

The Wheels of Government

On November 16, 1838, Chauncey Swan, an energetic Dubuque lead miner, arose in the House of Representatives of the First Legislative Assembly of the Territory of Iowa and moved "that a standing committee on incorporations" be appointed by Speaker William H. Wallace. The motion having been carried, Representative Swan was appointed chairman of the committee that included James W. Grimes of Des Moines County, George S. Bailey of Van Buren, S. C. Hastings of Muscatine, and Robert G. Roberts of Cedar County, who also represented Jones, Linn, and Johnson counties.

Two first class Iowa cities — Davenport and Muscatine — trace their civil beginnings to the work of this committee. Davenport was incorporated on January 25, 1839; Bloomington (now Muscatine) two days earlier. The movement to organize a municipal government for Bloomington probably began in the campaign for the election of members of the first Iowa Legislative Assembly. The little community had not adopted the simple form of town government provided by the Wisconsin Territorial legislature. As a member of the committee on incorporations, S. C. Hastings was

in an admirable position to see that his town obtained a special charter.

On Tuesday morning, December 18, 1838, Chauncey Swan reported from his committee a bill "to incorporate the town of Bloomington." After the holidays the bill was considered and passed without controversy. The Council discussed the proposed charter on January 16, 1839, and accepted it with an amendment to which the House readily agreed. Thereupon, on January 23rd, Governor Robert Lucas approved the act to incorporate the town of Bloomington.

The first section declared that "all that part or tract of land in township seventy-six north, and range two west, and township seventy-seven north, range two west, which has been surveyed and laid off into town lots for commercial purposes, in which is embraced the village of Bloomington, be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of the "Town of Bloomington."

A president, a recorder, and three trustees, to be elected annually, constituted "a body corporate and politic" capable of holding property, appearing in court, and ordaining rules and regulations for governing the town. They could provide for the election of a treasurer, two assessors, a marshal, "and other subordinate officers which may be thought necessary for the good government and well being of the town."

The method of holding elections was simple. According to the charter, the "free male inhabitants" having the "qualifications of electors" were "to meet at some convenient place, in said town of Bloomington, on the first Monday of May, and annually thereafter, and then and there proceed, by plurality of votes, to elect, by ballot," the officers named in the act of incorporation. Failure to hold the first election on the day designated would not dissolve the corporation.

In the first election two judges and a clerk were to be chosen *viva voce* by the electors present. At all subsequent elections the trustees, or any two of them, were to serve as judges while the recorder acted as clerk of the election. Polls were to be opened between the hours of nine and ten o'clock in the forenoon and close at five in the afternoon. This was almost twice as long as provided in the Davenport charter.

When the polls closed the votes were to be counted and the results proclaimed by one of the judges to the electors present. The clerk was required to make a "true record" of the vote and inform the successful candidates within five days after the election. The town council was to notify citizens of all subsequent annual elections by posting up notices in three of the most conspicuous places in Bloomington at least five days before the election.

The duties of the town officials were not ardu-

ous. All had to take an oath or affirmation to support the constitution of the United States and the organic law of the Territory of Iowa. The president presided at the meetings of the town council; the recorder kept an "accurate record" of all proceedings; and the council consisting of the president and trustees made the ordinances, granted licenses, levied taxes, and made a semi-annual report of revenue and expenditures.

Some of the most important powers, however, were assigned to the voters themselves, in the traditional manner of New England towns. They determined the width of the sidewalks, regulated the improvement of lanes and alleys, and ordered the removal of "all nuisances and obstructions from the streets and commons." Moreover, the levy of all taxes had to be authorized by the electors "in legal meeting assembled," though the president and trustees were responsible for recommending the amount within a month after their election. The amount could not exceed one-half of one per cent of the "aggregate amount of real and personal estate" within the limits of the town. If a citizen did not pay his taxes, the marshal could sell either personal or real property, but no real estate could be sold unless very elaborate notice of the tax levy and proposed sale had been given in one or two newspapers. Neither could property be taken for public use without fair compensation "ascertained by twelve disinterested freeholders,

to be summoned by the marshal for that purpose."

Among the important functions of the pioneer community was the improvement of thoroughfares. The "streets, lanes, and alleys" of Bloomington were declared to constitute "one road district," including the several roads leading for one mile from the corporation limits, and a road "overseer" elected by the citizens was in charge. His position could be refilled by the president and trustees in case of "death, removal, or other inability." To promote the health, safety, and sobriety of Bloomington, provision was made for the abatement of nuisances and licensing retailers of ardent spirits. Proceeds from the liquor licenses were to be used for the benefit of the town.

The last section of the original charter of Bloomington declared that the act could be "altered, amended, or repealed" by the Territorial legislature. As amended on four subsequent occasions the charter was destined to serve as the organic law of the town until 1851 when a new one was granted to Muscatine by the State legislature.

