

A BRIBERY EPISODE IN THE FIRST ELECTION OF UNITED STATES SENATORS IN IOWA¹

[This paper was awarded one of the prizes offered in 1908 by the Iowa Society of the Colonial Dames of America for the best essays in Iowa history.—EDITOR.]

One of the most interesting political episodes in the early history of Iowa is the case of alleged bribery in connection with the first election of United States Senators. It was in the midst of that exciting election that Mr. Nelson King, a Whig from Keokuk County, arose in the House of Representatives and made the startling announcement that several offers of money and other reward had been made to secure his vote for certain Democratic candidates for the United States Senate.² Fascinating in itself, the story of this attempt to purchase the vote of a member of the General Assembly is also significant in that it throws some light on the political history of the period.³

In August of the year 1846 the people had adopted a State Constitution, under which Iowa was admitted into the Union on the twenty-eighth day of December.⁴ Officers of the new State government and members of the General Assembly were chosen at a general election which was held on the twenty-sixth day of October.⁵ It was altogether nat-

¹ Another bribery case in the early history of Iowa is that of Alexander McGregor.—See Parish's *The Bribery of Alexander McGregor* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. III, No. 3, pp. 384-398.

² *Journal of the House of Representatives, 1846-1847*, pp. 54-55.

³ For a general account of the political history of this period see Pelzer's *The History and Principles of the Democratic Party of Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, No. 2, pp. 163-246.

⁴ Shambaugh's *History of the Constitutions of Iowa*, pp. 317, 324, 327.

⁵ Pelzer's *The History and Principles of the Democratic Party of Iowa*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, No. 2, p. 165.

ural that in the campaign leading up to this first election of members of the General Assembly much interest should center in the question of who would later be chosen to represent the new State in the United States Senate. Indeed, the senatorship was the great political prize that attracted the most ambitious.⁶

The newspapers of the day warned the voters that the election of the United States Senators would depend largely upon the political complexion of the legislature. And so votes for members of the General Assembly were in many cases cast indirectly for a favorite candidate for the United States Senate. The Whigs, being in the minority at this time, were somewhat indifferent. But the energy with which the Whig editors appealed to their party is not to be overlooked. "Let no Whig, who can ride, walk, or be safely hauled, to the polls, fail to record his vote on the 26th", pleaded the Whig editor of *The Iowa Standard*.⁷

The victory of the Democrats in the October election was not unexpected; for since the organization of the Territory in 1838 the followers of Jackson and Jefferson had usually enjoyed a working majority at the polls.⁸ As to the composition of the General Assembly the returns showed that the Democrats would have twelve members in the Senate and nineteen in the House; while the Whigs would have seven members in the Senate and twenty in the House.⁹ Thus in joint convention the Democrats felt assured of

⁶ Pelzer's *Augustus Caesar Dodge*, p. 128.

Two United States Senators were to be chosen by the General Assembly of Iowa at this time.

⁷ *The Iowa Standard* (Iowa City), Vol. I, No. 18, October 14, 1846.

⁸ Pelzer's *The History and Principles of the Democratic Party in the Territory of Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, No. 1, pp. 3-54.

⁹ Clark's *History of the Election of United States Senators from Iowa* (unpublished manuscript).

thirty-one votes; while the Whigs could not count definitely on more than twenty-seven. The coming election of United States Senators promised to be simply a contest between aspiring candidates of the Democratic party.

November 30, 1846, being the day appointed for the meeting of the First General Assembly,¹⁰ the last week of November witnessed a scene of more than usual interest in Iowa City which was then the seat of government. Every tavern and boarding-house was filled to overflowing with interested or curious citizens who had gathered at the capital. Some came to spend a few days of gayety and pleasure with friends; others were there "to see the wheels of the new government set in motion"; but, judging from the "Senatorial and Judge-like faces" which were to be seen about the Old Stone Capitol, it was not difficult to conclude that a large proportion of those who frequented the lobby were either aspiring to become members of the United States Senate or judges of the Supreme Court of Iowa,¹¹ or that they were "influential friends" of such aspirants.¹²

At the appointed time, and in the midst of an unusual popular interest, the new State government was organized. In the Senate Thomas Baker was elected President;¹³ while the choice of Speaker of the House fell to J. B. Browne.¹⁴ On the second day of December occurred the first joint convention of the session. Preceded by their President and other officers, the members of the Senate marched in a body to the Hall of the House of Representatives where they were assigned seats within the bar by order of the Speaker.

