

The PALIMPSEST

MARCH 1936

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THE PURPOSE OF THIS MAGAZINE

THE PALIMPSEST, issued monthly by the State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH

Superintendent

THE MEANING OF PALIMPSESTS

In early times palimpsests were parchments or other materials from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the records of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

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THE PALIMPSEST

EDITED BY JOHN ELY BRIGGS

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Creation of the Territory

Iowa was for two years a part of the original Territory of Wisconsin. The year 1936 marks the centennial anniversary of the establishment of that Territory.

On April 2, 1836, a bill to establish the Territory of Wisconsin was pending in the lower house of Congress. Representative John M. Patton of Virginia advocated the passage of the measure because of the sheer necessity of a legal system on the frontier. "Murders", he said, were being "almost daily committed" in the Wisconsin area, and "there was no lawful punishment provided for any crime." He would, therefore, "move to suspend" the rules of the House for one hour, in order to consider the bill which would give to Wisconsin the law needed for its protection.

The question of establishing a Territory in the Wisconsin country was not a new problem in Congress. Indeed, it had come to be a frequently

recurring issue. As early as 1818, Wisconsin was attached to Michigan Territory for governmental purposes. In the years immediately following that annexation a considerable population came into this frontier region, and four counties — Brown, Crawford, Iowa, and Milwaukee — were formed between Lake Michigan and Green Bay on the east and the Mississippi River on the west.

This arrangement was not satisfactory, however. The capital at Detroit, four or five hundred miles away, was totally inaccessible several months of the year. Representatives could not attend the legislative sessions in the winter, and citizens in the remote parts of the Territory did not receive copies of the laws until long after they had gone into effect. Moreover, important offices remained vacant for months before new appointments could be made. In view of these conditions several attempts were made between 1824 and 1836 to establish a Territorial government in the Wisconsin area.

Various bills to separate Wisconsin from Michigan were defeated. Meanwhile, a strip of country west of the Mississippi River was opened for settlement and left without any government for more than a year. On June 28, 1834, Michigan Territory, instead of being curtailed, was extended to include the vast region north of Mis-

souri between the Mississippi and Missouri rivers. Thus Iowa became a part of Michigan.

If Michigan Territory had previously been too large, this annexation made it a political monstrosity. Everybody realized that a division was necessary. The inhabitants of the region between Lake Huron and Lake Michigan were anxious to form a State. Thinking that the creation of a new Territory west of Lake Michigan would facilitate their plans, they joined in advocating separation.

At last affairs reached a crisis. In the autumn of 1835 the people of Michigan adopted a State constitution. In compensation for the loss of a narrow strip of territory to Ohio on the south, the northern peninsula between Lake Michigan and Lake Superior, which was geographically part of the Wisconsin region, was included in Michigan. On the assumption that Congress would admit the new State promptly, State officers were elected in October. Legally, however, the Territorial government remained in effect. Nevertheless, the new State government assumed political control and practically abandoned the western part of the old Territory.

In anticipation of statehood, Territorial Governor Stevens T. Mason issued a proclamation on August 25, 1835, for the election of members of a new Legislative Council for the western country

not embraced in the proposed State of Michigan. By the time this legislature met at Green Bay on January 1, 1836, however, Mason had been elected Governor of the State and Territorial Governor John S. Horner did not attend the session. Inasmuch as the Governor was a part of the legislature nothing official could be done. Little was accomplished aside from caustic criticism of the absent Governor, and the adoption of a report declaring that the people of Michigan Territory west of Lake Michigan had been ruled "rather as a distant colony than as an integral portion of the same government." Wisconsin was a political orphan in effect if not in fact.

On January 21, 1836, Senator John M. Clayton of Delaware introduced in the United States Senate a bill to establish the Territory of Wisconsin. The bill was twice read and referred to a committee where it lay until March 28th. At that time Senator Clayton called attention to the status of the bill and moved that the Senate "postpone all the previous orders" for the purpose of taking up the bill. He explained the importance of "speedy action", and remarked that there was no law "to restrain, punish, or prevent" crime in that part of the country. Judges selected for the counties east of the Mississippi, had no jurisdiction in the territory farther west, "and in the case of a mur-

der committed in the county of Dubuque, the murderers were discharged, after argument before the judge, for want of power to punish them."

One of the largest and most fertile portions of our country, Senator Clayton said, was by the neglect of Congress "permitted to remain the scene of lawless violence, where private vengeance was the substitute for public justice." He argued that Congress ought not to permit this state of things to exist any longer. "If we do our duty towards this noble Territory," he said, "the day is not distant when it will be made to appear that it is capable of supporting the population of an empire."

When the bill establishing the Territory of Wisconsin was presented in the House of Representatives, the question of compensation of public officers became a paramount issue. In this connection Representative Samuel F. Vinton of Ohio arose to say that Wisconsin was "a fertile and abundant country, very productive in wheat and other grain," and that "living there was almost as cheap as dirt." The expenses of a Governor "living in a log cabin in Wisconsin", he thought, would not in any manner equal those of a person holding the same office in Ohio, where the salary of the Governor was only \$1000.

