

JESSE APPLGATE: PIONEER, STATESMAN AND PHILOSOPHER.*

Mr. Carlyle once wrote as follows on the value of historical portraits: "Every student and reader of history who strives earnestly to conceive what manner of fact and of man this or that vague historical name can have been, will, as the first and directest indication of all, search eagerly for a portrait, for all the reasonable portraits there are; and never rest till he has made out, if possible, what the man's natural face was like. Often," he continues, "I have found a portrait superior in real instruction to half a dozen biographies, as biographies are written; or rather, let me say, I have found that the portrait was as a small lighted candle by which the biographies could for the first time be read and some human interpretation be made of them."

The above sentiment appeals to me with redoubled force since the recent almost uphoped-for acquisition of a portrait of the man about whom I am to speak to you today.

I had long been convinced of the importance of Jesse Applegate's place in the early history of Oregon. The record of his activity as law-maker, and as a bold surveyor of new highways to the Pacific; the perusal of his brilliant state papers and other writings, create a desire to know the man as intimately as possible. Yet, because no photograph of him existed, there was felt to be an elusive quality about his personality which no amount of description by those who remembered him best could wholly dispel.

But in these latter days a kind of miracle has been wrought; for those who knew Applegate intimately before his light went out, nineteen years ago, one man, a natural artist, retained a mental image of him that has proved capable of reproduction with pencil and brush. And about four months ago this man, Mr. George Applegate, completed a portrait which those best able to judge pronounce an excellent likeness of Jesse Applegate. This picture, like the "small lighted candle," will help us to read the story of his life aright.

Jesse Applegate was a pioneer, for he came to Oregon in 1843, with the emigration which achieved the permanent settlement of this country. Yet he differed widely from the pioneer-

* Address by Professor Joseph Schafer at the Pioneers' reunion, Lafayette, Oregon, June 5, 1907.

ing type as that type is commonly understood—I do not mean as it has been misunderstood by writers of old, well-settled countries, who are unable to appreciate the qualities required to make a good frontiersman. We think of a pioneer as a man of uncommon physical virility, bold, steadfast, resourceful, capable of enduring hardships; a man who often shows good natural powers of mind, but who is wanting in that training which is requisite to complete intellectual efficiency. We are not apt to associate with the physical and moral qualities that mark the typical pioneer the highest mental attributes. Were we to do this, the resultant product would be a man resembling Jesse Applegate.

On the physical side few men have been better adapted to the life of the frontier. He was over six feet in height, and well proportioned; erect, rather square, but muscular and very strong. His powers of endurance are indicated by the fact that he more than once walked sixty miles in a day without serious inconvenience, and that forty miles was light work for him. Brought up on the plains, he readily made himself an expert woodsman and mountaineer. During his lifetime no other man probably was so perfectly familiar, from actual experience, with the wild mountain passes and lonely forests of Southern Oregon. He had traversed most of them with chain and compass; through some he had piloted companies of troops, searching out the lurking places of hostile savages. He was alert in the presence of danger, fertile in expedients, bold but never rash. His knowledge of the character and habits of Indians was excellent. He knew when to trust and when to distrust them. In a word, under proper conditions he might have been a Daniel Boone. In some respects Applegate's pioneering labors were quite as arduous as were those of the great pathfinder of the Alleghenies. Against the "Wilderness Road" of Boone may be placed the much longer "Southern Route" into Oregon opened by Applegate; against Boone's piloting of the emigrants to Kentucky in 1775, Applegate's leadership of the equally critical emigration of 1843.

But while pioneering to Boone was the whole of life, to Applegate it was only one feature in a life that was remarkably rich and varied in its experiences. He was a pioneer because some of the circumstances of his environment made him one; he was very much more than a pioneer because he had easily overcome other circumstances which might have limited his activities to the pioneering field.

