

THE CREATION OF WASHINGTON

Securing Democracy North of the Columbia

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On March 2, 1853, President Millard Fillmore signed legislation creating the Territory of Washington. That event capped a remarkable 21-month campaign by a handful of Americans to bring home-rule governance to the land "north of the Columbia."

Pioneer demands for separation from Oregon, led by settlers on Puget Sound, poured into the seething cauldron of sectional rivalry that described national politics in the 1850s. The future of slavery colored nearly every decision made by Congress following the Mexican War, especially the plans for building a transcontinental railroad.

Local political rivalries and personal ambitions also created roadblocks in the path toward separation for northern Oregon residents. And considering the small population of their proposed "Columbia Territory," their request simply did not rank high among the nation's priorities.

In fact, the conventions and public demonstrations organized by these pioneers in 1851-52 could be likened to a "tempest in a teapot," as the old expression goes. While the leaders poured energy into the meetings, the participants fell silent afterwards. There seems to have been no private "buzz" about these activities. Original documents, diaries, and letters about what went on at the convention in the Cowlitz Corridor town of Monticello are practically nonexistent. The identity of several delegates remains a mystery. And yet, a new territory was created. It has been left to historians to try to piece together the fascinating story of how Washington came into being. And with key pieces of evidence still missing, the story remains unfinished.

Of the 44 pioneers whose ambitions and dreams led to the signing of the Monticello Convention Memorial and the founding of the Territory of Washington 150 years ago, over half had been in Oregon Territory less than two years. At least 14 were under 35. Only four were over 50, and few had been settlers in Oregon longer than five years. It is fair to say that as a group they were in a hurry to achieve success.

Politically, 1851 proved to be a contentious year. As Americans populated the Puget Sound basin, Shoalwater Bay, and the Chehalis and Cowlitz valleys, pioneer discontent north of the Columbia rose on several fronts:

- 1) As immigration increased, the need for basic services, such as mail delivery, roads, troops to guard against possible Indian attacks, and swifter law enforcement also grew. In general, the lack of spending north of the Columbia by the Oregon Territorial Legislature was a frequent bone of contention.

2) Settlers were lodging ever more complaints against the Hudson's Bay Company, which still held valuable agricultural lands—especially when HBC livestock were allowed to roam and trespass on neighboring farmers' fenced acreage.

3) Former Supreme Judge of the Oregon Provisional Government (OPG), Columbia Lancaster, serving in 1851 as a member of the territorial legislature from Clark County, staged a protest by refusing to attend sessions in the new capital city of Salem, even further south than Oregon City, because of a constitutional dispute.

4) Because of political rivalries, a demand from the newly-appointed Whig federal judge, William Strong, for jurors to appear at the Jackson Prairie courthouse was energetically opposed by jurors who insisted that their courthouse was with locally-elected Judge Sidney S. Ford, across the rain-swollen Chehalis River.

5) The growing number of new settlements whose founders dreamed of fortunes coming their way with the arrival of the long-awaited transcontinental railroad increased the demand for federal appropriations to begin surveys identifying trans-Cascade routes.

These issues were seized upon by an ambitious attorney named John Butler Chapman, who won the distinction of becoming the first lawyer admitted to the bar from north of the Columbia when he was sworn in by Judge Strong at the Jackson Prairie courthouse. Chapman, whose brother had helped develop Portland, tried to create Chehalis City on Grays Harbor and, failing to attract any settlers, moved to Port Steilacoom, founded by Captain Lafayette Balch. He infuriated Balch by starting a rival settlement called "Steilacoom" literally across the street. (When Chapman left the territory in 1852 the word "Port" was dropped from the name of the remaining settlement.)

During Independence Day celebrations in Olympia in 1851, Hugh Goldsborough read the Declaration of Independence and Chapman followed with an inspirational address that vigorously referred to "the future state of Columbia." His listeners held an impromptu and possibly alcohol-fueled meeting at which they called for an election of delegates from the northern precincts to attend a convention at Cowlitz Landing at the end of August. Together with Chapman and Balch, Olympia-area merchant Michael T. Simmons helped organize the August meeting.