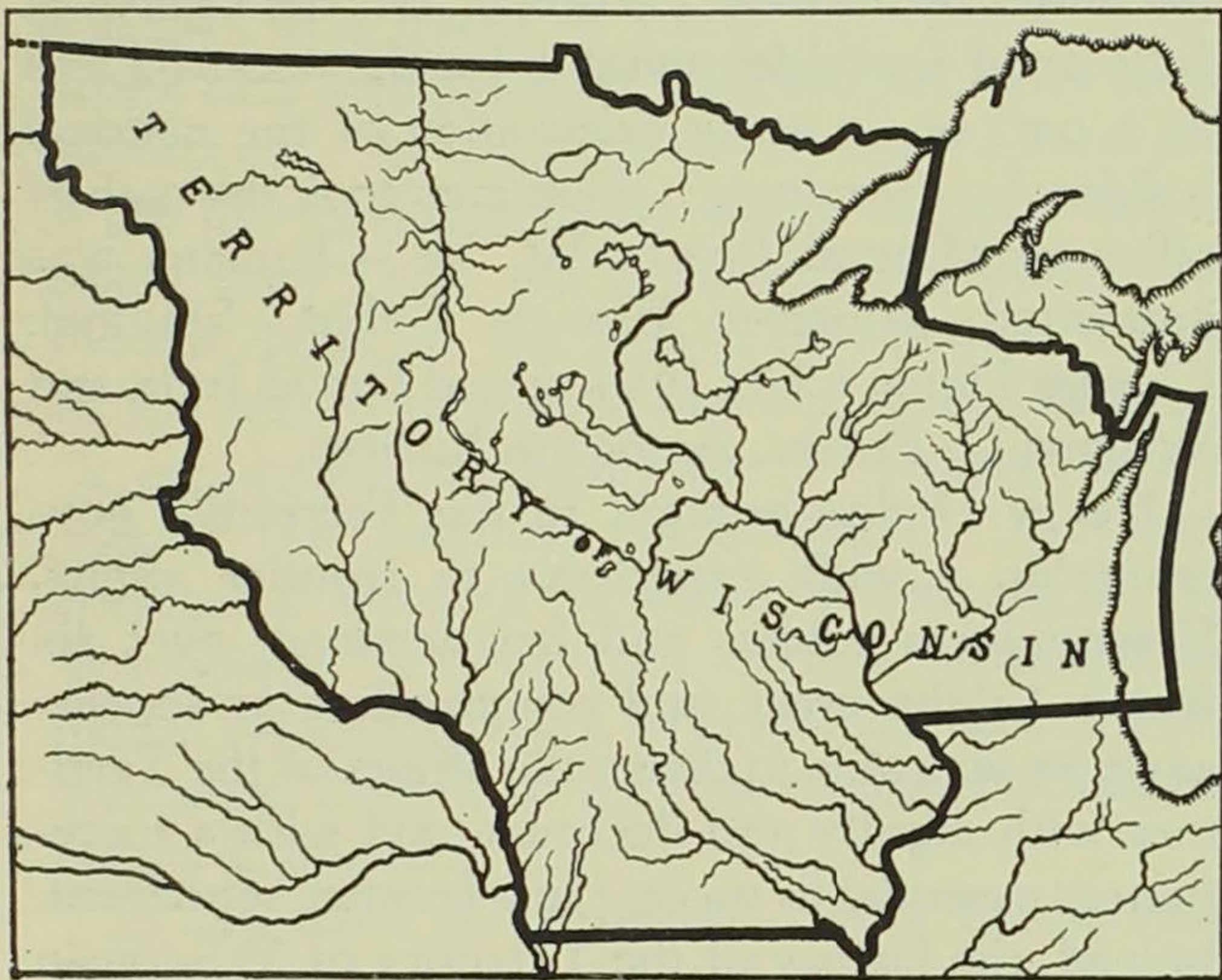
Representative William H. Ashley of Missouri

reflected that the Governor "would be the great father of all the Indians" within the Territory, and "would be frequently compelled to receive and entertain them." Expenses on this account alone, in twelve months, Mr. Ashley believed, "would not be less than one thousand dollars." Moreover, he contended that the responsibilities and labors of this office were greater than those of a Governor of any of the States. In view of these facts the Missouri Representative advocated the payment of a liberal salary.

On April 8, 1836, the measure to establish the Territory of Wisconsin finally passed the House. The Senate accepted an amendment, and the act was approved by President Andrew Jackson on April 20th. Touching Michigan and Illinois the boundaries given to the new Territory were the same as those of the present State of Wisconsin. To the west and southwest, however, its limits extended far beyond the present State border — including as it did all the lands lying north of the State of Missouri and westward to the Missouri and White Earth rivers. The law also provided that the Governor should receive an annual salary of \$2500 for his services as Governor and as Superintendent of Indian Affairs.

While the bill was pending in Congress, President Jackson and George Wallace Jones, Michi-

gan's Territorial Delegate to Congress, were constantly importuned for political appointments in the new Territory when it should be established. The President estimated that he would have a thousand applications for offices in the Territory.



IOWA WAS IN WISCONSIN TERRITORY FROM 1836 TO 1838

There was scarcely a day that the influence of Delegate Jones was not sought in behalf of "some rascally office-hunter." Indeed, he declared, "I have become so disgusted with the hungry wolves that I cannot treat them with common civility."

Jones favored the appointment of persons already in Wisconsin.

Within a month after the establishment of Wisconsin Territory, President Jackson appointed Henry Dodge as Governor and John S. Horner as Secretary of the new Territory. On the Fourth of July, amid festivities suitable for the occasion and as a part of "a noisy celebration of the national holiday by the miners", these men took the oath of office at Mineral Point. W. W. Chapman was appointed Attorney; Francis Gehon, Marshal; Charles Dunn, Chief Justice; and David Irvin and William C. Frazer, Associate Justices.

Henry Dodge brought to the Territorial governorship a wide experience in frontier affairs. Essentially a soldier and frontiersman, over six feet in height, erect, and commanding in appearance, he was able to direct the affairs of the Territory with dignity and decorum, and with a forcefulness essential to success in a frontier settlement. Indeed, the history of the Territory of Wisconsin is in large measure the biography of Henry Dodge.

Born in 1782 at Post Vincennes (now Vincennes, Indiana), the son of a Revolutionary soldier, he crossed the Mississippi River at an early age and spent his youth in the frontier lead-mine region near Saint Genevieve in what is now the State of Missouri. In 1805 he succeeded his

father as sheriff of the Saint Genevieve district — an office which he held for sixteen years.

Dodge was in his thirtieth year when in June, 1812, war was declared with Great Britain. By experience, taste, and capacity he was well fitted to take an active part in that encounter, and his activities as a leader of troops in defense of the Boone Lick settlement on the Missouri River were noteworthy. At the close of the war he returned to the Missouri lead mines where he continued to reside until 1827, when glowing reports of the mineral fields of the upper Mississippi Valley caused him to migrate to that region and settle at the present site of Dodgeville, Wisconsin, then a part of the Territory of Michigan. He commanded a force of mounted volunteers in the Winnebago War of 1827, took a distinguished part in the Black Hawk War in 1832, and in 1833 was made Colonel of the first regiment of United States dragoons.

In the office of Governor, Henry Dodge was influential in securing internal improvements. He recommended that Congress be asked to make appropriations for the removal of obstructions in the upper Mississippi River, for the construction of harbors and lighthouses on Lake Michigan, and for the improvement of the navigation of the Fox River. He was instrumental in locating the capi-

tal at Madison, "the newly platted town so charmingly situated within encircling lakes". He secured the passage of an act abolishing imprisonment for debt, and obtained legislation for the establishment of counties and the location of county seats. During his administration several seminaries were established and Congress was asked to make a special appropriation for a university at Madison.

In 1838 the land west of the Mississippi River was organized into the Territory of Iowa. Dodge continued, however, to be Governor of the diminished Territory of Wisconsin until 1841, when he was succeeded by James Duane Doty who was a Whig appointed by President William Henry Harrison. Dodge was then elected Delegate to Congress, but four years later he was again appointed Governor of the Territory. In 1848 Wisconsin was admitted to statehood and Henry Dodge became one of its first United States Senators. He retired to private life in 1857 and died a decade later in his eighty-fifth year.

