

IN THE SUPREME COURT OF THE STATE OF OREGON

BRYN HAZELL, FRANCIS NELSON, TOM CIVILETTI, DAVID DELK,

GARY DUELL,

Plaintiffs-Appellants

Cross-Respondents,

and

JOAN HORTON, and KEN LEWIS,

Plaintiffs-Appellants

Cross-Respondents,

Petitioners on Review,

v.

KATE BROWN, Secretary of State of the State of Oregon,

JOHN KROGER, Attorney General of the State of Oregon,

Defendants-Respondents

Cross-Respondents,

Respondents on Review,

and

CENTER TO PROTECT FREE SPEECH, INC., an Oregon nonprofit
corporation, and FRED VANNATTA,

Intervenors-Respondents

Cross-Appellants,

Respondents on Review.

Court of Appeals

Case No. A137397

No. S059245

APPENDIX TO OPENING BRIEF ON REVIEW
OF PETITIONERS JOAN HORTON AND KEN LEWIS

September 29, 2011

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§ 615. Every member of either house of the legislative assembly, and every member of any common council, board of aldermen, trustees or other municipal, legislative or deliberative body, by whatever name known or called, from the time of his election or appointment, shall be held and deemed to be a legislative officer, within the meaning of sections 612 and 613, and for the purposes therein expressed.

§ 616. Every officer of this state, or of any county, town or other municipal or public corporation therein, not included in the definition of judicial and legislative officers, as defined in sections 614 and 615, from the time of his election or appointment, shall be held and deemed to be an executive officer, within the meaning of sections 612 and 613, and for the purposes therein expressed.

§ 617. If any person shall convey into or about the yard or grounds of any penitentiary, jail, house of correction or other place whatever for the confinement of persons upon any warrant, order or other legal process, any disguise, material, instrument, tool, weapon or other thing adapted to or useful in aiding any person or prisoner there committed or detained, with intent to effect or facilitate the escape of such person or prisoner, or shall by any means whatever aid or assist any such person or prisoner in an intent to escape, whether such escape be effected or attempted or not, such person, upon conviction thereof, shall be punished as in the following section provided.

§ 618. If the person, whose escape was intended or effected, was committed or detained upon a charge or conviction of a crime punishable with death or imprisonment for life, the punishment thereof shall be imprisonment in the penitentiary not less than five, nor more than twenty years; but if the person whose escape was intended or effected was committed or detained upon a charge or conviction of a crime not so punishable, the punishment thereof shall be the same as that provided by law for the person whose escape was charged or convicted; and in case the person whose escape was intended or effected was in custody or confinement upon civil process or otherwise than upon a charge or conviction of crime, the punishment thereof shall be imprisonment in the county jail not less than three months, nor more than one year, or a fine not less than one hundred dollars, nor more than five hundred dollars.

§ 619. If any sheriff, jailor or other officer shall voluntarily suffer any person or prisoner committed to or in his custody, to escape, such sheriff, jailor or other officer, shall be deemed guilty of aiding and assisting in such escape, and upon conviction thereof, shall be punished in the manner provided in section 618.

§ 620. If any sheriff, jailor or other officer shall, through negligence, suffer any person or prisoner committed to or in his custody, to escape; or shall wilfully refuse to receive into his custody any person or prisoner lawfully committed thereto, such sheriff, jailor or other officer, upon conviction thereof, shall be punished by imprisonment in the county jail not more than six months, nor more than one year, or by a fine not less than two hundred dollars, nor more than one thousand dollars.

§ 621. If any person shall rescue or attempt to rescue, any prisoner from any officer or person having the lawful custody of such prisoner, or shall aid or assist any prisoner in escaping or attempting to escape from any officer or person having the lawful custody of such prisoner, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than two, nor more than ten years, or by imprisonment in the county jail not less than three months, nor more than one year.

