

OREGON'S SEMI-CENTENNIAL OF STATEHOOD

ADDRESS OF HON. FRED'K N. JUDSON, OF ST. LOUIS, AT STATE CAPITOL, FEBRUARY 15

THE early struggles of the nations for possession of Oregon, with the conflicting claims of Spain, France, Russia, Great Britain and the United States, are of profound and romantic interest. Spain, in her conquest of the western world, in the fifteenth and sixteenth centuries, claimed the right of dominion over the whole western coast of the continent, through discovery and actual occupation. Under the Florida Treaty of 1819 the United States acquired the Spanish title, whatever it was, in the Oregon territory. France made extended claims in the new world, but vanished in Canada, she gave way to the superior prowess of Great Britain, and her rights to the Mississippi and the Rocky Mountains passed to the United States in the Louisiana Purchase of 1804.

Russia was at one time a competitor in the struggle for this territory, but withdrew by her settlement with Great Britain on the line of 54 deg. 40 min. and her southern boundary on the American coast, and her rights in Alaska have since passed to the United States. The English claims were more formidable in a practical view, as they were based not only upon exploration, but upon occupation by the Hudson Bay Company of the territory with its armies of traders and furriers.

Time will not permit dwelling in detail upon the thrilling and dramatic incidents of the struggle of the nations for the possession of this territory between the mountains and the Pacific. The American competition with the Hudson Bay Company in the establishment of Astoria by John Jacob Astor in the early part of the last century; the interruption of the War of 1812, and the abandonment of the American enterprises thereafter; the anomalous joint occupancy by Great Britain and the United States; the mild rule of the Hudson's Bay Company under the benevolent McLoughlin; the improvised provisional government established by the settlers, the inspiring and heroic labors of Lee, Whitman and De Smet; and their collaborators, recalling the devoted work of Marquette in the Mississippi Valley; the procession of immigrants slowly toiling over the mountain passes, the tales of Indian savagery, continually imperiling the struggling and isolated settlements, the thrilling narratives of privation and bereavement—these are all the commonplaces of your history, and will be the theme of song and story for generations to come.

OREGON AND UNITED STATES

Organization of the Territory Delayed on Several Grounds.

As we are commemorating the admission of Oregon into statehood in the United States, it seems appropriate to limit our consideration of the eventful annals to those features which are directly connected with the great drama of our National history. No state, not of the original 13, has contributed so materially in the circumstances of its acquisition and territorial organization to the great National issues which have divided the country. The anomalous period of joint occupancy between the United States and Great Britain; the improvised self-government; the boundary question; the territorial organization, precipitating the angry slavery issue, which finally resulted in civil war—these are all involved in the relation of Oregon to the United States.

The Oregon of the Oregon question prior to the settlement of the boundaries between the United States and Great Britain was geographically not the Oregon which was admitted to statehood in 1859. The Oregon country included not only what is now the state of Oregon, but also the states of Washington, Idaho and part of Montana and Wyoming, and all of British Columbia west of the Rocky Mountains and south of the Alaska boundary on the Pacific Ocean, and that of California on the south.