Jesse Applegate came of Colonial and Revolutionary stock. In a short sketch of him prepared by his daughter Sallie (Mrs. J. J. Long), we are told that his father, grandfather and two uncles entered the American Army from New Jersey. His father, Daniel Applegate, enlisted at Morristown as a fifer in 1780. He was then a lad of fifteen years. After the close of the war he emigrated to Kentucky, married Rachel Lindsey, of a well-known Kentucky family, and settled down as a farmer in Henry County, where he raised a large family. The youngest of his children was Jesse, born July 5, 1811. When the boy was twelve years of age, Daniel Applegate removed to Missouri, near St. Louis, where he soon afterward died. We would be glad to know more about Daniel Applegate, for if an inference based upon the characteristics common to three of his sons is a safe one, he was a man of no ordinary mold. It would be interesting to know his politics, how he stood on the absorbing questions that agitated Kentucky in the ten years following the Revolution; was he a nationalist, seeking to keep Kentucky in the Union, or a Wilkinson separatist, trying to keep her out? With what feelings did he regard George Rogers Clark's scheme to capture New Orleans in the interest of France? What were his reactions upon the neutrality proclamation of 1793? Was he Federalist or Republican? If we knew these facts it might help us to measure the influence of earliest environment in shaping the character of his son. It might be possible to make a close guess on some of these points, but guesses are not history.

Concerning Jesse's early education we know nothing, save that there is a tradition in the Applegate family that he became a village school master in Missouri at thirteen. The more important part of his training, however, came later. For, sometime during the twenties he came under the influence of the distinguished Missouri lawyer, Edward Bates, who afterward was Lincoln's attorney-general. Applegate seems to have served as office boy and clerk; but we have no definite information as to this period of his life. The important fact is that Mr. Bates took a deep personal interest in the boy, directing his education, and strongly impressed upon him many of his own positive traits of character.

The law office of Edward Bates, in St. Louis, became in a sense Jesse Applegate's high school, college and university. It was during this time that he laid the foundation for that broad and accurate knowledge of literature, history and general science

which marked him out later as one of the best read men on the Pacific Coast. He gained, also, some familiarity with Latin, and in some way, we know not how, developed a singularly pure, dignified and graceful literary style. He acquired in addition at least the elements of the widely different sciences of law and engineering, both of which proved of distinct service not only to himself but to the new community he was to help build beyond the mountains.

As already stated, we do not know with what sort of political and social ideas, prejudices and predilections Jesse Applegate came to the tutelage of Edward Bates. But we are at no loss to define the influence which this great jurist exerted upon him. Edward Bates was a gentleman of the old school. Born in Virginia, just at the close of Washington's first administration, son of a Quaker who had subordinated religion or patriotism only long enough to fight for his country in the Revolutionary Army, Edward Bates was nurtured in an atmosphere of conservatism. He went to St. Louis in 1814, carrying with him, as his public career shows, the political principles expounded in the *Federalist* and exemplified in Washington's presidency. If he ever attended to the more radical teachings of Jefferson, the influence was lost upon him. In the language of one writer, "He was wedded to the strictest rules of law and precedent." To him anything savoring of radicalism seemed, to quote the same author, "the herald of the trump of doom." Even during the most turbulent period of the Civil War, when to most men the saving of Missouri appeared to justify rather informal and strong measures, Mr. Bates found it impossible to overcome his ingrained hatred of political radicalism. "There is no such thing," he declared, "as a patriotic and honest American radical." The spirit of Washington's farewell address, which had fallen like a blessing upon his childhood, remained to sanctify the political griefs of his old age.

On one question Mr. Bates actually was radical, though he was doubtless unconscious of the fact; that was the question of slavery. He may have derived his strong anti-slavery proclivities from his Quaker connection, for large numbers of these people annually migrated from the Old South to the States north of the Ohio in consequence of the revival of slavery early in the last century. But the old school Virginia statesman, like Washington and Jefferson, were also opposed to slavery in principle, and since Bates removed to St. Louis at a time when such views were still current, he may have drawn them from that source.