Simmons was prospering from the sale of lumber, food, and other products to desperate California miners and envisioned himself a major regional leader. His regard for George Washington Bush, an African-American settler, no doubt influenced his desire to separate from the political machine of Southern-sympathizer Joseph Lane, then in a pitched battle with Whig Governor John P. Gaines over control of the territorial government. Balch's motive, no doubt, was to help his rival, Chapman, win a political job at some distance from Steilacoom.

Noted historian Thomas Prosch describes the Cowlitz Landing Convention as an "astonishing" event:

There was a general lack of means of communication—steamboats, mails, roads, newspapers.... It took a day then to go as far as one can now in an hour, and it meant travel in canoe, on foot, and occasionally by horse. It meant nights on the beach and nights in the woods; hunger, labor, exhaustion, and possibly sickness. The pecuniary expense was serious, too, as money was a scarce article, and the settlers were poor.

Twenty-six delegates were in attendance August 29-30, nine of whom later attended the conclusive Monticello Convention. They included:

Olympia area—Michael T. Simmons, Clanrick Crosby, Joseph Broshears, Andrew J. Simmons, Joseph Borst, David S. "Doc" Maynard; Cowlitz Prairie area—E. D. Warbass, John R. Jackson, Simon Plamondon; Chehalis area—Sidney S. Ford, Sr., S. S. Saunders, Alonzo B. Dillenbaugh; Steilacoom area—John B. Chapman, Henry Wilson, Lafayette S. Balch; Monticello area—Seth Catlin, Jonathan Burbee, Frederick Huntress.

The elder statesman of the group was 62-year-old Seth Catlin, former Illinois legislator and a staunch Democrat. He was referred to by his admirers as the "Sage of Monticello" and was elected president of the convention. Chapman, Balch, and Simmons were appointed to write the formal memorial requesting a new territorial government be formed.

There is ample evidence to suggest that Chapman, Simmons, and Balch were in charge of the Cowlitz Landing Convention from the very beginning. They either sat on every committee or were represented by others: Henry Wilson represented Balch. Simmons's agent was his brother Andrew.

Historian Edmund S. Meany has written, "[Too] little attention has been given to the proceedings and the results of the convention." The bulk of his research is based on copies of the memorial and front-page coverage of the proceedings published by two Oregon newspapers, the *Oregonian* and *Oregon Spectator*, and forwarded to Oregon's recently elected delegate to Congress, Joseph Lane. The publicity was the result of the efforts of convention secretary Lafayette Balch.

Chapman produced a 1,500-word Memorial to Congress, over five handwritten legal pages long, listing the problems facing settlers north of the Columbia. A lengthy resolution listing detailed descriptions of 12 proposed counties was also approved. Neither of these documents could have been produced during the short convention in such a rustic setting as Warbassport on the Cowlitz. A lot of the work had to have been prepared beforehand. The memorial was actually finished afterwards before being sent to the newspapers and Lane.

Although later historians discounted their importance, the actions taken by the delegates were remarkably farsighted. In several ways these men were years ahead of their time. For example, one committee recommended that universal manhood suffrage begin at age 18, almost 120 years before it became a reality. The convention actually defeated a motion to exclude "Negroes and Indians" from voting by a two to one margin. Another committee proposed that the Oregon legislature establish new counties, provided boundary descriptions and suggested names (including Simmons and Steilacoom). Although the names did not survive, the boundaries, for the most part, were incorporated by later legislatures.

Economic development was also a high priority for the convention and its businessmen organizers. They passed resolutions calling for the construction of two major roads. One was to stretch from Olympia to the Columbia River, near Monticello, within the confines of the present-day city of Longview. The other route was to connect the Oregon Trail at Walla Walla to Steilacoom across the Cascades. Designed to divert travel-weary settlers to Puget Sound instead of the Willamette Valley, this road would cost an estimated \$100,000. Both routes were eventually built.

After insisting that Congress name the new territory "Columbia," delegates ambitiously approved Doc Maynard's motion to meet again in May 1852 in order to approve a state constitution. Maynard was living in the Olympia area at the time, attempting to win the hand of Simmons's sister in marriage. He later played a major role in founding Seattle.

The delegates next demanded protection from foreign ships entering territorial waters and stealing timber "to the great detriment of future settlements." Finally, the group requested that the Oregon legislature appoint a grain inspector. All of these objectives were accomplished in time, save naming the new territory Columbia.

