

ANNALS OF IOWA.

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THE EARLY HISTORY OF IOWA.

BY CHARLES NEGUS.

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THE CONSTITUTION OF IOWA, AND THE FIRST STATE LEGISLATURE.

THE legislature, which met on the first of December, 1845, passed no act until after the first of the following February. The late depression in business had been felt all over the country, and thousands had been reduced from opulence to poverty and want. Many, who had married large fortunes, had not only lost their own property, but the means obtained by their wives had been taken to the last cent to pay the debts of their misfortunes, and their wives and families left penniless. A great many persons of this character came to Iowa for the purpose of retrieving their fortunes. Owing to these circumstances, woman's rights was a popular question, and this legislature, for the first time in Iowa, passed an act concerning the rights of married women. This act provided that if any married woman "became seized or possessed of any real estate in her own name, and as of her own property," unless she obtained it through her husband, it "should in no case be liable for the debts of her husband."

There was an act passed at this session defining the boundaries of the counties of Wayne, Lucas, Warren, Polk, Marshall, Jasper, Story, Boone, Dallas, Madison, Clark, and Decatur; also acts making provisions for organizing the counties of Appanoose, Benton, Jasper, and Polk — the last three to be organized, and have all the privileges of other organized counties, after the first of the coming March, and the first after the first of the next August.

But the most important measure of that session was a law providing for a convention for the purpose of making another constitution. The law provided that the convention should consist of thirty-two members — only about one-half of the number composing the first convention. The delegates were to be citizens of the United States, to have resided six months in the territory previous to the time of their election, to be elected at the April election, and meet at Iowa City on the first Monday of the next May. The constitution, when formed, was to be submitted to the vote of the people at the next August election, for their rejection or ratification; and, if ratified, it was then to be sent to congress, to be admitted into the Union as a sovereign state. This constitution varied, in some respects, very materially from the first constitution, particularly on banking.

Sometimes small things produce great results. Such was probably the case in forming this constitution. Ver Planck Van Antwerp, soon after his difficulty with Bainbridge, sold out his interest in *The Iowa Capital Reporter* to Jesse Williams, and being disaffected towards the democracy of Iowa, left the territory and went to St. Louis, where he started a paper to advocate the claims of Thomas H. Benton for a reelection to the United States senate. He conducted this paper until after there was a change in the administration of the general government, by James K. Polk succeeding John Tyler. Finding his paper at St. Louis a losing concern, and having devoted himself zealously in securing Benton's election to the senate, and relying on his friendship and influence, he was an applicant for an office under the new administra-

tion. He first sought a foreign mission, then to be commissioner of the general land office, but failed to get either. He was offered the position of receiver in the land office at Fairfield, which he took, gave up his paper, moved back to Iowa, and aspired to be the leader of the democratic party. Soon after the bill authorizing another convention had become a law, Van Antwerp got up a convention of the democrats of Jefferson county, before which, at his own instance, he introduced a series of resolutions, laying down the provisions that should be incorporated into the constitution.*

* The following are the resolutions:—

Resolved, That the following provisions (in substance) ought, in the opinion of this meeting, to be adopted as part of the constitution of the state of Iowa, by the convention which will assemble at Iowa City on the first Monday of May next; to-wit:—