Possibly all of Applegate's early political tendencies may have harmonized with those of Edward Bates; but if so, there can be no doubt that they were greatly invigorated by this intimate contact during the plastic years of youth, with so forceful and earnest a man. It seems to me that the association with Bates helps us to understand Applegate's strong views on government, as he afterward impressed them, through laws, partly platforms, and hundreds of personal or public letters upon the Oregon people. It helps to explain his passion for order, his punctilious regard for forms and precedents in legislative matters, his insistence on the nicest regularity, wherever governmental activities were concerned. His militant nationalism and his abhorrence of slavery are explicable on the same ground.

Bates and Applegate, though differing much in mental gifts, the younger man being more brilliant and original than the elder, were so congenial that a warm friendship grew up between them which endured through life. It is said that even while under the enormous strain of his cabinet duties, during the war, Bates never failed to write, each year, one or more long letters to Applegate, and no letter ever failed to bring a response. This is important, for it enabled Applegate, from his ranch in far away Oregon, to keep himself in close touch with the great currents of national politics.

Jesse Applegate made himself so good a surveyor that he was taken into the office of William Milborn, surveyor-general of Missouri, as clerk and deputy before he had attained the age of twenty years. He performed much field work in the southern part of the State. While out on one of his numerous surveying expeditions he attended a ball and there met Cynthia Ann Parker, a most estimable young woman, whom he married in 1831, and who, in becoming his wife, became also his life-long companion, counsellor and friend.

He now bought land in the Osage Valley and settled down to the life of a farmer and stock raiser. Twelve years later, the Applegates, with their family of young children, and accompanied by the families of Charles and Lindsey Applegate, with other neighbors and friends, left Missouri to go to Oregon. Jesse Applegate emigrated from the Osage Valley because of slavery. He had prospered in a worldly way; he had a valuable farm and many of the comforts and conveniences of life. But the inevitable operation of economic law was at work there as elsewhere in the South tending to transform the areas once occupied exclusively

by small farms and worked by free labor into the characteristic slave-tilled plantations, the unique industrial form under which the South was becoming unified. This process of unification always meant the elimination of two classes of the earlier settlers—those who could not own slaves and those who would not own slaves. Applegate was abundantly able to buy slaves had he chosen to do so, but he would not become the owner of human chattels. (I am told that he did buy for his wife a slave girl, but in order to rescue the waif from brutal treatment elsewhere and under a pledge of manumission. The girl, however, did not reach maturity.) For field labor he had to depend upon the expedient of hiring slaves from neighboring masters, no white laborers being procurable.

On deciding to go to Oregon, Jesse Applegate abandoned his farm, leaving a good share of the previous year's crop in the barns, and, it is said, the bacon of 300 swine in the smokehouse. He loaded four wagons with such provisions and other goods as could be taken on so long a journey, and gathering up about 100 head of cattle and horses, started for the rendezvous near Independence.

It is not my purpose to give an account of the journey, which has been frequently described; nor is it necessary to insist too strongly upon Applegate's services in bringing this emigration of nearly one thousand through to the Willamette. He was instinctively recognized by these Western men as a leader, and in the reorganization that took place just beyond the Kansas River, he was chosen captain of that part of the company which had the bulk of the cattle, the so-called "cow column." From Fort Hall to the Columbia, the part of the route over which no wagon trail had yet been made, Applegate is said to have been in advance, with his compass, to determine at critical points the course which should be followed. In this work he was greatly aided by Dr. Whitman, whose familiarity with the region enabled him to make valuable suggestions. In descending the Columbia with rafts an accident occurred and three persons were drowned. One of these was Jesse Applegate's eldest child, a bright, studious boy of twelve, named for his friend and patron, Edward Bates. Lindsey Applegate also lost a son at the same time.

Applegate settled on Salt Creek, then in Yamhill County, now in Polk County, where he remained till the spring of 1850. He did some farming, raised a fine herd of cattle, built and managed

a small grist mill, and worked much at his profession of surveying. He was one of the busiest men in the little colony.

