

AS IOWA APPROACHED STATEHOOD

By EMORY H. ENGLISH

A century ago Iowa was just approaching the threshold of statehood. Developments during territorial days to final admission to the Union occasioned delay long enough to assure that ample expanse of area be included within its boundary limits. The territorial government established on June 12, 1838, proved only a brief prelude to its attaining status as a state.

Development of the Iowa District had proceeded rapidly following the removal of the capital of Wisconsin territory from Belmont to Burlington, authorized December 3, 1836. The first census of Wisconsin territory taken in August that year, revealed a population west of the Mississippi river of 4,274 in Dubuque county, and 6,257 in Des Moines county, a total of 10,531. Growth and settlement activities were so accelerated during the following two years, that the second census taken in May, 1838, just prior to the establishment of the territory of Iowa, disclosed a population of 22,859 in the sixteen counties organized from the area comprising the two original counties. This rate of growth continued, as the census taken in 1840 found the population to be 43,112.

The portion of the district first settled was known as Scott's Purchase, and later more generally referred to as the Blackhawk Purchase. Lieut. Albert M. Lea of the United States dragoons, who became familiar with the whole area, in his little booklet of notes printed in 1836, said of its name: "From the extent and beauty of the Iowa river which runs centrally through the district, and gives character to most of it, the name of the stream, being both euphonious and appropriate, has been given to the district itself."

Gen. Henry Atkinson, first appointed as governor, declined to serve. President Van Buren then named

Gen. Robert Lucas, who brought to the position an experienced guiding hand and a resolute will, having served two terms as governor of Ohio. Recognizing the prospects of early transition from territorial status to that of statehood, Governor Lucas bent his energies and gave of his talents to quickly perfect the territorial organization; then directed his efforts to a realization of the dream for statehood by exploring the possibilities of securing favorable action of congress. But elements outside of the affected area seemingly were more potent in shaping the ultimate action in federal circles.

The details of formation of the legislative and judicial branches of government, the selection of territorial officials and members of the local judiciary, the preparation of a code of civil and criminal laws and practice, and the enactment of same, required time as well as both judgment and skill. The governor became involved in a controversy with the Territorial legislature over the exercise of a veto power by the executive; and the territory of Iowa and the state of Missouri entered into a lively dispute over the boundary line, both states seeking to collect taxes during the protracted period of the controversy. This continued long after Iowa was admitted as a state, growing in intensity and bitterness; but finally was determined favorable to Iowa's contention by a decision of the United States Supreme court.

FIRST SURVEY AND SALE OF LANDS

The survey of public lands in the district began in 1836, although the Indian land office in 1832 had caused to be surveyed what was known as the Half-Breed tract, which is now the triangular part of Lee county between the Mississippi and Des Moines rivers. In 1824 the Sac and Fox Indians had given this area to the half-breeds of the two tribes. Various surveys were authorized and completed in 1841, 1843 and 1845, which work was resumed after the state was admitted and continued until 1860. The first sale of Iowa land was to actual settlers in Des Moines

county, one bid only being recognized. This action was to thwart the land speculators and to enable those who had previously improved the area to enjoy first opportunity of purchase. Some criticism resulted in this recognition of what was called "squatter's rights."

When the legislature convened at Burlington on November 9, 1839, Governor Lucas sent in his message. In relation to the condition of the territory he said:

It has advanced since its organization in improvement, population and wealth beyond a parallel of all former history. With a genial climate, soil unsurpassed for fertility, abounding with pure water, navigable rivers, and inexhaustible mineral resources, it already has a population estimated at 50,000, which probably will be doubled by the time the United States census of 1840 shall be taken.

In this message he recommended that the legislature formally request the congress to authorize the admission of Iowa as a state at an early date. The capital of the territory was moved from Burlington to Iowa City and a new capitol building erected, the corner stone of which was laid on July 4, 1840, Governor Lucas making the principal address.

