

THE NEGRO AND SLAVERY IN EARLY IOWA

As early as 1839 the question of the Negro made itself felt in Iowa. In that year "An Act to Regulate Blacks and Mulattoes" was passed by the Legislative Assembly.¹ By the provisions of this act every Negro or Mulatto before entering the Territory was required to show a certificate of freedom under seal of a judge or justice and to secure and give a bond of five hundred dollars to insure his good behavior. On failure to comply with these provisions proceedings for the seizure of the offender were to be instituted at once; and any person hiring or engaging any Negro or Mulatto who had not given bond was subject to a fine of not less than five nor more than one hundred dollars.

The earliest slave case in the history of Iowa was *In the Matter of Ralph (a colored man) on Habeas Corpus* which came before the supreme court of the Territory at the July term in 1839.² Ralph had been a slave in Missouri, but had contracted with his master to work in Iowa and to purchase his freedom at the end of five years on payment of five hundred and fifty dollars with five years' interest. Failing to make payment he was seized by his master. Whereupon the case was brought before the Supreme Court for hearing upon an application for a writ of *habeas corpus*. Chief Justice Charles Mason in delivering the decision took

¹ *Laws of Iowa, 1838-39*, p. 65.

² 1 Morris, 1.

the advanced ground that Iowa was free soil by the act of March 6, 1820, which declared that slavery in the territory of which Iowa formed a part "shall be, and is hereby forever prohibited."¹ He held that the master, who, subsequently to that act, permitted his slave to become a resident in the Territory of Iowa, could not afterwards exercise any acts of ownership over him within the said Territory. And, while the law did not in express terms take away the master's property, it did declare that slaves were no longer property at all, so that the legal remedies for its restoration became altogether annihilated.

In the Constitutional Convention of 1844 a special committee in response to petitions which had been presented from sundry citizens reported on the question of Negro citizenship.² In their report the committee admitted the truth of the proposition that "all men are created equal and are endowed by their Creator with certain inalienable rights," and that the black man's rights are as sacred as those of the white man and should be so regarded. The committee, however, held that these truths become modified when man is considered as a part of the artificial state in which government places him. It was concluded that the whole subject should be treated as a question of public policy and contract where self-interest is just as properly consulted as in a private contract. "The negro not being a party to the government, has no right to partake of its

¹ "An Act to authorize the people of Missouri territory to form a constitution and a state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories."—*U. S. Statutes at Large*, Vol. III, p. 545.

² Shambaugh's *History of the Constitutions of Iowa*, pp. 212-218.

privileges."¹ Many petitions were received on the report, and although it was laid on the table, it represented the dominant sentiment in Iowa at that time.

The question of Negro suffrage was settled in the Convention of 1844 and in the subsequent Convention of 1846 by excluding colored citizens from the privileges of the suffrage. In the Convention of 1857 the question as to whether the Negro should be allowed to vote in Iowa was referred to the people, by whom it was decided that the Negro was not to enjoy the right of suffrage. Indeed, not until the year 1868 did the black man enjoy the rights and privileges of full citizenship; for in that year the word "white" was stricken from the suffrage clause of the Constitution,² and the Negro became "free and equal" in law as well as in fact.

When Iowa became a State in 1846 the population numbered 102,388. The Territory and all the domain surrounding it, save Missouri, had been reserved for freedom by the Missouri Compromise of 1820. Among the early settlers of Iowa were many persons from the South. They came from Virginia and the Carolinas, from Georgia, Kentucky, and Tennessee. Great numbers came from Missouri and Illinois. Not all of these settlers had been slave owners, but they had lived in a community where slavery was considered only natural and right. Thus it came about that not only were there people in Iowa who openly favored slavery, but there were others who actively encouraged the institution.

¹ *Journal of the Convention of 1844*, pp. 52-55.

² Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 265.

Until a year or two after the admission of Iowa into the Union opinion and sentiment on the slavery question were passive and did not assume any definite form. The new machinery of State government was adjusting itself; the representatives in Congress had not yet made their influence felt; streams of immigrants were pouring into the State; cities and towns were springing up; and the settler was everywhere interested in breaking the soil, clearing the timber, and garnering his harvest.

The principle of the Wilmot Proviso¹ became an issue of national importance in the campaigns of 1849 and 1850. The Whig party in the Iowa State Convention strongly favored the application of this Proviso to all territory then about to be acquired by the United States. They denounced the refusal of the Democratic party to instruct the Senators in Congress to vote for the measure, and declared that the federal government should adopt the necessary legislation to relieve itself of the responsibility of the institution of slavery.² The Democrats, on the other hand, deemed it inexpedient and improper to add to the further distraction of the public mind by demanding in the name of the Wilmot Proviso what was already amply secured by the laws of the land.³

Senator Augustus C. Dodge (from Iowa) opposed the measure in the United States Senate and triumphantly declared that Iowa was the only free State which never gave way to the doctrine. Speaking on the floor of the United

¹ *Congressional Globe*, 2d Session, 29th Congress, p. 303.