In the lengthy memorial, which he loosely modeled after the Declaration of Independence, Chapman listed numerous complaints about the Oregon territorial legislature, attacked Judge Strong for not being attentive to the needs of northern residents, cited the isolation of various settlements, and accused Oregonians south of the Columbia of neglect:

Inhabitants North of the Columbia River receive no benefits or conveniences whatever from the Territorial Government...

[It] costs more for a citizen in the North of Oregon to travel to a clerks office or to reach a District Judge than it does for a man to travel from S. Lewis, Missouri to Boston, Massachusetts and back; and, much longer....

Judge Strong resides...in such a position and obscure situation...that he cannot be reached under any emergency under several days travel....

No Indian agent has ever been known to be north of the River except Governor Lane while superintendent.

[The] Territory North of the Columbia River has a face of good Sea Board Navigation exceeding one thousand miles, with not less than twenty five good safe Harbours & Bays...[and] is as fertile & productive as any in the United States, containing immense quantities of Timber of the first qualities for Ships, buildings or Domestic use....

[No] wagon roads have yet been made from the Columbia or else where....

[All] commerce of the North [is] being monopolized by the Hudson Bay Co.

[There] are three thousands souls North of the Columbia. That they have raised a large amount of produce, Wheat, Oats, potatoes, onions, &c for exportation, but with the many abuses of their rights and neglected condition in their civil immunities as Citizens it is impossible for them to prosper in commerce....

Despite all their scheming, the strategy of Chapman, Simmons, and Balch was not politically sophisticated. There were several errors and exaggerations in Chapman's memorial and one glaring truth that doomed quick action.

To be effective in politics, one needs to be aware of who the key decision-makers are and address their concerns. The key decision maker in 1851 was the head of the Democratic machine in Oregon Territory—Joseph Lane. An ally of expansionist President James K. Polk, Lane had been a Mexican War general and was appointed the first territorial governor of Oregon. Replaced after the Whigs swept into power in the 1848 election, Lane had carefully cultivated an effective political organization throughout Oregon and won election as Oregon's delegate to Congress following the untimely death of the territory's first delegate, Samuel Thurston, in 1851. The Cowlitz Convention trio had failed to discuss their proposal with Lane ahead of time. As

former governor and newly elected delegate, he was very familiar with the issues and concerns of northern Oregonians. But as an experienced politician, he knew that as a freshman (and nonvoting) member of Congress, he would not be able to sell such a local proposal to his fellow lawmakers who at that time were more concerned about the issue of slavery.

To make matters worse, Lane was not impressed by the self-promotion Chapman had included in the memorial's language. In a first-person reference rarely, if ever, found in such a formal document, Chapman had explained that the drafting committee of the convention had "directed me to report the following petition to Congress."

In fact, Lane's political allies warned him of Chapman's own political ambition and hinted at a potential rivalry for political power. To illustrate this warning, historian John McClelland, Jr., quotes from a January 1852 letter written to Lane by Colonel Isaac N. Ebey (one of two northern Oregon legislators at the time):

[There is] a certain Gentleman, adventurer, from your native State John B. Chapman, who appears ambitious to be considered the head and front of the movement in favor of divideing the Territory.... [He is one of a] hoste of political adventurers who came up the rough and rugged Cowlitz River...with a pack on there back, seedy fashionable dress, & delicate white hands, trudging their weary way on foot; Olympia gained, there toils ended, there comfortably esconced on board of a ship, or more comfortable situated behind a desk, quill in hand, and folio before them in a nice comfortable office.

Among Chapman's errors and exaggerations was a reference to territorial officers being 300 miles away and seldom visiting up north. Words were misspelled in a way to make the writer appear either ignorant or unfamiliar with the local geography and culture. And then, of course, was the glaring truth Chapman has foolishly included—namely that the population north of the Columbia numbered only 3,000. Lane knew that the standard used for creating new territories was a minimum population of 10,000. Chapman's accuracy was a poison pill. Lane pigeonholed the memorial in committee, never read it into the record of the House proceedings, nor did he ever introduce the bill as requested.

Thus, Chapman was thwarted in his efforts to gain political success. Apparently discouraged, he conducted a survey in 1852 of the Puget Sound Agricultural Company for the very Hudson's Bay Company he had bitterly complained about in his memorial. He then left Oregon before the Monticello Convention.