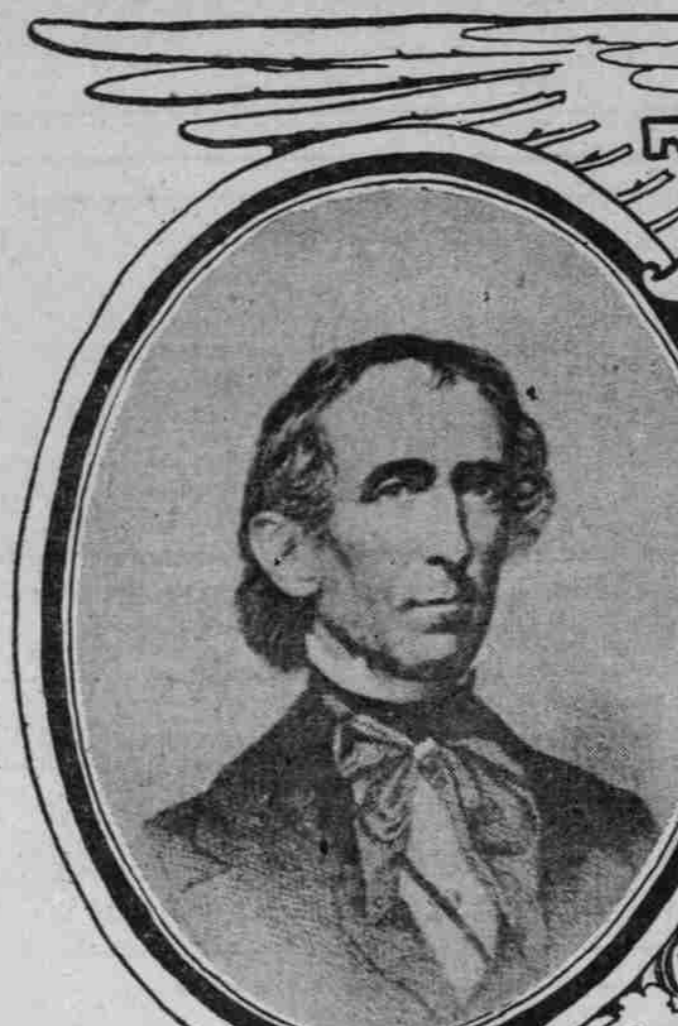
While there is no historical verification for the report that there was at any time danger of the abandonment of Oregon by the United States, it is true that the organization of the territory was delayed by opposition on different grounds. Until the great immigration of the early '40s there was general ignorance in the Eastern countries as to the value of the property for settlement. It was proposed to a further extension of the Union westward, as they had been opposed to the Louisiana Purchase, and there was opposition in the South on the ground that Oregon would strengthen the free territory at the expense of the slave states. As late as 1842, Senator McDuffie, of South Carolina, in the Senate, scouted the idea of a railroad to the mouth of the Columbia River, and was thankful that God in his mercy had placed the Rocky Mountains in the way, so to make this country unapproachable.

On the other hand, Mr. Jefferson, especially after the Lewis and Clark Expedition, was profoundly convinced of the great possibilities in the development of Oregon and its availability for settlement. It clearly appears in the discussions in Congress that as soon as the value of the country became known, and the tides of immigration began to pour in, there was no serious question as to the policy of the United States, although legislation was delayed through the boundary dispute and the complications of the slavery question.