² Resolutions of the Whig State Convention, June 30, 1849.

³ Resolutions of the Democratic State Convention, June 28, 1849.

States Senate he said: "The time, in my humble judgment, has come when the representatives and people from the free states, if they wish to preserve the union of these states, must take a stand, a bold and determined stand against the free spirit of abolitionism. Now, sir, I take my stand against it, and shall vote against the famous Wilmot Proviso. because it is used as a mask from behind which abolition seeks to destroy the Constitution, and, as an inevitable result, the Union. I am opposed to slavery in every shape and form, yet just so far as slavery is a part of the Constitution of my country, I go for it here and elsewhere."¹ Senator George W. Jones (from Iowa) while declaring his objection to slavery in every form, voted against the doctrine, stating that his State legislature, after electing his colleague and himself to the Senate, *refused* in the most emphatic manner to instruct its Senators to support the measure.²

The passage of the great Compromise of 1850 seems to have met with the approval of the people of the State of Iowa. The Whigs took no decided stand against it, and the Democrats hailed it as a peace offering. Senator Dodge still opposed slavery in the abstract but supported this measure on constitutional grounds. In the year after the passage of the bill resolutions on the Compromise were passed by the General Assembly of Iowa.³ These resolutions, which were introduced in Congress, declared that, "Whatever may be the opinions of individuals as to

¹ *Congressional Globe*, 1st Session, 31st Congress, pp. 1085-1087.

² *Ibid*, p. 1716.

³ *Laws of Iowa*, 1850-51, p. 244.

the policy or details of said compromise measures yet it is the duty of every good citizen to conform to their requisitions and carry them out in good faith, seeking their modification or repeal, if such should be necessary, in the manner contemplated by the Constitution and the laws."¹ Senator Jones was certain that the resolutions reflected the sentiments of the Democratic party and of a small portion of the Whigs of Iowa. His colleague boasted that the Iowa Senators were two of the three Senators from the free States who voted for the Compromise measure, and that Senator Jones had since been returned to the United States Senate without any objection from any Democrat or Whig on account of his vote on this bill.²

A notable fugitive slave case in the early history of Iowa was that of *Ruel Daggs vs. Elihu Frazier et al.*, which came before the court at Burlington in June, 1850.³ The plaintiff was a slave owner from Missouri and charged the defendants with harboring and concealing his slaves and with hindering and preventing their recapture. Indemnity to the extent of ten thousand dollars was asked for the damages done him by violation of the act of Congress of February 12, 1793.⁴ The case had been continued from term to term and had attracted wide attention. The instructions of Judge J. J. Dyer to the jury disclose the attitude of the public mind toward the case at that time. He said: "You, gentlemen, have patiently and calmly heard this

¹ *Congressional Globe*, 1st Session, 32d Congress, p. 700.

² *Ibid.*, 1st Session, 33d Congress, Appendix, p. 376.

³ *Annals of Iowa*, April, 1903, pp. 9-46.

⁴ *U. S. Statutes at Large*, Vol. I, p. 302.

case, and thereby shown that you appreciate its importance. With the general excitement on this subject, and the many plans for its settlement on some satisfactory basis, we have nothing to do. Our business now is with the laws and the Constitution as they are, and not as we think they ought to be; and I doubt not, gentlemen, that you will come to the investigation of this case in your retirement with minds unbiased, unprejudiced, and with a sincere desire to render your verdict in accordance with the law and evidence submitted to you." Notwithstanding the intense popular feeling and prejudice on each side of the case, the jury followed the instructions of the judge and after being out an hour or two returned a verdict of guilty, and the plaintiff was awarded twenty-nine hundred dollars as damages.