The first election of Bloomington officials was held at the home of Robert C. Kinney on Monday, May 6, 1839. John Marble served as clerk of the election and Moses Couch and Arthur Washburn acted as judges. The forty eligible voters cast their ballots for thirteen candidates selected from their ranks. Joseph Williams, Associate Justice

of the Territorial Supreme Court, received thirty-eight of the forty votes cast for president. Arthur Washburn, Henry Reece, and B. P. Howland led a field of nine candidates for the office of trustees. Moses Couch was elected recorder with twenty-nine votes, and Giles Pettibone became the first overseer of the road district with the support of ten friends.

The town officials held their first meeting at the office of Arthur Washburn on May 10, 1839, when they were sworn in and qualified. On the following day they met at Washburn's office, only to adjourn for lack of a quorum. Five days later they appointed Moses Couch as treasurer, John Marble as marshal, Charles H. Fish as assessor, and John Reece as street overseer. Apparently Pettibone did not want the job.

The first ordinance, designed to preserve "good order" in Bloomington, was adopted on May 28, 1839. The sale of "Spirituuous liquors" without a license was declared unlawful. The fee for liquor licenses was fixed at \$100 and a fine of \$100 could be assessed for violating the liquor law. If the fine was not paid the goods and chattels of the violator could be appropriated and the money put in the town treasury. Drunkards were not allowed to "quarrel, fight or wrangle" in the town; the license of a liquor dispenser could be revoked if his establishment became the scene of such a brawl. This was the only ordinance adopted by

the first Bloomington city council, and apparently very little public business was transacted because no taxes were levied to provide revenue for town improvements.

The growth of Bloomington is attested by the fact that eighty-two votes were cast at the courthouse on May 4, 1840. John Lilley was elected president and Henry Reece, Ralph P. Lowe, and John W. Richman were named trustees. Matthew Matthews was selected "street engineer" and Edward E. Fay recorder.

The year 1840 proved to be a very active one for the president and trustees. On May 15th the new officers were sworn in by retiring trustee Arthur Washburn. Four days later the council met at the post office and notified the citizens to "assemble at the school room on Saturday evening next between the hours of 2 and 5 o'clock P. M. for the purpose of voting the amount of Corporation tax which shall be laid this current year." At the appointed time the town meeting "unanimously voted a tax of $\frac{1}{4}\%$ " on the personal and real estate within the corporation limits.

On May 26th the president and trustees appointed Suel Foster and Lyman C. Hine as assessors, Hiram Matthews as marshal, and D. I. Snyder as treasurer. Ralph P. Lowe then moved that a tax of $\frac{1}{4}$ per cent (two and one-half mills) be levied on all real and personal property. With the adoption of this motion the town officials were

able to accomplish some of the functions for which Bloomington had been incorporated.

One of the most serious problems facing the trustees was that of liquor regulation. On May 26, 1840, Ralph P. Lowe's ordinance regulating "grocery" or liquor licenses was passed unanimously. In the following July, Henry Reece submitted another ordinance for the preservation of good order which declared that any person "who shall maliciously willfully or knowingly disturb the peace or quiet of any person or family or any congregation assembled for religious worship or any other laudable purpose within the limits of said town either in the day time or the hours of the night, by offensive behavior, threatening, quarreling, Swearing, challenging to fight or fighting within the limits of said town, Shall upon conviction thereof be fined" not less than \$5 or more than \$50.

The ordinance contained a number of other provisions. Any person guilty of "lewd vulgar or unbecoming language" or "exhibiting himself to public view in an indecent or vulgar manner" would be fined from \$2 to \$20. Citizens were prohibited from exhibiting a "stallion or Jackass" or "let the same to any mare in a public place within the limits of the town." Any person running a horse, mare, or gelding, or shooting off a gun or other firearm within the town limits could be fined as much as \$5. Heavier penalties were inflicted on

any one who assisted a criminal to escape. The ordinance provided that the fines could be collected by an action of debt before any magistrate in Bloomington. The need of such an ordinance is attested by the fact that as late as March 12, 1845, Recorder Thomas Crandall posted three written copies of it.

There were other problems with which bustling Bloomington had to cope. On July 7, 1840, an ordinance was passed regulating billiard tables and nine-pin alleys. Barton Ise appears to be the first affected by this ordinance: on September 26, 1840, he paid twenty-five dollars for permission to retail liquor and keep a billiard table. The annual tax for operating such amusement resorts could run as high as \$50, which was rather more than some could afford, for on June 25, 1841, the council had to allow Jonas Clark time to collect funds to keep his nine-pin alley in operation. A month later the president and trustees passed an act prohibiting "nine pin rolling" between 10 P. M. and 4 A. M.

Still another ordinance regulated exhibitions and shows. On May 10, 1841, the trustees decreed that "any person wishing to exhibit any shows of animals, wax figures, or paintings or perform any feats such as circus riding, Rope and wire dancing, Slight of hand, or any exhibitions or performance of any kind whatever for charge or compensation" must receive a permit from the treas-

urer and pay not less than \$3 or more than \$20 for each exhibition. Failure to comply might draw a fine of not less than \$10 nor more than \$50.