¹⁰ *Journal of the House of Representatives, 1846-1847, p. 3.*

¹¹ Three judges of the Supreme Court were to be chosen at this session.—*Constitution of Iowa, Article V, Section 2.*

¹² From an article which appears in *The Iowa Standard* (Iowa City), Vol. I, No. 25, December 2, 1846.

¹³ *Journal of the Senate, 1846-1847, p. 5.*

¹⁴ *Journal of the House of Representatives, 1846-1847, p. 5.*

The two houses having resolved themselves into joint convention, the returns of the votes cast for Governor in the several counties of the State were canvassed.¹⁵ Ansel Briggs, the Democratic candidate, was declared Governor of Iowa. On the following day the oath of office was administered to the first Governor of the State by Chief Justice Mason, in the presence of the members of both houses.¹⁶ Interest now shifted from the ceremonies connected with the inauguration of the State government to the election of United States Senators.

The confidence evinced by the Democratic party immediately after the results of the October election had become known was somewhat shaken when the General Assembly had convened and it was discovered that Senator Huner and Representatives Clifton and Conlee from Lee County had been elected on an independent ticket which had been supported by both Whigs and Democrats.¹⁷ Lee County had for many years been the stronghold of the Democratic party of the State, but there had recently been some trouble over the title to lands in what was known as the "Half Breed Tract", and the difficulty had been carried into politics.¹⁸ The settlers believed that, during his service as Delegate to Congress, Augustus C. Dodge had not favored their interests;¹⁹ and so they were not disposed to support him in his candidacy for the senatorship. Consequently members of both parties joined on what was called a "Set-

¹⁵ *Journal of the House of Representatives*, 1846-1847, pp. 30, 31.

¹⁶ *Journal of the House of Representatives*, 1846-1847, p. 33.

¹⁷ For an account of the election of the legislators from Lee County see Taylor's *The First Territorial Legislature of Iowa* in the *Iowa Historical Record*, Vol. VI, No. 3, p. 519.

¹⁸ *Annals of Iowa*, Vol. IX, No. 4, p. 643.

¹⁹ Augustus Caesar Dodge served as Delegate to Congress from the Territory of Iowa for six consecutive years. His first election occurred on October 5, 1840. A full account of his service as Delegate is found in Pelzer's *Augustus Caesar Dodge*, pp. 73-127.

tlers' Ticket'', with the result that the Whigs elected one Senator and three Representatives, and the Democrats, one Senator and two Representatives. The uncertainty of these three Democratic votes furnished additional interest in the contest. Naturally both parties adroitly marshalled their forces for the capture of the Lee County votes. The ballot of one of the doubtful men in joint convention would make a tie and prevent an election of Senators, and two votes would elect the Democratic candidates.

About this time it was discovered that there had been a division among the Democrats of Keokuk County over the location of the county seat;²⁰ and as a result two candidates²¹ for the House of Representatives had appeared on the Democratic ticket. The Whigs nominated Nelson King who was elected by a plurality.²² Now the fact that King had been elected in a county which was strongly Democratic, and only by a plurality vote, made him an object of considerable interest to the Democratic members of the legislature. The Whigs, on the other hand, were fully aware of the advantage that King's vote would be to their opponents. Indeed, it is said that for some time Mr. King attracted more attention among the members of both parties in the General Assembly than any other man in the State of Iowa.²³

The legislature had been in session only nine days, when on the afternoon of December 9, 1846, the House having been called to order, Nelson King, Representative from Keokuk County, arose in his place and asked permission to make a statement before the House.²⁴ Astonished at his

²⁰ *History of Keokuk County, Iowa*, p. 407; and *Annals of Iowa*, Vol. IX, No. 4, p. 644.

²¹ L. B. Hughes and William Webb.

²² King received 160 votes; William Webb, 124; and L. B. Hughes, 95.

²³ *History of Keokuk County, Iowa*, p. 407.