Experienced as a frontiersman, trained and renowned as a soldier, Henry Dodge became eminent as a statesman. "His greatest contribution to public life was his service of eight years" as Governor of Wisconsin Territory.

J. A. SWISHER

Government in Iowa

At the beginning of 1836, the Iowa country — as yet unnamed — was still a part of the huge, sprawling Territory of Michigan. Several thousand squatters had crossed the Mississippi into the Black Hawk Purchase, and in less than three years had acquired political importance. Thus it happened that on New Year's Day, 1836, four Iowans sat in a Council which convened at Green Bay under the designation, "The Seventh Legislative Council of the Territory of Michigan". The Iowa representatives were Allen Hill and John Parker, of Dubuque County, and Joseph B. Teas and Jeremiah Smith, of Des Moines County. Teas was elected president pro tempore and William S. Hamilton (a son of Alexander Hamilton) was chosen as the permanent president.

During most of 1836, even after the government of Wisconsin Territory assumed control, the laws of Michigan Territory remained in effect. These laws were enforced by county courts, subordinate to the Territorial circuit courts and Supreme Court, and by county officials, most of whom were appointed. The townships and counties furnished the units for local government. The County of

Dubuque and Julien Township occupied the same territory as did Des Moines (spelled Demoine at first) County and Flint Hill Township. No provision for municipal government in the Iowa country was made during the Michigan regime.

Ordinarily there were several townships in each Michigan county. The voters of each township elected at an annual meeting one supervisor, one town clerk, from three to five assessors, one collector (of taxes), two directors of the poor, three highway commissioners, and the necessary constables, fence viewers, and pound masters. That the duties of these offices were sometimes burdensome is evident from the many provisions that a man might be fined if he refused to serve when elected. The township supervisors acted as the administrative board of the county.

In some counties, however, where only one township had been created, three supervisors were elected at large. No specific provision was made for three supervisors in the act creating the two Iowa counties, but the plan was evidently assumed to apply for both Julien and Flint Hill townships — or Dubuque and Des Moines counties — elected three supervisors.

The Des Moines County supervisors were Isaac Leffler, Francis Redding, and Ebenezer D. Ayers, with Benjamin Tucker as clerk.

On May 13, 1836, the county supervisors of Dubuque County held a meeting at Dubuque. Francis Gehon, William Smith, and John Paul constituted the board, with Warner Lewis as clerk. The proceedings included such items as paying \$35.83 for the care of a "lunatic" and \$577.25 for the building of a jail. The taxable value of property in Dubuque County at this time was said to be \$202,365. Taxes collected amounted to \$1,517.73. This revenue was used, of course, for local purposes, since the Federal government paid Territorial expenses.

Most of the county officials in Iowa at the beginning of 1836 were, however, appointed by the Governor of Michigan Territory. These appointive officers included a chief justice and two associate justices of the county court, a supreme court commissioner, a judge of probate, a sheriff, several justices of the peace, and two auctioneers. The Governor also appointed a number of notaries public for each county. All appointees were subject to removal at the will of the Governor.

The pioneers very definitely wanted to have something to say about these appointments and did not hesitate to inform the Governor as to the popular choice. The Dubuque County residents "voted" for a sheriff at their township meeting, sent in his name (Davis Gillilan), and secured his

appointment. Gillilan resigned, however, early in April, 1836, and George W. Cummins was appointed.

In Des Moines County the personnel of the county court at the beginning of 1836 was Ezekiel Smith and Young L. Hughes. A vacancy due to the resignation of William Morgan had not, apparently, been filled. Late in March, 1836, an entirely new court was appointed — Isaac Leffler, chief justice, and Henry Walker and Arthur B. Inghram, associate justices. William R. Ross was county clerk and Solomon Perkins was the sheriff. A meeting of the Des Moines County court opened at Burlington on April 11, 1836. One of its acts was the admission of David Rorer to the bar.

While these events were happening, the organization of the new Territory of Wisconsin went on rapidly. The act, which became effective on July 4, 1836, provided for a Governor, Secretary, Marshal, Attorney, one Chief Justice, and two Associate Justices, all to be appointed by the President of the United States, with the approval of the Senate. A Council of thirteen members, elected by the voters of the Territory for four-year terms, and a House of Representatives, composed of twenty-six members, elected for two years, made up the Legislative Assembly. The Governor's ap-

proval was required for the enactment of any law — and all laws were further subject to approval, veto, or amendment by Congress.

The Governor, as had been the case in Michigan Territory, was to appoint, with the approval of the legislature, the local judicial officers, including sheriffs and justices of the peace. Township and county officials, other than judicial officers, were to be elected locally. Instead of the county court system, Wisconsin Territory was divided into three judicial districts and one of the Justices of the Supreme Court was to hold district court in each district at specified times. All white male citizens of the United States over twenty-one years of age who were residents of the Territory at the time of its organization were eligible to vote.

One of the first duties of Governor Henry Dodge after he took the oath of office at Mineral Point on the Fourth of July was the selection of a temporary capital. His choice was Belmont, then little more than a paper town. This selection was by no means popular and Dodge was accused of making a political bargain with John Atchison, owner of the Belmont site, but this was indignantly denied by Atchison in a sworn statement in the *Dubuque Visitor*. To quiet the opposition, Dodge promised that the choice of the permanent

capital should be left to the legislature soon to be elected.

The Organic Act directed the Governor to have a census taken of the inhabitants of the new Territory and to apportion the members of the Council and House of Representatives among the counties in proportion to population. Governor Dodge at once ordered the sheriffs of the various counties to make this enumeration, listing the names of heads of families and the number of males and females over twenty-one and under twenty-one.

The census of Dubuque County was taken by Sheriff G. W. Cummins who listed by name 862 heads of families, six of whom were women. The count reported 1964 males and 610 females over twenty-one, and 861 males and 839 females under twenty-one — a total of 4274 residents. "I do here by sertify that the foregoing is a true return of the sensus or enumeration of the inhabitance of Du Buque County W. T. taken Acording to the instructions", wrote Sheriff Cummins on his report.

The enumeration in Des Moines County was in charge of Sheriff Solomon Perkins, "Censor", who employed several assistants. Their reports indicate that they found in Des Moines County 1727 males and 1067 females over twenty-one, and 1804 males and 1692 females under twenty-

one. These figures make a total of 6290 residents for the county, although the official report was only 6257.

With the enumerations of all six counties — Brown, Crawford, Iowa, and Milwaukee, in the Wisconsin area, and Dubuque and Des Moines on the west side of the Mississippi River — before him, Governor Dodge issued a proclamation on September 9, 1836, apportioning the thirteen Councilors and the twenty-six Representatives. Des Moines County was allotted three members of the Council and seven Representatives; Dubuque County three Councilors and five Representatives.

