PROPOSED CONSTITUTIONAL AMENDMENTS IN IOWA—1836-1857

Students of the constitutional history of Iowa find considerable interest in the large number of amendments to the fundamental law which were proposed but not accepted. To be sure a discussion of "what might have been" in political history is obviously useless and productive of little but idle speculation. But in the field of constitutional history an investigator need not be deterred by such a criticism: knowing that the Constitution of the State of Iowa is an evolutionary growth, he is able to throw additional light upon this fact by an attempt to enumerate and discuss proposed amendments which failed of acceptance in Territorial and State legislatures and in Congress.[1] The study of such a subject likewise illustrates the difficulty of altering the fundamental law; and the partisan of flexible constitutions will doubtless point to it as an object lesson for those who do not advocate his principles, and he will, with a sense of keen satisfaction refer to it as an example of what he means by "rigidity".

For the purposes of this paper it is not necessary to consider the Organic Law of the Territory of Michigan, the first constitution under which inhabitants of the Iowa country lived. During the first three years of their occupation of the newly opened lands, settlers were chiefly engaged in the conquest of nature. Furthermore the Legislative Assembly of the Territory of Michigan in which the Iowa

[1] *Constitutional Amendments in the Commonwealth of Iowa* is the subject of an article written by Dr. F. E. Horack. Only amendments actually adopted receive consideration in this article.— See the *Iowa Historical Record,* Vol. XVI, No. 2.

country was represented in January, 1836, did little more than urge Congress to establish the separate Territory of Wisconsin. Starting with the year 1836, when Iowa pioneers came under the jurisdiction of the government of the Territory of Wisconsin and actually numbered about half of the population, the matter of constitutional amendments first attracted the attention of the legislators assembled at Belmont.

Almost immediately after the House of Representatives and the Council of the first Legislative Assembly had completed their organization, a movement was started to obtain certain modifications of the Organic Law. The lower house passed a resolution instructing its Committee on Territorial Affairs to memorialize Congress to grant such alterations as the situation and circumstances seemed to require.[2] The Council, or upper house, resolved to appoint a committee of five, consisting of one member from each county, to propose such amendments as to them might appear expedient.[3] Neither of these committees appears to have taken the first step in proposing modifications, for the house Committee on the Judiciary took action on the subject of securing from Congress the appointment of two additional district attorneys, as will be shown later.

Of the fairly numerous amendments proposed during the Territorial period, none recurred with such frequency as the one which sought to enlarge the jurisdiction of justices of the peace. This shows rather clearly that the prompt administration of justice was one of the chief needs of the early settlers. The first labor of the Legislative Assembly, therefore, lay in the direction of enabling litigants to secure

[2] *Journal of the House of Representatives*, 1836, p. 30.

Congress alone can change the Constitution of a Territory, and seldom does so, except in answer to a memorial from the Territorial legislature.

[3] *Journal of the Council*, 1836, pp. 28, 30.

easier access to the local courts of law. By the Organic Law justices were permitted to officiate in civil cases when the value of the property or the debt or sum claimed did not exceed fifty dollars. The Council committee, very wisely no doubt, urged that such a limitation would work great inconvenience to the citizens inasmuch as district courts were "held at places so remote from many settlements in the extensive counties of Wisconsin" as to compel the parties "to travel from thirty to eighty miles in order to commence and prosecute their suits." Consequently the Council resolved that the Legislative Assembly should make application to Congress to amend the Organic Law so as to give justices of the peace jurisdiction in cases involving not more than one hundred dollars.[4]

When this resolution came before the House of Representatives it was ordered to lie on the table, but was reconsidered later when the House concurred in its provisions. Whether it received Governor Dodge's approval is uncertain — at any rate it seems to have been despatched to Washington where the houses of Congress instructed their committees on the Judiciary "to inquire into the expediency of so amending the act establishing the Territorial Government of Wisconsin, as to authorize the appointment of two additional attorneys; and that the committee also inquire into the expediency of authorizing . . . . the extension of the jurisdiction of justices of the peace."[5] The first recommendation contained in this resolution was referred to above as having commanded earliest attention in the Territorial House of Representatives, though it seems never to have taken the shape of a joint memorial adopted

[4] *Journal of the Council*, 1836, pp. 37-38.