²⁴ *Journal of the House of Representatives, 1846-1847*, pp. 54, 55.

conduct, and curious to know its meaning, the House unanimously granted his request. Amid suppressed excitement King stated that since he had taken his seat as a member of the House he had been approached by several distinct persons in reference to the casting of his vote for United States Senators, and in each case money or other reward had been offered him if he would agree to vote for A. C. Dodge or J. C. Hall.²⁵ Furthermore, in order to secure him from censure or blame, these persons had promised to obtain a paper²⁶ signed by his constituents instructing him to vote for Democratic candidates. Moreover, a certain S. T. Marshall,²⁷ on the preceding evening, had given him two receipts for indebtedness²⁸ and a five-dollar note on the State Bank of Ohio, promising at the same time that he should have one hundred dollars or any amount that he wanted in the future. Marshall also said that the money belonged to Dodge.

Following Mr. King's statement a committee of five

²⁵ King's statement appears in the *Journal of the House of Representatives*, 1846-1847, pp. 54, 55.

²⁶ A statement to the effect that this paper was actually circulated among the voters of Keokuk County appears in the *Annals of Iowa*, Vol. IX, No. 4, p. 645; and also in the *History of Keokuk County, Iowa*, p. 4. But nothing further than the promise to procure the document is mentioned in the *Journal of the House*.

²⁷ Samuel T. Marshall was a graduate of Oxford College in Ohio, having finished the classical course in 1840. He later studied law under distinguished jurists in Cincinnati and in Lafayette, Indiana. In 1842, he came to Iowa and settled at West Point (then the county seat of Lee County) where he engaged in the practice of law. In 1846, he became a resident of Keokuk.—*Portrait and Biographical Album of Lee County, Iowa*, p. 567.

²⁸ The following are copies of the receipts, which were handed to the Clerk of the House with the \$5.00 bill:

West Point, November 25th, 1846.

Mr. Nelson King — Sir: Please pay S. T. Marshall, or bearer, two dollars and fifty cents, on my account, and oblige

Yours truly,

WILLIAM STOTTS.

[Endorsed,] Received payment,
S. T. MARSHALL.

(which was subsequently increased to seven)²⁹ with full "power to send for persons and papers" was appointed, and the Speaker of the House was authorized to issue his warrant for the arrest of Mr. Marshall. During this procedure a motion was made to the effect that a vote of thanks be tendered to Mr. King for "his honest, high-minded and patriotic conduct" in exposing the attempted bribery to secure his vote for Democratic Senators.³⁰ The House, however, was not willing to assent to such a resolution prior to a thorough investigation of the case. Some of the members were desirous of having the statement made by Mr. King entirely excluded from the *Journal of the House*, but in this they were overruled.

The arrest of Mr. Marshall was the occasion of an outburst of partisan bitterness. The Whigs were exultant over the exposure of such ignoble maneuvering on the part of the Locofocos; and, on the other hand, the Democrats, who were already incensed, gave vent to their feelings in most drastic opposition. The newspapers of the period reveal the most virulent antagonism on the part of both Whigs and Democrats.³¹ Throughout, the treatment of Marshall afforded abundant material for partisan satire.

On the day after the appointment of the investigating committee, Mr. Marshall asked to be allowed to appear

December, A. D. 1846.

I, S. T. Marshall, hereby relinquish 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.

See *Journal of the House of Representatives*, 1846-1847, pp. 55, 471, 472.

²⁹ The committee consisted of W. J. Cochran, Andrew Leech, S. Whitmore, Alfred Hebard, Robert Smyth, Stewart Goodrell, and John Morton.—See *Journal of the House of Representatives*, 1846-1847, pp. 56, 59, 471.

³⁰ *Journal of the House of Representatives*, 1846-1847, p. 56.

