half hour for it to subside, I turned my back on the howling mob in front and talked to the reporters. It was the only time I was ever overwhelmed. That one black-eyed fellow in the gallery sent a shot that went to the center, and after I had taken the small revenge of denouncing the Baltimore mob to the newspaper men, I retired by a side door and fled to my hotel in a carriage." He added: "This time I found an audience that would not listen, and I surrendered to it."

Lengthy as the personal references have been, I must add to them one or two more.

Thomas J. Dryer.

Early in the '50s, Thomas J. Dryer came with a wife and daughter to Portland, Or., then a village with a forest as its limit. Dryer was an editor, and an old-fashioned New York "Silver Gray Whig." All things which were not Whig were to him the politics of the devil. He was a vigorous writer and a good stump speaker. While his politics were not popular in the territory, the parties were about evenly balanced in his locality, and Dryer, possessing many amiable qualities, was personally popular. He was a joint delegate from Multnomah and Washington to the convention, and in that body he was the steady rival of Smith on the floor. He was a ready speaker, full of wit and humor, and often went into debates "for the fun of the thing." On one occasion he brought down the applause of the house on Smith. I do not recall the subject, but in his speech Smith alluded to some matter in which he had some experience on a question on which he was not supposed to be an expert. Dryer replied by quoting from Mother Goose:

"There's none so well as the farmer knows
How oats, peas, beans and barley grows."

The grammar was bad, but it was a palpable hit, and Smith joined in the laughter it evoked.

Dryer's ambition was of the kind that induced him to oppose anything that could be used to favor the Democrats. He was a sort of gadfly to the Democratic flanks, and omitted no opportunity to sting a Democratic leader who came in his way. His paper, The Oregonian, was a lively sheet, and he employed Patrick J. Malone, an Irishman, to report the proceedings of the convention. Some of the speeches were published in the paper quite fully, but as it was only issued weekly, it contained but selections, and in these Dryer was pretty well represented.

Dryer was a member of the State Legislature in 1858-59, and was an elector on the Lincoln ticket in 1860. In 1861 he was appointed to the post of Commissioner at Honolulu. He remained there some years, but finally returned to Portland, where he died. His health was much shaken in his later years, and his once vigorous mind impaired toward the close. His paper, while he controlled it, was strong, and exerted much influence. Founded by Thomas J. Dryer, it has survived all of its contemporaries, and now, under its present management, is regarded as one of the leading papers of the country. Dryer was not a great editor, but he was well adapted to the rough and tumble of the times, was useful to the public, and deserves to have his memory embalmed as one of the most useful of the pioneers.

Bright, Controversial Reporter.

There was one who figured in that convention conspicuously who was not of its membership, and of whom slight mention has been made by those who have had occasion to refer to its proceedings. Patrick J. Malone was then well known to the public as a journalist. He was one of the best shorthand reporters who had appeared in those days, and had been mainly employed in such work during the sessions of the Territorial Legislature. He also wielded a vigorous pen, and wrote with perspicuity and force. Like all members of the Irish race, he put much feeling into his articles, and never entered into a controversy without exciting his adversary to displays of ascerbity. In politics a Democrat, the passages between him and Dryer were so remarkable for the variety and intensity with which they had been carried on that there was much surprise when he appeared at the convention as an employe of The Oregonian. Such things are so common now that it would be regarded as unworthy of remark, but then it was a matter of amazement. Dryer had alluded to him as "Paddy Whack," "Teddy O'Rourke-Malone," "My Boy"" "Bog-trotter" and such like epithets, and that he should be found sitting at a reporter's desk labeled "The Oregonian" seemed like mixing oil and water. The journalist of nowadays understands the value of the mixing process, just as the pioneers in it knew it. Malone was even then a good type of the modern professional journalist. Many Democrats thought him a traitor to his party who had been bought with a price, and yet the only evidence of it was, that he was a correspondent and reporter for The Oregonian, and was paid for his services.

I became quite intimate with him at this period, and while the mercenary side of his character (judging as many did) made me feel a doubt of the man's convictions, he possessed qualities of intelligence and keen insight that attracted my admiration. Perhaps his conduct towards, myself, and the frequent amenities with which he manifested it deepened the interest I felt in him. A few years later he was conducting a Democratic paper, which was flavored with his usual bitterness towards all the opposition, but in an interview which took place immediately after I had been nominated as a candidate for Congress, he not only conceded that I would be elected, but said it would lead to an inevitable advancement of the political creed of which I was then an exponent. He said, "The brain of this Nation is on one side of this great controversy. All the educational tendencies are in favor of the Republican creed; the literary current sweeps that way, and it cannot be resisted. The Democratic party is doomed to retirement from power as inevitably as the river that disappears in the sea."

Stenographic Notes Not Used.