[5] *Journal of the House of Representatives*, 1836-37, pp. 54, 56; and *Journal of the United States House of Representatives*, 1836-37, p. 69; and *Journal of the United States Senate*, 1836-37, p. 50.

by both houses. When the Committee on the Judiciary reported a bill embodying the foregoing provisions, the Senators refused to give the measure their support,[6] and so the matter rested for nearly four years. It was characteristic of Congress in those days not to treat Territorial affairs with that consideration which they merited, chiefly because pioneers of the West were mentioned and thought of by many of the members in terms of reproach and dishonor, and besides, the press of national business was so tremendous as to exclude very largely the needs of the people who lived upon the confines of civilization.

Two other amendments were proposed during the first session of the Council of the original Territory of Wisconsin. Instructions were given the Committee on the Judiciary to consider the propriety of memorializing Congress on the subject of amending the ninth section of the Organic Law so as to abolish a county commissioners court. Reference to the section noted fails to identify the court. It is difficult, therefore, to discern just what was wanted, though it may have been the repeal of a law of the Territory of Michigan establishing county courts; and perhaps the Council formed the same conclusion, since the resolution was placed upon the table and was never heard of again.[7]

A change of more far-reaching importance was proposed in a lengthy preamble and resolution relative to elections and the suffrage. Pursuant to a provision of the Organic Law members of the Council and the House of Representatives had been elected for four and two years, respectively; but circumstances were rapidly producing new conditions, for as the preamble has it, "the tide of emigration flows to this Territory, with unabated force, in the vernal and autumnal seasons of every year, and the citizens who thus

[6] *Journal of the United States Senate,* 1836-37, pp. 205, 288.
[7] *Journal of the Council,* 1836, p. 38.

arrive and locate themselves in Wisconsin, can not exercise the right of suffrage till the end of the quadrennial period in relation to the Council, nor till the end of the biennial period in relation to the House of Representatives.'' Newcomers were thus compelled to obey laws enacted by a body in whose election they had had no voice. In justice to these citizens, therefore, and ''with a view to public order and tranquillity'', it was proposed that Congress be asked to provide for biennial elections of Council members and annual elections of House members. The resolution failed of acceptance and was tabled ''until the 4th of July next'', which meant that for the time being at least the matter would be dropped.[8]

During the next session of the Legislative Assembly held at Burlington another attempt was made to revive the question of more frequent elections. In fact the House of Representatives declared that the people were dissatisfied and that ''the power vested in them of selecting their own representation'' should revert to them so that each branch of the legislature might be renewed or re-elected twice as often as the Organic Law allowed.[9] The Council paid no attention to this appeal; but when Congress passed an act organizing the new Territory of Iowa provision was made for the annual election of members of the House and the biennial election of members of the Council.[10]

[8] *Journal of the Council*, 1836, p. 62.

It is worthy of note that a member from Des Moines County introduced the resolution and a member from Milwaukee County secured its consignment to the table. In the Territorial legislatures of Wisconsin, Council and House members from the two original Iowa counties, Demoine and Du Buque, numbered six out of thirteen and twelve out of twenty-six respectively. Hence if they wished to carry any measure of advantage to their constituents who dwelt in the Iowa country, they might be outvoted by members who probably represented the then less populous district of Wisconsin.

[9] *Journal of the House of Representatives*, 1837-38, p. 227.

