

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 certify that the foregoing is a true return of the sensus or enumeration of the inhabitation of Du Buque County W. T. taken According 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 Elishalet 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.

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