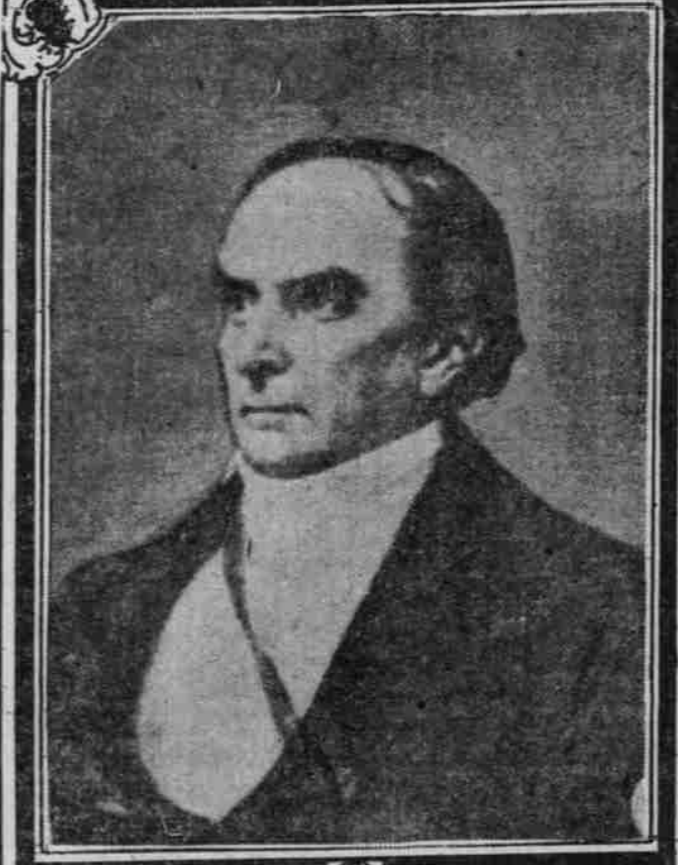
JOINT OCCUPANCY AGREEMENT

Two Nations Asserting Title to Entire Property.

An interesting and anomalous feature of the history of Oregon, or rather of the Oregon territory, is the fact that from 1819, after the close of the War of 1812, for some 35 years, the country remained under the joint occupancy of two nations, England and the United States, both asserting title to the entire property, and without prejudice to their respective claims. The United States based its claim upon discovery and exploration of the Columbia River as early as 1792, the explorations of Lewis and Clark, the settlement at Astoria, and subsequently the acquisition of the rights of Spain under the Florida treaty of 1819. On the other hand, the English claimed the entire country south to the Columbia River by virtue of the actual occupation by the Hudson Bay Company, and its extensive business with the trappers and furriers. In the Louisiana purchase of 1803 the territory ceded to Spain by France and returned to France in 1800 was sold to the United States by the same power, and the United States claimed the territory as a basis for the title of the United States. In the absence of actual settlement and oc-



JOHN TYLER.



DANIEL WEBSTER.



GEN. JOSEPH LANE.

cupation, it cannot be said that either Great Britain or the United States had a very convincing claim against the other. Dr. Fluke, in his Astoria address of 1892 well said:

Neither the purchase of 1803 nor that of 1819 would have gone far toward giving Oregon to the United States, unless the boundary of the United States had been supplemented by the solid facts of occupation.

After the War of 1812 and the sale of the Astoria property to an English company thereafter incorporated with the Hudson Bay Company, a treaty was made between England and the United States in 1818 for the temporary occupancy of the territory which was essentially anomalous, and would have been impossible except under the peculiar conditions prevailing in the country. It was virtually an agreement of joint occupancy, without prejudice to the conflicting claims of the two contracting powers as to the boundary of their respective rights. Thus in this treaty it was provided, among other things, that the entire country claimed by either party, and the navigation of all rivers, should be free and open for ten years to the vessels, citizens and subjects of the two powers, and that the agreement should not be construed to the prejudice of any claim of either party part of the country. This condition of joint occupancy was secured for ten years, and was afterward extended indefinitely until either of the two powers should give notice to the other of a desire to terminate it.