The Whigs came into power in Iowa in 1854 with the election of Governor James W. Grimes. This same year witnessed the passage of the Kansas-Nebraska Act. Senator Dodge was a firm believer in the doctrine of "squatter sovereignty" and regarded the bill as the noblest tribute which had ever been offered by the Congress of the United States to the sovereignty of a free people. He declared his intention to vote for the bill because it recognized the doctrine of non-intervention as established by the Compromise of 1850, and because the people whom he represented had ever recognized and acted upon that doctrine.¹

The Iowa Whigs, on the other hand, in State Convention recognized the binding force of the Missouri Compromise, and viewed the same as a *final* settlement of the question of

¹ *Congressional Globe*, 1st Session, 33d Congress, p. 375.

slavery within the geographical limits to which it applied. The pretense of Senator Douglas that the Missouri Compromise was suppressed by the acts of 1850 was regarded as a proposition absurd and unreasonable on its face, conceived in bad faith, and prompted by an ignoble and most unworthy ambition for party and political preferment. The Iowa Senators and Representatives in Congress were strongly urged to oppose by all honorable means the passage of the Kansas-Nebraska Bill of Senator Douglas.¹

Governor Grimes discussing the act in his inaugural address of December 9, 1854, declared that the primary motive of the measure was to extend the area of the slave territory, and thus give a political supremacy to the slaveholding States by virtue of representation of slave property. "It is a local institution, and to the States that maintain it belong its responsibilities and its perils. It is both the interest and the duty of the free States to prevent the increase and the extension of the slave power, by every constitutional means. . . . Congress can pass no law establishing or prohibiting it in the territories. If Congress can pass no such law, much less can it delegate such authority to the territorial legislatures, over whose acts it has ever exercised supervisory and restraining power. . . . It becomes the State of Iowa,—the only free child of the Missouri Compromise,—to let the world know, that she values the blessings that compromise has secured to her, and that she will never consent to become a party to the nationalization of slavery."²

¹ Resolutions of the Whig State Convention, Feb. 22, 1854.

² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 14.

Until 1856 Iowa's stand on the slavery question had been conservative, but her attitude underwent a radical change in that year. By that time the Kansas-Nebraska Bill was causing anarchy and bloodshed in Kansas; the evil features of the Compromise of 1850 had aroused great moral indignation; the "Underground Railroad" was in extensive operation; the old Whig party had disintegrated; the Abolitionists, Free Soilers, dissatisfied Whigs, and Know-Nothings had assembled in convention together and had gone home as Republicans, with one creed and one baptism of faith. The election of James W. Grimes had, indeed, ended the Democratic control of Iowa.

In 1856 the voice of Senator James Harlan (from Iowa), whom the Whigs had elected to succeed Senator Dodge, was heard in a powerful and eloquent speech in favor of a bill authorizing the people of Kansas to form a State Constitution. First, he argued the existence of power in Congress to prohibit slavery in the Territories. Congress had exercised this power in declaratory acts following the acquisition of the Northwest Territory, Louisiana Territory, the State of Texas, and Oregon,—embracing a period of time commencing with 1787 and ending with 1850. There was not a single adverse decision in the adjudication of all the State and national courts from the foundation of the government. Secondly, he plead for the exercise of this power in the organization of territorial governments where slavery did not previously exist. Natural justice as interpreted by the founders of the Republic demanded it; the peace and quiet of the Territories required that this, and all great questions of state should be settled by the supreme legislature; and

finally, the speedy exercise of this power seemed to be the only means for restoring to the people of Kansas the rights of freemen, of which they had been deprived by violence.¹

Senator Jones, however, declared that the views of his colleague were not those of the people of Iowa.² In January of the next year the legislature of Iowa put itself on record as "unqualifiedly opposed to the further extension of slavery within the jurisdiction or by the sanction of the general government," insisting that "Congress shall exert all constitutional power to preserve our national territory free." The resolutions further requested the Representatives and instructed the Senators to exert their influence and vote for the admission of Kansas into the Union as a free state.³

Although there were in the State a number of people who favored the Fugitive Slave Law, vast numbers of slaves were helped to escape through Iowa by means of the "Underground Railroad." This route extended through the towns of Tabor, Lewis, Des Moines, Grinnell, Iowa City, West Liberty, De Witt, Low Moor, and Clinton. Its operators generally realized the illegality of their acts, but justified themselves on the ground that they were delivering an outraged race from cruel servitude.

Conditions in Kansas and the Dred Scott decision were matters of paramount moral and political interest from 1856 to 1860. Republican conventions and gubernatorial messages of that time deplored the outrages in Kansas and denounced the policy of the Democrats in regard to the

¹ *Congressional Globe*, 1st Session, 34th Congress, Appendix, p. 270-279.

² *Ibid.*, p. 270.

³ *Laws of Iowa*, 1856, p. 453.