The Governor also named October 10th — the second Monday — as election day for the selection of the legislators and a Delegate to Congress. The sheriffs were in charge. They were directed to give ten days notice of the place and date. Three inspectors were elected by the voters at each polling place to preside at the polls which were to be open from sunrise to sunset. After the election these inspectors were to send the poll lists to the sheriffs who were to send them to the Governor at Belmont.

The pre-election activities indicate that modern problems were not unknown. The Dubuque *Visitor* explained that it had received complaints from

candidates that their names were not printed at the top of the list. There was also a difference of opinion as to whether individuals should announce their candidacy, or a caucus should nominate a slate. A meeting of those opposed to the caucus method was called at Dubuque for October 1st. Advocates of the caucus plan were, it was charged, "educated where people were in the habit of getting some privileged characters to tell them whom they must support."

Election day was "one of the fine moderate, healthful and pleasant days of Oct., for which this climate is so remarkable", according to the *Dubuque Visitor*. "There was of course a large collection of people, but everything was conducted with the most perfect order and decorum. An election day is a day sacred to Freemen, and it was truly gratifying to see how quietly every one pursued his own business and exercised his own rights, without interfering with the rights of others, and without any of the unpleasant jarrings, noise, and confusion, that too frequently disturb election grounds every where."

The count of the votes in the two Iowa counties showed that John Foley, Thomas McCraney, and Thomas McKnight had been elected to the Council from Dubuque County, while Loring Wheeler, Hardin Nowlin, Hosea T. Camp, P. H. Engle,

and Patrick Quigley were the Representatives from that county. Des Moines County sent Jeremiah Smith, Jr., Joseph B. Teas, and Arthur B. Inghram to the Council and Isaac Leffler, Thomas Blair, Warren L. Jenkins, John Box, George W. Teas (a brother of Joseph B. Teas), Eli Reynolds, and David R. Chance to the House.

The two candidates for Delegate to Congress were George W. Jones and Moses Meeker. Jones won by a vote of 3522 to 669. The two Iowa counties returned 1790 votes for Jones and only fifty-seven for Meeker. The poll books indicated that about fifty-two per cent of the men over twenty-one years of age appeared at the voting places in Dubuque County, and fifty-one per cent in Des Moines County.

When the First Legislative Assembly of Wisconsin Territory convened at Belmont on October 25, 1836 — the date set by the proclamation of Governor Dodge — the legislators found scant accommodations. A frame capitol, a tavern, three lodging houses, two grog shops, a printing office, and an unfinished stable made up the town. Even water and wood were scarce. Peter Hill Engle of Dubuque County was chosen Speaker of the House and Henry S. Baird of Brown County was elected President of the Council.

Governor Henry Dodge delivered his first an-

nual message in person on the second day of the session. He recommended that the Assembly provide for the speedy organization of the Supreme Court, district courts, probate courts, and justice of the peace courts and define their jurisdictions. Dodge also advised the organization of one company of mounted riflemen in each county and suggested several memorials to Congress, including one asking for the right of preëmption to claims, including mining claims.

The first act, approved on November 12, 1836, provided a fine not to exceed \$200 and imprisonment not to exceed forty-eight hours for contempt of the legislature. Apparently the legislature believed in being prepared. Three days later the Secretary of the Territory was authorized to borrow \$10,000 for expenses of the session at not more than six per cent interest. This arrangement seems not to have been satisfactory for it was repealed later in the session after John Atchison, owner of the town site of Belmont, had been (on December 5th, appointed "fiscal agent" for the Assembly. Advances of money made by him were to be refunded out of the money appropriated by Congress.

Probably the most hotly contested decision of this Legislative Assembly was the location of the permanent capital. There were many aspirants —

Cassville, Mineral Point, Belmont, Milwaukee, Green Bay, Fond du Lac, and Dubuque. Dubuque, it appears, went after the capital in approved booster fashion. The Governor and legislators were invited to spend a week-end at that place, where they were wined and dined. It was pointed out that Dubuque was the logical place for the temporary and permanent capital because of its comparatively large population (estimated at 1300) and its central location.

There was, however, a general recognition of the fact that the area west of the Mississippi would ultimately be made into a separate Commonwealth, and so Dubuque County legislators agreed to a compromise by which Dubuque was to be made the temporary capital, with an apportionment of \$8000 of the \$20,000 appropriated by Congress for capital buildings, and Fond du Lac was to become the permanent capital with the remaining \$12,000.

This arrangement was bitterly resented by many of the legislators from counties not included in the benefits. On November 26th, David R. Chance, a frontier Campbellite preacher and Representative from Des Moines County, made an impassioned speech in which he told how he had worn a leather hunting shirt and slept under a buffalo rug while tracking Indians and wild beasts

in the woods of Illinois. But this, he declared, was easier than "tracking these gentlemen". Using the language of Revelation, he pictured Dubuque as a "beast" with six heads (Representatives) and eight horns (\$8000) while Fond du Lac was a "beast" with six heads and twelve horns. This speech, apparently, received much comment. The Dubuque *Visitor* referred to it as "This great and splendid effusion of buckskin and 'buffalo rug' eloquence".

The log-rolling by Dubuque and Brown counties was brought to naught by a counter plan, by which Burlington was to receive the temporary capital, without any part of the appropriation, and the permanent capital was to be given to Madison, a new town laid out by James Duane Doty and some associates. The amendment for this arrangement was introduced by Joseph B. Teas, Councilor from Des Moines County. The plan succeeded in getting the necessary majority and was enacted into law. Doty, it appears, furnished buffalo robes for the chilly legislators and took the precaution to get a considerable number of the members interested in lots in the new town. Was it a coincidence that all but two of the transfers of lots involved the legislators who voted for Madison?

The Assembly apparently realized that some of the counties were too large, but Des Moines was

the only Iowa county divided at this session. Out of it were carved a smaller Des Moines County and the additional counties of Lee, Van Buren, Henry, Louisa, "Musquitine", and Cook. Cook, however, was united with Musquitine County for judicial purposes. The county seats designated were Fort Madison for Lee County, Farmington for Van Buren County, Mount Pleasant for Henry County, Wapello for Louisa County, and Bloomington (now Muscatine) for Musquitine County.

A movement for a division of Dubuque County was initiated at a meeting of citizens held at Farmersburg just before the meeting of the legislature. Wm. W. Coriell was chairman and Eliphalet Price secretary. The meeting voted to petition the Legislative Assembly to divide Dubuque County into two counties, the southern part to continue as Dubuque County and the northern portion to be named Farmer's County.

No special incorporation laws for municipalities were passed at this session, although a long act was adopted authorizing the incorporation of towns under a general plan whenever the population reached three hundred. No towns were incorporated under this act however.