The planned May 1852 meeting did not take place. But throughout the first nine months of the year, settlers continued to stream into northern Oregon. Filing land claims in the Chehalis area were Alonzo B. Dillenbaugh and Eugene L. Finch. A. George Cook, a friend of A. J. Simmons, arrived in August. Securing a mail delivery contract between Rainier, Oregon, and Cowlitz Landing was recently arrived Henry Windsor. Settling north of Vancouver was Jeremiah S. Hathaway, whose donation land claim was near former territorial officer and future delegate to Congress, Columbia Lancaster.

Although Doc Maynard had passed through many times in the previous three years, the lower Cowlitz valley received its first medical doctor in 1852 when Dr. Nathaniel J. Ostrander arrived. A New York native of Dutch descent, he had married Eliza Jane Yantis at age 19 in Missouri where he studied medicine at St. Louis University. He practiced medicine in Kansas City, Missouri for several years until he left for California in 1849. Once he returned home, he and his wife migrated to Oregon along with his widowed father and her brother, arriving on the lower

Cowlitz where he and his father filed adjacent claims several miles north of Peter Crawford's. As the first medical doctor in the area he proved a valuable neighbor. His daughters told of their father "hurrying out, sometimes in the dead of night, saddling his faithful nag, filling his saddle bags with drugs, medicines, and frequently, surgical instruments, and starting on a trip of perhaps twenty or even fifty miles."

Ostrander was a Democrat and, as such, fit in quite well in the Jeffersonian community of Monticello. Thus, he became a signer of the Monticello Convention Memorial and lived in the area until 1872. He was the first probate judge in the county, appointed in 1853 by Governor Stevens, and later served several terms in the territorial legislature. In 1872 he moved his practice to Tumwater and opened a drug store. After 15 years he moved to Olympia, served in the territorial legislature again, was elected to the city council and served as mayor.

Controversial federal district judge William Strong recognized the rising tide of frustration among pioneers north of the Columbia in the spring of 1852, when it became evident that the efforts of the Chapman, Balch, and Simmons convention had not been productive. With Maynard's May deadline fast approaching, Judge Strong issued a call for the election of delegates and suggested that Monticello be the location for the next convention. But there was not enough time to get the meeting organized.

Lawyer and noted orator Daniel B. Bigelow gave the 1852 Independence Day speech in Olympia. Bigelow picked up Chapman's theme from the previous year and called for renewed efforts to secure separation from Oregon. His speech reignited interest in another convention. Bigelow had traveled to Puget Sound with the Denny party on the *Exact* eight months earlier, so Arthur Denny had gone to Olympia to attend the Fourth of July festivities. He later described the disadvantages of being attached to Oregon:

"We were like two sisters; Oregon was the big sister and, of course, must be served first and I will do her the justice to admit that she was always willing that we should have what was left after she was served and would try to help us get it. But we were thus, as it were, clad in cast-off clothes."

Groups began to meet in July, August, and September in order to elect delegates to meet on November 25 at Monticello, which the organizers considered a more central location for those living along the Columbia River and east of the mountains.

While inspired by Bigelow, Denny and others decided that they needed a local newspaper to stir up greater participation in the convention. John McClelland, Bill Speidel, and others have written about the role of the *Columbian*, Olympia's first newspaper, in publicizing the Monticello Convention. At the request of prominent Olympia businessmen, the owner of Portland's *Weekly Oregonian* provided most of the seed money for staff and a printing press. Its first edition listed the following pioneer leaders as its agents: Isaac N. Ebey, Henry C. Wilson, Lafayette Balch, E. D. Warbass, Sidney S. Ford, Sr. and C. C. Terry. Copies were also sent to Oregon City and Washington, D.C. Arthur Denny was added as an agent a short time later.

The *Columbian* began urging territorial independence from the very beginning when it listed its city of origin as "Olympia, Puget's Sound" rather than "Olympia, Oregon." Using the pen name Elis, Hugh A. Goldsborough wrote a page-one column in the September 25 issue and called for "united action and cooperation." He highlighted the grounds for separation:

- Oregon was too big—five times the size of New England; five times bigger than Missouri; six times Illinois, seven times New York; its government is "destructive to our own interests as citizens";
- Ample natural resources—"rich in fertile lands, in mineral resources, in fisheries and in noble forests";
- Underrepresentation—"We of the north, with sufficient number of legal voters to entitle us to four representatives, are allowed but two out of twenty-five."
- Neglect—" [Our] petitions for the improvement of our counties have invariably been disregarded."
- Misappropriation of funds—proceeds from the sale of public lands go toward the "improvement of the Willamette river, but not a cent towards any river or other improvement in northern Oregon."
- Defense from Indians—"The Superintendent of Indian Affairs can never find time or necessity, with four thousand Indians around and about us, to dole out to us any of his preciously VALUABLE time."

