

A County Seat Scrap

One hundred years ago in 1841, seven of the most prominent men then in Delaware County were named at a mass meeting to settle one of the most prevalent questions in local politics. Where should the county seat be located? Roland Aubrey, Joel Bailey, Leroy Jackson, Cyrus Keeler, John W. Penn, William H. Whiteside, and S. P. Whittaker were all highly respected and representative citizens. Their decision, it was thought, would have considerable influence.

It was not a new problem. As early as December, 1839, the Iowa Territorial legislature authorized the political organization of Delaware County and appointed S. B. Umstead of Clayton County, Shadrach Burliston of Jackson County, and Paul Cain of Dubuque County to locate the county seat on or before May 1, 1840. The settlers, however, were opposed to the organization of a new county and so the commissioners neglected to perform their duty. At the extra session of the legislature in July, 1840, a new statute was enacted appointing William Smith of Dubuque County, William Jones of Jackson County, and Thomas Denson of Jones

County "to meet at the house of William Eads" in the northern part of the county on the first Monday in October, or within ten days thereafter, "and proceed to permanently locate the county seat".

At least two of the commissioners, Smith and Denson, and perhaps Jones, met and traveled over the county for about two weeks. Though they visited various locations, such as Bailey's Ford and Penn's Grove, they could not decide upon the best place. Smith favored Eads's Grove for personal reasons and Denson held out for Silver Lake, the present site of Delhi. According to legend Smith and Denson, realizing that they would not be paid for their two weeks' work if they did not reach a decision, agreed to flip a dollar. Just why the third member of the commission was not called upon to decide the issue is not clear. The dollar was tossed and Smith won. Consequently Eads's Grove was chosen for the county seat and named "Elizabeth" in honor of Elizabeth Bennett, one of the first white women who lived in the county. It was on section three in Delaware Township, later the site of Millheim.

When the decision became known, particularly the flippant manner in which it was made, most of the citizens were very dissatisfied. At a mass meeting in the southern part of the county, reso-

lutions denouncing the commissioners and repudiating the selection were adopted. A petition to the legislature asking that the county seat be located by an election was signed by almost every settler in the county except those living near Eads's Grove. Apparently the county refused to compensate the county-seat commissioners because the Territorial legislature passed a law on February 10, 1842, ordering the local authorities to pay the three men three dollars a day for their services in locating the county seat at Elizabeth. Smith presented a bill for \$42.00 which was allowed, but there was no money in the treasury to pay him. Denson's claim for \$36.00 was also allowed in 1844.

Following the petition of the citizens the legislature provided a method of relocating the county seat by a popular vote at the next general election in August, 1841. All qualified voters in the county were allowed to vote for any place. If "any one point" should receive a majority it was to be declared the county seat. But if not, then a second election was to be held on the third Monday in August, 1841, at which the voters would choose between the two places which received the highest number of votes in the first election.

To facilitate the selection another mass meeting was held and various aspects of the problem were

discussed. The committee of seven was appointed to canvass the rival locations. Four of them — Joel Bailey, Roland Aubrey, William H. Whiteside, and Leroy Jackson — viewed the geographical center of the county but found it undesirable. Next they looked at a site on the Maquoketa River, and thence proceeded to the vicinity of Silver Lake. It was a beautiful spot in the woods, and a large spring was another attraction.

As they approached the lake, according to tradition, a large deer suddenly sprang up and stood looking at the party. The men stopped instantly and as Aubrey raised his gun to fire, Jackson exclaimed, "Now Aubrey, kill that deer and we will stick the county seat stake right here." Aubrey's aim was unerring and the deer fell dead within a few yards. Jackson's remark was accepted in earnest and the present site of Delhi was recommended.

In the election on August 2nd, thirty-one votes were cast on the county-seat location. The place nominated by the committee received twenty-five and Elizabeth six. Charles W. Hobbs carried the ballots to Dubuque, where the county clerk announced the result.

In January, 1842, however, the county seat was still without a name. Several names were suggested. J. W. Penn thought that "Chester"

would do. "Marysville" was mentioned in honor of Mrs. Mary E. A. Hobbs. Mr. Bailey and Mr. Keeler suggested that since Delhi was the county seat of Delaware County in New York, Delhi would be an appropriate name for the new seat of justice. A vote was taken by the settlers who had gathered for the meeting of the county commissioners and Delhi received the greatest number of votes. Thereupon, on January 18, 1842, the commissioners ordered that the new county seat "be and it is hereby called and named Delhi." At the same time they ordered the county surveyor to lay out the town.

In February and March the settlers from surrounding cabins gathered in Delhi with axes and teams to build a courthouse. Some cut the logs in the timber, others hauled them across the lake over the ice, while others raised them to form a commodious log building eighteen by twenty-four feet in dimensions and two stories high. No carpenter could be found to finish the building, however, because the county had no funds, and so it stood uncompleted for several years. Though the commissioners met there in July, 1844, they had to go elsewhere for their winter sessions, since the courthouse had no fireplace.