[10] The new Organic Law of the Territory of Iowa resembled the old Consti-

No greater activity and zeal in the interest of amending the Organic Law was manifested than during the first three sessions of the Legislative Assembly of the new Territory of Iowa. A variety of subjects came up for the consideration of both houses: the Council authorized a select committee to propose such amendments as appeared expedient,[11] while the House of Representatives instructed its Committee on the Judiciary to memorialize Congress if necessary on the subject of extending the jurisdiction of justices of the peace to cases involving one hundred dollars or less.[12]. Although no definite action was taken in this important matter until the following year, it may be well to trace the fortunes of the amendment whenever it was proposed during the Territorial period.

In a memorial to Congress the legislature asserted emphatically that inhabitants of the Territory of Iowa suffered great inconvenience and in many cases actual loss because justices of the peace had jurisdiction only in cases involving fifty dollars or less. Indeed, under such restrictions it was deemed preferable for those who had a good and just cause of action, when the amount involved was larger, "to submit to the loss, and neglect to enforce the claim, than to seek redress in a court of record, thereby subjecting themselves to the expense and trouble of traveling in . . . . many cases twenty or thirty miles to a place where the court is held, and all the expense incidental to prosecuting a suit to final judgment." [13]

tution of the Territory of Wisconsin very much in form and contents. None of the other amendments proposed during the Wisconsin period was embodied in the Constitution of the new Territory.

[11] *Journal of the Council*, 1838-39, p. 27.

[12] *Journal of the House of Representatives*, 1838-39, p. 42.

[13] *Journal of the House of Representatives*, 1839-40, pp. 45, 54, 57, 75, 250; and *Journal of the Council*, 1839-40, pp. 54, 57, 60. Other references to the jurisdiction of justices of the peace are made in *Journal of the House of Rep-*

From the year 1838 onward congressional interest in Iowa constitutional questions may be evinced by the fact that the Organic Law was actually amended in two very important respects;[14] and no other Iowa business received so much space in the journals of Congress as the proposal to enlarge the jurisdiction of justices of the peace. The memorial quoted above was presented to the Senate of the United States by the Vice President and then entrusted to the Committee on the Judiciary.[15] In the House of Representatives a bill passed two readings but never appeared before a Committee of the Whole House, as had been contemplated.[16] Then followed an adverse report of the Senate Committee on the Judiciary: opposition to the memorial rested largely on a general assumption that a justice court was not fully competent to administer the law. Professional men were excluded from an office which rendered the incumbent such small emolument, or in words of the report: "Our justices of the peace are seldom very intimately acquainted with the common or municipal law; they are generally taken from the various pursuits of life, selected from the great mass of their fellow-citizens for their honesty and probity and not for their legal qualification to fill the station." Under the desired law there would arise much danger of illegality and appeals to higher courts and consequently ruinous costs to be borne by the losing party.

The Committee concluded its report with the humble

resentatives, 1840-41, pp. 73, 78, 83, 97, 298; 1841-42, p. 161; and 1842-43, p. 115. *Journal of the Council,* 1840-41, p. 44.

[14] One amendment stripped the Governor of an unconditional veto power, and the other deprived him of the power to appoint sheriffs, judges of probate, justices of the peace, and county surveyors. Henceforth a bill disapproved by the executive might still be passed by a two-thirds majority in each house. The officers mentioned became elective.

[15] *Journal of the United States Senate,* 1839-40, p. 85.

[16] *Journal of the United States House of Representatives,* 1839-40, p. 507.

declaration that if the view taken were erroneous, "little injury can result to the people of Iowa, as the law in question and all other laws of the Territory, will shortly be subjected to their action, under a constitutional form of government."[17] Nevertheless a bill embodying the wish of the Iowa Legislative Assembly passed the Senate but failed of approval in the House of Representatives.[18] During the next session of Congress a similar bill underwent two readings in the Senate — in both houses it was referred to the committees on the Judiciary, and its death was postponed until the House committee was discharged after presenting an unfavorable report.[19]