The rapid strides in development enjoyed by the newer states encouraged Iowa people to contemplate with favor the establishment of a state government. Such action favored by Governor Lucas and President of the Council Stephen Hempstead, was ignored by the 1839 legislative assembly because of the limited area contemplated for inclusion by the northern leaders in congress, who desired to hold in reserve the large tracts yet unsettled in the northwest, out of which to create additional free states. This would offset the plans of southern leaders who fully expected to carve the state of Texas, proposed to be annexed, into four or five slave states. The slavery issue furnished a controlling motive for political maneuvering in every section of the nation, and the struggle for control of the United States senate overshadowed all other matters in the consideration of proposals for new states.

PEOPLE DECLINE TO FORM CONSTITUTION

The Iowa territorial legislature took no action either with respect to addressing the congress upon the subject or issuing a call for a convention to draft a constitution. However, the Committee on Territories of the national house of representatives did report a bill to enable the people of Iowa to form a constitution and a state government. Then, at an extra session of the Iowa territorial legislature, which met on July 13, 1840, Governor Lucas asked that provision of law be made to submit the matter to the people for decision at the August election. This was done and the result of the popular vote was 937 for the holding of a convention and 2,907 against; thus was checked for a time the urgency of forming a state constitution.

The three-year tenure of Governor Lucas ended, and the newly elected Whig President, William Henry Harrison, named John Chambers, of Kentucky, as governor. But the appointment was made by President Tyler.* Like his predecessor, the new governor was a man of ripe experience, strong character and national reputation. In his initial message to the Territorial legislature in December 1841, he also urged that the question of a constitutional convention be again submitted to the people of Iowa. This provoked a long and vigorous debate both inside and without the legislative body. Notwithstanding that both a Democrat and a Whig governor had urged favorable action, in the general election in August 1842,

*Gen. Wm. H. Harrison was inaugurated president March 4, 1841. He died April 4, just one month later. On March 25, when he was ill and dying, he made a memorandum to appoint his old friend, and former member of his staff, Major John Chambers, to be governor of the Territory of Iowa. Chambers came to Iowa and on May 13 following, was installed as governor. As to what happened, T. S. Parvin, who had been secretary to Governor Lucas, in *THE ANNALS OF IOWA*, Vol. II, p. 432, said:

"President Harrison did not remove him (Lucas). The statement which has on more than one occasion appeared in print in Iowa, that his was the first removal, was 'father to the thought'. General Harrison of course made many changes during the brief month he survived his inauguration, and Governor Lucas was booked for removal and his successor named upon a sheet of paper, which fell into the hands of his successor, Tyler. Acting upon this, President Tyler removed him and appointed in his stead Major John Chambers, of Maysville, Kentucky, who had been a member of congress from that district, and who was one of General Harrison's aides in the battle of Tippecanoe."

the vote returned in every county was against such action.

In the meantime the territory continued to grow in population, and by mid-summer of 1844 was estimated to number over 75,000. Many of the newcomers were outspoken in their preference for a state government. In his second message to the Territorial legislature in December, 1843, Governor Chambers indicated such was his belief and again recommended that provision be made for ascertaining the wishes of the people. Likewise, he urged the legislature to "apply to congress to fix and establish, during its present session, a boundary for the proposed state, and to sanction the calling of a convention and to make provision for our reception into the Union as soon as we shall be prepared to demand it." The legislative body was quick to afford the people another opportunity of passing upon the question of whether or not to hold a convention; this time through a *viva voce* vote at township elections in April 1844. In similar attitude as in previous years the Democrats were for and the Whigs against the proposal. The campaign was spirited, but a change in sentiment was early evidenced, and a majority vote of 6,719 for the holding of a convention to 3,974 against was returned.

An act of the legislature dated February 12, 1844, and amended on June 19, authorized the election at the general territorial election in August 1844, of 73 delegates to a constitutional convention. The issue continued upon a political division, the Democrats naming over two-thirds of the delegates.