The Legislative Assembly divided Wisconsin Territory into three judicial districts, Dubuque

and Des Moines counties forming the second district, with Associate Justice David Irvin in charge.

Three banks were incorporated at this session of the Wisconsin Legislative Assembly — the Miner's Bank of Dubuque (on November 30th), and banks at Mineral Point and Milwaukee. (These incorporations, with some amendments, were specifically approved by Congress on March 3, 1837.) A number of railroad and commercial corporations were also authorized to do business. The only one of these directly concerning Iowa was the incorporation of the Belmont & Dubuque Railroad Company, in which a number of Dubuque residents were interested.

Supervisors of counties were authorized to grant licenses for "groceries and ordinaries selling spirituous liquors and wine by small measures" — by the drink. Upon the presentation of proof that the applicant for the license had paid the license fee of nine dollars per month or such higher fee as the board might fix, such licenses had to be granted, but various regulations might be prescribed. The sale of such liquors without a license was made a criminal offense, punishable by a fine of ten dollars for each violation, if tried before a justice of the peace, or not more than fifty dollars, if in a higher court. The money was to be used for general county purposes.

This First Legislative Assembly of Wisconsin Territory was in session from October 25th to December 9th — forty-six days. By authority of the Organic Act, members were paid three dollars per day and mileage at the rate of three dollars for each twenty miles of travel. P. H. Engle, Speaker, and Henry S. Baird, President of the Council, each received an additional three dollars per day.

The printing bills for this session amounted to over \$3500. One of the printers listed was John King of Dubuque. The Territorial seal cost \$40. John S. Horner, Secretary of the Territory, was paid \$500 for "rent of office and furniture". Other bills for furniture, stationery, and candles amounted to more than \$750. John Atchison, the fiscal agent, received \$3257 for "wood, rent, furniture, &c." — perhaps he had advanced the money for these expenses. The bills allowed to the six sheriffs for taking the census, giving notice of the elections, and making returns, amounted to almost \$2400. Of this total, G. W. Cummins of Dubuque County received \$450 and Solomon Perkins, sheriff of Des Moines County, \$588. A man who contested a seat and lost was paid \$132.

The total expenditure authorized by this legislature (exclusive of members' salaries and mileage) was \$14,358.67. Mileage costs are not

available, but appropriations and salaries of members made a total of \$19,740.67. These expenses were paid by the Federal government. The amount was more than double the \$9400 appropriated by Congress, on May 9, 1836, for the first session of the Wisconsin Legislative Assembly.

In addition to maintaining the Territory of Wisconsin, the Federal government extended to the Iowa area two very welcome services — the surveys of the public lands and the establishment of post roads and post offices. The United States also maintained during 1836 a small detachment of soldiers at Fort Des Moines near the mouth of the Des Moines River.

On July 2, 1836, Congress passed an act for the survey and platting of Fort Madison and Burlington in Des Moines County and Bellevue, Dubuque, and Peru in Dubuque County. Lots already surveyed were to be classified into three groups as to value — not counting improvements — and sold to the persons who had made improvements on them or had permits from the United States agent to occupy them for \$40, \$20, or \$10 per lot, according to classification. Land along the river was to be reserved for public use as a highway. The sum of \$3000 was appropriated for this survey.

In addition to the surveys of town plats, the

Surveyor General was instructed (on August 16, 1836) to make contracts with experienced surveyors for the survey of the land ceded by the Sauk and Fox Indians in 1832. The cost of running the township lines was \$3.50 per mile; for the subdivisions into sections, \$2.75 per mile. By December, 1836, the Iowa country had been laid out into townships and about forty of these townships had been subdivided into sections. No provision for the sale of these lands by the government was made in 1836 except in the case of the town sites.

Mail, one of the coveted services of pioneer life, was carried across the Mississippi River into the Iowa country almost as soon as white people came here, but private initiative often preceded governmental action. Post roads listed in an act of Congress approved on July 2, 1836, reached Burlington, Mount Pleasant, Bellevue, "Keokuck", Fort Des Moines, Fort Madison, Gibson's Ferry, Iowa, Clarke's Ferry, Davenport, Parkhurst, Dubuque, Peru, Durango, and Weyman's Ferry on the Iowa side of the Mississippi. Three post offices were established in Iowa in the year 1836 — Gibson's Ferry (later Augusta) and Iowa (later Montpelier), both on April 19, 1836, and Peru on December 7th.

Thus the pioneers of Iowa took the threads furnished to them by the Federal government and by

the Territorial governments of Michigan and Wisconsin, put with them threads of their own making, and from them all wove a fabric of government that was orderly, just, and above all democratic. The men who lived in Iowa in 1836 did not wait for government to be imposed upon them; they made their own government to a large extent. Laws and official acts, like the furniture and farming implements, were often "homemade" or at least modified to suit frontier conditions. But whether the unit was the Territory of Michigan or the Territory of Wisconsin, the County of Dubuque or the County of Des Moines, Julien Township or Flint Hill Township, whether an official was elected or appointed, the government of Iowa in 1836 served its purpose well.

RUTH A. GALLAHER

The Times in Review

When Lieutenant Colonel Stephen Watts Kearny led his dragoons up the Des Moines Valley in the spring of 1835 the region through which he passed was not yet identified by name. True, it was a part of the Territory of Michigan, but not until the appearance of Albert Miller Lea's *Notes on the Wisconsin Territory* in 1836 was the name Iowa definitely associated with the country north of Missouri. Lieutenant Lea published his book in order "to place within the reach of the public, correct information in regard to a very interesting portion of the Western country, especially of that part of it known as the '*Iowa District*' " or Black Hawk Purchase. The passing of a century has enhanced the historical value of this little book which gave to Iowa its name.

Attached to Lea's book was a "Map of Part of the Wisconsin Territory" west of the Mississippi. A red barrier hemmed in the Black Hawk Purchase leaving less than one-seventh of the present State open to settlement. Land-hungry squatters were excluded from the Keokuk Reserve, an oblong tract containing 400 square miles that cut diagonally across the Black Hawk Purchase from

its western boundary to within a few miles of the confluence of the Iowa River with the Mississippi. This land had been set aside for Keokuk as a reward for restraining his warriors from participating in the Black Hawk War.