³¹ See *The Iowa Standard* (Iowa City), Vol. I, No. 31, January 20, 1847, and No. 33, February 3, 1847; also *The Bloomington Herald*, Vol. I, No. 30, December 11, 1846, and No. 31, December 18, 1846.

before the House by his counsel, Frederick D. Mills and James Grant. This privilege, however, was not granted since the House could not with propriety hear a case which had previously been delegated to a committee. Throughout the investigation the Democrats protested against the trial of Mr. Marshall by a "secret committee". This, however, was a false charge since all of the sessions of the investigating committee were held with open doors and any one who cared to do so could hear all of the proceedings. The Democrats created considerable disturbance because a certain paper, "purporting to be a protest against the action of the House in relation to the bribery case",³² was not entered on the *Journal*. Commenting on the attitude of the Democrats, *The Iowa Standard* for February 3, 1847, contains the following:

The members who protested against the action of the House, in the case of S. T. Marshall in custody, on a charge of attempting to bribe Nelson King, the member from Keokuk, greatly misconceived their privileges, in the heat of party zeal. They seemed to have confounded the rights of the liberty of speech, and the liberty of protest. The right of argument, and the right to assign reasons in a protest are certainly very different things.

The first meeting of the investigating committee was held in the Supreme Court Room of the Old Stone Capitol immediately after the adjournment of the afternoon session of the House on December 9th.³³ W. J. Cochran was appointed chairman, and James G. Edwards (editor of the *Hawkeye*) was named as clerk of the committee. Subpoenas were issued summoning, as witnesses in the case, Nelson King, Josiah Clifton, Reuben Conlee, Johnson C. Chapman, William Stotts, and William Patterson. Mr.

³² *The Iowa Standard* (Iowa City), Vol. I, No. 31, January 20, 1847.

³³ *Appendix to the Journal of the House of Representatives, 1846-1847*, p. 438.

Marshall appeared with counsel; but owing to the absence of witnesses, he was placed in charge of the Sergeant-at-arms and the committee adjourned.³⁴

On the following day two additional members were appointed by the House to sit with the committee. A comprehensive set of rules for the governing of the committee was drawn up and signed by the members.³⁵ The affidavit of Nelson King was read. Then the committee began the taking of evidence. Frederick D. Mills and James Grant acted as counsel for Marshall; and Henry W. Starr³⁶ appeared in behalf of the State. A. H. Palmer, editor of *The Iowa Capitol Reporter*, acted as an additional clerk.

Nelson King was called as the first witness,³⁷ whereupon the counsel for Marshall made a request for a specification of charges. To the statement of the charges they objected on the grounds that the specifications were too general and that names of persons were not stated definitely. But these objections were overruled by the committee. Then the chairman called on Mr. King to state what he knew of the attempt at bribery.

From Mr. King's testimony³⁸ it appears that he was indebted to S. T. Marshall for legal services rendered during his (King's) former residence in Lee County. As soon as Mr. Marshall saw King in Iowa City he asked for the money, but Mr. King replied that it would be almost impossible for him to pay at that time. On two other occasions

³⁴ *Appendix to the Journal of the House of Representatives, 1846-1847*, p. 438.

³⁵ This list of rules is given in the *Appendix to the Journal of the House of Representatives, 1846-1847*, pp. 470-471.

³⁶ Henry W. Starr was a prominent attorney in Burlington at this time.— See Parish's *The Bribery of Alexander W. McGregor* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. III, No. 3, p. 393.

³⁷ *Appendix to the Journal of the House of Representatives, 1846-1847*, p. 439.

³⁸ Mr. King's testimony appears in full in the *Appendix to the Journal of the House of Representatives, 1846-1847*, pp. 439-441.

Marshall mentioned the debt, and during the second interview he ventured to inquire concerning whom the Whigs expected to support for United States Senators. Mr. King replied that he did not know whom they were going to support. As for himself, he would prefer to vote for two good Whigs, but he rather expected that a compromise would be effected whereby one Democrat and one Whig would be elected.

Mr. Marshall continued to approach King on the subject of the senatorial election, and in one conversation asked him if one hundred dollars would be of any service to him. King claimed to have evaded this question knowing that "there was something in the wind." The meetings between the two men became more and more frequent, and Marshall seems to have gained more courage.

"Finally, about that time," runs King's testimony, "me and him was in that path between the House of Representatives and the brick tavern. When I met him there he offered me a hundred dollars, and gave me to understand if I would vote for Dodge I should have it. . . . He told me we had plenty of money, and wrote out a pledge rather as I took it. It read about in this form, 'I do hereby agree to cast my vote for A. C. Dodge'. He told me if I would sign that he would give me a hundred dollars, which I refused to do."³⁹

Mr. King stated that he then consulted with friends who advised him to accept the money for the purpose of exposing Mr. Marshall. He claims that at first he was afraid to take this advice lest the people should misunderstand his motive. But Mr. Marshall urged the case so strongly that he finally consented to accept the money.