1. No religious test to be required as a qualification for holding office, or for any other purpose, under any pretense whatever.
2. The right of suffrage to be made as broad and comprehensive as it is in any of the states that now compose the Union (except that negroes shall never vote), and to embrace persons not yet citizens of the United States, but who have declared their intention to become such, have resided in the state for a year thereafter, and possess the other qualifications required of citizens.
3. All elections to be by ballot, except those by the legislature; the latter to be *viva voce*, and the vote of each member to be entered upon the record.
4. No bank or other institution ever to be created by the legislature with the power of issuing its own notes, or the notes of any other bank, public institution, or private individuals, and a further prohibition against the issuing, by any individual or individuals, of all bills, checks, promissory notes, or other paper, to circulate as money.
5. Monopolies, being contrary to the genius of a free government, and dangerous to the rights of the people, never to be allowed. A total prohibition, therefore, to be made against the passage by the legislature of any special act of incorporation for any purpose whatever; but that body to be left to enact general laws under which associations for literary, religious, and other purposes may be formed and regulated, every member of such association to be held individually liable for all claims against the body of which he is a member.
6. The election of every officer (including judges of the supreme and circuit courts) that can be conveniently chosen by the people, to be given to them.
7. The credit of the state never to be loaned to any man, or set of men, for any purpose whatsoever; and the provisions against the creating of a state debt, enacted by the convention which assembled at Iowa City in October, 1844, to be substantially adopted.
8. The legislature not to assemble oftener than once in two years, unless called together in recess by proclamation of the governor; and that never to be done for light and trivial causes, but only in case of pressing emergency.
9. The per diem compensation of members of the legislature not to exceed three dollars per day for the first sixty days from the commencement of the session. If they continue in session longer than that, they shall receive no compensation for it.
10. No imprisonment for debt to be allowed.
11. No lottery to be authorized, and the sale of lottery tickets in Iowa to be prohibited.
12. No divorce to be granted by the legislature.

The convention was fully attended, and the resolutions met with but little opposition, except those in relation to corporations. After Van Antwerp had read his resolutions, it was decided to pass upon each resolution separately.

The fourth section (relative to banking) having been again read, Charles Negus moved to amend the same by adding thereto the words "unless a bill to charter a bank shall first have been passed by the votes of two-thirds of the members of the legislature, and afterwards submitted to the people for their confirmation or rejection." On this motion a spirited and protracted debate arose, in which Charles Negus, Samuel Shuffleton, George Acheson, William H. Lyons, W. E. Graff, and Van Antwerp participated — Negus and Acheson sustaining the motion, and the others opposing it. This amendment was voted down, with but three dissenting votes; and all the resolutions, as offered, were adopted by the same vote. These resolutions, with the proceedings of the meeting, were published in the democratic papers throughout the territory.

For the purpose of sustaining the provisions of his resolutions, Van Antwerp was anxious to be a delegate to the convention, and offered himself as a candidate, but failed to

13. No law passed by the legislature to embrace more than one object, and that to be distinctly stated in the title.

14. The duration of all offices not fixed by the constitution never to exceed four years.

15. The sessions of neither house of the legislature to be held with closed doors, except in time of war.

16. The most liberal provisions to be made for the cause of education, and especially for the increase and encouragement of common schools.

17. Every person to be disqualified from holding office in Iowa who shall have been convicted of having given or offered a bribe to secure his election or appointment.

18. All civil officers to be required to reside within the state, and all district or county officers, with their offices, at such place therein as may be required by law.

19. The extension of our territory to the Missouri river as the western boundary of the state to be adhered to, and made a *sine qua non* to our admission into the Union.

20. And, lastly, provision shall be expressly made that, as a true basis of representation, a new census of the people shall be taken prior to the first election under a state government; and, further, that the constitution, after having been submitted to congress, if altered by that body, either in regard to the boundaries of the state or any other essential particular, shall not go into effect unless first ratified by the vote of a majority of the qualified electors of the territory, at an election to be subsequently held.

be elected. Though having no right to participate in the proceedings of the convention, fearing his views, particularly on the banking question, might not be adopted, he attended as a lobby member during the whole session; and the result was, most of the provisions of his resolutions were incorporated into the constitution. And thus the convention held in Jefferson county had much to do in shaping the destinies of Iowa.

The delegates met at Iowa City on the fourth of May, and organized their body by electing Enos^v Lowe president and William^v Thompson secretary; and closed their labors on the seventeenth of the same month, having been in session a little over two weeks.

The only questions which elicited much debate, and met with strong opposition, were the boundary and that portion of the constitution in relation to corporations. The boundary, after being fully discussed, was settled by adopting the boundaries of the first constitution, except on the north and north-west. The parallel of forty-three degrees and thirty minutes north latitude was made the northern boundary of the state, and instead of starting in the north-west, from the mouth of the Sioux river, "thence in a direct line to the middle of the main channel of the St. Peter's river, where the Watonwan enters the same," it ran up the main channel of the Sioux until it reached the parallel of the northern boundary.