All central Iowa from the Black Hawk Purchase to the Missouri watershed was claimed by the Sauks and Foxes in 1836. West of the confederated tribesmen Lea placed some 6000 Pottawattamie, Chippewa, and Ottawa but the vanguard of these tribes were just straggling westward from Lake Michigan into their new hunting grounds. On the north the Black Hawk Purchase was bounded by the Neutral Ground, a strip of land forty miles wide stretching from the Mississippi to the Des Moines River. By the treaty of September 15, 1832, the Winnebago had agreed to give up their homes in southwestern Wisconsin and move into the eastern section of this strip to form a barrier between the Sioux and the Sauks and Foxes. An Indian school on Yellow River had been established in 1835 but the *Northwestern Gazette and Galena Advertiser* of April 2, 1836, complained bitterly of such a waste of money in educating "nine Winnebago scholars".

Roving bands of Indians made frequent incursions into the Black Hawk Purchase to hunt, to beg, and to steal. On March 1, 1836, a citizen of

Dubuque urged that a meeting be called to guard against a possible Indian uprising. Whether the danger was real or imaginary, rumors flew thick and fast on both banks of the Mississippi that spring. Happily no attacks were made upon the white settlers although the Indians wielded their tomahawks and scalping knives on each other. In December, 1836, ten Sauks crept into an unarmed Winnebago camp on the south fork of the Turkey River. A lad of seventeen and two children were murdered, and a squaw stabbed twice, scalped, and left to die. She recovered, however, and lived to relate the story to her fellow tribesmen.

Late in September, 1836, a thousand warriors of the Sauk and Fox nation assembled on the west bank of the Mississippi opposite Rock Island in response to a call from Governor Henry Dodge. The confederated tribesmen relinquished all claims to the land now constituting northwestern Missouri. On the following day, September 28th, they sold the Keokuk Reserve to the United States for money, goods, and annuities equal to \$198,588.87. The cession embraced 256,000 acres of land in present-day Johnson, Muscatine, Louisa, Washington, and Des Moines counties.

On June 1, 1836, Iowa was entering its fourth year of permanent settlement. To reveal these pioneers in their every-day life in the embryonic

squatter settlements is tantamount to telling the vital history of the Iowa District in 1836.

The thriving settlement of Dubuque was the metropolis of the District. It served as county seat and dreamed of becoming the capital of some future State. Nearly a third of the inhabitants of the populous Iowa mineral region lived in this busy town. It was not mere population that made Dubuque preëminent in the history of Iowa in 1836: Dubuque was the only town in the entire District that could boast of possessing a mirror of the times in the form of a newspaper.

The history of journalism in Iowa begins with the establishment of the first newspaper at Dubuque in 1836. Since June 1, 1833, the settlers on the west bank of the Mississippi had been dependent upon the Galena papers for their local news. Suddenly John King, having determined to make Dubuque his home, went to Ohio in the fall of 1835 and returned the following spring with a hand press and an experienced printer named William C. Jones. He next inveigled Andrew Keesecker to quit his job as typesetter for *The Galenian* and join in the venture. It was Keesecker who set the type and ran the press for the first issue of the "*Du Buque Visitor*" which appeared on May 11, 1836. The first number bore the motto "Truth Our Guide, The Public Good

Our Aim." Although the Iowa District was still a part of the Territory of Michigan when the first issue appeared, King had apparently heard that Congress had created the Territory of Wisconsin, for his folio read: "Du Buque, (Lead Mines,) Wisconsin Territory." The files of the *Dubuque Visitor* form the richest and most complete source of Iowa history during 1836.

Dubuque exhibited other evidences of cultural attainment. The Methodist Church had served the community as a schoolhouse since its erection in 1834, but in 1836 Mrs. Louisa King opened a school for young ladies which lasted until 1839. A welcome addition to the mineral region was Joseph T. Fales "late from Philadelphia", who conducted a singing school in the Methodist Church on the evening of May 25, 1836. Despite his name, Mr. Fales succeeded and in December the young singing master advertised a "School for instruction in sacred music".

A meeting of the citizens of Dubuque was held on June 10th for the purpose of forming a Library Association, an institution whose "influence on the moral and intellectual character of the inhabitants" was "universally acknowledged." Occasionally special lecturers appeared on the frontier and in June, 1836, both Dubuque and Peru were privileged to hear a lecture on "Temperance".

Among the pioneers were many devoutly religious persons. Any denomination was welcome to use the Methodist church at Dubuque. By 1836 it was the center of political and social as well as religious life in that community. In 1835 the cornerstone of a Catholic church was laid and by the fall of 1836 Father Samuel Mazzuchelli was able to conduct services in Saint Raphael's. In the first issue of the Dubuque *Visitor* the editor declared that another "Minister of the Gospel is needed among us — one who can reason, preach, and sing; and *enforce the fourth commandment.*" The *Visitor* was glad that some benevolent ladies established a Sabbath School and believed it would be of "much benefit to the 'young ideas' about town, who have heretofore employed their Sundays, literally, in learning 'how to shoot'."

Similar progress was apparent in Burlington and other settlements. Tireless preachers like Asa Turner and Barton Cartwright labored valiantly. Churches of several denominations were organized. And many circuit riders ministered to the spiritual needs of isolated settlers.

Dubuque led its rival cities in Des Moines County in many things, but the rough miners could hardly be expected to excel in personal deportment. It is only fair to say that the ten thousand people in the Iowa District compared favorably

with any equal cross-section of pioneers anywhere. Gambling, swearing, and drunken brawls were common; horse thieves and petty robbers, claim jumpers and land speculators were too numerous. But evidences of honesty were more prevalent. On August 31, 1836, Edward Langworthy inserted the following advertisement in the *Visitor*: "Found, In the Cooley, a very good new Boot, which is of no use to me without its fellow. Therefore whoever has its mate will please leave it at the printing office, as I have done with this, or take them both."

One incident of violence was particularly conspicuous. In the fall of 1835 John B. Smith and his son, William, shot Woodbury Massey in a quarrel over a claim. They were arraigned before the Circuit Court at Mineral Point but the case was dismissed for want of jurisdiction. Determined to avenge his elder brother's death, Henry L. Massey shot and killed the elder Smith in Galena. Thereupon William Smith swore vengeance and went to Dubuque in search of Massey.

At this juncture Louisa Massey, Henry's blue-eyed, fair-haired sister, determined on a "wild and daring adventure" to end the unhappy feud. Disguising herself, she went down town to find Smith. A boy pointed him out in a store with some other men. Louisa bravely approached him, ex-

claiming in a voice tremulous with emotion: "If you are Smith defend yourself." Smith rose and Louisa fired her pistol, "the ball entering his right side just above the third rib." As Smith staggered, Louisa turned and fled. Friends spirited her away to safety in Illinois. When the legislators met at Belmont that fall they commemorated this incident by naming Louisa County in honor of the heroine of the Dubuque lead mines.