"Let us all with one heart and one will put our shoulders to the wheel, memorialize Congress in every precinct...."

Two weeks later the headline read, "What Northern Oregon Wants," and again came the familiar litany of complaints over appropriations and unfair treatment by the territorial legislature. The list of wants expanded: steamers on Puget Sound, steam mills, common schools, lighthouses, a dry-dock, postal service, and even a university! The *Columbian* issued another "call to arms":

"Citizens of northern Oregon! It behooves you to bestir yourselves, and proclaim your independence.... Call meetings in your several precincts; memorialize congress to set us off; exhibit our grievances both in omission and commission under which we have suffered...."

There were three audiences for these newspaper exhortations: potential delegates amongst the pioneer communities north of the Columbia, legislators in Salem, and delegate Joseph Lane in Washington, D.C. In fact, in mid October, Lane had promised to introduce a bill asking for separation on December 6, the first day of the session of Congress. He recommended that the organizers provide him with a document he could introduce during the floor debate following committee hearings. And he cautioned against using precise population figures.

In yet another enthusiastic broadside boosting the importance of the November meeting, the *Columbian* again highlighted the frustrations of being part of Oregon: 1) The legislature authorized a university situated 100 miles from the nearest settlement; 2) money from the sale of public lands for common schools should benefit schools north of the Columbia; 3) Thurston County was created but no courts were authorized; and 4) all public buildings for the territory were built south of the Columbia.

Judge Strong continued to encourage the selection of delegates when he met with the large group of citizens, led by Goldsborough, who came to his fall court term at Jackson Courthouse near Cowlitz Landing. Official delegates chosen at a schoolhouse meeting in October to

represent the Cowlitz valley were Seth Catlin, representing the lower Cowlitz, John R. Jackson, representing the upper Cowlitz, and Henry Miles, representing the area between.

The handful of settlements around Elliott Bay were combined into the "Duwamps Precinct," and they elected the following delegates: John Low and Charles Terry from New York (Alki); Luther Collins and R. J. White from Duwamish; and Arthur Denny, Nathaniel Bell, Doc Maynard, and his attorney, George McConaha, from Seattle. They took a two-week canoe and overland trail journey to attend the meeting.

In mid November Olympia-area voters elected the following delegates to travel to Monticello: Michael T. Simmons, Simpson P. Moses, Stephen D. Ruddell, Adam Wylie, H. A. Goldsborough, Quincy A. Brooks, William Plumb, and Calvin Hale. When they reached Cowlitz Landing, Brooks was surprised to meet Edward J. Allen, an acquaintance from Pittsburgh who was in the process of driving a herd of oxen to Puget Sound country. He was convinced to backtrack to Monticello and attend the convention.

Of their sleeping accommodations after their arrival, Allen afterward remembered:

Monticello did not offer much in the way of hotel accommodations and the delegates quartered themselves as best they could. As everyone brought his own blanket, going to bed meant simply finding a dry place big enough to spread it on. Some fifteen or more of us found happy lodging in an attic where we camped down miscellaneously on the floor.

There was a general feeling that the more delegate signatures on the memorial the better. The *Columbian* repeated that notion in its November issues. The official proceedings do not include record of a credentials report, typical in conventions for verifying the official status of delegates. In fact, official certificates of election have yet to be discovered for half of the delegates.

"The Great Magoozle" is how Doc Maynard's biographer, Bill Speidel, described the Monticello Convention and pioneers' attempts to create a new territory north of the Columbia River. His contention was that politically ambitious leaders concocted the convention to pressure Oregon politicians to go along with their plans to gain lucrative government jobs and more federal funding. "The memorial of the undersigned, delegates of the citizens of Northern Oregon, in convention assembled..." gives the impression that there were local elections of delegates. Of course, not all of the delegates were elected.