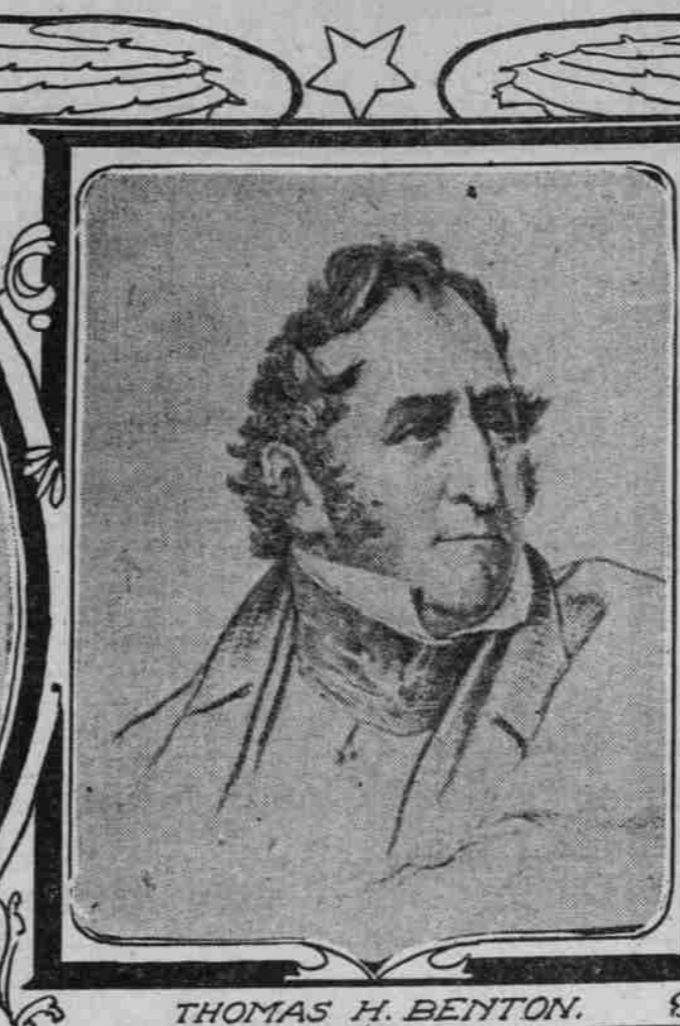
During this period of joint occupancy, certainly until the organization by the settlers of the provisional government, hereafter referred to, the authority necessary for the control of the Indians and the white population was exercised by Dr. McLoughlin, the local governor of the Hudson Bay Company. It was fortunate that this responsibility devolved upon one who was exceptionally qualified for his judicial administration. The high character of Dr. McLoughlin, his considerate treatment of the American settlers and missionaries, have been clearly shown by the president of your society, and will cause his memory to be honored.

SETTLEMENTS OF BOUNDARY

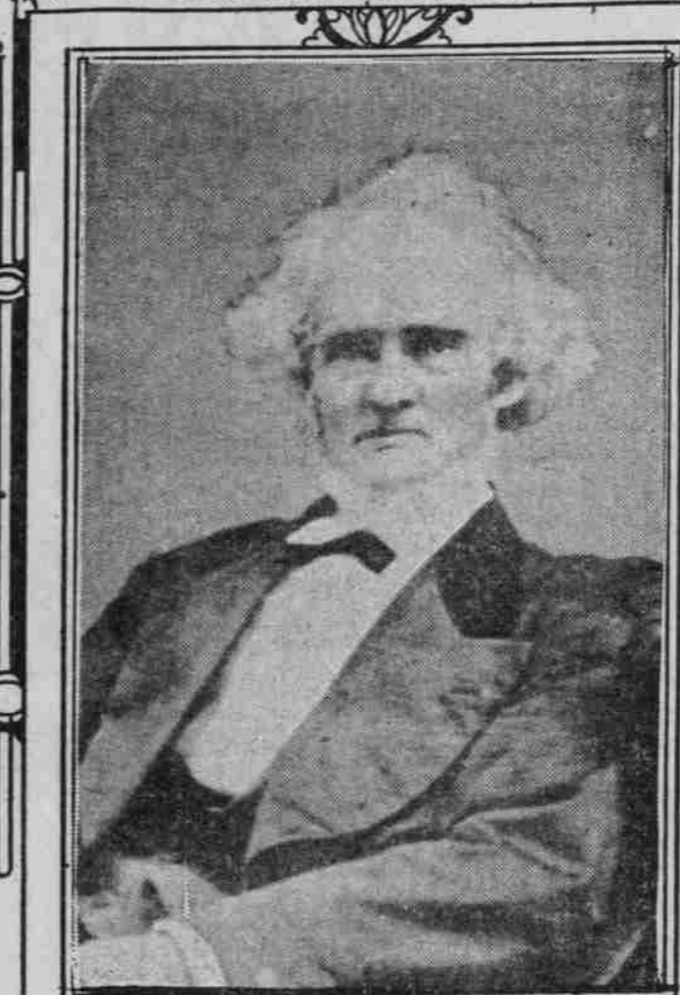
Happy Page in the History of Oregon as Well as the Nation.