^vCurtis Bates, a democrat from Johnson county, as chairman of the committee on corporations, made the following report:—

"1. No corporate body shall be hereafter created, renewed, or extended, with banking or discounting privileges.

"2. The stockholders in all private corporations, except corporations for the purpose of education, charity, or religion, shall be responsible in their individual and private capacity for all debts and liabilities of every kind incurred by such corporation.

"3. The legislature have the power to amend or repeal all laws creating private incorporations."

J. Scott^v Richman, of Muscatine county, moved to amend by striking out the second and third sections, and inserting:

"WHEREAS, All sovereignty resides in the people, and the creating of a corporate body is one of the highest acts of sovereignty, therefore this convention concludes that the people have the right, through their representatives, to grant such corporate privileges as may be deemed conducive to the public good."

Shepherd^v Leffler, of Des Moines county, moved to amend the amendment by adding the following:—

"Or the right to prohibit them altogether, through this convention, their representatives, if the people should deem such prohibition for the public good."

This amendment was agreed to, but the amendment of Richman, as amended by Leffler, was defeated.

Bates moved to amend the report by striking out the first and second sections, and inserting:—

"1. No corporate body shall hereafter be created, renewed, or extended with the privilege of making, issuing, or putting in circulation any bill, check, ticket, certificate, promissory note, or other paper, or papers of any bank, to circulate as money.

"2. Corporations shall not be created in this state by special laws, except for political or municipal purposes; but the legislature shall provide, by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law."

^vJohn Ronalds, of Louisa county, moved to amend the first section of Bates's amendment by adding the following:—

"Unless the law creating such corporate body, or renewing or extending its privileges, shall be published in the newspapers in this state at least four months preceding a general election for county officers, and shall receive at such election a majority of all the votes polled for and against said law."

This amendment was voted down by a vote of twenty to eleven.

Thomas[✓] Dibble, of Van Buren county, moved the following for the first section:—

“No corporate body shall hereafter be created, renewed, or extended with the privilege of making, issuing, or putting in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money, except the question of corporation, with the law enacting the same, before it becomes a law, shall have been submitted to a vote of the whole people, at some convenient election, the majority of whose votes shall be deemed a confirmation of the same.”

Which substitute was adopted by a vote of sixteen to fifteen.

Dibble then moved to amend by adding the following as a second section:—

“The general assembly may at any time propose alterations, or a repeal of any such corporations that may have been created, and any such proposition shall be submitted to the people, as provided in the foregoing section, and shall be confirmed in like manner.”

Samuel A.[✓] Bissell, of Cedar county, moved to amend the amendment of Dibble by substituting the following:—

“The general assembly shall have power to repeal, alter, or amend any act of incorporation, when satisfied that its operations are not conducive to the public welfare.”

This amendment was lost by a vote of sixteen to fourteen; when the motion was put on Dibble's amendment, and it was adopted by a vote of twenty-eight to three.

Leffler[✓] moved to amend the report as follows:—

“No act of incorporation shall be submitted to the people until the same shall have been published at least twelve successive weeks in at least twelve of the weekly newspapers published in the state, provided that number of newspapers are published at the passage of such act; nor shall such publication be made until the parties applying for such act of incorporation shall have deposited with the state treasurer a sum sufficient to defray the expenses of such publication.”

Richman moved to amend the amendment by striking out the words "twelve of the weekly," and insert "six of the weekly," which was lost by a vote of twenty-seven to four; and Leffler's amendment was adopted by a vote of twenty-five to six.

Leffler moved a further amendment: —

"Corporations shall not be created in this state by special laws, except for political or municipal purposes; but the general assembly shall provide, by general laws, for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which has been provided for in the foregoing section. The stockholders shall be subject to such liabilities and restrictions as shall be provided for by law."