The arguments used by Marshall in his attempts to influence Mr. King are both interesting and suggestive. He

³⁹ *Appendix to the Journal of the House of Representatives, 1846-1847, p. 440.*

promised King that he should have money and a good office. On this *The Bloomington Herald* comments in most sarcastic terms. "Among other offers made by said Marshall", runs the editorial, "was one which must have been very gratifying to the pride of Mr. King, and shows the idea entertained by Marshall in regard to what constitutes a gentleman. Marshall said they would make a *gentleman* of him (King) if he would just consent to vote for Dodge! Marshall's idea of gentlemen must be fine clothes and 'lots' of cash — Dodge cash."⁴⁰

When, under cross-examination, King was asked why he gave Mr. Marshall to understand that he would vote for Democratic candidates and what his motive was in accepting the money, he stated that it was his "wish to blow all such corruption out of existence."⁴¹

During the cross-examination of Mr. King by the counsel for Marshall an attempt was made to prove that, during his former residence in Lee County, Mr. King had been a man of questionable character. Charges of "assault with an intent to kill" and of stealing bacon were alluded to. This afforded material for many insulting and humorous remarks on the part of the Democratic press.

As a result of these personal charges an exciting affray took place in the House of Representatives on January 20, 1847,⁴² between Mr. King and A. H. Palmer, the editor of the *Reporter*. The House had just adjourned, and a session of the investigating committee was to be held immediately following for the purpose of continuing the cross-examina-

⁴⁰ *The Bloomington Herald*, Vol. I, No. 31, December 18, 1846.

⁴¹ *Appendix to the Journal of the House of Representatives*, 1846-1847, p. 442.

⁴² Accounts of this affray appear in *The Iowa Standard* (Iowa City), Vol. I, No. 33, February 3, 1847; and in *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

tion of Mr. King.⁴³ Palmer, having entered the committee room to confer with the chairman on being excused from attendance at the meeting, was about to leave the room when King started after the editor, overtaking him at the door. Being altogether unprepared for the attack, Palmer was the victim of some well-aimed blows. Indeed, the affair might have been serious had it not been for the intervention of a certain Dr. Matson and other spectators, for King was a typical frontiersman in physique, while Palmer was in fact a very slight and puny man.

A loaded pistol having been wrested from King, the Democrats declared that this was evidence of a premeditated plan on the part of the Whigs to assassinate the Democratic editor.⁴⁴ The fact that King was armed, that he had remarked that he had no use for Palmer, and that the Whigs made no effort to stop the fight were the arguments used in support of their suspicions.

That which brought on the affray with Palmer was the publication from time to time of abusive personal articles in the *Reporter* in which Mr. King was denounced — probably with injustice and only for political reasons. Mr. King had borne these insults for some time; but his patience was exhausted when the following paragraph appeared concerning his cross-examination:

Old Hawk intimates that the member from Keokuk is quite illiterate. He says that he is only deficient in literature. Here the old fellow is in error; for his protege is evidently familiar with *Lock* and *Bacon*. At least such is the general impression created by certain passages in his cross-examination.⁴⁵

⁴³ From the fact that the main evidence was concluded on January 30th, it appears that this was some further examination which does not appear in the *Journal of the House*.

⁴⁴ *The Iowa Standard* (Iowa City), Vol. I, No. 33, February 3, 1847.

⁴⁵ Quoted from *The Iowa Capitol Reporter* in *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

After the fight Mr. King remarked that he had intended to ignore Palmer's personal remarks until this attack was made on his honesty, when, on the advice of his wife, (in spite of remonstrance from friends) he decided to give Mr. Palmer the chastisement he deserved.⁴⁶ While the affair probably amounted to nothing more than an ordinary fist-cuff fight, it is typical of the bitterness which grew out of those "violent ebullitions of party", which were so common during this period of Iowa's political history.⁴⁷

On the following afternoon Mr. King was arrested on the charge of having assaulted Palmer "with a deadly weapon with intent to commit bodily injury, where no considerable provocation appears".⁴⁸ Before a large audience Justice Hawkins conducted the trial in the Old Stone Capitol. Carlton and Mills were the counsel for the prosecution and Whicher and Clarke appeared for the accused. The trial was quite tedious, and after several witnesses had been examined the prosecution withdrew the suit since they were unable to sustain their charge.⁴⁹ Thereupon Mr. King was released from custody.