§ 622. If any officer, authorized to serve process, shall wilfully and wrongfully refuse to execute any lawful process to him directed and delivered, requiring him to arrest or confine any person, or shall wilfully and wrongfully omit or delay to execute such process, whereby such person shall escape and go at large, such officer, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months, nor more than one year, or by fine not less than fifty, nor more than five hundred dollars.

§ 623. If any person, having knowledge of the commission of a crime, shall accept or receive any gift, gratuity, valuable consideration or thing whatever, or any promise thereof, or any promise to do, or cause to be done, any act beneficial to such person, with the understanding or agreement, expressed or implied, to compound or conceal such crime, or to prosecute therefor or give evidence thereof, such person, upon conviction thereof, shall be punishable with death or imprisonment for life, be punished by imprisonment in the penitentiary not less than one year, nor more than five years; or if such crime was not so punishable, by imprisonment in the county jail not less than three months, nor more than one year, or by fine not less than fifty dollars, nor more than five hundred dollars.

§ 624. If any person being required by any peace officer or magistrate to assist him in the execution of his office, in the preservation of the peace, or the arrest of any person for a breach of the peace, or the service of any process, shall neglect or refuse to render such assistance, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month, nor more than six months, or by fine not less than twenty-five dollars, nor more than five hundred dollars.

§ 625. If any person shall falsely assume to be a magistrate or peace officer, and shall take upon himself to act as such, and requires any person to aid or assist him in any matter pertaining to the duty thereof, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months, nor more than one year, or by fine not less than fifty dollars, nor more than five hundred dollars.

§ 626. If any person shall in any manner disguise himself with intent to obstruct or hinder the due execution of the law, or with intent to intimidate, hinder or interrupt any officer or other person in the legal performance of his duty or the exercise of any right under the law, whether such intent shall be effected or not, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three

1872, § 464. Legislative officer, definition of.

1872, § 605. Executive officer, definition of.

1872, § 606. Aiding to escape from prison or legal confinement.

1872, § 607. Escape, punishment of.

1872, § 608. Officer voluntarily suffering person to escape.

1872, § 609. Officer negligently suffering person to escape or refusing to receive into custody.

1872, § 610. Rescuing or aiding prisoner to escape from officer.

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1872, § 612. Compounding or concealing crime for reward.

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1872, § 614. Falsely assuming magistrate or peace officer.

1872, § 615. Disguising with intent to obstruct the execution of the law.

Deady Code (Criminal) 1872 T II, C V §§ 609-638 (codifying Crimes Against Public Codifying Crimes Against Justice Act of 1864 and Frauds in Elections Act of 1870)

Oct. 29, 84, §1. disposed of, as genuine and pure, such person shall, on conviction of such offense, be punished by imprisonment in the penitentiary not less than one year, nor more than five years.

§ 607. If any person shall have any gold dust in his possession, mixed or adulterated as described in section 606 of this chapter, knowing the same to be mixed or adulterated, with intent to pass or sell, or in anywise dispose of the same, as pure and genuine, or to cause the same to be sold, passed, or in any way disposed of, as pure and genuine gold dust, such person, upon conviction of such offense, shall be punished by imprisonment in the penitentiary not less than one year, nor more than five years.

§ 608. If any person shall pass, sell or in any way dispose of any gold dust, mixed or adulterated as described in section 606, or shall cause the same to be passed, sold or otherwise disposed of, or shall attempt to pass, sell or in any way dispose of such dust, knowing the same to be so mixed or adulterated, such person shall, upon conviction thereof, be punished by imprisonment in the penitentiary not less than one year, nor more than five years.

CHAPTER V.

Of crimes against public justice.

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§ 625. Neglecting or refusing to aid officer.

Oct. 10, 74, § 599. Perjury and subornation of perjury.
§ 609. If any person authorized by any law of this state to take an oath or affirmation, or of whom an oath or affirmation shall be required by such law, shall wilfully swear or affirm falsely in regard to any matter or thing concerning which such oath or affirmation is authorized or required, such person shall be deemed guilty of perjury, and if any person shall procure another to commit the crime of perjury, such person shall be deemed guilty of subornation of perjury.