Richman moved to amend the amendment by adding, "except corporations for internal improvements." This amendment was lost by a vote of twenty-three to seven; when the vote was taken on Leffler's amendment and adopted by a vote of twenty-seven to three.

Henry P. Haun, of Clinton county, moved to amend the third section by striking out the word "legislature," and insert "general assembly shall," and by adding the following words at the end thereof: "except as provided in the foregoing sections;" which amendment was not adopted.

Joseph H. Hedrick, of Wapello county, moved to amend the second section by adding the following: "To double the amount of stock subscribed respectively, after the means of such incorporations are exhausted. Which amendment was adopted by a vote of fifteen to fourteen.

David Olmstead, of Clayton county, moved to amend the second section by adding thereto the following: "And no stockholder shall be relieved from his responsibility by transferring his stock in such corporation to another person." This was adopted by a vote of sixteen to thirteen.

At this point the further discussion of the article on incorporations was postponed for one day, during which time it called forth much discussion outside of the convention.

When this question was called up again, [✓]Bates moved to strike out all in the article on incorporations, and insert the following:—

“No corporate body shall hereafter be created, renewed, or extended with the privileges of making, issuing, or putting in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

“The general assembly of this state shall prohibit, by law, any person or persons, association, company, or corporation from exercising the privilege of banking, or creating paper to circulate as money.

“Corporations shall not be created, in this state, by special laws, except for political or municipal purposes; but the general assembly shall provide, by general laws, for the organizing of all other corporations, except corporations with banking privileges, the creation of which is prohibited.

“The stockholders shall be subject to such liabilities and restrictions as shall be provided by law.

“The state shall not, directly or indirectly, become a stockholder in any corporation.”

This motion was adopted by a vote of twenty-one to nine, all the whig members voting against it.

These provisions, inserted in the constitution, entirely prohibited banking. The provisions on corporations met with much opposition from the people, especially those on banking, and the opponents used the first and every opportunity they had to change the clause on banking, until the same was accomplished. Probably this constitution would have remained the supreme law of the state for many years, had it not been for this prohibition; for, instead of producing a sound metallic circulating medium for business, as was the design of those who favored it, the paper of banks whose solvency was doubtful at home, found its way to Iowa, and probably no state in the Union had in circulation a more worthless and irresponsible currency than was found here during the time of the entire prohibition of banks.

There was much opposition to the constitution, and its opponents thought it would be defeated; but there being a strong feeling in favor of a state government, many who were opposed to the provisions on incorporations voted in favor of it, claiming that these objections could easily be amended. At the August election there were polled eighteen thousand six hundred and eighty-five votes; of this vote there were only five hundred and seventy of a majority in favor of adopting the constitution. In the month of September, as soon as the vote was officially known, Governor Clark issued his proclamation for an election of state officers and members of the legislature, which was held on the twenty-sixth of the following October.

As the Territory was about to assume a state government, there was a great struggle among the politicians to secure for themselves the offices of the new government. Besides the officers to be elected by the people, there were two United States senators and three supreme judges to be elected by the legislature, and it became quite an object with the politicians of both parties to secure the legislature. The democrats and whigs both thoroughly organized their parties, held conventions, and made nominations for the several offices. The democrats nominated Ansel Briggs, of Jackson county, for governor; Elisha Cutler, of Van Buren county, for secretary; 7 Joseph T. Sales, of Dubuque county, for auditor; Morgan Reno, of Johnson county, for treasurer. And the whigs nominated Thomas McKnight, of Dubuque county, for governor; James H. Coles, of Van Buren county, for secretary; Easton Morris, of Johnson county, for auditor; and E. T. Smith for treasurer.