Relations between the executive and the legislature during Governor Robert Lucas's incumbency could hardly be described as pleasant and pacific. The Governor offended his Democratic friends whenever he undertook to follow his own convictions: his frequent use of the veto and his independent exercise of the appointive power naturally aroused the hostility of men who had been accustomed to the methods of State governments. Finally the Legislative Assembly forwarded to Congress resolutions condemning in strong terms such provisions of the Organic Law as were at variance with the principles of Democracy; but even when Congress had complied with requests for alterations in the two respects above noted, the Territorial legislature proposed a more revolutionary measure. As early as the first session of the Council instructions had been given the Committee on Territorial Affairs to inquire into the expediency of memorializing Congress to permit the people of the Territory of Iowa to elect their own Governor and Sec-

[17] *Journal of the United States Senate,* 1840-41, pp. 63, 76.

[18] *Journal of the United States Senate,* 1840-41, pp. 81, 196, 200.

[19] *Journal of the United States Senate,* 1841-42, p. 17; and *Journal of the United States House of Representatives,* 1841-42, p. 86; and 1842-43, p. 482.

retary, while both officers should still be commissioned by the President. The second Legislative Assembly passed a joint resolution requesting the Territorial Delegate in Congress to obtain the passage of a law granting the right of popular election of Governor. Similar action was taken by succeeding Legislative Assemblies.[20]

Reference to the journals of Congress reveals the fact that both Vice President and Speaker presented to their respective houses a resolution "to procure the passage of a law authorizing the election of the Governor of the Territory by the people, after the term of the present incumbent shall have expired." This project seems to have savored too much of radicalism, and Congress never took kindly to the agitation, to which the Senate and the House committees on the Judiciary finally put an end by failing to make any report.[21]

As noted above, the Legislative Assembly procured from Congress the popular election of such local officers as sheriffs, judges of probate, justices of the peace, and county surveyors. But even this extensive privilege did not produce entire satisfaction among the electorate. All militia officers except those of the staff were still appointed by the Governor with the Council's advice and consent, and clerks of the district courts owed their appointments to the judges. Immediate modification of the Organic Law so as to confer on the people the privilege of electing those officers would "accord more fully with the spirit of our liberal institutions. . . . Such has been the privilege heretofore extended to other territories, and I know of no cause which

20 *Journal of the Council,* 1838-39, p. 113; 1839-40, p. 149; and 1840-41, pp. 107, 110, 114. *Journal of the House of Representatives,* 1839-40, pp. 201, 205; 1840-41, pp. 100, 104, 118, 131, 143, 166, 172, 308; and 1842-43, p. 115.

21 *Journal of the United States Senate,* 1839-40, p. 185. *Journal of the United States House of Representatives,* 1839-40, p. 1002; and 1841-42, pp. 83, 86.

should prompt Congress to refuse a like extension of that privilege to us.'' [22]

The liberty of electing militia officers was unsuccessfully advocated by the Council. In a resolution adopted by that body it was provided that a prospective candidate for a military office should first obtain from the commander-in-chief a certificate of confidence in the individual's valor. The measure failed on third reading in the House of Representatives, and except for a subsequent announcement of its re-introduction in that body the matter never came up again.[23]

Of rather more significance in the history of local government were the attempts to procure popular election of clerks of the district courts. To this end a resolution succeeded in the Council, though an amendment failed, compelling candidates before election to obtain certificates from the judges of the district courts that they were qualified to discharge the duties of the office. The measure met with favor if we may judge from editorial comment: ''When we consider the difficulties which have arisen and are likely to arise, the dissatisfaction created by the appointments and removals made by Judges, we cannot help thinking that the alteration. . . . will meet the wishes of the people. . . . . And inasmuch as the Clerks are county officers, and transact business for the people generally, we see no impropriety in permitting the people to elect their own clerks.'' [24]

Unfortunately for the good intentions of the Council, the House of Representatives concurred in the hostile

[22] *Fort Madison Patriot*, July 4, 1838.