But for all that, he would not neglect his public duty for his private interests, and in the summer of 1845 an occasion arose for giving a large amount of time and his best talents in the colony's service. The circumstances were as follows: When the 1843 immigrants arrived at the Willamette they found that the American portion of the settlers already in the country had organized a provisional government. They had adopted a body of "fundamental laws," and had chosen a set of officers including a three-headed executive, and a legislative committee.

The government was working badly for several reasons—because many desired no government at all, because of the clumsy provision for an executive, because the judiciary was defective, and especially because there was no compulsory or even coercive power to obtain revenue by taxation. The truth is, the American party had been only just strong enough to secure a majority vote favoring an organization and not strong enough to put in operation an energetic government. There had been 52 in favor and 50 against.

Moreover, there were several special interests in Oregon which greatly complicated matters. There was the Methodist Mission interest, the Catholic Mission interest and the Hudson Bay Company interest. The first two sought their advantage in the control of considerable bodies of land, and the "fundamental laws" permitted each of them to take an entire township. The Hudson Bay Company stood out against the provisional government on national grounds; it understood that the organization was in the interest of the United States and against Great Britain, both countries being at that time claimants to the soil of a part of Oregon. The arrival of the emigrants of 1843 altered conditions fundamentally. The American party was now strong enough to pursue any policy its leaders might devise. So, when the legislative committee met, in 1844, under leadership of the new immigrants, especially Peter H. Burnett, it was decided to put some vigor into the government. The question was how to do it. The "fundamental laws" had been loosely drawn and contained both constitutional provisions and ordinary statutes. Yet the whole had been adopted by the people as if it were a single constitution. It followed that if the legislative committee should amend any of the provisions which were in character merely laws, they would nevertheless be violating an instrument

which had received the formal sanction of a popular vote, while if they changed one of the constitutional provisions they would be doing nothing worse. The situation caused some hesitancy and much discussion. But changes were sorely needed, crops at home were requiring attention, the people were restive, the old government—one year old—was all but dead anyway, and doubtless the United States government would soon make Oregon a Territory. So they decided, in a very informal way, to regard the "fundamental laws" as mere statutes, capable of being amended at the will of the committee. A rigid lawyer might have had some trouble to determine where, under that theory, the committee had obtained its power to legislate at all. But in the true Western spirit, taking common sense as a guide, the committee ignored all such metaphysical subtleties, and proceeded to legislate. It reorganized the executive and judiciary, enlarged the legislative committee, revised the land law, cutting out the township gifts to the two missions, and provided for an effective system of taxation.

These sweeping changes were not submitted to the people for ratification or rejection, which was a serious omission. Instead the people were asked to vote on the question of holding a constitutional convention. Some interpreted the last proposition as a movement in favor of independent statehood. It aroused much opposition and was finally voted down. Many criticised the action of the legislative committee from interested motives, it is true; but there was so much in its proceedings that was irregular, if not positively illegal, that its work could not gain the general approval of the people. There was widespread discontent and ill will.

The new legislative committee came together June 24, 1845, with Jesse Applegate members from Yamhill County. Applegate had looked with extreme disfavor upon the proceedings of the year before. He was now to show what was his solution of the problem of creating a stable government for the Oregon colony. Since he completely dominated the committee, as the records show, he was able to carry out his views perfectly. This was his program: First, to revise the fundamental laws of 1843, which had been adopted by popular vote, making the document a true constitution. The revision was made with his own hand, other members of the committee apparently making only a few minor suggestions. Next, this new instrument, together with the earlier one which it was intended to supplant must be submitted to the

people, who were to choose between them. This was done and the people chose Applegate's constitution. The legislative committee, on Applegate's motion, had adjourned to await the decision on this question, and also on the question submitted at the same time, whether or not the officers chosen at the June election should be regarded as legally qualified officers under the new constitution. This question being also decided affirmatively, on the 5th of August, after a recess of just one month, the legislature met again at Oregon City and proceeded with its business.

