

Hot Days in August, '57

State Constitutional Convention in Session a Month at Old Courthouse Here; Prior to Convention Statehood Plan Thrice Rejected by People; Deady President

BY CHARLES H. CAREY
President Oregon Historical Society

AT the old county court house in Salem, between August 17 and September 18, 1857, sat the great convention that framed Oregon's state constitution. We have had some exciting political battles in Oregon, but it may be safely said that no issue of politics that ever was raised here excited more bitter debate, or excited such general interest, as did the question of statehood or no statehood, a question that was continually before the people in one form or another throughout the entire period from 1848, when the territory was organized, until statehood was achieved, February 14, 1859. The Territorial legislature met annually, as provided by the Organic Act adopted by Congress; and at every session, the question came up, generally, when urged by the democrats. Three times the statehood bill passed the Legislature and was submitted to vote of the people, and three times it was voted down by a narrow margin. But, finally, by a remarkable reversal of the opinion of those opposed, the plan to have a constitution and a state was carried by a great majority.

How this change of heart was brought about will be explained below. The vote was taken on the first Monday of June, 1857, the final count showing 7617 in favor of holding a Convention to adopt a Constitution, as against 1679 opposed, or a majority of 5938 in favor. Delegates to the Convention were elected at this election. 7195 Ayes, 3215 Nays On Ratification Issue

Although the Convention was spirited in debate at times, it was conducted with decorum, and the work was done with scrupulous fidelity, as well as with remarkable success. The Constitution thus framed was approved by popular vote at a special election, held November 9, 1857, the vote being 7195 for, as against 3215 opposed, showing an affirmative majority of 3980. Congress created the state under this Constitution and the bill was signed by President Buchanan, February 14, 1859, a date that marks Oregon's admission into the Union.

For forty-five years this Constitution remained in force without change or amendment. In fact, it was not until the adoption of the Initiative and Referendum Amendment of 1902, that the habit of amending was acquired. Since that, over one hundred amendments have been voted upon by the voters, and approximately one-half of these have been adopted.

The Convention itself was remarkable for the ability of its delegates. It sat at a period when every man was interested in politics, and was well informed on the principles of representative government. Most of the delegates would have been recognized as leaders in any assembly of able men, and many of them were afterward called upon by their fellow citizens for service under the new government. The debates of the Convention were notable for the ability and breadth of the argument, and some of the speeches were masterpieces of forensic oratory.

Representative men Took Part in Conclave

Among the most conspicuous of the members there may be mentioned Judge Matthew P. Deady, who served as president of the Convention, and who presided with dignity and fairness. At the close of the labors of the body, he made a brief speech in support of the Constitution as drafted. At times, during the sessions, he vacated the chair and participated in the debates. Others who took active part in the debates included Cyrus Olney, of Clatsop County, E. D. Shattuck, of Washington County, Thomas J. Dryer, of Multnomah County, J. K. Kelly and A. L. Lovejoy, of Clackamas County, J. R. McBride, of Yamhill County, Reuben P. Boise, of Polk County, John H. Reed and P. P. Prim, of Jackson County, Jesse Applegate, of Umpqua County, Stephen F. Chadwick, of Douglas County, Delazon Smith, of Linn County, L. F. Grover and George H. Williams, of Marion County. These and many others served on important committees.

The Convention consisted of sixty delegates, two-thirds of whom were democrats, the remainder being whigs and free state republicans. It was promptly organized,

and the usual standing committees were appointed. By common consent the burning question of slavery was avoided, a happy expedient being found in a plan for submitting to popular vote in separate schedules that issue, and also the kindred question of permitting free colored people to reside in the state. The debates developed considerable difference of opinion on many subjects, but most of the real work, as usual in such assemblies, was done by the committees, and finally in the last few days of the session, the instrument took shape with speed and general approval.