Oct. 19, 84, § 600. Perjury and subornation of perjury.
§ 610. Every person convicted of the crime of perjury, committed on the trial of, or proceedings in a criminal action for a crime punishable with death or imprisonment for life, shall be punished by imprisonment in the penitentiary not less than five, nor more than twenty years. Every person convicted of the crime of perjury, committed in any proceeding in a court of justice, other than such criminal action, shall be punished by imprisonment in the penitentiary, not less than three, nor more than ten years, and every person convicted of the crime of perjury, committed otherwise than in a proceeding before a court of justice, or convicted of the crime of subornation of perjury, however committed, shall be punished by imprisonment in the penitentiary, not less than two, nor more than five years.

§ 611. If any person shall endeavor to procure or induce another to commit the crime of perjury, though no perjury be committed, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary, not less than one, nor more than three years.

§ 612. If any person shall corruptly give, offer or promise to give, any gift, gratuity, valuable consideration or thing whatever, or shall corruptly promise to do or cause to be done, any act beneficial to any judicial, legislative or executive officer, with intent to influence the vote, opinion, decision, judgment or other official conduct of such officer, in any matter, question, duty, cause or proceeding which then is or by law may come or be brought before such officer, or with intent to influence such officer to act in his official capacity in a particular manner, so as to produce or prevent any particular result, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary, not less than two, nor more than ten years.

§ 613. If any judicial, legislative or executive officer shall corruptly accept or receive any gift, gratuity, valuable consideration or thing whatever, or any promise thereof, or any promise to do or cause to be done any act beneficial to such officer, with the understanding or agreement, express or implied, that such officer will give his vote, opinion, decision or judgment in a particular manner, in any matter, question, duty, cause or proceeding which then is, or may by law come or be brought before such officer, or with the understanding or agreement that such officer will, in his official capacity, act in a particular manner, or so as to produce or prevent any particular result, such officer, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than five, nor more than fifteen years.

§ 614. Every person authorized to act as a judge in a court of justice, including a commissioner of the county court, from the time of his election or appointment, every person summoned as a juror in any court of justice, or upon any inquest, or before any officer, from the time he is summoned, and every referee, umpire or arbitrator, from the time of his appointment, shall be held and deemed to be a judicial officer, within the meaning of sections 612 and 613, and for the purposes therein expressed.

§ 615. Every person authorized to act as a judge in a court of justice, including a commissioner of the county court, from the time of his election or appointment, every person summoned as a juror in any court of justice, or upon any inquest, or before any officer, from the time he is summoned, and every referee, umpire or arbitrator, from the time of his appointment, shall be held and deemed to be a judicial officer, within the meaning of sections 612 and 613, and for the purposes therein expressed.

CRIMES—AGAINST PUBLIC JUSTICE.

CRIMES—AGAINST PUBLIC JUSTICE.

Oct. 19, '74, § 615 months, nor more than one year, or by fine not less than fifty, nor more than five hundred dollars.

§ 627. If any person shall give, offer or promise to give any gratuity, valuable consideration or thing whatever to any voter of this state, or shall promise to do or cause to be done, any act beneficial to such voter, with intent to influence or induce such voter to vote at any legally authorized election in this state, for or against a particular person or candidate, or in a particular way, such person, upon conviction thereof shall be punished by imprisonment in the penitentiary, not less than one year, nor more than five years, or by imprisonment in the county jail, not less than three months, nor more than one year.

§ 628. If any voter of this state shall accept or receive any gift, gratuity, valuable consideration or thing, or any promise thereof, or any promise to do or cause to be done any act beneficial to such voter, with the understanding or agreement, expressed or implied, that such voter will at any legally authorized election in this state, give his vote for or against a particular person or candidate, or in a particular way, such voter, upon conviction thereof, shall be punished by imprisonment in the penitentiary, not less than one year, nor more than five years, or by imprisonment in the county jail, not less than three months, nor more than one year.