Territories. Governor Grimes declared that the efforts of the slavery men, and the attempts of the courts to destroy the rights of the States by decisions were endangering the rights of the freemen. "No candid mind," he said, "can now doubt that at least four-fifths of the *bona fide* citizens of the territory desire to erect it into a free state. We cannot be indifferent to the efforts of the people of Kansas to perpetuate freedom in that territory. The people of Iowa look with alarm upon the constant aggressions of the slavery progagandists, but I confess that I look with equal alarm upon the manifest tendency of our government to consolidation."¹ Two years later Governor Samuel J. Kirkwood in his first inaugural said with reference to the Kansas-Nebraska Act: "the excuse offered for this wanton, uncalled for and most unfortunate act was the alleged desireto settle the question of slavery then in a state of perfect quiet and repose." President Pierce and his friends were severely arraigned for not having redeemed the pledges made before the election; and while the great mass of northern people condemned the act of John Brown at Harper's Ferry, he maintained they could not help admiring the disinterestedness of purpose by which they believed he was governed.² The minority party, the Democrats, persistently held that no power could prevent Kansas from making any laws on the subject of slavery.

Against the inaugural of Governor Kirkwood and against the resolution directing the printing and circulation of 7,500

¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 67-68.

² *Ibid.*, Vol. II, pp. 236-247.

copies thereof, the Democrats of the House and Senate registered a vigorous protest. They objected to the circulation of the address at public expense; they protested against the sympathetic expressions in regard to John Brown and against the severe arraignment of President Pierce and his party. The last protest was "against the dissemination of such evil and bitter sentiments as are contained in the message."¹

It is safe to say that the State of Iowa dissented strongly from the Dred Scott decision. It was maintained that the decision was unwarranted by the facts in the case, was extrajudicial and subversive of the policy of the founders of the republic. Free labor and slavery were said to be natural and irreconcilable foes and could not exist together. The Republicans looked with horror upon the renewal of the slave trade, and viewed the decision as alarming, sectional, and disloyal to the spirit of free institutions, declaring that it had no foundation in the federal Constitution, that it was at war with the verities of our history, civil and judicial, and that it was calculated to tolerate the enslaving of our race in all our States.² The Democrats in Convention did not attempt to justify the decision and declared that the Democratic party was not responsible for the decisions of the Supreme Court.³

Governor Ralph P. Lowe (of Iowa) discussing the decision in his inaugural of January 13, 1858, said: "Iowa the

¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 247-251.

² Resolutions, Republican State Conventions, June 17, 1858, and June 22, 1859.

³ Resolutions, Democratic State Convention, June 23, 1859.

offspring of those liberal sentiments which prevailed in the better days of the Republic, when it was deemed no infringement either on the Constitution or on the rights of the South, to consecrate *her soil to freedom*, has been no idle spectator of these aggressive movements against the people of the North. In the late election she recorded her protest against that perversion of the Constitution which is breaking down one of the fortresses of liberty in this country. She has been taught to believe that the sacred instrument was intended as the 'bond of deliverance from all wrongs and freedom from all ranks.' " And, while the State of Iowa desired and hoped to maintain peaceful relations, nevertheless "she intends to resist all inroads upon the faith and doctrines and framers of the Constitution, as well as all encroachments upon the principles of political equality."¹

Powerful anti-slavery and anti-Southern feeling was aroused early in 1860 by the requisition of Governor Letcher of Virginia for the surrender of Barclay Coppoc of Springdale, Iowa, who had taken part in the raid on Harper's Ferry. The first requisition was refused by Governor Kirkwood on account of certain legal and technical flaws. A vigorous and spirited correspondence between the two Governors resulted; and in response to a resolution of the Iowa House of Representatives, all the facts and correspondence in the case were sent to that body.² A second requisition in proper form was sent by Governor

¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 133.

² *Ibid.*, Vol. II, pp. 378-402.

Letcher and was honored by Governor Kirkwood. But Coppoc, with the aid of some members of the Legislature and his influential friends, had, in the meantime, escaped to Canada.¹ So intense was the public feeling that an armed guard was formed to prevent his arrest by the Virginia authorities.

Although Iowa was not so vitally concerned—morally and otherwise—as the other States in the institution of slavery, her attitude toward it was throughout unmistakable. When the issue came to the critical point her people met it with candid and fair discussion. The State's representatives in Congress spoke freely and with ability on the subject; the public press of the State did much to mould intelligent opinion; the political parties in the State made themselves felt in the formulation of national policies; the legislative resolutions and memorials on slavery are strong, conservative documents of that strenuous period of the State's history; John Brown and the outrages in Kansas accelerated active discussion and opinion; and for the final settlement of the great question the State of Iowa gave freely of her sons and of her treasure.

LOUIS PELZER

THE STATE UNIVERSITY OF IOWA
IOWA CITY

¹ Gue's *History of Iowa*, Vol. II, pp. 17-24.