

Excerpt from Chapter 20 of reminiscence of Levi Scott, 1797-1890,
in collaboration with Judge James Layton Collins

In June 1857, Jesse Applegate and myself were elected to represent Umpqua County in the convention to frame a constitution preparatory to the admission of Oregon into the Union as a state.

This convention consisted of sixty delegates who met at the city of Salem on the third Monday in August of that year and organized by the election of Hon. M. P. Deady of Douglas County as president. It completed its labors and adjourned on the 18th day of September following.

The Constitution evolved by this convention was adopted by the voters of Oregon on the 9th day of November 1857 by a majority of exactly four thousand votes. There were 7,195 votes in favor of it, and 3,195 against it.¹ The Act of Congress admitting the state into the Union was approved February 14th 1859. The territorial laws were continued in force until repealed by the legislature. This constitution is remarkable for its spirit of economy and its general excellence; yet, it contains several provisions which I vigorously opposed in the convention and which I do not like.

Mr. Applegate and myself were both Whigs and our party was hopelessly in the minority throughout the territory. The Democrats had the reins and they proposed to run the machine.

Captain Applegate, with his great talent and energy of character, was regarded as the leader of the Whig party in Oregon. Immediately upon the meeting of the convention, many of the Democratic members seemed to league together to destroy his influence and, if possible, to render him ridiculous and to break him down. They opposed and voted down everything he proposed, regardless of its merit, till, in a few days, finding that he could do no good in the convention, Captain Applegate left and went home. He insisted on me doing the same thing, but

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I told him:

“No. I was sent here to help frame a constitution and I shall stay and do the best I can, whether it suits me or not.”

And I did stay and vote on every proposition that came before the convention, according to my views as to whether it were a sound principle or not. And on the final passage of the whole constitution, I voted: “No.”

I was really opposed to the adoption of any constitution, at all, at that time. I, with Captain Applegate and many others, believed that the movement was premature and that it would be better to remain a territory for several years to come.

I thought we were too weak in point of business, sources of revenue, and population to assume the burdens of a state government. And, moreover, I knew that the Whigs were too weak even to act as a check upon the ambitious young democracy which seemed to be resolved on enjoying to the fullest extent their favorite doctrine: “To the victors belong the spoils.”

I was afraid that more spoils would be demanded than the country could very well afford to supply in the support of a state government. There were only 10,000 voters and less than 50,000 people, all told.²

¹ Collins’s numbers are mistaken although the precise numbers he cited seem to be part of a legend of the time because the same numbers were cited by Williams, George H., “Political History of Oregon From 1853 to 1865,” Quarterly of the Oregon Historical Society, Vol. 2, No. 1 (March 1901), p. 18. The official vote reported by the Oregon Statesman newspaper on July 7, 1857 was 7,617 for and 1,679 against. See also, Carey, Charles Henry, The Oregon Constitution, Oregon Historical Society and Oregon State Legislature, Salem and Portland, Oregon, 1926; reprinted 1984, The Press of the Oregon Historical Society, p. 26.

² The 1860 census found 52,465 persons in Oregon. Kennedy, Joseph C. G., Preliminary Report on The Eighth Census, 1860, Washington, D.C., Government Printing Office, 1862, pp. 277-78; accessed at Multnomah County Library Central Branch.