This election was carried on with a great deal of spirit on both sides, but the democrats succeeded in electing all the state officers and a majority of the representatives in the senate, but were not so fortunate in electing members to the house. Jonathan McCarty had recently become a citizen of Lee county. He was an old politician, noted as a public speaker, and as having much tact in political matters. Mc-

Carty had been a democratic representative in congress from Indiana for several years, but in the great political excitement of 1840 he abandoned the democratic party, and by the whigs of Indiana was placed at the head of their electoral ticket for General Harrison. The whig party in that state having fallen into the minority, and McCarty having lost his influence there with the democrats, moved to Iowa, and showed a disposition to accommodate himself to almost any political creed that would promote his individual interest. Lee county had generally given a large democratic majority; but there had been for several years much difficulty about the titles to a large tract of land in the southern part of that county, generally known as the "half-breed tract," and the settlers on these lands had carried their difficulties into politics, and voted for men who favored their interests, irrespective of politics. McCarty living on the disputed tract, had identified himself with the settlers, and succeeded in getting up a ticket for members of legislature of men friendly to the interests of the settlers — part of whom had previously acted with the democratic party and part with the whig party, and all of whom were disposed to cast their votes in the legislature in his favor for United States senator. This ticket was called, by their opponents, the "'possum (opossum) ticket," and being supported by nearly all of the votes on the half-breed tract, was elected; and these members of the legislature were generally designated as the "'possum members."

Lee county, at that time, was entitled to five members of the house and two senators. There being only thirty-nine members of the house and eighteen senators, the representatives from this county had great influence in the legislature. In Des Moines county the parties were very nearly equally divided, though the democrats had generally succeeded in carrying the elections, and at this election there was a great struggle for the ascendancy. This county had five members of the house and two senators, which made it quite an object with each party to carry the county, and unusual means were resorted to for success. The county was

polled by the whigs, and, as far as possible, the political views of each voter ascertained. This showed that the democrats had a majority of about thirty, and in order for the whigs to carry this county, they had, by some means, to overcome this majority. Fitz Henry Warren, who had been unfortunate in business in the east, for the purpose of retrieving his fortune, came west, located himself at Burlington, and had become quite an active politician — so much so that he was looked upon as the leader of the whigs in that county. Warren soon devised a plan by which enough democratic votes could be disposed of so as to give the whigs the majority. Warren was employed in a mercantile house which was engaged in the pork-packing business, and he managed to get about thirty democrats who made their living by day labor, to go out into the country, at different points, to drive in hogs for the firm with which he was connected, and promised them high wages for their services. These men, the day before election, not suspecting any trick, but feeling more desirous about making a few dollars for the support of their families than about voting at the election, went out to the several places assigned them, for the purpose of driving hogs. Here they were kindly received by those who understood matters, and were detained until it was too late for them to reach home in time to vote, when they were paid for their time and sent home. By depriving the democrats of this number of votes, the whigs carried the county and elected whigs to the legislature. The democratic politicians made a great ado about this manner of "swindling the dear people," while the whigs had their sport, and laughed about it as a good joke.

In Keokuk county the democrats had a large majority, but owing to a dispute about the county seat, the party was divided, and they had two candidates before the people for the legislature. Nelson King, who had previously been of rather doubtful character, professing himself to be a whig, became a candidate on his own responsibility, and, there being two democrats running against him, he received a plurality of the votes, and was declared elected.

The election of whigs in Des Moines and Keokuk counties made the parties so close that the representatives from Lee county held the balance of power, and could control the elections which were to be made by the legislature. The material of which this legislature was composed made it exceedingly doubtful which party would succeed in electing supreme judges and United States senators, and it became an object with politicians to bring inducements to bear on the members to influence their votes.

The legislature convened at Iowa City on the 30th of November, 1846, and the house was organized by electing Jesse B. Brown (an active whig), of Lee county, speaker, and the senate by electing Thomas Baker (a democrat), of Polk county, president of the senate. These elections indicated that the whigs, in joint convention, would have two majority. Under these circumstances, there were great efforts made to secure the vote of one or two of those who acted with the whigs in organizing the legislature to vote with the democrats in electing judges and senators, for one vote would make a tie and prevent an election, and two would enable the democrats to elect their men.