The Dubuque *Visitor* was convinced that the root of much of the evil on the frontier lay in its wealth. "In a country where the facilities for making money are so great as they are here — where the labor of a week will support a man a month — where in many cases the labor of a month will render a man independent for life, it would indeed be surprising if every man should be found working every day, as he would be obliged to do in a less favored country." The Black Hawk Purchase must have been a land of milk and honey in 1836 — for Asa Turner wrote the following description to the Home Missionary officials in New York City. "It is so beautiful, there might be an unwillingness to exchange it for the Paradise above."

In such a Utopia the need of doctors, lawyers, and dentists must have been small. "We do not think it more strange that physicians should be

both scarce and lean in a healthy and salubrious clime, than that lawyers should be neither plenty nor fat, when a high state of moral purity and a great regard for the rights of our fellow men exist." The presence of only one lawyer in Dubuque in May was considered a "good omen" but before many months had elapsed, such men as Stephen Hempstead, John S. Horner, William W. Coriell, and Peter Engle hung up their shingles.

John Stoddard, R. Murray, and John Finley were practicing medicine in Dubuque in 1836. Dr. Stoddard quoted his prices in the *Visitor* in order to "prevent misunderstandings, and silence false reports". One dollar was charged for visits in town by day and double that amount for night calls. Simple "Medicines, Emetics and Cathartics" cost twenty-five cents, compound one dollar.

Dubuque also boasted a surgeon dentist, R. O. Shaw, who performed "all the various and necessary operations on the *teeth, gums, and mouth*, viz: teeth and stumps neatly extracted on the most approved principles, so as not to cause one half the pain or force required by the usual mode of practice — teeth filed, cleaned and plugged, and loose teeth fastened — also the most difficult cases of *scurvy* and scorbutick affections of the gums successfully treated." In addition to all this Dr. Shaw advertised "*Porcelain incorruptible teeth in-*

serted in stumps, or plates and springs, so as to completely resemble nature, and warranted not to decompose or alter their color."

The development of any region is mainly dependent upon the facilities for transportation and communication. Early in January, 1836, two enterprising young Galenians attempted to run a steam sleigh between Galena, Dubuque, and points north, hoping thereby to afford a means of transport during the winter months when river navigation was impossible. The plan failed because the engine lacked power but hope was expressed that the venture might be more successful the following year. On January 16, 1836, the Illinois legislature incorporated the Galena and Chicago Union Railroad Company. No construction was accomplished, but when the iron horse did arrive in 1855 it came over the route conceived in 1836.

In Dubuque there lived in 1836 a young dreamer, John Plumbe, Jr., who had visions of a transcontinental railroad. He was already unfolding his scheme to those who would listen. Less visionary, perhaps, was the action of the Belmont & Dubuque Railroad Company on December 21, 1836, in opening the books of the company for the sale of stock.

But the District depended mainly upon the

steamboat for the solution of its transportation problem. Navigation opened on April 1, 1836, with the arrival of the *Olive Branch* in command of R. M. Strothers at the Galena levee. On May 11, 1836, the *Dubuque Visitor* observed that a total of twenty-five trips had already been made by the steamboats *Galenian*, *Wisconsin*, *Du Buque*, *Olive Branch*, *Heroine*, *Banner*, *Cavalier*, *Missouri Fulton*, *Palmyra*, *Warrior*, *Far West*, *Envoy*, and *Frontier*. The *Missouri Fulton* arrived at Dubuque that spring with 225 passengers and 250 tons of freight. After discharging a part of her passengers and cargo she continued upstream to Saint Peters. "The tide of emigration is pouring in upon us an immense number of families this spring," the editor declared. "Every steamboat from below, is crowded with passengers." The steamboats *Bee*, *Gipsy*, *Emerald*, *St. Peters*, and *Science* made one or more trips to the mineral region before navigation closed in mid-December.

The activity of the pioneers is attested by the number of mushroom settlements that were springing up almost over night in the Iowa District. Dubuque dominated the mineral region. The *Visitor* of October 19, 1836, declared that the village then contained thirteen hundred inhabitants, three churches, fifty stores and groceries, and was supplied with "almost every article of necessity or

comfort". A number of boarding houses and workshops had been established but there were "not enough taverns and houses of entertainment for the accommodation of those who visit us." Fifty-five dwellings and one warehouse were built in 1836. The city boasted "four principal streets and seven cross streets." In addition to all this Dubuque offered "a pure atmosphere, a salubrious clime, good soil, large potatoes, big onions, fat beef, unctuous venison, milk and honey".

Was Dubuque above criticism in 1836? "We have one drawback upon the general convenience of our town", a newcomer lamented. "Either from the difficulty in digging wells, or the supineness of the inhabitants on the subject, there have been but three or four wells dug, so that most of the water used is taken from the Mississippi, and served round by Wm. Miller, a young Philadelphian, and a profitable business he makes of it." Peru and Bellevue were the closest rivals of Dubuque.

Leaving the squatter settlements in the mineral region, a traveler would come to any number of "paper towns" as he proceeded southward. The "Town of New York" on the present site of Clinton was said to have had "every prospect of being New York in reality". During 1836 a company composed of Major William Gordon, Antoine LeClaire, George Davenport, Thomas Smith,

Alexander W. McGregor, Levi S. Colton, Phillip G. Hambaugh, and James May boomed Davenport. The survey was made in the spring by Major Gordon, who is said to have performed the work in less than a day with his vision "very much obscured" by fire water.

Albert Miller Lea located Clark's Ferry, Throckmorton's Landing, and his own paper town of "Iowa" below Davenport. Prior to 1836 the present site of Muscatine had been known as "Sandstone Bluffs" or "Grindstone Bluffs" and was occupied by a two-roomed log trading post owned by George Davenport and operated by Russell Farnham. On February 20, 1836, Davenport sold his claim for \$200 to John Vanater and Captain Benjamin Clark who in turn employed Major William Gordon in May to survey and lay out a town.

Settlers were also trickling into what is now Louisa County although the Keokuk Reserve served as a deterring factor. The first permanent settler was probably Christopher Shuck who put in an appearance as early as 1835. The *Iowa News* of June 18, 1837, declared there were "not more than twelve voters in the county of Louisa" in April, 1836. A year later there were over 200.

Burlington was the metropolis as well as the county seat of Des Moines County. When James

W. Grimes arrived from New Hampshire in April, 1836, he found "six doctors, five lawyers, with myself, sixteen stores, five or six groceries, or, in New England, grogshops. No minister in town. We had one but he died a few days ago." Lots were selling for \$500 each in July. Wages were high and there was a great demand for skilled labor: carpenters, masons, and joiners received three dollars a day.

A tremendous activity was noticeable in what is now Lee County. "Speculation was running high in the spring of 1836, and everybody we met had a town plot," Hawkins Taylor recalled years later. "There were then more towns in what is now Lee County than there are now, if a paper plat constituted a town: and every man that had a town had a map of the county marked out to suit his town as a county seat."

