

# THE PALIMPSEST

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## Ripe for Statehood

As soon as the Territorial legislature decided to authorize a second convention "to form a Constitution for the future State of Iowa", politically minded citizens began to plan the campaign for the choice of delegates at the election of local officials on the first Monday in April, 1846. Party lines were sharply drawn in Territorial politics, though the Democrats usually succeeded in maintaining a safe margin of victory. For that reason Democratic candidates were more numerous in most counties than those of the Whig persuasion, the Democratic caucuses were well attended, and that party's attitude on the principal issues was vigorously expressed.

In Johnson County, seat of the Territorial government, fifty-six Democrats representing every precinct in the county gathered in the Capitol on Saturday, March 14th, to nominate their candidate for the Constitutional Convention. According to the local Democratic newspaper, it was a

very harmonious gathering. The party seemed to be united in purpose.

The preliminary business of organization was dispatched by calling Joseph Harrison of Pleasant Valley to the chair and seating the delegates. Then, upon the motion of J. P. DeForest, also of Pleasant Valley, the convention proceeded to nominate a delegate to the Constitutional Convention. The names of Robert Lucas, former Governor of the Territory, and Curtis Bates, pioneer lawyer and party leader in Iowa City, were promptly presented. Bates, having received the majority of votes on the first ballot, was unanimously approved as the Democratic candidate.

Meanwhile, a committee had been appointed to draft a platform expressing the attitude of the county convention on the character of the proposed State Constitution. While a preamble and fourteen carefully phrased resolutions were being prepared, the chairman and the candidate made some "brief and pertinent remarks".

Determined to resist the "encroachments of arbitrary power and of monied monopolies", the Johnson County Democrats declared their hostility toward "special and partial legislation" as being "at war with the genius of a free government". They believed that there was "gold and silver enough in the world to answer all the purposes

of a circulating medium", and they repudiated the doctrine "that banks are necessary institutions", describing them, instead, as the "most deadly enemies to the true interests of the laboring and producing classes, and as tending to sap the foundation of our liberties — as vipers warmed in the bosom of the body politic, to sting it to death — as splendid schools for bribery and corruption — and as stalking horses for vice and demoralization." They also recommended in Jacksonian phrases that the "credit of the state never be loaned to any man, or set of men", and asserted that the State debt should be limited to \$100,000.

These declarations were too extreme for J. P. DeForest. He could approve the general Democratic philosophy but he was not in favor of declaring war on all financial interests. His motion to consider the resolutions separately was defeated, in spite of his advocacy of it "at some length". But the "disguised federalist", as DeForest was called, was persistent. He proposed a substitute platform of his own and proceeded to address the convention "for an hour or two, to the great annoyance of the delegates who were anxious to get through with the business on hand and go home, as it was getting late in the afternoon."

With his opinions the assembled Democrats

were impatient. Several tried to interrupt the speaker. Some protested "against his thus monopolizing the time". Various parliamentary expedients were tried, but on every attempt to table the substitute resolutions "so much confusion was created" by DeForest's "vociferously claiming his right to the floor, that they were not put. Two or three different motions for adjournment were made and voted down." At last, about five o'clock, with DeForest still occupying the floor, the convention adjourned.

Some of the delegates went home, but the others, resenting the turn of events, stood around discussing their frustration. After about fifteen minutes, when DeForest apparently had disappeared, the convention reassembled and the original resolutions were unanimously adopted. The Democrats, of course, henceforth insisted that DeForest was no longer a member of their party and that the Whigs were welcome to his support.

Meanwhile, similar party conventions were being held in other counties. At Marion the Democrats selected Dr. S. H. Tryon as their candidate for delegate with a majority of only one vote over Joseph T. Fales. A platform was, however, adopted unanimously. It condemned banks as institutions "corrupting the moral tone of society,

by causing men to depend more upon loans and discounts than upon labor and industry". It expressed opposition to divorces by legislative action, imprisonment for debt, the sale of lottery tickets, and "the barbarous practice of dueling". The platform favored an explicit Constitution "leaving nothing for construction or implication", advocated "reasonable salaries for public officials", and insisted upon the St. Peter's River for the northern boundary.