At the opening of the June session Applegate had proposed a form of oath for the members in such terms as to indicate that the Oregon government reserved to Englishmen who might be under its jurisdiction the same paramount right of allegiance to their government that Americans claimed for themselves. "I do solemnly swear that I will support the organic laws of the provisional government of Oregon, so far as the said organic laws are consistent with my duties as a citizen of the United States or a subject of Great Britain. * * *" He had aided in preventing the radical Americans from declaring illegal the election of Francis Ermatinger, a British subject, as Treasurer of the colony; and he had introduced a resolution declaring: "That this government has no power to annul a contract entered into either in the United States or Great Britain."

The way was thus prepared for what was perhaps Applegate's most cherished object, namely, the union of the Hudson Bay Company with the Americans under the terms of a provisional constitution. Applegate discussed the matter with McLaughlin, who at first protested against the plan, but was finally convinced by Applegate's arguments that such a union would be to the advantage of both parties, and especially to the company, which stood in need of the government's protection.

About the middle of August, as the result of Applegate's triumphant diplomacy, the officers of the Hudson Bay Company formally gave in their adherence to the provisional government, agreeing to accept its jurisdiction, to pay taxes for its support, and in all respects to abide by its constitution and the laws made in accordance therewith. It was a notable achievement, bringing to an end as it did the dual jurisdiction which had subsisted for several years, and demonstrating to the world that at last the occupation of Oregon by Americans was a fact accomplished.

Lieutenant Henry Warren, British military officer, sent from Canada by government order in the spring of 1845 to report on

conditions in Oregon, reached Vancouver a few days after this settlement had been effected. He was deeply impressed by it, and wrote: "The Hudson Bay Company were so completely overruled by a number of Americans that they (the company) were obliged to join in this contract (the provisional government) which neutralized their authority in the country where they had been long respected by the native tribes, and obliged them to subscribe to the laws of the very people whose settlement and occupation of the land they contributed so generously and largely to effect."

Thus Oregon was at last—and for the first time—under a secure and efficient government. All interests had been subjected to its jurisdiction, all factional opposition eliminated. It was a government that commanded universal respect, secured equal justice and fostered the prosperity of the colony. Its success may have had, also, a large influence upon the settlement of the boundary question between Great Britain and the United States. This government remained in full operation without the necessity of further amendment down to March 3, 1849, when General Joseph Lane proclaimed Oregon a Territory of the United States. In the light of this recital of facts it seems hardly an exaggeration to say that the boon of good government was conferred upon the Oregon people by the representative from Yamhill, Jesse Applegate.

Applegate's activities during the brief sessions of June and August, 1845, are partly revealed by an examination of those mysterious looking boxes of manuscripts preserved in the Secretary of State's office, and labeled "provisional government." In his handwriting, unless I greatly err, are the new constitution, a memorial to Congress, and more than one-half of the considerable body of laws passed in that year. With rare and slight exceptions, the form is faultless and the substance true. Thomas H. Benton, in presenting to the Senate the memorial of 1845, took occasion to commend it as a document which reflected high credit upon the American citizens living in Oregon. Before the adoption of the organic laws, Applegate put through the Legislature a resolution, declaring "that this government can recognize the right of one person to the services of another only upon bona fide contract, made and entered into, and equally binding upon both parties." This expresses his views on slavery. He maneuvered successfully to kill a bill for granting a certain petitioner a divorce from his wife. On the 11th of August he in-

troduced the famous bill against duelling. The statement of the matter in the journal is as follows: "The rules were suspended to allow Mr. Applegate to present a bill to prevent duelling; read three times and passed. On motion of Mr. Applegate, said bill was ordered to be forwarded to the executive for his approval forthwith. The speaker appointed P. G. Stewart special messenger for that purpose. The bill was returned to the House with the approval of the executive." Mr. Gray says it became a law in half an hour's time from its introduction in the House. Yet, the original bill as it reposes in the archives, bears no evidence of haste. It is written in the same round, bold, clear hand with Applegate's other formal papers.

The history back of its introduction is simple. Two young men had gotten into an altercation, which it seemed to them could be settled honorably only according to the code. Applegate was resolved to save them from the consequences of their own folly, and to save Oregon from the disgrace of a duel; so he hurried off to the House and had his law passed in time to prevent it.