RIVER TO RIVER BOUNDARIES SOUGHT

The apprehension exhibited by Governor Chambers, with respect to what might be the boundaries of the proposed state, to be fixed by congress, was not without basis, as the subsequent controversy demonstrated. No Iowan had the slightest thought of organizing a state the boundaries of which would not include all of the area north of the state of Missouri and lying between the

two great rivers, to include as well a substantial portion of what is now the state of Minnesota, these being the areal boundaries considered as embracing the Iowa District, and contemplated as a natural geographic unit.

The constitutional convention assembled on October 7, 1844 at Iowa City, with Ex-Gov. Robert Lucas and Governors-to-be Stephen Hempstead and Ralph P. Lowe among the notable members. It remained in session twenty-six days, adjourning on November 1. The constitution as framed described the boundaries asked of congress, and the document was forwarded to A. C. Dodge, the Iowa delegate in congress, who had charge of the application for admission as a state. The bill introduced provided for the admission of Iowa and Florida together, the latter having long desired to become a state, and it was reported by the Committee on Territories on January 7, 1845. The boundaries fixed by the act as finally adopted, included a limitation known as the Duncan amendment, providing for a western boundary just forty miles west of Des Moines, cutting the present state north and south on a line running just west of the west side of Dallas county, but embracing in addition two southern tiers of Minnesota counties lying east of the west line established in Iowa. Thus the entire thirty-one counties, comprising the Missouri slope in Iowa as now formed, would have been cut off. Delegate Dodge vigorously opposed the change suggested and the debate in congress was spirited, but when the action was taken, and on March 3, 1845, approved by President Tyler, the delegate acquiesced, believing that no more acceptable boundaries could be obtained. Later he issued an address to the people of the territory urging them to accept the boundaries as fixed by congress, and ratify the new constitution.

It was not flattering to either Iowa or Florida that the debates in congress were flavored with national politics of a sectional character, rather than extolling the virtues and advantages of the proposed new states. There was chagrin and dismay in Iowa. The Whig leaders im-

mediately opposed acceptance of the smaller area fixed by congress, while the Democrats were divided. However, the people of the territory quickly voiced determined opposition. Those favoring ratification urged early action so that two United States senators from Iowa might be selected, thereby giving the commonwealth added prestige and influence in national affairs. Those opposed, and they were from both political parties, resisted the action as a lamentable mistake that would work irreparable damage to the future of the new state. Governor Chambers was sorely disappointed but urged adoption of the congressional act.

VIGOROUS OPPOSITION AGAIN WON

April 7, 1845, was the date of the election at which submission was had. Fear that no additional territory would be allowed to the state strongly affected the attitude of Iowans. The opposition grew and the election result was in doubt. Then three prominent young Democrats, Theodore S. Parvin, Enoch W. Eastman and Frederick D. Mills, launched a spirited campaign to reject approval of the constitution and the proposed boundaries. The campaign became bitter, but these men were influential. With a majority of 996 votes against adoption of the constitution they prevented any dismemberment of the Iowa District, and the delay thus afforded ultimately resulted in the inclusion of practically the complete area desired.

The postponed regular session of the Territorial legislature convened in Iowa City in May 1845; and on June 10 a bill was passed directing a resubmission of the constitution to the people, this time with the boundaries as outlined by the constitutional convention. Further, it was provided in the act for submission, if the act should be adopted, that it should not be held to be an acceptance of the boundaries designated by congress. Partisan lines were again drawn and Governor Chambers vetoed the bill, but a two-thirds vote of each branch of the legislature adopted it. Thus the Constitution of 1844

was voted upon by electors of the territory twice, the second time at the general election on the first Monday in August, 1845, resulting in a vote of 7,235 for adoption, and 7,656 against it, thereby again rejecting it by a majority of 421.