The Whigs, too, were busy with politics. As a party they no longer opposed statehood, but they were more nationally minded than the Democrats, who often called them federalists. As a minority in Iowa, the Whigs pleaded for a "no party" Constitutional Convention. In Johnson County, the Whig candidate, Eastin Morris, who was editor of the *Iowa City Standard* and *Supreme Court Reporter*, sought election "wholly irrespective of partisan feeling, and in a spirit of concession and compromise".

J. Scott Richman, a man so small in stature that the Democrats were disposed to ignore him, made such an intelligent and energetic campaign in Muscatine County that he was elected by the surprising majority of twenty-seven votes. He promised to be guided by political experience rather than by popular innovations and preferred to

grant the legislature broad discretion instead of filling the Constitution with prohibitions.

In Des Moines County, the cunning Whigs persuaded many Democrats to vote for G. W. Bowie "in a game of swap", making a burlesque of electing him. It was feared that, having defeated J. D. Wright, he would have the temerity to claim his seat in the Convention. He did. With the possible exception of David Olmstead, he and Richman were the youngest delegates, each being twenty-six years of age, according to data collected by T. S. Parvin.

The issues of the campaign for delegates were sharply drawn. Boundaries and banks were the principal topics of debate, though candidates disagreed in degree over economy and democracy. Party affiliation was the decisive factor on election day. In spite of a pouring rain all day on April 6th the election was well attended. When the votes were all counted, the people of Iowa were not surprised to learn that twenty-two of the delegates were Democrats and only ten were Whigs.

The Convention which assembled in the Capitol in Iowa City on Monday morning, May 4, 1846, was in a mood to settle the questions that had delayed the admission of Iowa into the Union. The Democrats, with an effective majority, pro-

posed to draft a constitution expressing their political beliefs. Work was begun, in the opinion of the editor of the *Capital Reporter*, "with a degree of earnestness and despatch, perhaps unprecedented in the history of deliberative assemblies."

As soon as the delegates had presented their credentials and taken their seats, probably in the Hall of Representatives, the south chamber on the second floor, Dr. Enos Lowe of Burlington was promptly elected president, other officers were selected without opposition, the rules of procedure of the Convention of 1844 were adopted, the "Reverend Mr. Smith invoked a blessing from Deity", and the meeting took a recess for lunch. When the Convention reconvened at two o'clock, six standing committees of five members each were appointed.

The Committee on Bill of Rights wasted no time. Its report was ready the following morning at ten o'clock. None of the twenty-three sections stating the philosophy of democratic government and guaranteeing the customary civil liberties was controversial and all were adopted, with the addition of a section outlawing dueling.

The Committee on Boundaries also reported the following morning. Its report was apparently influenced by news from Congress. Early in April it was reported that Stephen A. Douglas

had presented to the House of Representatives a compromise worked out in the Committee on Territories. Under this agreement the parallel of 43° and 30' would constitute the northern line of Iowa and the State would extend west to the Missouri and Big Sioux rivers. Many Iowans were dissatisfied with this compromise but the committee, consisting of Delegates James Grant of Scott County, G. W. Bowie of Des Moines County, George Berry of Lee County, H. P. Haun of Clinton County, and Thomas Dibble of Van Buren County, were willing to accept the compromise. After brief consideration the Convention ordered the boundary article to its final reading the next day. But when the time came the decision was postponed.

Opposition to the proposed compromise seemed to center in the northern counties. Citizens of Dubuque petitioned Congress to fix the northern boundary at the forty-second parallel, which would have cut the proposed State approximately in half and left that city out. Apparently, as Douglas suggested in the House, they wanted "Dubuque to be the largest town in a little State", or "the central town of a large State." Delegate David Olmstead of Clayton County proposed the Lucas boundaries described in the Constitution of 1844, and on May 8th the Convention adopted

his amendment by a vote of twenty-two to eight.

The Convention, it seemed, intended to insist upon the boundaries of the Constitution of 1844 which Congress was unwilling to accept. On this issue the earlier Constitution had been twice defeated. Would statehood again be wrecked upon the rocks of geographical expediency? Even if the people of Iowa should sustain the Convention in the demand for the Lucas boundaries, they had no assurance that Congress would consent. Indeed, one Congressman declared that the people of a Territory had no right to decide the shape or size of a new State. At last, in the final draft of the Constitution, the Committee on Revision was instructed by a vote of eighteen to thirteen to restore the compromise boundaries. It was a fortunate decision, for Congress accepted these boundaries on August 4, 1846, the day after the people of Iowa had ratified the Constitution by the narrow majority of 456 votes.