Having gotten the government into good working order, Applegate left orders to operate it, while he devoted his energies to other matters. In 1846 he surveyed that long and intricate wagon road from the Willamette Valley to Fort Hall, by way of the Umpqua and Rogue Rivers and Klamath Lake. When the Whitman massacre was reported at Oregon City in December, 1847, Applegate came forward again, as he always did in great emergencies. He held no public post at that time, yet the journal of the Legislature reveals his agency in devising plans for the defense of the country. This is the record:

"Dec. 10. The Speaker announced a communication from Jesse Applegate, urging the necessity of sending, forthwith, a special messenger to the United States, read and referred to a select committee, consisting of Messrs. Nesmith, Wair and Meek." The committee promptly reported in favor of the plan, and it was arranged to send Joe Meek to Washington with dispatches and a memorial to Congress. This memorial was without doubt penned by Jesse Applegate, and is, in my estimation, one of the finest papers ever produced west of the Rocky Mountains. Two or three paragraphs must suffice to illustrate its superlative literary merit:

"Having called upon the government so often in vain, we have almost despaired of receiving its protection, yet we trust

that our present situation, when fully laid before you, will at once satisfy your honorable body of the necessity of extending the strong arm of guardianship and protection over this distant but beautiful portion of the United States' domain. Our relations with the proud and powerful tribes of Indians residing east of the Cascade Mountains, hitherto uniformly amicable and pacific, have recently assumed quite a different character. They have shouted the warwhoop and crimsoned their tomahawks in the blood of our citizens. * * * Circumstances warrant your memorialists in believing that many of the powerful tribes * * * have formed an alliance for the purpose of carrying on hostilities against our settlements. * * * To repel the attacks of so formidable a foe, and protect our families and property from violence and rapine, will require more strength than we possess. * * * We have a right to expect your aid, and you are in justice bound to extend it. * * * If it be at all the intention of our honored parent to spread her guardian wings over her sons and daughters in Oregon, she surely will not refuse to do so now, when they are struggling with all the ills of a weak and temporary government, and when perils are daily thickening around them and preparing to burst upon their heads. When the ensuing summer's sun shall have dispelled the snow from the mountains we shall look with glowing hopes and restless anxiety for the coming of your laws and your arms."

Applegate's public career, after the Cayuse War, in which he performed valuable services as chairman of the loan commission, can be quickly summarized. He was in the Legislature just once as representative from Polk County in 1849. This was the last session under the provisional government and little was done as compared with the sessions of 1845. In 1857 he was a member of the convention to frame a constitution for the State of Oregon, but for some reason not yet fully explained he went home before its work was finished. He had gone to the Umpqua Valley to live in 1850. There he developed an attractive and valuable property in the form of a large farm and stock ranch. His great house at the foot of Mount Yoncalla was one of the finest country houses in Oregon. It was a large, well-built, roomy mansion, and was for the time elegantly furnished; it was one of the few houses that could boast a parlor melodeon. But to the student of Applegate's life and character it is yet more interesting to note that this home contained a large, well assorted and well used library. His collection of books has been in part

destroyed and in part scattered; but there is evidence to show that it contained some two or three thousand volumes and that it was especially rich in the departments of general literature, history, science and the public documents illustrating the political development of the United States. He had the records of the American Congress complete, I am told, for the year 1789. His historical equipment included such important sets as Gibbon, Hallam, Hume, Allison, Macaulay, Prescott, Motley, Carlyle, Hildreth, Bancroft, together with numerous less extensive works.

The man who would have such a library shipped around Cape Horn to Oregon, as Applegate did, has a *prima facie* claim to be regarded as a scholar, or at least as a philosopher, in the earliest meaning of that term. And Jesse Applegate was a philosopher in the same sense in which Jefferson was one—a man who loved all knowledge and tried earnestly to master the outlines of all true sciences. His keen analytical mind, tenacious memory and extraordinary intellectual activity, with the aid of his fine library, made possible to him a degree of learning to which few aside from professional scholars ever attained. He was known as the “Sage of Yoncalla.”