The termination of the joint occupancy was closely associated with the assertion of the American rights in the Oregon territory, up to the Russian boundary crossing in 1843, and largely increasing in 1845, and this, like all other great immigrations and settlements of that race on our continent, was the act of the people going forward without government aid, or maintenance, establishing their position and compelling the government to follow them with its shield and sword if over them.

It was at this time of the uncertainty of the titles of the respective countries that the assertion was made of the American right to the whole Oregon country up to the Russian border of 54 deg. 40 min., and this became a political issue, which was adopted by the Democratic



THOMAS H. BENTON.



LEWIS FIELD LINN.



COL. E. D. BAKER.

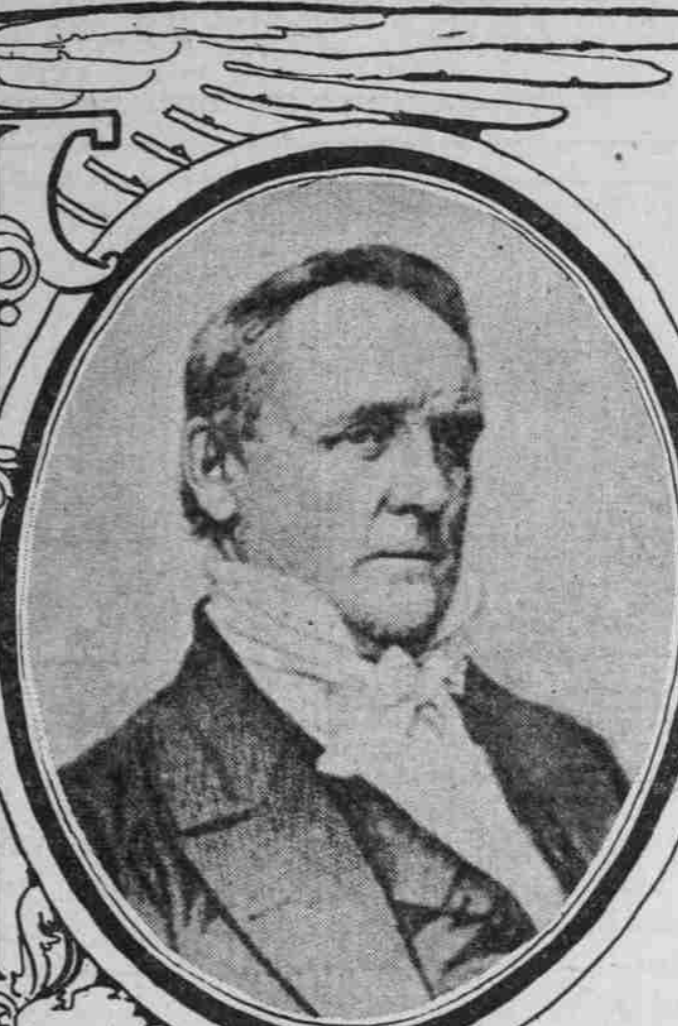
convention of 1844, in its platform, whereupon President Polk was elected. At one time this issue threatened war with England, and the danger was the greater because it was complicated with the other political issues of the time. War with Mexico was then impending through the annexation of Texas, which the South wanted for the extension of the slave territory, and certain politicians of the West demanded the whole Oregon country, even at the risk of war with England.

This boundary question was aggravated by the demand for the termination of the joint occupancy. It may be true, as suggested by Dr. Fluke in his essay on Andrew Jackson, that the movement of American immigration into the Oregon territory would in time have given the United States the entire country up to the line of 54 deg. 40 min. It was the wise counsel of Mr. Calhoun to leave the adjustment of the boundary question, as well as the joint occupancy, to the working of the silent forces which would make the country American. But such speculations are idle, as the United States was at that time not only in no position to make war on Great Britain over the Northwest boundary, as it had neither army nor navy on the Pacific Coast, nor the means of

ABLE TO GOVERN OURSELVES

Signal Proof of Oregon Pioneers' Capacity for Self-Government.