Statesman was Powerful Influence in Conclave

The Oregon Statesman at that period was the most influential of the newspapers published in the Territory, with the possible exception of the Weekly Oregonian. The first mentioned, under the vigorous and able editorship of Asahel Bush, led the democrats, while the Oregonian, with Thomas J. Dryer as editor, was at that time a whig journal, although soon after the organization of the Republican party it espoused the new party's policies and candidates. Both of these papers had reports of the day to day proceedings. Dryer, himself a delegate, had engaged Patrick Malone, an able reporter from San Francisco. Mr. Bush was not a delegate, but attended the sessions in person, and there is a tradition that he also used the services of a young lawyer named W. W. Page, afterward a prominent judge. The reports in these two papers were full and comprehensive, and without them the details of the daily debates and proceedings would have been lost. For although an official journal was accurately kept, this was a formal report, and merely gave a skeleton of the essential transactions. The Convention did, indeed, consider the advisability of having a shorthand reporter to take down the debates, but gave it up on account of cost. As matters stand, the State owes to the enterprise and diligence of Mr. Bush and Mr. Dryer the valuable detailed record published in their newspapers, a great feat considering the time and circumstances.

Sources of Constitution From Other States

The original constitution was derived in great part from the Indiana Constitution of 1851, but

Statesman Old, But Wide Awake

BY C. H. BROCKHAGEN
Publisher, The Portland Telegram

"IF it is 'by reason of strength' that a man attains the age of fourscore years—it is no less evidence of exceptional vitality when that composite personality which we call a newspaper successfully endures the vicissitudes of a long lifetime, renewing its strength and maintaining always the spirit and ambitious purpose of indomitable youth.

"Such an unworn veteran is The Statesman, which is one of the oldest newspapers in Oregon. In its unprejudiced reporting of current events and its well considered comment upon them, The Statesman has justified its name as it has helped to make as well as to relate the history of its period—a period coinciding very nearly with the lifetime of the state.

"On its 80th birthday, The Statesman is to be congratulated on its worthy record of public service and its rich inheritance of honorable tradition, but age, in itself, means little in the active life of a daily newspaper. The Statesman is fortunate that its 80 years has grounded it deep in the respect and regard of Oregon, but it is more fortunate in its conception of the past as nothing more than a stout foundation, on which to build the future.

"The Statesman assumes no prosy pose of venerable age. It aspires to be no chimney corner oracle, but takes its place briskly in the busy procession of today, pushing forward with a lively step—rejoicing as a strong man to run a race.

"As editor and publisher of The Portland Telegram, which in its 54th year ranks among the elder papers of the state, I speak for myself and for all the members of the Telegram family when I wish The Statesman many happy returns of this anniversary, counting off years of growing influence and usefulness and of increasing prosperity for this pioneer newspaper and the community it serves."

some features were derived from constitutions of Iowa, Maine, Massachusetts, Michigan, Ohio, Illinois, Connecticut, Wisconsin and Texas. The judiciary article was original with the Convention.

Mention has been made of the sudden change of sentiment among the voters of Oregon Territory that resulted in a strong vote for statehood, notwithstanding repeated previous rejections. Perhaps nothing shows more clearly the importance of the slavery question in the minds of the voters of 1857. The change was in great measure due to a decision of the United States Supreme Court in the Dred Scott case, which overthrew the so-called Missouri Compromise by which Congress had attempted to establish a permanent line between free and slave territory.

The decision indirectly affected such a Territory as Oregon, and by implication changed what was locally believed to be its fundamental law on the subject of slavery. In brief, the situation may be thus described: While Oregon was north of the Missouri Compromise line, and, moreover, while Congress in creating the Territory had confirmed the laws that the Provisional Government had taken over from Iowa, including the prohibition of slavery as set out in these laws, all this was now to count as nothing. Congress had no power to pass such laws, and hereafter when states are erected by popular vote, the people will have the sole power to decide whether the new state will be slave or free. This overruled, in effect, earlier decisions of the Oregon Supreme Court, which had expressly decided that the institution of slavery was illegal in that Territory.