Following Mr. King's testimony and cross-examination in the bribery matter several witnesses were examined by the investigating committee, among whom was Johnson C. Chapman, the fireman of the House of Representatives. When asked to state all he knew relative to attempts to bribe any member or officer of the House, Mr. Chapman gave a long and detailed account of an attempt made through him to secure the votes⁵⁰ of Representatives Con-

⁴⁶ *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

⁴⁷ *The Iowa Standard* (Iowa City), Vol. I, No. 33, February 3, 1847.

⁴⁸ *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

⁴⁹ *The Bloomington Herald*, Vol. I, No. 37, January 29, 1847.

⁵⁰ Johnson C. Chapman's testimony appears in full in the *Appendix to the Journal of the House of Representatives*, 1846-1847, pp. 463-467.

lee and Clifton. Col. William Patterson,⁵¹ the father-in-law of S. T. Marshall, in conversation with Mr. Chapman ventured to ask him if he knew how Clifton and Conlee were going to vote. Mr. Chapman replied that he did not know. In a subsequent conversation, Mr. Chapman mentioned the fact that his presence in Iowa City as fireman of the House of Representatives was due to pecuniary need. Some time later Col. Patterson inquired again concerning the attitude of Representatives Conlee and Clifton on the senatorial election; and at this time he asked if Mr. Clifton could not be induced to vote for A. C. Dodge. Mr. Chapman was not certain that he could influence Mr. Clifton but believed that Clifton would listen to his arguments. Whereupon Col. Patterson assured him that he firmly believed that he (Chapman) could get Mr. Clifton to vote for Dodge. Furthermore, he agreed to relieve Mr. Chapman from his financial difficulties by a loan of \$200 for fifteen, twenty, twenty-five, or thirty years without interest, if Chapman would secure Mr. Clifton's vote for Dodge. "This", Col. Patterson remarked, "would only be right for one friend to do for another." At the same time Mr. Haight⁵² attempted to depreciate the value of Mr. Chapman's occupation as fireman by saying that he would probably be paid in State "scrip" worth only about fifty per cent of its face value, and that if he could effect the plan with Mr. Clifton he could have the \$200 to take home with him. In addition to the offers of money, Mr. Haight promised that Clifton should receive a good office. Col. Patterson mentioned the

⁵¹ Col. William Patterson was a member of the first legislature of the Territory of Iowa in 1838. While a member of that body he was influential in settling the difficulty concerning the Missouri-Iowa boundary. He was elected to the legislature of Iowa, both upper and lower house, for nine different sessions; he was also a member of the Constitutional Convention which met in Iowa City in 1857.—*History of Lee County, Iowa*, p. 708.

⁵² Mr. Haight was a friend of Col. Patterson.

fact that a number of land offices were to be established soon and that he believed Mr. Clifton to be a man who could be recommended for such a position.⁵³

Mr. Chapman agreed to talk with Representative Clifton, but found him very much opposed to Dodge. Col. Patterson then agreed that, in order to show Mr. Clifton that an office would be forthcoming as a reward for his vote, he and his friends would bind themselves in a bond that would assure him that he would get the office. During this conversation Col. Patterson remarked that he had no intention of doing anything wrong if he knew it, and would not ask Mr. Chapman to do so. But, believing that the majority of the people desired the election of Dodge, it would be right to use all "honorable efforts" to get him elected.⁵⁴

It seems that Mr. Chapman's influence amounted to very little, and so Col. Patterson together with two of his colleagues⁵⁵ arranged for an interview with Mr. Clifton. Being convinced that his vote could not be secured for Dodge, they tried what seemed to them the only alternative, namely, to persuade him to resign his seat in the House. In order to effect this plan they offered to give him as much money as his salary would amount to during the remainder of the session. The promise of \$200 to Mr. Chapman was renewed for assistance in effecting this plan.⁵⁶

Before the close of his testimony, Mr. Chapman remarked that, when he had mentioned the fact that he thought Mr. Clifton could have \$100 if he would vote for

⁵³ The facts contained in the above paragraph are taken from Mr. Chapman's testimony as it appears in the *Journal of the House*.