[23] *Journal of the Council*, 1838-39, p. 113; and 1840-41, pp. 42, 50, 67, 71. *Journal of the House of Representatives*, 1840-41, pp. 89, 90, 93, 98; and 1841-42, p. 160.

[24] *Iowa City Standard*, December 11, 1840.

recommendation of its Committee on Territorial Affairs. Two years later similar action by the Council precipitated a lengthy conflict between the houses. After two readings the House of Representatives referred the Council resolution to its Committee on the Judiciary which reported favorably but tacked on certain amendments providing for the concession of popular election of Governor and Secretary and enlarging the jurisdiction of justices of the peace. The amended measure was approved and referred to a second committee, was returned with an additional amendment relative to the per diem allowance for service employed by members of the Legislative Assembly, and in this form gained adoption in the House of Representatives. But the Council refused to accede even when the House insisted. Both houses thereupon appointed committees of conference — Councillors remained obdurate in spite of a favorable report and Representatives adhered to their amendments, so that the whole business ended in a deadlock.[25]

Two amendments of minor importance were proposed in the first Legislative Assembly. A resolution relative to an increase in the daily compensation of legislators was introduced and immediately rejected; and though another resolution of the House of Representatives instructing William W. Chapman, the Territorial Delegate in Congress, to use his influence to secure more pay for members of the Territorial legislature was adopted, nothing further was done along this line.[26] The Organic Law made no provision for the salary of a Supreme Court reporter, and inasmuch as

[25] *Journal of the Council*, 1840-41, pp. 40, 49, 60; and 1842-43, pp. 27, 30, 32, 71, 77, 78, 84, 93, 94, 97. *Journal of the House of Representatives*, 1840-41, pp. 75, 78, 81, 101; and 1842-43, pp. 63, 67, 68, 113, 115, 117, 126, 128, 132, 141, 142, 147, 162, 187, 191, 192, 193.

[26] *Journal of the House of Representatives*, 1838-39, pp. 192, 216.

reports of decisions of that tribunal were absolutely necessary for legislators and people alike, Mr. Chapman was accordingly urged to use his exertions to obtain four hundred dollars annually as compensation for the reporter's important services; but Congress seems to have taken no final action in the matter.[27]

This completes the discussion of amendments proposed prior to the adoption of the State Constitution of 1846.

During the whole Territorial period there had been continual agitation for the establishment of State government, rather as an end in itself than as a sign of opposition to the Organic Law or dissatisfaction with the Territorial government. The question of holding a constitutional convention had been defeated twice by the people, and the proposed Constitution of 1844 had been twice rejected before the principles of the Democratic party were successfully embodied in the first State Constitution. But the struggle between rival political parties did not end here: Democrats may have controlled both constitutional conventions and actually established their regime for nearly a decade of the State's history, but nothing dismayed the Whigs whose chief ideas permeate the Constitution of 1857. In vain had one editor declared that interests and principles were involved which made it necessary that all classes and all parties should be represented in a constitutional convention: if party lines were drawn nothing could be anticipated but distraction and want of harmony, "all local interests would be lost sight of and the monster Party would begin to reign before his time in this fair Territory."[28]

The intensely bitter rivalry which existed between Whigs

[27] *Laws of the Territory of Iowa*, 1838-39, p. 554. *Journal of the Council*, 1838-39, p. 141. *Journal of the United States Senate*, 1839-40, p. 137; and *Journal of the United States House of Representatives*, 1839-40, p. 404.