§ 629. A person who actually votes or offers to vote at the election specified and designated in sections 627 and 628, although by law he may not be entitled to vote thereat, shall be held and deemed to be a voter within the meaning of such sections 627 and 628, and for the purposes therein expressed. If any person, having been convicted of any crime defined in sections 627 and 628, shall afterwards be convicted of any crime or any other crime therein defined, such person shall be punished by imprisonment in the penitentiary as therein provided, and not otherwise.

§ 630. If any person shall vote or offer to vote at any legally authorized election in this state, knowing himself not entitled by law to vote thereat, or shall vote or offer to vote at any poll or in any precinct at any such election, knowing himself not entitled by law to vote at such poll or in such precinct, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred, nor more than five hundred dollars.

§ 631. If any person or persons shall by menace, threat or violence, whether armed or unarmed, intimidate or prevent, or attempt to intimidate or prevent any person from voting, such person or persons so offending, shall, upon conviction, be punished by imprisonment in the county jail not less than three months nor more than one year.

§ 632. That any person who shall by promise of favor or reward, or otherwise, induce or persuade any person to come into this state, or into any county or precinct within this state, for the purpose and with the intent that such person shall, by so changing his habitation, vote at any general election which may hereafter be held in this state, at any place where such voter or person is not a bona fide resident, shall be deemed guilty of a felony, and upon conviction thereof shall be punished as hereinafter provided.

date or prevent any person from challenging another voter, or to prevent any person from voting, such person or persons so offending, shall, upon conviction, be punished by imprisonment in the county jail not less than three months nor more than one year.

Inducing person to come into state, or into any county or precinct within this state, for the purpose and with the intent that such person shall, by so changing his habitation, vote at any general election which may hereafter be held in this state, at any place where such voter or person is not a bona fide resident, shall be deemed guilty of a felony, and upon conviction thereof shall be punished as hereinafter provided.

Inducing person to absent himself from his voting place with intent to prevent or hinder such person from voting at such place of residence at any general election in this state.

Inducing person to absent himself from his voting place, and not vote at any general election in this state, shall, on conviction, be deemed guilty of a felony.

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Deady Code (Criminal) 1872 T II, C V §§ 609-638 (codifying Crimes Against Public Codifying Crimes Against Justice Act of 1864 and Frauds in Elections Act of 1870)

OCTE. 19, '84, § 603.
 Destroying, etc.
 writing or mutilating public records.

§ 637. If any person, having the legal custody of any public record, book, paper or writing, shall wilfully destroy, secrets or mutilate the same; or if any attorney shall wilfully destroy, secrets or mutilate any such record, book, paper or writing, or shall wrongfully take the same from the person having the legal custody thereof, or having obtained the possession of such record, book, paper or writing lawfully, shall wrongfully refuse or neglect to return or produce the same when lawfully required or demanded so to do, such person or attorney, upon conviction thereof, shall be punished by imprisonment in the penitentiary, not less than six months, nor more than one year, or by imprisonment in the county jail not less than three months, nor more than one year, or by fine not less than one hundred, nor more than five hundred dollars.

red. 1872.
 Lobbying with members of legislature, without disclosing interest in matters.

§ 638. If any person, having any interest in the passage or defeat of any measure before, or which shall come before, either house of the legislative assembly of this state, or if any person being the agent of another so interested, shall converse with, explain to, or in any manner attempt to influence any member of such assembly in relation to such measure, without first truly and completely disclosing to such member his interest therein, or that of the person whom he represents, and his own agency therein, such person, upon conviction thereof, shall be punished by imprisonment in the county jail, not less than three months, nor more than one year, or by fine not less than fifty, nor more than five hundred dollars.

CHAPTER VI.

Of crimes against the public peace.