One of the most vexing problems was the maintenance of streets and sidewalks. Like his fellow officer at Davenport, the Bloomington street overseer was confronted with many onerous duties for virtually no compensation. Hence the office was not a popular one. The first man elected apparently refused to serve, perhaps because he did not expect any financial support. With revenue provided in 1840, however, the trustees adopted Overseer Matthews' plan for a culvert "over papoose [Papoose] creek on second street" and asked for sealed bids. Later C. B. Leavitt was allowed \$24.35 for timber and Osborn Mackobee \$35.05 for labor on the Papoose Creek culvert. This culvert was frequently washed out and was the subject of continual expense. All citizens were required to work two days a year on the roads in the Bloomington district. When S. C. Hastings reported for road work with a hatchet, a sly citizen suggested that the dapper, loquacious attorney contribute a couple gallons of whiskey instead. Delighted with this opportunity, Hastings promptly settled for his road work in this manner.

The removal of stumps from Front Street and Second Street as well as from Iowa Avenue and Chestnut Street also presented a problem. Almost immediately after assuming office Ralph P. Lowe

urged that the trustees contract for their removal but the bids submitted proved unacceptable. The trustees accordingly authorized the president on July 21, 1840, to "employ one or more hands" to dig stumps from Bloomington's wretched thoroughfares. Thereafter, scarcely a council meeting was held at which some citizen was not paid for pulling stumps; for example, George Grossman was allowed \$24.64 on December 21, 1840, for twenty-two days of such labor.

The civic consciousness of Bloomington was further reflected when Mr. Denison was employed on August 25, 1841, to establish the grades of the streets. John L. Lakin was appointed to remove the "nuisances" in Thomas M. Isett's cellar on Front Street. William St. John was given \$5 for removing manure from the street in front of Lewis's stable. Thomas Mofford was allowed \$1.50 on November 9, 1840, for "hauling a dead horse from the incorporation which has been left by a stranger." Even President John Lilley joined in the clean-up: on December 21, 1840, he was paid for hauling a dead ox from the street. In the following year Marshal Myron Ward received \$1 for removing a dead wolf.

If the amount of taxes collected was small, the expenditures were equally niggardly. In 1840 Suel Foster received \$19 and Lyman C. Hine \$5 for assessing the corporation. The following year Edward E. Fay and Lyman C. Hine were paid at

the rate of \$2 per day for the fourteen and one-half days they put in jointly as assessors. John Marble was allowed \$10 for serving six months as marshal. E. E. Fay was granted \$8 on November 9, 1840, for making a new tax book for 1840; he also received \$10 for "writing out posting up recording and copying Corporation ordinances up to this date." Six months later the trustees tardily allowed Moses Couch \$7 for his services as recorder during 1839, while E. E. Fay was granted \$15 as recorder in 1840. On March 23, 1841, the trustees purchased a plough from Joseph Bridgman for \$35. Henry Reece was allowed \$2 on May 25th for the pick axe he furnished the corporation. On the same day the trustees called a meeting of the citizens to consider the "propriety of purchasing Land for a Burying Ground."

Bloomington's increasing population is revealed by the 113 votes cast for town president on May 3, 1841. This was triple the number recorded in 1839; indeed, the 77 votes cast for Thomas Darlington surpassed the total number of Bloomington residents in 1839. John S. Lakin, Suel Foster, and Edward Ballard were elected trustees and Arthur Washburn was named recorder. During this administration William St. John served as street overseer, John W. Weller as treasurer, and John Marble as marshal.

Muscatine was also growing in civic enterprise. On May 15, 1841, the citizens unanimously voted

to increase taxes from two and a half to five mills. Subsequently the council adopted as its temporary seal "the eagle of a dime impressed on paper of a diamond shape, lain on a wafer."

The need of maintaining an unobstructed levee was recognized on May 10, 1841, when an ordinance was adopted which demanded that Front Street and the wharf between Iowa Avenue and Pine Street must be kept clear of all obstructions "except goods to be shipped or unloaded" from steamboats. These could be left on the wharf no more than three days. The ordinance further provided that no boat, canoe, or raft should be permitted to obstruct steamboats at the wharf. Finally, log rafts could not be taken from the water to the wharf between Iowa and Pine streets.

Such were the problems facing the trustees of the "Town of Bloomington" 125 years ago. Great changes have transformed the pioneer community into the modern "City of Muscatine" with its four-mile river front, its municipally lighted streets and boulevards, its public parks and beautiful cemeteries. In 1963 the city occupied an area of 8.55 square miles and levied a tax of 34.050 mills for such public services as sewers, fire department, parks, garbage disposal, police protection, and the public library. A total of \$1,511,597 was collectible to operate the "Port City of Iowa" in 1963. Muscatine is still governed by special charter.

WILLIAM J. PETERSEN