[28] *The Iowa Patriot*, June 27, 1839.

and Democrats during the latter years of the Territory, nevertheless, continued to thrive after the latter were established in power. They had successfully opposed the establishment of banks and corporations (except those for political and municipal purposes) in Iowa, but the Whigs were still actively engaged in the propagation of their views: it was unnecessary to remind them of a time when they had resolved that members of the next legislature should appear "clad in Iowa Manufacture".[29] Such rare evidence of a desire to encourage home industry was characteristic of Whig policy. There is no doubt but that at the bottom of all agitation for a revision of the Constitution of 1846 lay the Whig desire to develop the natural resources of the Commonwealth, to invite capital and encourage labor so that Iowa might become a great producing and manufacturing State.[30]

The history of proposed amendments for the years 1846-1857 is, therefore, an account of numerous attempts to get the question of a Constitutional Convention before the electorate. To revise or amend the Constitution had been made unusually difficult: an act of the legislature must first provide for a vote of the people for or against a convention; then at the next ensuing election for members of the General Assembly (in case the vote favored a convention), the General Assembly must provide for an election of delegates to a convention to be held within six months after the vote of the people in favor thereof.

In the First General Assembly of Iowa a bill was proposed in the House of Representatives to provide for the expression of the people upon amendment, and after a motion to indefinitely postpone and a minority report of the Committee on Elections to reject, the bill was passed and

[29] *Journal of the House of Representatives,* 1842-43, p. 25.

[30] *Davenport Gazette,* July 3, 1845.

forwarded to the Senate, where a majority of two voted to postpone indefinitely.[31] A Whig newspaper called attention to this action of the legislature to prevent the revision or amendment of "our Loco constitution" — surely it was a bold position for men who professed to be ultra-democratic in their politics to assume that the people should not have the privilege of amending their constitution.[32]

The Constitution had been accepted "purely from motives of expediency and with a tacit understanding that it was to receive some slight amendments as soon as they could be constitutionally and legally made." It was believed that the failure of electors to petition influenced a sufficient number of legislators to vote against the bill, and hence it was considered proper for public meetings in every county, town, and township to freely canvass the subject and specify the objectionable articles and sections of the Constitution, especially "the abominable fooleries" in relation to corporations and issue of bank notes: railroads, canals, and bridges could never be constructed in Iowa under the provisions of its Constitution.[33]

Before the general election of August, 1848, every elector was urged to cast his vote for that candidate for the legislature who professed to be in favor of revision, so that there would be no danger of a recurrence of that "aristocratic impudence" which had refused to let the people vote aye or no on this all-important subject. "Advocates of the stand-

[31] *Journal of the House of Representatives*, 1846-47, pp. 259, 275, 281, 297, 310; *Journal of the Senate*, 1846-47, pp. 227, 228, 229, 236.

[32] *Iowa City Standard*, March 3, 1847. The editor continues: "But thank God, the people can speak without asking permission of the representatives and in the name of *Liberty* we now call upon them to do it. Let every voter at the next township election, at the next August election, and at every election thereafter until their votes are regarded, write or print upon their tickets 'convention' or 'no convention' and let the Judges and Clerks dare to refuse a certificate of the voter for and against the measure."

[33] *Iowa City Standard*, January 5, 1848.

still-and-do-nothing policy'' and ''smooth-tongued politicians who profess to bow to the will of the people'' were asked why the matter should be postponed another two years when it might now perhaps be settled once for all.[34] A Whig county convention passed a resolution which summed up the case very briefly: the State Constitution had been imposed upon the people by the wretched policy of a party; it had hindered the influx of capital and enterprise, and consequently the development of inexhaustible mineral resources, of great agricultural and manufacturing and commercial facilities; it was a burden to which the people would not long submit and therefore no candidate for the legislature should be supported who would not pledge his vote for a law referring the question of amendment to the people.[35]

In the General Assembly of 1848-49 the Whigs were not strong enough to take the first step: a bill to provide for revision was indefinitely postponed in the lower house, and the Senate passed a bill for an act to allow the people to express their opinion upon the subject of a convention to amend the Constitution. The following year a similar bill failed in the House,[36] and after two readings in the Senate was on motion referred to the Committee on Ways and Means which submitted majority and minority reports. The former report recommended indefinite postponement because such a law was not ''expected, required or demanded'' by the people who would otherwise have forwarded petitions to that end. And even when the subject became a direct issue at the August election for State officers and members of the General Assembly, the Whig idea of

[34] *Iowa City Standard,* April 12, 1848.