In fact, in the record of convention proceedings there is no evidence of the precincts delegates represented. Many had been north of the Columbia less than 15 months. At least one delegate, possibly as many as three, had been in the territory less than one month. An appearance at the convention by several other "delegates" is the only evidence that they even existed.

Inspection of census records, population density maps, and hometowns of delegates indicates that the majority of northern Oregon residents did not even send delegates to Monticello (Shoalwater/Willapa Bay, Bellingham Bay, Fort Vancouver, the Columbia Gorge, and areas east of the Cascades).

Politically, the delegates were a bipartisan mixture. While most delegates claimed to be Jeffersonian Democrats, like Seth Catlin, Whig influence was considerable. Among the delegates who happened to be Whigs were John R. Jackson, who clerked for the Whig Judge Strong, and Arthur Denny of Seattle. In fact, the *Columbian* was secretly owned by the same people who owned the *Oregonian*, the Whig newspaper in Portland.

George McConaha, a former California legislator, gave the opening speech after he was chosen president of the convention, having defeated Seth Catlin, who had presided over the ill-fated Cowlitz Convention at Warbassport just 15 months earlier. R. J. White was elected secretary. The memorial was approved unanimously.

Gifted orator Daniel Bigelow, whose Independence Day speech reignited interest in petitioning Congress, was working on territorial legal business in Salem and could not attend, but his law partner, Quincy A. Brooks, was an active participant. Brooks insisted on giving a prepared speech, which Secretary White noted was too long to write down in the minutes. Nevertheless, the speech was reprinted in toto in the December 11 issue of the *Columbian*. Circumstantial evidence would suggest that it was probably written by Bigelow.

The meeting lasted several days, November 25-28. A committee headed by Brooks put the finishing touches to the major ideas driving the delegates to demand their own territory. The nine points enumerated in the document were much more concise and readable than Chapman's effort the previous year:

- 1) Oregon was too large in area to become a state; 2) since Oregon would eventually have to be split, the area east of the Cascades should have access to the coast (consequently the division should not be along the crest of the Cascades); 3) the proposed Columbia Territory (from the Pacific to the Columbia River east of the Cascades) would be ideal for a medium-sized state; 4) Columbia Territory would have enough natural resources to support the population of similarly sized states; 5) those parts of Oregon lying north and south of the Columbia River would always be rivals; 6) because the southern part had more voters and controlled the territorial legislature, northern residents had not received any legislative appropriations; 7) the Oregon capital was 500 miles from a large portion of northern citizens; 8) since southern Oregonians controlled the legislature, northern Oregonians had no hope that adequate laws would ever be passed for them; and 9) experience showed that the government of a medium-sized state could better represent the needs of its citizens.

In the memorial, northern Oregon was described as having a "large population constantly and rapidly increasing," a misstatement of the facts that Denny referred to as "strong" language, justified because "we had so much room and were starting in building an empire." Nevertheless, it met the requirements of Lane who carefully avoided precise figures during the congressional debate.

One of the most intriguing problems in any study of the Monticello Convention is the utter lack of original source material from the delegates about their experiences. Most of these delegates were active citizens in their hometowns. Some had considerable experience in political office. But with the exception of Maynard, who went on to Salem, all of the delegates apparently returned home after unanimously approving and signing the memorial and had nothing more to say about it.

Their collective silence is curious. Was the convention anticlimactic after a summer and fall of contentious protest and organizing meetings? Did the dreary, rainy weather dampen people's impressions of Monticello? Was the convention so well-organized and its outcome so predictable that the event became a dull, insignificant experience? Even the divergent political loyalties of Democrat and Whig delegates failed to inspire lingering memories of the convention.

Nevertheless, congressional delegate Joseph Lane received the memorial in mid January, apparently from Quincy Brooks, and had it read into the Congressional Record during the

February floor debate on the question. Deft political maneuvering by Lane and his political allies overcame opposition from Southerners opposed to the possibility of new non-slave territories in the north. Honoring the slave-owning first president, George Washington, was Lane's strategy, proposed by Kentucky Representative Richard Stanton, himself a Virginia native son.

Illinois Senator Stephen A. Douglas guided the bill quickly through the Senate, and on March 2, 1853, the bill creating the Territory of Washington was signed by lame-duck President Millard Fillmore.

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