The really hot potato in the Constitutional Convention kettle was the banking problem. Following the leadership of President Jackson, western Democrats were hostile to eastern financial interests. Sad experience had taught them that the manipulation of credit and currency did not operate to the advantage of farmers and merchants. And so, the Democrats in the Convention were

determined to prohibit banking. To this end, no Whigs were appointed on the Committee of Incorporations, of which Curtis Bates was chairman. By the third day of the Convention it was ready to report.

The State, declared the committee, should never create any banking corporation. Furthermore, the stockholders of all other corporations, except for educational, charitable, and religious purposes, were to be individually liable for the debts of the corporation. This, the Whigs could not accept. Richman proposed that "whereas, all sovereignty resides in the people, and the creation of a corporate body is one of the highest acts of sovereignty", the legislature be empowered "to grant such corporate privileges as may be deemed conducive to the public good." Though he spoke vigorously in support of legislative discretion, the majority of delegates were adamant in their opposition to any such doctrine.

Democratic newspapers impugned the motives of anyone who spoke against the prohibition of banking. Banks, it was claimed, were worse than lotteries, and men who engaged in such nefarious business were economic parasites. "Bankers, who are too lazy to work and too proud to beg", proclaimed the *Capital Reporter*, "will resort to any species of knavery for the purpose of acquiring

wealth at the expense of the honest and industrious portion of the community." Richman's remarks were particularly offensive to the anti-bank Democrats. The little man "who *mis*-represents Muscatine county", sarcastically commented an Iowa City editor, "claims the people have a right to grant away their rights"! But suicide "is a right which none but a fool or mad man would ever think of exercising."

In the course of debate, many amendments were made and rejected. Some, calculated to prevent any kind of financial monopoly, were adopted. As finally drafted, the article on corporations not only forbade the creation of any corporation with power to issue paper money, but ordered the legislature to prohibit any person or company from "exercising the privileges of banking". Other kinds of corporations, however, might be organized in accordance with general laws which would define the liabilities of the stockholders. But the State could never be a stockholder. The latter restriction, declared the Whigs, would prevent internal improvements.

Delegates differed fundamentally on the extent of legislative discretion. While the majority favored such democratic features as popular election of judges and almost extended suffrage to resident aliens (but were careful to exclude

women and Negroes), they filled the article on the powers of the legislature with prohibitions — no banking corporations, no legislative divorces, no authorization of lotteries, no statute embracing more than one subject, no debt above \$100,000. In the name of democracy they kept salaries low. The Whigs saw “no liberty in binding the Legislature” so that in emergency beneficial laws could not be passed, and deplored the economy which would exclude able but poor men from office, thereby creating “an aristocracy under the garb of economy.”

Though many of the provisions of the Constitution were formulated during debate in the Convention, the work progressed rapidly. Fully aware of the importance of drafting the organic law of the new State, the delegates wasted no time. A fourth of them had been members of the Convention of 1844 (eight of the previous seventy-two) and they contributed valuable experience.

The delegates did not like Iowa City. During the first week several members were sick — probably with colds contracted on their way to the capital. Finding the town “so unhealthy at this time by the confinement of several members of this body, by sickness, that it will be impossible to set here any longer to transact the business of

the people", Sulifand S. Ross proposed to move the Convention to Fairfield. Richman offered the hospitality of Bloomington, and Alvin Saunders advocated Mount Pleasant. Although these motions "gave rise to debate", no drastic action was taken. Probably the indisposed delegates had recovered by the time a vote was in order. Unfavorable living conditions may have stimulated agreement on constitutional provisions, however, for the Convention finished its work on May 19th, in just fourteen working days.

In closing the Convention, President Enos Lowe expressed confidence that the Constitution would "receive the sanction" of all who favored statehood and who believed as he did in the wisdom of its republican principles. "With a territory of matchless beauty, rich in her resources — her woodlands and prairies — her valleys and uplands — her rivers and brooks — her minerals and agricultural products — and the large patrimony which she will receive in grants of the public domain and its proceeds — and a population of not less than a hundred and twenty thousand souls, Iowa appears to be ripe for entering into the Union."

JOHN ELY BRIGGS