[35] *Iowa City Standard,* May 17, 1848.

[36] *Journal of the House of Representatives,* 1848-49, p. 376; and 1850-51, p. 308. *Journal of the Senate,* 1848-49, pp. 172, 195, 200, 202.

amending the Constitution was not sustained by a majority vote of the people. The Whig party had been opposed to an adoption of the Constitution, had continually shown their dislike of its provisions, and accordingly the small minority of Whigs in the General Assembly now sought to thrust the question upon the people and "if possible to excite local animosity and civil discord."

On the other hand it was urged that no expense would be incurred by submitting the question to the people at a general election, thus also obtaining "a full, definite and deliberate expression" of their will: the proposition was so reasonable and just, and in such accord with the principles of Democracy that it could not be denied that the popular will could be ascertained only by a direct vote of the people, and thus "in an inexpensive manner a vexatious and often exciting controversy" could be settled. The majority report, however, was adopted.[37]

The question of a constitutional convention underwent a thorough discussion in both branches of the Fourth General Assembly. Representatives favored amendment by a very large majority and Senators concurred, though a facetious gentleman took occasion to propose the following title: "A bill to authorize the advocates of exclusive privileges to destroy *that* safeguard of the *masses* and to build up a system of irresponsible corporations for the benefit of the 'rich and well born' and to crush the laboring poor of this State." But Governor Stephen Hempstead satisfied himself that the act was not "in accord with the spirit and intent of the constitution", and so vetoed the act. The legislature, however, not only voted by an overwhelming majority to abide by his decision but passed a second act against which the Governor could not urge the same objections. In the Sen-

[37] *Journal of the Senate*, 1850-51, pp. 168, 194, 239.

ate the following substitute title failed of adoption: "A bill to enable eight by ten politicians to become Pachas with five tails." This time Mr. Hempstead sought refuge in the criticism that in consequence of its indefinite provisions the act would end in misunderstandings and confusion, and besides he was more strongly than ever impressed with the belief that "it would be suicidal to part with a Constitution which throws around the people its protecting arm and places between them and crafty adventurers formidable obstacles to the acquisition of influence and power, which places them above the reach of that species of legislation which leads a State to bankruptcy and her citizens to degradation." In the lower house only a few votes were lacking to make a constitutional majority in favor of the act, the Governor's veto notwithstanding.[38] Although several petitions from citizens of Linn County were read before the General Assembly,[39] it was not until the next session that the measure was accepted in both houses by large majorities[40] and approved by Governor Grimes.

It is unnecessary to add more than that the people in August, 1856, voted in favor of a convention to revise or amend the Constitution. Delegates assembled at Iowa City in January, 1857, and the old Whig principles, already adopted and represented by the new Republican party, preponderated there to such an extent that the Constitution of 1857 when ratified by the people really amounted to a complete revision of the Constitution of 1846. A special amendment for the extension of the right of suffrage to ne-

[38] *Journal of the House of Representatives*, 1852-53, pp. 125, 137, 173, 182, 193, 209, 258, 264, 283, 291, 319, 328, 333, 343, 373, 376, 381, 412; and *Journal of the Senate*, 1852-53, pp. 35, 167, 170, 181, 191, 208, 271, 273, 291.

[39] *Journal of the Senate*, 1852-53, pp. 69, 80, 117.

[40] *Journal of the House of Representatives*, 1854-55, pp. 323, 336, 357, 420. *Journal of the Senate*, 1854-55, pp. 37, 54, 141, 159, 193, 251, 298, 303.

groes failed to meet with popular approval at this early date.[41] Amendments, therefore, which had been in the minds of reformers for nearly eleven years at last found expression in the State Constitution of 1857.[42]

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[41] Shambaugh's *History of the Constitutions of Iowa*, pp. 347, 352.

[42] For the important changes embodied in the new Constitution, see the *Iowa Historical Record*, Vol. XVI, No. 2.