King, of Keokuk county, having been elected by a plurality vote over his two democratic opponents, and representing a county largely democratic, was thought, by some of the political managers, a proper subject to operate upon; and, as a first inducement, a paper was gotten up and circulated through his county, and signed by a majority of all the voters in the county, instructing him to vote for a democrat. This move being known by the whigs, and they fearing that King might be influenced by such instructions, caused them to watch him very closely and show him special attention; and for a while King commanded more attention from both parties than any other member of the legislature. Josiah Clifton and Reuben Conlee, of Lee county, also received great attention. Clifton and Conlee, previous to their election, professed to be democrats; but their votes in organizing the legislature, indicated that they were going to throw their influence for the benefit

of the whigs, and hence great efforts were made to retain them with the democrats.

S. T. Marshall, of Lee, having previously been well acquainted with King, as a citizen of his own county, and been employed by him as an attorney to defend him in a case in which he had been arrested, in his attempts to influence King in his votes, made a little too free with his old client while under the guardianship of the whig politicians.

On the afternoon of the ninth of December, the legislature then having been in session ten days, and the members thus far had almost entirely been engaged in canvassing and electioneering, as soon as the house was called to order, King, with a hurried step, approached the clerk's desk, and laid upon it a five dollar bill and two pieces of paper, and said he wished to make a statement. These movements surprised most of the members of the house, and not knowing what the conduct of King meant, from a curiosity to hear, unanimous consent was given for him to proceed, when he said, "That since he had presented his credentials and taken his seat as a member of this house, he had been approached by several different persons relative to the casting of his vote for United States senators; and that several distinct propositions of money and other rewards had been offered him if he would vote for Gen. Dodge for senator, or J. C. Hall, or either of them, as may or might be determined upon, which determination was to be made known to him (King), previous to the casting of his vote for United States senator; and that they would secure him from all blame or suspicion by procuring written instructions from his (King's) constituents, instructing him so to vote. And further, that S. T. Marshall gave him a five dollar note on the state bank of Ohio, on yesterday evening, and told him to call on him at any future time, and he would give him one hundred dollars, or any amount he wanted. And further, that said Marshall told him (King) that it was Dodge's money. He also gave him two receipts

of indebtedness,* in all of which proceedings he had acted under the advice and full knowledge of Mr. Goodrell, and others of his friends. And for the purpose of fully exposing the corruption and the determination to bribe members by men, who, while here, are employed for the purpose, and that other members of this house might be placed on their guard, and be prepared to act under the full knowledge of their designs, he made this statement."

Upon this statement of King, the house immediately appointed a committee of five, which was subsequently increased to seven, to investigate the charges of bribery, and authorized the speaker to issue his warrant for the arrest of Marshall.

On the next day Marshall appeared at the bar of the house, and the sergeant-at-arms was ordered to keep him in custody till further orders of the house. Marshall made a request of the house that he might be heard in his defence by his attorneys, James Grant and Frederick D. Mills, but this request was not granted. It was claimed inasmuch as the matter had been referred to a committee, they had nothing to do with the investigation. This committee was composed of W. C. Cochran, of Lee, Andrew Leech, of Davis, Samuel Whitmore, of Jefferson, Alfred Hebard, of Des Moines, Robert Smith, of Linn, Stuart Goodrell, of Washington, and John Z. Morton, of Henry county. The committee was composed of four whigs and three democrats. To conduct the case before the committee, Henry W. Starr was appointed counsel on the part of the state, and Grant and Mills for Marshall. James G. Edwards, editor of the *Hawkeye*, and A. H. Palmer, editor

*The following is a correct copy of the papers handed to the clerk by King at the time :

WEST POINT, NOVEMBER 26, 1846.

✓MR. NELSON KING.—Sir :—Please to pay S. T. Marshall or bearer, ten dollars and fifty cents on my account, and oblige

(Evidence.)

WILLIAM STOTTS. ✓

Received Payment. ✓S. T. MARSHALL.

DECEMBER, 1846.

I, S. T. Marshall, hereby release and relieve all my right, title and claim, or claims which I may have against Nelson King for legal services done heretofore and this shall be his receipt.