George H. Himes, *Constitutional Convention of Oregon*

CONSTITUTIONAL CONVENTION OF OREGON.

COMPILED BY GEORGE H. HIMES

Held in Salem, August 17-September 18, 1857. The table gives name of delegate, date of birth, state or country of nativity, residence when starting to Oregon, date of arrival, county represented, occupation and political affiliation. The majority were Democrats; Republicans marked thus—*.

Name.	Born.	Native.	Came from.	Arrived.	County.	Occupation.
*Anderson, Levi	1818	Ky.	Iowa	1852	Washington	Farmer
*Applegate, Jesse	1810	Ky.	Mo.	1848	Umpqua	Farmer
Babcock, A. D.	1818	N. Y.	Ind.	1852	Polk	Lawyer
Boise, Reuben P.	1819	Mass.	Mass.	1850	Polk	Lawyer
Brattain, J. H.	1813	Tenn.	Iowa	1846	Linn	Farmer
*Brattain, Paul	1801	N. C.	Iowa	1852	Lane	Farmer
Bristow, Wm. W.	1826	Ky.	Ill.	1846	Lane	Farmer
Burch, Benj. F.	1825	Mo.	Mo.	1845	Polk	Farmer
Campbell, A. J.	1828	Ind.	Ind.	1853	Lane	Mechanic
Campbell, Hector	1794	Mass.	Mass.	1849	Clackamas	Farmer
Chadwick, Stephen F.	1825	Conn.	N. Y.	1851	Douglas	Lawyer
Cox, Jesse	1821	Mo.	Mo.	1851	Lane	Farmer
Cox, Joseph	1811	Ohio.	Mo.	1847	Marion	Farmer
Coyle, Reuben F.	1821	Ky.	Ill.	1847	Linn	Farmer
Crooks, John T.	1807	Va.	Ill.	1848	Linn	Farmer
Deady, Matthew P.	1824	Md.	Ohio	1849	Douglas	Lawyer
*Dryer, Thomas J.	1810	N. Y.	Calif.	1850	Multnomah	Editor
Duncan, L. J. C.	1818	Tenn.	Ga.	1850	Jackson	Miner
Elkins, Luther	1809	Me.	Ohio	1852	Linn	Farmer
Fitzhugh, Solomon	1804	Ky.	Mo.	1850	Douglas	Farmer
Farrar, William H.	1826	N. H.	Mass.	1853	Multnomah	Lawyer
Grover, L. F.	1826	Me.	Pa.	1851	Marion	Lawyer
Hendershott, S. B.	1832	Ill.	Iowa	1853	Josephine	Miner
Hoult, Enoch	1820	Va.	Ill.	1853	Lane	Farmer
Kelly, James K.	1819	Pa.	Pa.	1851	Clackamas	Lawyer
Kelsay, John	1819	Ky.	Mo.	1853	Benton	Lawyer
*Kinney, Robert C.	1813	Ill.	Iowa	1847	Yamhill	Farmer
*Lewis, Haman C.	1810	N. Y.	Mo.	1845	Benton	Farmer
*Logan, David	1826	N. C.	Ill.	1849	Multnomah	Lawyer
Lovejoy, A. L.	1811	Mass.	Mo.	1843	Clackamas	Lawyer
Marple, P. B.	1819	Va.	Mo.	1851	Coos	Lawyer
*Mateger, William	1819	Hanover	Ill.	1847	Benton	Mechanic
*McBride, John R.	1832	Mo.	Mo.	1846	Yamhill	Lawyer
McCormick, S. J.	1823	Ireland	N. Y.	1851	Multnomah	Printer
Meigs, Charles R.	1830	Conn.	Ohio	1855	Wasco	Lawyer
Miller, Richard	1802	Md.	Mo.	1847	Marion	Farmer
*Moore, Isaac R.	1796	Ky.	Ill.	1852	Lane	Farmer
Newcomb, Daniel	1800	Va.	Ill.	1853	Jackson	Farmer
*Nichols, H. B.	1821	Conn.	Iowa	1852	Benton	Farmer
*Olds, Martin	1799	Mass.	Mich.	1851	Yamhill	Farmer
*Olney, Cyrus	1815	N. Y.	Iowa	1851	Clatsop	Lawyer
Packwood, William H.	1832	Ill.	Ill.	1849	Curry	Miner
Peebles, J. C.	1826	Pa.	Ind.	1850	Marion	Farmer
Prim, P. P.	1822	Tenn.	Tenn.	1851	Jackson	Lawyer
Reed, J. H.	1824	Pa.	Mo.	1855	Jackson	Lawyer
Robbins, Nathaniel	1793	Va.	Ind.	1852	Clackamas	Farmer
Shannon, Davis	1813	Ind.	Ill.	1844	Marion	Farmer
*Shattuck, Erasmus D.	1824	Vt.	Vt.	1853	Washington	Lawyer
*Scott, Levi	1787	Ill.	Iowa	1844	Umpqua	Farmer
Shields, James	1811	Ky.	Mo.	1852	Linn	Farmer
*Short, Robert V.	1823	Pa.	Ill.	1847	Yamhill	Surveyor
Shrum, Nicholas	1803	Tenn.	Mo.	1846	Marion	Farmer
Smith, Delazon	1816	N. Y.	Iowa	1852	Linn	Farmer
Starkweather, W. A.	1822	Conn.	Ohio	1850	Clackamas	Farmer
*Watkins, William H.	1827	N. Y.	N. Y.	1852	Josephine	Physician
*Watts, John W.	1830	Mo.	Mo.	1852	Columbia	Physician
*White, John S.	1828	Tenn.	Tenn.	1845	Washington	Farmer
Whitted, Thomas	1832	Pa.	Ind.	1850	Douglas	Farmer
Wavmire, Fred	1807	Ohio.	Mo.	1845	Polk	Mechanic
Williams, George H.	1823	N. Y.	Iowa	1853	Marion	Lawyer