While the United States statute enacted by congress authorizing the admission of both Iowa and Florida to the Union was untouched by the vote of the Iowa people, and Florida proceeded thereunder to accept its terms and became a state, the act was inoperative as to Iowa, as it was without a constitution authorizing the formation of a state government. But, the situation remained open for future action of Iowa people, for even had congress reconsidered and approved the original draft of the Constitution of 1844, such act before becoming operative would require acceptance by Iowans at an election.

Governor Chambers was succeeded in November 1845 by James Clarke, a Democrat appointed by President James K. Polk. He had been secretary of the territory from 1839 to 1841 and also a delegate to the 1844 constitutional convention. In his message to the Eighth (the last) Territorial legislature, he regretted the rejection of the constitution and urged that renewed action be taken to secure early admission of Iowa as a state, insisting that "the prosperity of Iowa would be greatly advanced by her speedy incorporation into the Union as a state." Without further recommendation the legislature in an act submitted at the township elections in April, authorized the election of thirty-two delegates to a constitutional convention to meet at Iowa City the first Monday in May, 1846, and proceed to form a constitution and state government for the future state of Iowa. The act was approved by Governor Clarke January 17, 1846, and it contained provision for submission of the constitution to the people at the following general election prior to its being forwarded to congress for its consideration. Aside from contests for seats of delegates there was no campaign and little opposition to holding the convention. It convened on May 4, 1846, and there was early evidence of a

desire to draft a constitution that would receive the approval of the people. The session adjourned on May 19. The constitution was modeled upon that of 1844 and most carefully written to avoid the treatment of subjects in the form criticised in the earlier document, and leaving some matters treated in 1844 to future legislation.

CONGRESS BOWED TO DEMANDS

In congress under the leadership of Delegate A. C. Dodge, even while the Iowa Constitutional convention was in session, the original act of March 3, 1845, was taken up and discussed. On March 27 Stephen A. Douglas from the Committee on the Territories, to which Mr. Dodge's bill had been referred, reported an "amendatory bill," including provision for the parallel of forty-three degrees and thirty minutes as the northern boundary line of the state, and describing the boundaries as now constituted. On June 8 the bill in the house was passed, on August 1 passed by the senate, and approved by President Polk on August 4. The provisions and language of the last Iowa convention previously had been substituted for those of the original bill.

It remained for the people of Iowa to ratify the convention's work. At the election held August 3, 1846, the constitution was adopted by the people by a vote of 9,492 for, to 9,036 against it. The absolute prohibition of banks had aroused a strong opposition, in which group was Governor Clarke. Only one bank had been chartered by the territory and it had failed; so the convention was determined to protect the people of the state from such future disasters. Confidence in banks and paper money was at a low ebb, and the issue rolled up a heavy opposition vote, though overcome by the small majority of 456 out of a total of over 18,000. Governor Clarke issued a proclamation on September 9, 1846, declaring the ratification and adoption of the constitution, and designated October 26, 1846, as the date for holding the first general election for state officers.

The bill for the admission of Iowa into the Union was passed by the national house December 21, 1846, and by the senate December 24, 1846. Four days later President Polk approved the act, making the date of Iowa's admission as a state December 28, 1846.

From the very hour that the first settler crossed the broad expanse of the waters of the Mississippi and set foot in Iowa, to the day when statehood was finally achieved, he and others like him, were entering and taking possession of the lands and boundless resources in this rich and wide area then awaiting development. They started in their own energetic and determined manner to lay the foundations of the state they were to build. Then, sparing such time from cutting of timber, erecting their first cabins, school buildings and houses of worship, as was needed for political and economic organization, new community institutions were established, and real wealth in character and substance created which have grown and developed through subsequent years.

And now, Iowans are enjoying a heritage of more than one hundred years of building and development. The achievement of statehood marked a day when Iowa became a commonwealth responsible for its own acts—a community that was at last standing upon its own. But, aside from political factors, the transition was comparatively easy, for the groundwork had been thorough. The new status simply gave added authority to accredited leaders who proceeded to go forward in their own right with a new-born energy to build upon the solid foundation of a citizenship already firmly established.

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