A most interesting period of the history of Oregon is the so-called Provisional Government, which was established by the settlers during the latter years of the joint occupancy and its termination until the organization of the territorial government in 1849. A body of laws was adopted by the joint action of the immigrants of the state and of British subjects, which, amended from time to time, was in effect the organic law until the territorial organization by the United States in 1849. At first there was not a single executive head, but an executive committee of three, and no provision for taxation, the expense of administration being paid by



JAMES BUCHANAN.



wild the conditions in which they are placed, men of Anglo-Saxon ancestry carry with them as their inheritance the fundamental conceptions of liberty and justice. Thus, in this social compact, the freedom of religious belief and worship, the right of habeas corpus, and trial by jury were guaranteed. Justice and the utmost good faith were enjoined, and the treatment of the Indians, whose lands and property were not to be taken without their consent. Education was encouraged and slavery was prohibited. Provision was made for the prompt administration of justice and for regulating and recording land claims.

Factional differences may have developed among these settlers struggling with the hard conditions of pioneer life as they have developed in modern settled communities. Nonetheless, however, the successful organization and wise administration of this provisional government, whereunder life and property were secured, justice orderly administered, the settlements successfully defended from the Indians, and the national prejudices of alien populations effectively controlled during these critical years—will remain for all time signal proof of the capacity of the Oregon pioneers for self-government.

OREGON AS A TERRITORY

Conflict With the New Developing Slavery Agitation.

The settlement of the boundary question and the termination of joint occupancy left the Oregon that is, the territory south of the 49 degrees and between the Rocky Mountains and the Pacific Ocean, as an organized territory of the United States. During the period of the settlement of the boundary question, immigrants had been pouring in through the passes of the Rocky Mountains, so that there were now several thousand American inhabitants who had settled upon the land and were living only under the laws made by themselves, and the demand for Federal protection by formal organization as a territory became imperative.

It was at this time that this recognized necessity for the organization of Oregon as a territory came in conflict with the new-developing slavery agitation which finally ended in Civil War.

The organization of Oregon with the exclusion of slavery was finally effected by the adoption of the provisional laws enacted by the territory and also subjecting the territory to the provisions of the Ordinance of 1787, which excluded slavery. An attempt was made to defeat the bill by filibustering, but it was finally passed on the last day of the session, August 14, 1848, through the alertness of Senator Benton in seizing an opportunity to call for a vote on the bill. It was promptly signed by President Polk, who announced his approval in a message, saying that if it had prohibited slavery south of the line of 36 degrees 30 minutes, fixed by the Missouri Compromise, his action would have been different.

The resolutions of Mr. Calhoun, though never brought to a vote in the Senate, proved a veritable Pandora box in the politics of the country. When introduced in the Legislature of Missouri and adopted, they were repudiated by Mr. Benton, and this resulted in a division of the Democratic party in that state and the re-

irement of Mr. Benton from the Senate three years later.

OREGON'S ADMISSION AS STATE

Complex and Inflamed Condition of National Politics at the Time.

The territorial organization, despite the perils and sufferings of Indian warfare, was followed by a rapid increase in population, and under the same self-reliant pioneer spirit, which had organized the provisional government, the Constitutional Convention was held, without any authority from Congress, and a Constitution adopted by the people November 9, 1857. On the 14th of February, 1859, the Act admitting Oregon was approved by President Buchanan, and it was admitted as the thirty-third state in the Federal Union.