⁵⁴ *Appendix to the Journal of the House of Representatives, 1846-1847*, p. 465.

⁵⁵ Mr. Haight and Mr. Stotts.

⁵⁶ *Appendix to the Journal of the House of Representatives, 1846-1847*, p. 466.

Dodge, Mr. Clifton had replied that he would rather die any death than accept a bribe to do something which he believed to be wrong or against the wishes of his constituents.⁵⁷

The testimony of Nelson King and that of Johnson C. Chapman comprise the main evidence secured by the investigating committee, since the other witnesses merely testified that their knowledge of the case had been received from one or the other of these men. The taking of evidence was concluded, sworn to, and subscribed to on January 30, 1847,⁵⁸ but the committee did not report to the House until the fourth day of February.⁵⁹ The chairman, Mr. Cochran, made the report which appears as follows in the *Journal of the House*:

The Select Committee appointed under a Resolution of the House of Representatives, on the ninth day of December, 1846, with instructions to inquire and report in regard to an alleged contempt of said House by S. T. Marshall and others in offering bribes, &c. have performed the duty assigned them, and herewith submit the result of their investigations, a journal of their proceedings, in which is embodied the testimony of Nelson King, Johnson C. Chapman, Josiah Clifton, John F. Stanford, Thomas C. Young, William H. Wallace, Stuart Goodrell, and Robert Shelleday, the same being all the testimony to which they could conveniently gain access, they took measures to procure the testimony of several other witnesses, by procuring subpoenas to be served upon them, but who, when called were not in attendance, and could not be conveniently had to testify before your committee; your committee did not deem it necessary that said witnesses should be sent for, as they are satisfied that nothing could be elicited from them further than is testified to by the witnesses examined. Having collected all the testi-

⁵⁷ *Appendix to the Journal of the House of Representatives, 1846-1847, p. 466.*

⁵⁸ *Appendix to the Journal of the House of Representatives, 1846-1847, p. 470.*

⁵⁹ *Journal of the House of Representatives, 1846-1847, p. 236.*

mony deemed material, and having submitted it to the House, your committee ask to be discharged from the further consideration of the matter.⁶⁰

Following the presentation of the report of the committee there was a partial reading of the testimony in the case. The report was considered and concurred in by the House, and the committee was discharged.⁶¹ On Thursday, February 11th, the reading of the evidence was resumed but not concluded since it was finally agreed that the full evidence should be entered on the *Journal* without further reading.⁶²

The only action taken by the House against any of the parties as a result of the investigation was on February 25, 1847, when the following resolution was adopted:

Resolved, That Samuel T. Marshall has been proven guilty of a contempt of this House in offering a bribe to one of its members and deserves its severest reprehension.

Resolved: That these resolutions be entered on the Journals of this House, as a public reprimand for said contempt.⁶³

A motion was made to amend the resolution so as to include mention of Nelson King as guilty of receiving a bribe. This, however, was disagreed to;⁶⁴ and here the bribery episode in the first election of United States Senators terminated. Nelson King served the remainder of his term as a Representative from Keokuk County; and the records show that he attended the extra session of the legislature which was held during January, 1848.⁶⁵ Samuel T. Marshall, having been released from custody on a writ of

⁶⁰ *Journal of the House of Representatives*, 1846-1847, p. 236.

⁶¹ *Journal of the House of Representatives*, 1846-1847, p. 241.

⁶² *Journal of the House of Representatives*, 1846-1847, p. 287.

⁶³ *Journal of the House of Representatives*, 1846-1847, p. 425.

⁶⁴ *Journal of the House of Representatives*, 1846-1847, p. 425.

⁶⁵ *Journal of the House of Representatives*, 1848, (Extra Session), p. 3.

habeas corpus, returned to his home soon after the investigation began.⁶⁶

A more judicious investigation could have been made and a more definite conclusion reached had the bitter political antagonism of both parties in the legislature not prevented. The Whigs naturally blamed the Democrats for the results declaring that "Without a single exception, the members of the locofoco party in the House . . . threw every obstacle in the way of a thorough and searching investigation. They have acted like men who feared a disclosure of the truth."

