

ANNALS OF IOWA.

EDITORIAL DEPARTMENT.

ANENT THE CONSTITUTION OF IOWA.

In the copies of this important document as generally published, whether in the Codes or elsewhere, there have from the very beginning been more or less clerical errors. These errors have not imperilled the rights of any person or persons, but they have not been pleasing to the critical sense. Then, at various times since its adoption in the autumn of 1857, it has been the subject of amendment. For instance, in 1868, by a vote of the people, after a contest not free from acrimony, the word "white" was stricken from five of its sections; and in 1880 the words "free white" were in like manner eliminated from section four of article three. Other amendments have also been adopted—notably one prohibiting "the manufacture for sale," etc., of "intoxicating liquors," which was held by the Supreme Court not to have become a part of the constitution. (*Koehler & Lange vs. Hill*, 60th Iowa Rep., p. 543.) It having become very desirable that correct copies of this instrument should be readily accessible at the Capitol, as well as in libraries and county seats, the Secretary of State has caused a transcript to be made from the original rolls in his office. This is now printed in a neat pamphlet of 36 pages, and copies may be had on application at his office. In addition to the original instrument, the amendments are all presented by themselves in a supplement, and also duly incorporated in the text where they properly belong.

It will be interesting to our readers, we do not doubt, to see the vote by counties, upon the question of the adoption or rejection of this New Constitution. Here is the table, as compiled originally, which is both interesting and valuable, and well worth preserving in these pages :

An abstract of the votes cast in the several counties in the State of Iowa at the August Election, A. D. 1857, for and against the adoption of the New Constitution.

COUNTIES.	For the New Constitution.	Against the New Constitution.	Whole Number of Votes.	COUNTIES.	For the New Constitution.	Against the New Constitution.	Whole Number of Votes.
Adair.....	107	15	122	Jasper.....	836	393	
Adams.....	98	72	170	Jefferson.....	1082	1038	2120
Allamakee.....	480	679		Johnson.....	847	1257	2104
Appanoose.....	388	1004	1392	Jones.....	784	772	1556
Audubon.....	17	57	74	Keokuk.....	789	759	1548
Benton.....	535	622	1157	Kossuth.....	61	21	82
Black Hawk.....	609	618	1227	Lee.....	2721	661	
Boone.....	248	456	704	Linn.....	1307	955	2262
Bremer.....	348	91		Louisa.....	698	473	
Butler.....	198	189		Lucas.....			
Buchanan.....	649	583	1232	Madison.....	625	656	1281
Calhoun.....	34	3	37	Mahaska.....	926	872	1798
Carroll.....	45			Marion.....	819	1417	2236
Cass.....	119	80		Marshall.....	231	641	
Cedar.....	826	692	1518	Mills.....	253	346	599
Cerro Gordo.....	118	48		Mitchell.....	290	224	514
Chickasaw.....	389	296		Monona.....	28	119	147
Clarke.....	458	381	839	Monroe.....	548	695	1243
Clayton.....	866	1395		Montgomery.....	17	31	
Clinton.....	812	676	1488	Muscatine.....	1108	778	1886
Crawford.....	37	20	57	Page.....	142	309	451
Dallas.....	476	361	837	Polk.....	1892	106	
Davis.....	574	1202		Pottawattamie.....	264	418	682
Decatur.....	254	644	898	Poweshiek.....	653	221	
Delaware.....	592	842		Ringgold.....	183	50	233
Des Moines.....	1465	1130	2595	Scott.....	1414	1242	
Dickinson.....				Shelby.....	100	14	114
Dubuque.....	539	2023	2562	Story.....	280	359	
Fayette.....	653	667		Sac.....	37	51	
Floyd.....	312	198	510	Tama.....	386	298	684
Franklin.....	62	129	181	Taylor.....	221	157	
Fremont.....	124	389	513	Union.....	109	101	
Greene.....	112	73	185	Van Buren.....	1062	1508	
Grundy.....	51	40	91	Wapello.....	938	1249	
Guthrie.....	245	213		Warren.....	881	361	1242
Hamilton.....	82	199	281	Washington.....	813	709	
Harrison.....	193	196		Wayne.....			
Hardin.....	549	303		Webster.....	142	264	406
Henry.....	1205	624	1829	Winneshieki.....	590	241	831
Howard.....	273	118	391	Woodbury.....			
Humbolt.....	26	1	27	Wright.....	61	50	111
Iowa.....	424	459	883				
Jackson.....	581	1077	1658	Total.....	40,311	38,681	78,992