Applegate took the keenest interest in all local, state and national political problems, as is demonstrated by scores of public and private letters, the party platforms he indicted, and the numerous series of resolutions he presented to political conventions. He remained to his extreme old age a force to be reckoned with in Oregon politics. Once he was an unsuccessful candidate for the United States Senate; again, it is said on the best authority, a certain “boss” offered to procure him the senatorship on certain conditions, but Applegate unhesitatingly spurned the offer.

Everything he wrote on politics has now at least an historical interest, while his marvelously lucid and original style invests every subject, however seemingly commonplace, with an interest on its own account. But his rank as a political philosopher is best determined from a series of letters on the subject of reconstruction, which he wrote in the fall of 1865 at the request of Schuyler Colfax, Speaker of the House of Representatives. Those four letters, amounting to a little less than four newspaper columns, were printed in the Oregon State Journal, from which they were recently copied with the editor's permission. They reveal a profound insight into the governmental system, a steadfast affection for the constitution with its many superlative excel-

lencies, and also—which is a much rarer virtue—a true appreciation of its defects. “The constitution of the United States,” he says, “has been rightly called ‘the greatest monument of human wisdom;’ it has secured civil and religious rights of self-government to a great nation, and though constrained by the necessity of harmonizing conflicting opinions and reconciling opposite interests, the convention devised machinery to effect these great objects that have stood the test of nearly eighty years—a period in which man has progressed more mentally and physically than in many centuries of any prior epoch. It is therefore no disparagement to the wisdom and patriotism of its immortal framers if, after the people to be governed by the constitution have increased tenfold, and spread themselves from ocean to ocean, and the interests it was to foster have grown and diversified in far greater proportions, that under the severe strain of a bloody civil war some parts of its machinery have proved defective and others obsolete by the changes wrought by it.”

He then proceeds to show that some provisions need to be added to the constitution and others withdrawn from it, and suggests that the work could be best done by a convention. He thinks the fathers were a trifle inconsistent in announcing, as a philosophical maxim, the right of any people, at its own will, to “alter or abolish” its system of government, and then to hedge their constitution with so many restraints upon amendment, as if, after all, they did not trust the people to make their own fundamental laws. “If,” said he, “the right to choose a form of government was the right of our ancestors, it is ours, and will descend to posterity, and anything we may do to take away that right will be impotent.” * * * “The only difference I would make between an organic and a statute law would be that the organic should be the act of the people, the statute the act of their representatives.” He would have one or both houses of Congress, as a kind of convenient committee, report from time to time such amendments as seemed advisable, and have the people vote upon them at the regular elections. This change in the method of amending the constitution was the essential positive proposal of his first letter.

In the second letter he discusses the general relation of the nation and the States, shows historically that the “purposes of the constitution ‘to establish justice’ and ‘secure liberty’ have in a great measure been defeated by the State governments.” * * * He would make some changes in the interest of more perfect

harmony of action of the two governments, to be brought about by emphasizing the federal supremacy. Extreme brevity in the discussion leaves some *arbit* as to the precise remedies he proposes to employ. But he sums the matter up by saying: "In short, I would take nothing from the State useful to its people, nor leave any power with it that could be used to the prejudice of the Union."

The third letter deals with citizenship and suffrage. These were questions that Applegate had pondered deeply, upon which his convictions were especially strong; and since his discussion reached to the settlement of the States of the negro citizen, it became at once the most practical and interesting feature in the series. The framers of the constitution, he thinks, acted quite inconsistently when they granted exclusive power to determine who should be citizens of the nation, yet left to the State's exclusive power to determine who among the citizens should exercise the voting power, which is the most characteristic and most sovereign function of citizenship. "Without the power to say who shall wield the sovereignty," he declares, "the purposes of the constitution, to establish justice and secure liberty are failures, and the Union itself is a rope of sand;" for the two great sections had been drifting in opposite directions, the one toward complete democracy, the other toward aristocracy, and this tendency would be likely to continue. Applegate stood for a suffrage that should be theoretically universal. "Every member of the commonwealth, no matter of which sex, what color, or where born, if free from the tutelage imposed by the domestic relations should have the right to vote, if morally and mentally qualified to do so. "I say the right," he adds, "not the privilege, because he, or she, who obeys the laws, pays taxes, or renders bodily service to the government has a right to be heard in its administration.