Thomas S. Wilson convened the first district court at Delhi on September 30, 1844. The grand

jury, finding the upper room of the log courthouse too public for their deliberations because of the thin floor and trapdoor entrance, retired with United States Marshall William E. Leffingwell to a nearby grove. The jurymen sat on a fallen log while the foreman had an old stump for his chair. No cases were presented and so the first grand jury soon returned to court and was discharged.

The need of a habitable courthouse was, of course, apparent. The main obstacle was lack of funds. For nearly five years the county could not raise enough money to get title to the quarter section on which Delhi was located. Finally, in 1846, two citizens lent \$200 at 20 per cent interest for that purpose. Early in May the county clerk began to sell town lots for a minimum price of five dollars. Gradually some funds began to accumulate in the treasury, but most of the proceeds had to be used to pay the county debts. Finally, in 1850, the commissioners decided to advertise for contractors to build a new courthouse and jail. Two local men took the job and accepted town lots as compensation. County warrants were discounted fifty per cent, but at last the log and frame building was completed in 1853. During the next three or four years Delhi became a thriving community, and a new brick courthouse was built.

About this time, however, a new town in the county began to show signs of growth. When it became certain that the Dubuque and Pacific railroad would pass nearby, Burrington (now Manchester) began to boom. In 1857, some fifteen or twenty buildings were erected. The railroad arrived in October, 1859. During the war years Manchester became the commercial center of the county.

To the advantages already acquired the citizens of Manchester hoped to add the prestige of being the county seat. In the spring of 1869 petitions for an election on relocating the seat of justice were circulated throughout the county, and a subscription was started to raise \$12,000 toward the erection of a new courthouse. In the midst of the campaign, however, a dispute arose among Manchester residents regarding the location of the building.

At the beginning of the contest, Earlville and Delaware were also ambitious to become the county seat but these towns had their claims defeated by the canvass of the board of supervisors in June as their petitions did not contain sufficient signatures. Delhi, meantime, with the support of the Davenport and St. Paul Railway Company, was making its own fight to keep the county seat in its original location. Their efforts

were successful for, when a vote was taken in October, Manchester was defeated by a majority of 367.

By 1874, the people of Manchester again united their strength and started several petitions to remove the seat of local government. Remonstrances were also circulated and it seems that some individuals, not wishing to show partiality, signed both for and against moving the county seat. The board decided that the Manchester petition was insufficient and Delhi was once more the victor.

In the following year, however, Manchester was ready for another trial. Delaware and Earlville again entered the contest, and for a time Manchester devoted most of her efforts to defeating these two places. Every nook and cranny of the county was canvassed by agents bearing either a petition substantiating the Manchester claims or a remonstrance against the change.

When the Manchester advocates presented their petitions, they were met by the entire bar of Delhi who were on hand to defeat any proposed change. After the presentation of the Manchester petitions, the Delhi supporters offered a remonstrance which, it was claimed, contained the names of 300 of those who had signed the petition. Manchester at once offered what was known as a

re-petition and asked that the names on this document be counted as a part of the petition.

This precipitated one of the most complex legal tangles ever witnessed in the county. Practically every attorney offered an opinion. Finally it was decided that if Manchester could bring the signers of the petition before the county board of supervisors to sign an affidavit their names would be counted. On the first day ninety-two appeared and signed. Another such day's work would have meant victory for Manchester, but one of the members of the board suddenly became dissatisfied with the previous day's ruling, thus cancelling the decision under which Manchester had been working. This ended the personal appearances before the board and when the petitions and remonstrances were canvassed, it was found that a majority was against Manchester. The defeated parties appealed to the Supreme Court but the court refused to order the election sought.

In the fall of 1876, Earlville started another campaign and succeeded in securing an election — the first on the county seat question since 1841 — but was overwhelmingly defeated. The Earlville people had offered to supply \$10,000 to build the courthouse.

Four years later Manchester started another

agitation for removal. Delhi had not grown for several years and many people were finding it inconvenient for the transaction of public business. Again there was a contest between petitioners and remonstrators but this time Manchester won by 133 names and the election was held on November 2nd. When the votes were counted it was found that 2115 had been cast for Manchester and only 1628 for Delhi. Thereupon Manchester was officially "declared to be the county seat of Delaware County". Though the Delhi faction appealed to the Supreme Court the decision of the people stood.

As soon as the election returns had been officially canvassed, Sheriff E. S. Cowles sent a man on horseback to inform the people of Delhi. It is said that the messenger made the distance of nine miles in one hour. With a company of militia to prevent violence the county officials promptly removed the public records. Wagons were loaded in the rain and, with torches lighting the way, the cavalcade proceeded to Manchester, there to be greeted by bonfires, torch lights, and a country dance. The night was spent in celebrating the final victory of the battle which had lasted more than a decade.

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