S. T. MARSHALL

of the *Iowa Capital Reporter*, were appointed clerks to take down the testimony.

The committee continued their investigations till the third of February, before making a report. There was a large number of witnesses called before the committee, but none of them knew anything to implicate Marshall except King and Johnson C. Chapman; the latter had been chosen fireman. Chapman had made a written statement to John F. Sanford, a member of the senate from Van Buren county, soon after the meeting of the legislature, in which he said :

"I hereby certify that on Monday, December 2, 1846, I was authorized by Col. William Patterson, of Lee county, Iowa, to offer Josiah Clifton and Reuben Conlee, each, the use of one hundred dollars for ninety-nine years, if desired, without interest, if they would give their votes in an election then about to come on for United States senator, in the general assembly, for such a man or men as the said William Patterson would name for the office. Also, I was authorized by Col. Patterson and Silas Haight, to offer Josiah Clifton, individually, and on their part, and on the part of their associates, to enter into a bond of ten thousand dollars, if necessary, to secure him an appointment in the land office, as register, or receiver; providing he would vote for the men for the United States senate, whom they would name. The above named Conlee and Clifton are members of the house of representatives, of Iowa."

Although there were many witnesses examined, and some underwent lengthy and rigid examinations, the statements of King and Chapman contained the only direct evidence elicited by the committee. The other witnesses testified to nothing of importance except what they had learned from these two men, and they were of such doubtful character, that the whigs did not care about assuming the responsibility of taking any decisive measures on such testimony, and risk their popularity before the people.

Marshall, a few days after his arrest, was released on his parole, but remained at Iowa City, until the committee had

got through with their examination ; when he went home unmolested, and was never troubled afterwards.

The committee made their report, which consisted of only the testimony taken, without any recommendation, which was laid on the table, and this ended the whole affair.

During the progress of this examination, King had a personal difficulty with A. H. Palmer, one of the clerks of the committee. Palmer and his brother had recently purchased the office of the *Iowa Capital Reporter*, and were the publishers and editors of that paper. Palmer, in speaking of King, had published in his paper some very severe things, and among others, he had intimated that the offence for which Marshall had defended him, in Lee county, was for stealing bacon. This intimation aroused King's fighting propensities, so much so, that one day when Palmer was about leaving the committee room, not suspecting any danger, King followed him, and, just as he was about stepping out of the door, seized hold of him. King being a much stouter man than Palmer, overcame him, and was about to give him a severe beating. Palmer, after having received a few blows about the face, broke loose from King's grasp, so that he drew a pistol, and was in the act of shooting his adversary, when some of the bystanders interfered and separated them. This being the third editor of that paper who had got a whipping for things they had published, was a source of much amusement with the whigs, and in their bar room discussions it was held that a whipping was a necessary prerequisite, in order to qualify an editor to conduct that paper.

The excitement about bribing members of the legislature having subsided, they commenced to think about having an election for senators ; both parties thinking they could get enough of the 'possum vote to secure the election of their own partizan. After the exchanging of several messages between the house and senate as to the time, they finally agreed to go into joint convention on the eighteenth day of December. This agreement was consummated without there having been made any arrangement between the two houses for conduct-

ing the business of the convention. When the senators went into the representative hall, ^VBaker, the presiding officer of the senate, who was an unassuming man, had held several territorial offices, and had accustomed himself to be polite to everybody, walked up to the stand for the purpose of taking the chair, to preside over the joint convention, ^VBrown, who had been a military man and accustomed to give command, already being in the chair, sternly refused to give it up. It being quite an object with each party to have the presiding officer, the difference in opinion as to who was the proper officer to preside over the joint convention, called forth much feeling and a spirited debate. Brown having possession of the chair, and being sustained by the whigs, retained his position, and he and the clerk of the house acted as the officers of the joint convention.