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George H. Himes, *Constitutional Convention of Oregon*

FORTIETH ANNUAL REUNION

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SUMMARY

Connecticut	Chadwick, Meigs, Nichols, Starkweather.	4
Hanover, Germany	Matzger	1
Illinois	Hendershott, Kinney, Packwood, Scott.	4
Indiana	Campbell (A. J.), Shannon.	2
Ireland	McCormick	1
Kentucky	Anderson, Applegate, Bristow, Coyle, Fitzhugh, Kelsay, Moores, Shields.	8
Maine	Elkins, Grover	2
Maryland	Deady, Miller	2
Massachusetts	Boise, Campbell (Hector), Lovejoy, Olds	4
Missouri	Burch, Cox (Jesse), McBride, Watts.	4
New York	Babcock, Dryer, Lewis, Olney, Smith, Watkins, Williams	7
North Carolina	Brattain (Paul), Logan	2
Ohio	Cox (Joseph), Waymire	2
Pennsylvania	Kelly, Peebles, Reed, Short, Whitted.	5
New Hampshire	Farrar	1
Tennessee	Brattain (J. H.), Duncan, Prim, Shrum, White	5
Vermont	Shattuck	1
Virginia	Crooks, Hoult, Marple, Newcomb, Rob- bins	5
		<hr/> 60

Occupations.

Editors	1	Physicians	2
Farmers	30	Printers	1
Lawyers	19	Surveyors	1
Mechanics	3		
Miners	3		
			<hr/> 60

Members of the convention who afterwards filled important public positions in the state and nation:

Boise, Reuben P., Associate Justice for many years; Chief Justice, 1862-1864, 1868-1870.

Chadwick, Stephen F., Secretary of State, September 14, 1870-February 1, 1877; Acting Governor from latter date to September 11, 1878.