"But the American citizen who exercises the elective franchise is clothed with high duties and responsibilities, and the divine injunction that binds him to 'care for his own household applies with equal force to his duty to his school district, town, county, state, and lastly, to the Union; and though the numbers increase who share his responsibilities as he rises in the political circles that surround him, yet he is as much bound morally, and should be lawfully, to discharge his duties in each relation as if the whole responsibility rested upon him alone. It should

be no excuse for non-performance or neglect of public duty because thousands or millions were equally responsible.

"I should therefore require that the voter be of good moral character, that he clearly understand our system of government, and the responsibilities he took upon himself as one of its rulers. I would bind him in an oath of fidelity to it, and to cast his vote in all cases for that man or that measure that he, in his judgment and his conscience, believed would be to promote the public good; and that in casting his vote he would not be influenced by personal friendship, or any advantage to himself individually. I would have a commission (federal commission, of course) to examine and pass upon the qualifications of candidates for the right of suffrage, and those found to possess the requisite capacity and honesty, should upon taking the required oath receive a diploma, which (until forfeited by crime) should entitle him to vote at any election held in any part of the Union where he resides or might reside. * * * I would make the examination of candidates for these diplomas of citizenship as searching and impressive as possible—not a mere form, but an actual test of merit. I would have the young men of our country feel that to be a citizen of this great and free nation was an honor worth contending for; and as the disappointed might again enter the lists at pleasure, it would not only greatly encourage the growth of political knowledge among the people, but have a beneficial effect upon their morals also." No one can doubt, after reading this letter, that, as he says at its close, his "heart" was "very much in the matter of which it treats."

The fourth letter dealt with the problem of the negro from the social and racial viewpoints. He believed that it would be best for both races that the negro should live in separate communities. Yet, he says: "If we retain him among us, for our own good as well as his, we must make him like Onesmus, 'a brother and an equal.'

"But it is not among the rights he is entitled to that his sons shall marry our daughters, or that our sons shall marry his; a power higher than man's has forbidden such connection, and man must respect His decrees or suffer the penalty."

I wish it were possible to give you, in a summary, a more adequate idea of the incisive way in which he treats this race problem. But time forbids. I must, however, say a few words about the fate of these letters as a whole. They were sent to Schuyler Colfax just before the opening of the first session of the

Thirty-ninth Congress, which wrestled with the reconstruction problem. We know that Colfax was impressed with the importance of some of Applegate's ideas on the subject, for it was after a brief conversation with Applegate in the summer of 1865 that he requested the more complete written statement. It is probable that Colfax submitted these letters to the joint committee on reconstruction; and there is evidence that the committee at least considered the proposing of a constitutional amendment along the lines of Applegate's third letter, namely, to take the control of suffrage from the State and give it to the national government. The idea was abandoned, because, as the committee reported, "it was doubtful * * * whether the States would consent to surrender a power they had always exercised, and to which they were attached." The Applegate idea of federal control of suffrage with an educational test was advocated by Samuel Bowles, of the Springfield Republican, who had called on Applegate in company with Colfax, and also by the New York Nation. Had the committee seen its way clear to recommend it as the Fourteenth Amendment, instead of the non-workable scheme they did propose, it is at least allowable to conjecture that the results would have been beneficial. There would then have been no need of the Fifteenth Amendment, and the problem of the negro vote would have been settled at the outset on right principles.

No judgment is here expressed as to the practicality of other parts of Applegate's reconstruction plan; but in my estimation, these letters give to the "Sage of Yoncalla" a place among the profound political thinkers of his age.

JOSEPH SCHAFFER.