This unique edition of the Constitution presents reduced *fac similes* of the signatures of the men who made it. Some of them are living, but the majority have passed away. They wrote their names as follows :

Timothy Day	Geo W Robinson
S. C. Winchester	Lewis Lockman
David Brunker	John Edwards
D. P. Palmer	S. C. Traver
Geo. W. Ellis	J. M. Wilson
J. C. Hall	Amos Harris
John S. Pitzer	Geo. F. Clark
Wm. A. Warren	S. Ayers
Wm. Gray	Henry J. Staff
Peter Gower	J. A. Parvin
W. D. Gibson	W. Penn. Clarke
Thomas Selby	Jeremiah Hollingsworth
A. H. Marvin	Wm. Patterson
J. H. Omeron	Miller
R. S. B. Clarke	Alpheus Scott
James A. Garney	George Gillaspay
D. H. Solomon	Edward Johnson
Asbury	Alex. Plotton
W. H. Vander	Francis Springer President
E. Bates Secy	Secretary

We had an election in those days in August, which was afterwards abolished. It was at this election that the vote was taken "for and against" its adoption. After all the votes were

received and canvassed, Gov. James W. Grimes issued a Proclamation declaring the instrument adopted, and "to be the supreme law of the State." This is a reduced *fac simile* of that announcement:

Proclamation

Whereas, an instrument known as the New Constitution of the State of Iowa, adopted by the constitutional Convention of said State on the fifth day of March A.D. 1857, was submitted to the qualified electors of said State at the annual election held on Monday the third day of August 1857 for their approval or rejection; and whereas an official Census of the vote cast at said election shows that there were forty thousand three hundred and sixteen votes cast for the adoption of said Constitution and thirty eight thousand six hundred and eighty one votes were cast against its adoption, having a majority of sixteen hundred and thirty votes in favor of its adoption.

Now, therefore, I, James W. Grimes Governor of said State, by virtue of the authority conferred upon me, hereby declare the said New Constitution to be adopted, and declare it to be the supreme law of the State of Iowa.

On testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Iowa Done at Iowa City this third day of September A.D. 1857 of the Independence of the United States the eighty second year of the state of Iowa the Eleventh.



By the Governor,
Eliak Sellers

James W. Grimes
Secretary of State.

In view of the fact that everybody accepts our Constitution as a very excellent one—no demand having ever arisen for a new one—the very small majority of 1,630 by which it was

adopted seems almost unaccountable. The facts were—as we are informed by an eminent, we might well say illustrious, member of the Convention—that it was “the product of a Republican body,” and hence largely opposed by the Democrats, as the vote by counties fully indicates. It “anchored” the State Capital at Des Moines, and hence aroused the opposition of ambitious rivals for that high distinction. It also made a radical change in the law of evidence—Sec. 4, Art. 1—and this was distasteful to many voters.

The seal is a good copy—though its small size detracts somewhat from its clearness—of the first seal of the State, concerning which there has been some controversy. The originals from which these copies were made are in the office of the Secretary of State, through whose courtesy we are able to present them here.

THE IOWA DOG LAW OF 1862.

The writer hereof had the honor of serving as Chief Clerk of the House of Representatives during the regular session of the General Assembly in the winter of 1862, as well as at the extra session of the same body in the following September. Very soon after the regular session opened petitions began to come in, seemingly from all parts of the State, praying for the enactment of a law “providing for the registry of dogs, and defining the duties of township officers in certain cases.” It was undoubtedly true, as was afterward charged, that some one or more individuals interested in raising sheep had started this movement and given it very systematic direction. That there was good management behind the effort can not be doubted. A full head of steam was kept up from start to finish. So many petitions came in and kept coming, that it seemed that a large majority of the people were determined that Iowa should have not only a “well-regulated,” but most stringent “dog law.” This apparent unanimity of sentiment resulted in the passage of the bill, which was introduced by Mr. White of

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