In the fall of 1835 John H. Knapp and Nathaniel Knapp staked out a town on the present site of Fort Madison. Notwithstanding labor in Fort Madison was very high, the *Dubuque Visitor* of October 26, 1836, noted more than fifty buildings erected, some costing, when finished, from four to six thousand dollars. "It has nine stores and groceries, a good tavern house nearly completed. Two steam saw mills are under contract, one with one saw, the other with two, to be put into opera-

tion early in the opening of the next season." J. M. Salmon and wife alighted from a steamboat at Fort Madison on August 5, 1836, and presently he opened the Good Samaritan Drug Store.

Despite clouded titles settlers fairly swarmed into the Half-breed Tract. Keokuk was soon to dominate this section of Lee County but the original town plot was not laid out until 1837, when Dr. Isaac Galland bought Isaac R. Campbell's "potato patch" for the New York Land Company.

Fort Des Moines still occupied the present site of Montrose, but a number of inland towns had sprung into existence. Early in the spring of 1836 the present town of West Point consisted of four small log cabins and the place was known as "Cotton Town" after John L. Cotton, the proprietor of a small store. Cotton's stock, like many another pioneer merchant's, consisted of one barrel of "red-eye", about a dozen pieces of calico, some fancy articles, sugar, tea, coffee, and tobacco, all amounting to perhaps \$200 in value.

The cost of living in the Iowa District was best revealed by the wholesale prices current at Dubuque in 1836. Pickled beef brought \$15 a barrel while fresh beef was quoted at eight and ten cents per pound with none available. To relieve this shortage William Hale went to Shawneetown, Illinois, and returned with a large drove of cattle.

Most of the herd consisted of milch cows which sold within a few days at an average of \$27.50 per head. Late in June, 260 cattle were driven up from Missouri and commanded a good price on the Dubuque market. Wild game was plentiful throughout the Iowa District. Late in November a newcomer reported a "great abundance" of game including "deer, wild geese, and ducks, pheasants and prairie fowl".

Butter was scarce and sold for between 25 and 31 cents a pound. Eggs ranged in price from 12 to 25 cents and chickens sold at \$3.00 to \$4.00 a dozen. Lard and bacon were worth 15 cents a pound, mess pork commanded \$25 a barrel, while prime pork and army pork were slightly cheaper. A barrel of flour cost up to nine dollars; corn ranged from 75 cents to a dollar a bushel. Potatoes sold at from 50 cents to 75 cents and beans for \$2.00 and \$2.50 a bushel. Dried peaches wholesaled at \$4 and dried apples at \$2.00 and \$2.50 per bushel. A universal shout went up when a Dubuquer raised a parsnip measuring seventeen inches in circumference and nineteen inches in length. "Let our neighbors of Milwaukee beat that", cried the *Visitor* with pardonable pride!

Rent was high in Dubuque. Few frame houses had been erected in the Iowa District by 1836. To make up for this deficiency, a very comfortable

log cabin could be put up for \$150. Furniture ranged in value according to the quality. Low-post bedsteads and walnut breakfast tables could be purchased for \$10, while a half dozen "Windsor" chairs sold at \$9.00.

The first brick dwelling at Burlington was constructed by David Rorer in July, 1836. Shortly afterward Isaac Leffler built a one-story brick house. John Johnson built a two-story brick house in Dubuque in 1836. Bricks cost \$10 per 1000 in Dubuque and bricklayers were paid at the rate of \$3 per 1000. It was not until 1837 that Davenport could boast a brick house.

The dearth of building material hampered the growth of many a frontier Iowa community. "Our town is getting full of life and business as the season advances," declared the *Dubuque Visitor* of June 1, 1836. "The scarcity of lumber has hitherto retarded its progress. A large number of buildings, which would otherwise have been erected, have necessarily been delayed on that account; and many emigrants have been obliged to return down the river for want of houses."

The observance of Independence Day was a great occasion at the lead mines. Exactly sixty years had passed since the signing of the Declaration of Independence. But July 4, 1836, had a double significance for it marked the "Birthday of

Wisconsin Territory". At eleven o'clock in the morning a procession formed at the Tontine House and marched to the Catholic church where Father Samuel Mazzuchelli officiated as chaplain. Milo H. Prentice read the Declaration of Independence and William W. Coriell delivered the oration. "After the oration, the procession was again formed, and marched to the green in front of town, where an excellent dinner was prepared, to which the company did ample honor." Thirteen regular toasts were followed by over two score volunteer toasts in honor of the occasion. George Washington, the Declaration of Independence, and the Constitution were not forgotten, but the miners might be forgiven if lips and hearts responded with greatest enthusiasm at the mention of Wisconsin Territory, Henry Dodge, and George Wallace Jones. As the celebration came to a close, John King proposed a toast which probably well expressed the temper of the Iowa frontier in 1836: "*Woman* — Were it not for *Woman*, our infancy would be without *succor*, our age without *relief*, our manhood without *enjoyment*, and Du Buque without an inhabitant."

WILLIAM J. PETERSEN

Comment by the Editor

THE DEFINITION OF A TERRITORY

And what, an inquisitive student might ask, was the original Territory of Wisconsin?

That, a cautious professor would answer, depends upon various factors. Definition is a process of careful description: each aspect of the subject deserves attention.

The Territory of Wisconsin, as the name implies, was a region. Bounded mainly by great rivers and lakes, it formed a geographical unit as large as Texas. Three States and parts of two others were carved from this vast domain. Forests, prairies, and plains were included, and natural resources far beyond the dreams of the fur traders. Rich deposits of lead and coal and iron were surpassed in value by the fertile soil. Though rainfall and temperature varied widely, the seasons were neither too long nor too short. The climate was described as salubrious. For the benefit of the people who occupied it, the valley of the upper Mississippi offered a generous endowment of natural advantages.

In 1836 the Indians still possessed most of the country that was called Wisconsin. Clustered

along the west bank of the Mississippi River in the Iowa country between Keokuk and Davenport were nearly 6300 settlers; 9500 more lived in the lead-mine region around Dubuque; and 5600 clung to the shores of Lake Michigan and Green Bay. Young men they were for the most part — ambitious, resourceful, confident, industrious, just. Conscious of the necessity of law and accustomed to the responsibilities of self-government, they sought political unity. And so the Territory was created. These frontiersmen became the body politic of a wilderness empire: in a political sense they were Wisconsin Territory.

If the truth were known, a patriot might suggest, the original Territory of Wisconsin was an episode in the progress of the nation. For a moment of two years these particular elements of place, area, resources, inhabitants, and government formed a tableau. Then time resolved them into other shapes.

J. E. B.

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