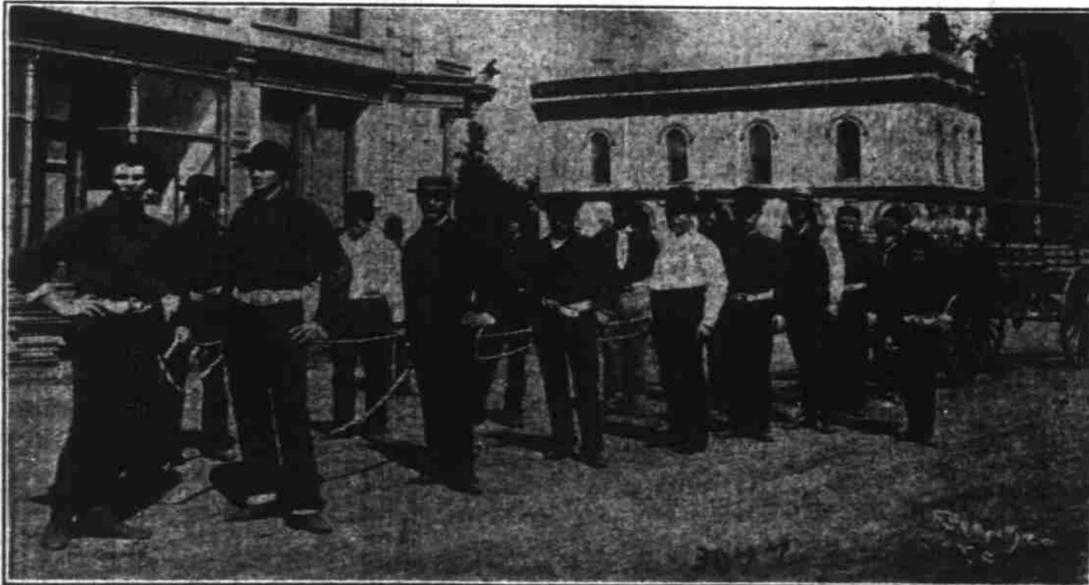
Dred Scott Case Force Issue of Slavery

The Dred Scott decision became the subject of heated political discussion everywhere throughout the Union, but nowhere was the question more important than in the Oregon region. Those opposed to

slavery, including a large part of the democrats as well as the whigs, became apprehensive lest the Buchanan administration at Washington, backed by Congress, would force slavery on Oregon, and they feared that the local courts and laws would be ineffective to prevent the flooding of the Territory with slaves. The remedy, the only remedy, seemed to lie in the prompt voting for statehood, and the prohibition of slavery by popular vote. Those opposed to slavery believed that the majority of the voters would vote for such prohibition, but they feared that if action were long delayed the influx of immigrants from slave holding states might reverse the situation and fasten slavery on the state. The immediate vote was therefore favored by the anti-slavery element that had opposed statehood in the earlier elections.

The Convention hall heard very little about prohibition of slavery, but it resounded with oratory on every other political subject. Corporations were attacked, the state university was opposed, and a number of anti-liquor petitions were presented. One delegate, hailing from Wasco County, wanted the part of the Territory lying east of the Cascade left out of the State, and another delegate from Coos County proposed the right of secession by the southern counties, in case a new state should be carved out of these and some counties in northern California. On the whole, however, the Convention was disinclined to wander into by-paths, and it kept to the middle of the road. The Constitution it created was a model for a small rural state in the far west, being especially restricted as to expense, and making legislative sessions biennial, instead of yearly as under the Territory, and also requiring the Supreme Judges to do circuit duty, and the County Judges to act as County Commissioners. Economy was the watchword. But efficiency was by no means neglected.

BUCKET BRIGADE IN '80's



SALEM TOOK PRIDE IN ITS FIRE TEAMS. BUILDING AT LEFT, S. W. CORNER COMMERCIAL AND CHEMKEA STREETS WAS BUILT IN 1885 FOR OLD FIRST NATIONAL BANK. BUILDING IN REAR, STATE INSURANCE COMPANY. AFTER REMODELING, IT WAS ALSO HOME OFFICE OF OREGON LAND CO. HERE HERBERT HOOVER WORKED AS OFFICE BOY BEFORE GOING TO STANFORD.

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