George H. Himes, *Constitutional Convention of Oregon*

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Deady, Matthew P., Associate Judge, Oregon Territory, 1853-1859; United States District Judge, District of Oregon, 1859 to date of death in 1893.

Farrar, William H., Mayor of Portland, 1862.

Grover, L. F., member of Legislature several terms; Representative in Congress, 1859; Governor, September 14, 1870-February, 1877; United States Senator, March 4, 1879-March 3, 1885.

Kelly, James K., United States Senator, March 4, 1871-March 3, 1877; Chief Justice, 1878-1880.

Logan, David, Mayor of Portland, 1863.

McBride, John R., State Senator, 1860; member of Congress, March 4, 1863-March 3, 1865; Chief Justice of Idaho Territory, February 28, 1865.

McCormick, Stephen J., Mayor of Portland, 1859.

Prim, Paige P., Chief Justice, 1879-1880.

Shattuck, Erasmus D., Associate Justice for many years; Chief Justice, 1866-1868.

Smith, Delazon, United States Senator, February 14, 1859-March 3, 1859.

Williams, George H., Chief Justice, 1853-1859; United States Senator, March 4, 1865-March 3, 1871; one of the Joint High Commissioners in settling the "Alabama Claims," 1871; United States Attorney-General, 1872-1875; Mayor of Portland, 1903-1904.

APPENDIX TO MEMORANDUM OPPOSING SUMMARY JUDGMENT FOR
DEFENDANTS AND INTERVENORS

Additional references to "political" or "electioneering" campaigns before
1857 (all available on GoogleBooks)

1826

John Binns was the publisher and editor of the *Democratic Press* in Philadelphia and observer of Pennsylvania politics. In his *LIFE OF JOHN BINNS* (self-published 1854), p. 314, he quotes a letter to him dated September 6, 1826, from Lewis P. Frank relating the history of a "calumny" perpetrated in rival publications during a municipal election, "[D]uring the heat of an electioneering campaign in 1814, Stiles, who then published the *True American* had obtained a copy of the *Democrat* containing [the offending letter]."

1832

B.L. Rayner, *SKETCHES OF THE LIFE WRITINGS AND OPINION OF THOMAS JEFFERSON*, (Francis 1832), p. 208, wrote, "He [Jefferson] took no part whatever in the political campaign [of 1800] and held himself entirely aloof from it."

1840

A satirical "town history" *QUODLIBET*, printed in 1840, attributed to Solomon Secondthoughts (pseud. John Pendleton Kennedy) and compiled from "'The Great New Light Democratic Central Committee of Quodlibet," (1840 Lea & Blanchard), pp. 241-242, describes the travails of the "party men" in the Harrison-Van Buren election and notes the Presidential election campaign was underway by July:

Upon adjournment of congress, late in July, the Hon. Middleton Flam returned to Quodlibet, to infuse new energy into our indefatigable committee. Through him we were apprised of many matter of deep interest, touching the progress of the campaign which was now growing amazingly active.

1841

Rep. Robert Winthrop (Massachusetts) spoke on the House floor about trade policy in December 1841, "During the late political campaign, Mr. Tyler was interrogated on the question of a tariff." *Speech on Tariff, Delivered in the House of Representatives December 30, 1841*, *SPEECHES*, (Little, Brown 1852), p. 333.

1843

Charles Francis Adams decried:

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A profitable trade has been, for years, carried on, in the southern and western States, in this new species of merchandise [federal land and navigation grants]; and there are probably thousands, in the south and west, who, during the last political campaign, were hugging these fancied slices of El Dorado, and hurraing for Polk and Texas.

TEXAS AND THE MASSACHUSETTS RESOLUTIONS, THE COMPLAINT OF MEXICO, (Eastburnn 1843) p. 12-13.

1848

Theodore Parker, a "Boston radical preacher," asserted, "In the electioneering campaign there has been a certain duplicity in the supporters of General Taylor * * *." *Some Thoughts on the Free Soil Party* (dated December 1848), collected in SPEECHES, ADDRESSES, AND OCCASIONAL SERMONS, (Crosby & Nichols 1852), p. 139.