About 1867 or 1868 Malone appeared at Idaho City where I resided, and took charge of a Democratic paper for a brief time. With true Irish impetuosity he embraced the cause of a faction of his own party which finally led to his dismissal from the paper, and with his wandering habits he drifted to California in his character of reporter and journalist. In Idaho, where I was then a resident, holding an official position, our relations were renewed, and both personally and in his paper, he always treated me with generous consideration. I will say of him that he was a man of remarkable ability, had splendid resources as a journalist, though often wrong in their application, but was true to his personal friendships.

He said he always intended to put his phonographic notes of the debates in the convention into the hands of the state when they were called for. But no one had presented the matter to the Legislature and he had never written them up, and should not until some compensation were provided him. He died some years ago in San Jose, Cal., but the notes are probably in existence still. I would suggest that the Historical Society make an effort to secure them. The method of reporting has changed largely from that prevailing in his day, but no doubt persons able to transcribe his notes can be found.

I remember that in commenting one day on the different members he remarked that Delazon Smith was the easiest man in the body to report, and Deady was the most difficult. President Deady spoke with extreme rapidity. Smith, though vehement, made all his sentences tell by the distinctness of his utterance, and never indulged in involved sentences. Deady strove to get rid of his ideas quickly, while Smith presented his for their effect on others.

A Personal Experience.

I had a little personal experience in that convention which I have since had frequent occasion to remember.

I had pledged myself to the voters before the election that if I were chosen I would offer a section in the bill of rights forbidding slavery, in the usual form. In harmony with that pledge I prepared a section, taking the language from the ordinance prepared by Jefferson in 1787, ceding the Northwest Territory to the General Government. I showed it specially to my seatmate—Logan—and W. H. Farrar, delegates from Multnomah County. Both said, "All right; go ahead." Well, I offered it, and Mr. Farrar immediately rose and called for the previous question. To my astonishment both Logan and Farrar voted against the proposition. Logan was an Old Line Whig and Farrar a professed Free State Democrat. To say that I was amazed expresses my feelings but lightly. "Too radical," was the only answer I received to my remonstrances. I confess I never had any confidence in either of those gentlemen afterwards. I expressed myself on the subject with some asperity to Malone, and he said: "It does not surprise me. As to Logan, he has no politics; he is only opposed to the Democratic party; and Farrar has no convictions on any subject. He is as slippery as an eel, and can no more be depended upon than an Indian. He was elected on an independent ticket denouncing the Democratic party for trying to dodge the slavery issue, and then votes to dodge it himself." It showed that Malone's insight into men was keen and not inclined to err.

W. H. Farrar.

A word about W. H. Farrar. He was a native of New Hampshire, was a man of fine education and acquirements, a brilliant lawyer and powerful advocate. What his defect of character was I have always been at a loss to know. He was a man of fair complexion with light blonde hair. His bearing was elegant and his address winning, but there were always inconsistencies in his conduct that his friends could not explain, and he never attempted to explain anything himself—did not seem to realize that it was necessary. A noted instance of this occurred some years after the time of which I speak. He was invited to deliver the annual address at an anniversary of the State of New Hampshire in 1864. He was then living in Washington City. He accepted the invitation and was abundantly capable of performing its requirements with credit, for he was an elegant platform orator. Some weeks before the date of the services he disappeared from the city, and when the time for the journey came no one knew of his whereabouts, and when asked on his return about the anniversary proceedings, he quietly said he did not go and knew nothing of them. He was a brilliant man whose life was lived with good opportunities and no fruitage. He was once Mayor of Portland. I say of him, because he is where criticism cannot injure nor praise reach him, he seemed to have lived a wasted life.

Witty "Hal" Reed.

May I indulge in a few words of another member of the convention, who lived many years in the City of Portland and passed away after a life of usefulness and honor? I mean Reed, of Jackson County. At that time he was about 30 years of age. A lawyer, he had been liberally educated, and while not, perhaps, at the front rank of his profession, was even then estimated among his brethren as of high promise. He had the faculty of speaking with a good deal of force, and with a sort of grim humor in his manner, that though it was often delivered with a smile had a subacid flavor that made it entertaining.

He had been entirely silent for some days after the organization and had been greatly bored by some of the ambitious orators of the body. When a motion was made to limit debate and Delazon Smith had flung an adjective or two at the "dumb dogs who couldn't bark and didn't want to listen to those who could," Reed arose and proceeded to demonstrate that his silence heretofore was not because he was "dumb," but because he was there to forward the business, and in reply to Smith's taunt of "dumb dogs" said he would remind that gentleman that "silence is golden" and if the member from Linn County, whose ambition to rise to a seat in the Senate was well known induced him to conclude that the silent members could be "wiped out with a wet rag" he would discover that he might have misjudged their silence, before the game had been fully played out. The speech was witty, humorous and sarcastic, and at once Reed rose to be the favorite of the convention. While he was nearly always brief he was listened to with attention and made an excellent impression. After the adoption of the Constitution he was much talked of for the U. S. Senatorship, but the factional fight which arose in the Democratic party was soon extended to the various wings of the party and in the struggle Reed fell between the factions. Early in the sixties he went to Nevada and engaged in some of the great mining cases in the courts there, and returning again to Oregon followed his profession in Portland where he died many years ago. He had acknowledged ability as a lawyer, but I believe he took no active part in political affairs. He was a great joker, was inclined to the convivial side of things, and was so seldom serious that I think his ability was often misrated. At all events, he made a useful member of the Constitutional Convention, and was a man who once known was never forgotten.