During the ten years of territorial organization events of far-reaching importance had been enacted on the broader National stage. It was not the same Oregon which had been admitted in 1859, as Washington with its present boundaries had been carved from it in 1868. The agitation of the slavery question had gone on unceasing since 1848. The admission of California to the Union, the Fugitive Slave Act of 1850, the Kansas-Nebraska Act of 1854, the Dred Scott decision of 1857, the border war in Kansas, the intense development of anti-slavery in the northern states—all these had followed in rapid succession. This profound political revolution had had its effect upon party organizations. The old Whig party, after its crushing National defeat in 1856, had disappeared from the National arena. A new party organization sprang into existence opposing the slavery extension in the territories, while a division sprang up in the Democratic party in the struggle over Kansas, a large section of the Northern Democrats following Senator Douglas in his demand for popular sovereignty in the territories, so that the issue of slavery should be determined in the territories by vote of the people therein. When the bill for the admission of Oregon was presented in the second session of the Thirty-fourth Congress in 1856, Senator Douglas had just returned to the Senate from his successful campaign for re-election in Illinois, where he had been defeated by the popular election by Abraham Lincoln, who had thus risen into National prominence as the leader of the new anti-slavery opinion of the country.

In this complex and inflamed condition of National politics, Oregon made its application for admission as a state in 1859. As slavery had been excluded in its original organization, as a territory, so it was excluded in its Statehood. This Constitution also contained clauses, Article I, Section 5, and Article 2, Section 6, which have since been nullified by the Fourteenth Amendment to the Constitution of the United States (and which I understand have never been enforced, and in fact have been repealed, not only excluding free negroes and mulattoes from voting, but also from making contracts or living in the state).

In the popular vote upon the Constitution, these clauses prohibiting slavery, and excluding free negroes, were separately voted upon. Thus, on the slavery question, there were 265 for slavery and 727 against slavery, while upon the exclusion of free negroes there were 809 in favor of the prohibition and 1687 against; and upon the adoption of the Constitution, the ayes were 736 and the nays 233. It was thus clearly indicated that the opposition to slavery was mainly economic reasons; that is, it was deemed unadvised to the climate and industries of the state, while the feeling of opposition to negroes was then held in common with the other free states of the Northwest, though it is said that some voted for the exclusion clause as a concession to the strong pro-slavery sentiment.

The slavery question as a National issue now came to the front on this question of the admission of Oregon, as it had on the question of its territorial organization ten years before. But the far-reaching changes of the intervening period had so complicated the existing party politics, that although Oregon applied for admission as a free state, the opposition in Congress to her admission came mainly from the anti-slavery and not from the pro-slavery members. It is impossible to carry this into effect, and no serious attempt was made to take advantage of it during the period of slavery agitation. So hopeless, expedient, in securing the struggle against the increasing predominance of the free states, that any opposition to the admission of Oregon as a free state seems to have been controlled by the then controlling political conditions.

It was known in 1859, when the bill for the admission of Oregon was pending, that the state was being organized by the Democratic party. Two Democratic Senators had been elected, one of them General Joseph Lane, which had been elected in 1856, and was Democratic in both Senate and House. The election in both Senate and House of the Republican party, had resulted in very material gains for the latter in the Congressional election of 1858, so that there was doubt as to the political control of the next House of Representatives.

The approaching Presidential election of 1860, and the contest for controlling political consideration, in the then unprobable contingency of the election of the next President devolving upon Congress on account of the failure of either party to secure a majority in the electoral college, the vote of Oregon would equal that of New York or any other state, both in the vote in the House for President and in the Senate for Vice-President.

The opposition to the admission was mainly from the anti-slavery sources, and was based chiefly on the ground of the discrimination against the negroes and the alleged insufficiency of population. The vote on the admission was somewhat on party lines. In the Senate, the Republican view of the constitution of Oregon is found in the work of ex-Vice-President Henry Wilson. The History of Oregon, and Fall of the Slave Power. He says:

In 1857 Oregon framed a constitution and applied for admission to the Union. Though the constitution was not particularly thoroughly imbued with the spirit of liberty, and though the rejection of slavery, there were some seven-eighths for the article, and some three-fourths for the whole. Their leaders were mainly pro-slavery men, and it is probable that the constitution was their fear of defeat in their application for admission.

While it is true that the sympathies of the people of Oregon were then largely with the South, the conclusion is unwarranted that the pro-slavery party was inserted for the purpose of securing admission. Slavery was excluded in Oregon as it was in California.

(Continued on Page 6.)