As to the senatorial election, the contest was long drawn out. Fearing defeat, the Democrats in the Senate refused for some time to concur with the House in all efforts to hold a joint convention. The Senate, however, after three weeks of stubborn resistance, finally yielded, and on December 18, 1846, the two houses held their first joint convention for the purpose of choosing United States Senators.⁶⁷ Silence reigned in the crowded hall of the Old Stone Capitol as Silas A. Hudson, secretary of the convention, called the roll and each member of the legislature voted for his favorite candidate.

When it was found that twenty-nine votes had been cast for Jonathan McCarty, the Whig candidate, twenty-eight for Thomas S. Wilson, the Democratic candidate, and one for Gilbert C. R. Mitchell,⁶⁸ members and spectators alike were dumfounded. Investigation showed that while the three doubtful members from Lee County had voted for

⁶⁶ *The Iowa Standard* (Iowa City), Vol. I, No. 28, December 23, 1846.

⁶⁷ *Journal of the House of Representatives, 1846-1847*, p. 95; *Journal of the Senate, 1846-1847*, p. 58.

⁶⁸ *Journal of the House of Representatives, 1846-1847*, p. 95; *Journal of the Senate, 1846-1847*, p. 58.

McCarty, Senator Fullenwider, formerly a loyal Whig, had cast his vote for Mitchell. Thus, since thirty votes on the joint ballot were required for a majority, no election occurred. A scene bordering on panic ensued. The Democrats, fearful lest a second ballot would result in their defeat, called loudly for an adjournment. Order was finally restored by an appeal on the part of Mr. Benton for the retirement of the members of the Senate from the convention.⁶⁹ Thereupon the two houses adjourned until January 5, 1847.⁷⁰

During the short recess of the General Assembly, which began on the following day, both parties carefully laid their plans for the election of their respective candidates. In the meantime Senator Huner decided to enter the contest as a Democratic candidate against Augustus Caesar Dodge.⁷¹ He unfolded his plan to Mr. Clifton; for, since Representative Conlee had died during the time of adjournment,⁷² it was evident that Huner and Clifton could determine the result on the joint ballot. The Democrats, however, were not inclined to favor Senator Huner's plan.

On January 5, 1847, the House informed the Senate that they were ready to receive the members of the upper house in joint convention for the purpose of electing United States Senators.⁷³ The appointed hour arrived, but the Senators did not appear. The Democrats, being in control of the Senate and realizing the impossibility of electing their own candidates, had determined to prevent the election of Whigs by refusing to go into joint convention. And so

⁶⁹ Clark's *History of the Election of United States Senators from Iowa* (unpublished manuscript).

⁷⁰ *Journal of the House of Representatives, 1846-1847*, p. 58.

⁷¹ Clark's *History of the Election of United States Senators from Iowa* (unpublished manuscript).

⁷² Reuben Conlee died in Iowa City on December 23, 1846.

⁷³ *Journal of the House of Representatives, 1846-1847*, p. 110.

throughout the remainder of the session the Senate stubbornly refused to concur with the House in efforts to hold a joint convention.

At the August election in 1847 a Democrat⁷⁴ was chosen to fill the vacancy caused by the death of Reuben Conlee. This naturally kindled the hopes of the Democratic party. Governor Briggs called a special session of the legislature for the election of United States Senators.⁷⁵ But the Whig majority in the House played the role of the Democrats at the last regular session and refused to go into joint convention with the Senate; and therefore an election was prevented at this special session. Indeed, it was not until December 7, 1848, that an election of Senators occurred, when Augustus C. Dodge and George W. Jones were each chosen by a vote of 38 to 19.⁷⁶ Thus, the new State of Iowa was for two years without representation in the United States Senate.

ETHYL E. MARTIN

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

⁷⁴ D. S. Baker.

⁷⁵ This session convened on January 3, 1848, by order of Governor Briggs's proclamation of December 3, 1847.—See Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 377, 378.

⁷⁶ *Journal of the House of Representatives*, 1848-1849, p. 29; *Journal of the Senate*, 1848-1849, pp. 24-25.