Without mentioning other names that are equally entitled to notice, I feel justified in asserting that the members of the Oregon Constitutional Convention, man for man, would not suffer in comparison with any like body I have had the opportunity to observe. I have repeatedly seen the elective bodies of the different states in session, have attended the sessions of many Congresses of the United States, listened to their proceedings and observed them from from any bias, and I will not qualify what I have just stated. Sincerity, intelligence, integrity and directness were manifest in all that was said and done by the convention. The membership was clearly controlled by convictions, and an intelligent knowledge of what was needed at the time and would be adapted to the wants of the future. Many of its members were of the highest order of intelligence, Williams, Deady, Grover, Logan, Dryer and a dozen others were men who would have been distinguished in any community where ability and statesmanship are recognized. Their work was indorsed by the people and has stood the test of criticism and time for over 40 years. That it had defects when made was admitted by many, but on the whole it then surpassed and still surpasses many Constitutions more pretentious, even those of later date. It is brief in its language, affording less ground for debate or construction than most of such instruments, and has caused less difference of opinion for the courts than almost any organic law with which I am acquainted.

Let us render honor to its framers, of whom only a few examples remain, and let their names be enrolled as a wise few who laid the foundations of a great commonwealth so deeply that it has protected for nearly half a century the lives, liberty and property of its people, and is still their glory and their pride.

Billy and His Drum.

James Whitcomb Riley.

Ho! it's come, kids, come!
With a bim! bam! bum!
Here's little Billy bangin' on his big brass drum!
He's a-marchin' 'round the room,
With his feather-duster plume
A-noddin' an' a-bobbin' with his bim! bom! boom!

Looky, little Jane an' Jim!
Will you only look at him,
A-humpin' an' a-thumpin' with his bam! bom! bim!
Has the Day of Judgment come,
Er the New Mi-leh-nee-um?
Er is it only Billy with his bim! bam! bum!

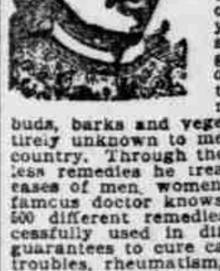
I'm a-comin'; yes, I am—
Jim an' Sis, an' Jane an' Sam!
We'll all march off with Billy an' his bom! bim! bam!
Come hurrawin' as you come,
Er they'll think you're deef-an'-dumb
Ef you don't hear little Billy an' his big brass drum!

READ! READ! READ!

What the Well-Known People of Portland Say of

C. GEE WO

THE GREAT CHINESE DOCTOR



Can it be wondered that he is called great, when his wonderful remedies cure and help so many sick and suffering people, not only here, but throughout the United States? Many are given up to die; others told that an operation was the only help for them, yet their lives were saved without the great suffering of an operation. Cured by these powerful Chinese herbs, roots, buds, barks and vegetables, that are entirely unknown to medical science in this country. Through the use of these harmless remedies he treats any and all diseases of men, women and children. This famous doctor knows the action of over 500 different remedies that he has successfully used in different diseases. He guarantees to cure catarrh, asthma, lung troubles, rheumatism, nervousness, stomach, liver, kidney, female troubles, lost manhood and all private diseases. Read following testimonials. He has hundreds more at his office.

Testimonials of well-known people:

G. W. Stafford, 63 Sixth street—Cured of kidney and bladder trouble of one year's standing.

G. A. Lane, corner Eleventh and Northrup—Cured of kidney, liver and bladder trouble of several years' standing.

Miss S. Starbuck, 692 Front street—Suffering from inflammation, womb and stomach trouble.

Mrs. N. A. Dibble, Burns, Or.—Stomach and female weakness, several years' standing. I recommend his wonderful treatment.

A. Jensen, 300 East Clay street, cured of indigestion, stomach and liver trouble of 10 years' standing, and cured in six weeks.

Mrs. Hadson—Suffering from hemorrhage of womb and female weakness of four months, and was cured in a short time by this wonderful treatment.

Charges moderate. Call and see him. Consultation free. Patients out of the city write for blank and circular. Inclose stamp. Address The C. Gee Wo Chinese Medicine Company, 132½ Third street, Portland, Or. Mention this paper.

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