1848

A reference in the HISTORY OF THE TOWN OF DANVERS [Massachusetts], by John Wesley Hanson (self-published 1848), p. 106 notes that "the *Danvers Whig* was published during the Election campaign of 1844."

1848

A novel by A.H. Brisbane, RALPHTON OR THE YOUNG CAROLINIAN OF 1776, A ROMANCE ON THE PHILOSOPHY OF POLITICS, (Burgess and James 1848), p. 136, the author described the political education of the title character, Ralphton, who attends a "barbacue" where his mentor tells him: "[R]emember, I told you some time since, that it required much time and prudent effort to secure the election of a member of congress, and that I had begun the campaign, not only with your adherents in the camp, but parties far and near * * *."

1849

William H. Seward, delivered a public eulogy to John Quincy Adams, referencing, "[a] hotly contested political campaign ensued in the fall of 1828." LIFE AND PUBLIC SERVICES OF JOHN QUINCY ADAMS (DELIVERED BEFORE THE LEGISLATURE OF NEW YORK 1849), (Derby, Miller 1849).

1855

Jacob Barker, in his LIFE OF JACOB BARKER (self-published 1855), p. 36, described a Tammany meeting during the Van Buren re-election campaign of 1834 and noted, "the political campaign progressed with great ardor."

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Article 2 -- No Title

New York Daily Times (1851-1857); Jun 25, 1852;

ProQuest Historical Newspapers The New York Times (1851 - 2007)

pg. 2

During the political campaign upon which the country has just embarked, special interest will of course be felt by the whole community, in political movements and discussions. The *Daily Times* will endeavor to keep its readers properly informed of whatever may occur of interest in this part of the field of journalism, without at the same time encroaching unduly upon any other. We shall give a reasonable share of our available space to the record of political events and movements in all parts of the country, and to the full and free discussion of political topics. But we shall not surrender the columns of the *Times* to politics, and least of all to partizan discussion, to such an extent as to interfere with its general variety and interest. We shall continue to present all the current news of the day,—with correspondence from all important points, Foreign and Domestic, and Editorial and other articles upon all subjects of general interest and importance. We shall do all in our power, while meeting the general demand for political intelligence, to preserve its *variety*, and thus to render it still more acceptable as a newspaper for miscellaneous and family perusal, than its immense subscription list shows it to have been hitherto.

In the same manner, and from the same considerations, we shall maintain for the *Weekly Times* its present character—presenting regularly not only a careful digest of all the current News of the Day, but also a page of *Literary Reading*, original and selected, designed to make the paper better adapted to the wants of general readers. It will contain all the political matter of the Daily, but not to the exclusion of other matter of general interest.

We shall publish, throughout the canvass, "THE CAMPAIGN TIMES," to be especially devoted to the discussion of political topics and the advocacy of the Whig cause and candidates. This paper, being designed for a special object, will not be allowed to interfere in any way, or to any extent, with either the Daily or Weekly *Times*,—but will be made up separately, containing, probably every week, various political articles, for which room cannot be found in either of the others.

As will be seen by the Prospectus, it is furnished to Clubs of FIFTY at the exceedingly low rate of TWENTY FIVE CENTS each for the whole campaign. This price, and the peculiar adaptation of the paper to the political purposes for which it is issued, ought to place it in the hands of at least Fifty Thousand persons.

CERTIFICATE OF FILING AND SERVICE

I hereby certify that I FILED the original APPENDIX TO THE OPENING BRIEF ON REVIEW OF PETITIONERS JOAN HORTON AND KEN LEWIS by Efile this date and further that I SERVED it by Efile on the parties listed in No. S059245 and marked with an asterisk below.

I SERVED it also by emailing a true copy to each counsel below.

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Dated: September 29, 2011

/s/ Linda Williams