When this question was decided, Thomas H. ^VBenton, of Dubuque, and G. W. ^VBowie, of Des Moines county, were appointed tellers, and the call of the roll commenced. The hall, though crowded with spectators, was as still as death, and the most intense anxiety was depicted in the countenance of each individual. The members of the convention and those in the lobby, all being anxious to learn how each man voted, were held in breathless silence, and nothing disturbed the quiet but the calling of the roll by the clerk, and the response of the members. As soon as the vote was over, it was announced that Jonathan ^VMcCarty had received twenty-nine votes, Thomas ^VWilson twenty-eight votes, and G. C. R. Mitchell, ^Vone; that there was no choice, and that the convention would proceed to another ballot.

By this time the stillness of the room had changed into a perfect bedlam of confusion, some laughing, some mad and cursing, some hallooing at the top of their voices — "Mr. Speaker" — and others trying to effect a compromise, by which they could elect one whig and one democratic senator.

Owing to the confusion, it was a long time before the speaker could entertain any motion, or proceed with the business of the convention. At this ballot all the whigs and 'possums

voted for [✓]McCarty, except Samuel [✓]Fullenwider, a senator from Des Moines county, who, by casting his vote for Mitchell, defeated McCarty's election. This course was supposed to be a preconcerted arrangement, and well understood by a part if not all of the whigs, to show that they could elect McCarty, who was very odious to the democrats, with a view of effecting a compromise, by which a thoroughgoing whig and a true democrat should be elected senators; but the democrats refused to make any compromise.

On the part of the democrats, an adjournment was immediately moved. On this motion, twenty-eight voted in the affirmative, and thirty in the negative. This motion, in different shapes was repeated by the democrats six times, without there being any opportunity for any other business, and during these votes there was the greatest confusion and tumult.

On the sixth vote, [✓]Clifton and [✓]Conlee, thinking that the whigs were about to drop McCarty, their favorite candidate, voted with the democrats on the motion to adjourn till the fifth of January, and thus closed the session of the joint convention.

On the 19th of December, the legislature adjourned till the 5th of January. The members doubtless being desirous of consulting with their constituents as to the proper course for them to pursue in relation to the election. During this adjournment, Conlee was taken sick and died, so the whigs could now expect only one majority on joint ballot.

On the fifth of January, the day set for the joint convention, the house appointed a committee of two to act with a like committee on the part of the senate, to prepare rules for the government of the joint convention. The senate referred this proposition of the house to a special committee, with instructions to report at some future day. At two o'clock in the afternoon, the house informed the senate that they were ready to receive them in joint convention for the election of senators. The senate upon receiving this message, adjourned, and the democratic members immediately dispersed, so that all prospects of an election on that day vanished.

At the commencement of the session, the democrats, in caucus, had agreed to support Agustus C. Dodge and Thomas Wilson for senators. Jacob Huner, a senator from Lee county, professed to be a democrat, but was opposed to the election of Dodge. At the commencement of the session he had indicated his willingness to vote with the democrats, if they would drop Dodge and take up some other man, but at that time the leading politicians refused to do it, and Huner voted with the whigs.

After the session of the joint convention, the democrats held another caucus and withdrew Dodge's name, and took up Verplank Van Antwerp. But the leaders not yielding to Huner's wishes at the commencement of the session, he in turn became obstinate, and refused to vote for any democrat, unless they would vote for him for senator. The democrats, not feeling disposed to vote for Huner, and seeing no chance for electing any other person of their party, resolved not to hold an election, if they could prevent it. There were several efforts on the part of the house, and the whigs of the senate to elect supreme judges and senators, but the democrats of the senate voted against going into joint convention, and having a majority in that body, the legislature, after sitting till the 25th of February, adjourned without electing either judges or senators, and Iowa, for the first two years after organizing a state government, was not represented in the United States senate.

[TO BE CONTINUED.]

THE FIRST DEMOCRATIC LEGISLATIVE CAUCUS IN THE STATE OF IOWA.

COUNCIL BLUFFS, IOWA, JULY 31st, 1871.

EDITOR OF THE ANNALS OF IOWA:— It may be interesting to some of your readers to read the proceedings of the democratic caucus at which the first senators of the United States

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