

A Transient County Seat

The location of county seats in Iowa has been a perennial subject of controversy. Of the ninety-nine county seat towns in the State, approximately two-thirds have been selected after contests with neighboring towns. Changes have been frequent, locations temporary, and removals almost inevitable. In Clayton County contests were so frequent and changes so numerous that an editor once suggested putting the county offices on wheels so that the seat of local government might be more readily moved from place to place as the whim of the voters should direct.

Clayton County was established when the original County of Dubuque was divided in 1837 by the legislature of the Territory of Wisconsin in session at Burlington. By the same act the county seat was located at the town of Prairie La Porte. Almost immediately, however, people in other parts of the county claimed that this selection had been made "for the purpose of promoting the private and individual interests of a few, to the great inconvenience of their fellow citizens," and that it was "highly detrimental to the general welfare of the county."

The first grand jury which convened in the county asked the judge of the district court for information relative to the method of changing the location of the

county seat. The jurymen believed that the seat of government "ought to be situated at the most convenient and eligible point nearest the center of the county" and that it should not conflict with the private claim of any individual or group of individuals.

In January, 1840, the legislature of the Territory of Iowa passed an act providing for the relocation of the county seat of Clayton County and appointed commissioners to select a new site. The law stated that the place to be selected should become the county seat in the following September, provided the people should vote to accept it at the August election. The commissioners met in accordance with the law, chose a location near the present site of Garnavillo, and gave it the name of Allotat, an Indian word alleged to mean gander.

At the August election of 1840, however, a majority vote was cast in favor of retaining the old location at Prairie La Porte. This decision was due to the fear that if a change were made at that time, speculators might enter the new town site before bona fide settlers could. In January, 1841, the land of the township containing the site of the proposed county seat was brought into the market and within the next two years most of the claims were entered. The reason for retaining the old location at Prairie La Porte was thus removed, and in February, 1843, another law was passed authorizing the relocation of the county seat, and a new commission was appointed to select the place. Popular approval at an

election was not required. Two members of this commission met in accordance with the law, decided upon a tract of land adjoining that chosen three years before, and gave it the name of Jacksonville. Later in the year 1843, the board of county commissioners held a meeting at Jacksonville, thus officially sanctioning the relocation of the county seat. In 1846 the name Jacksonville was changed to Garnavillo, in honor of a village with that name in Ireland. Judge Samuel Murdock, of Scotch-Irish parentage, suggested the new name and in his enthusiasm for the growing Iowa town he wrote a poem beginning:

Bright gem of the prairie, I hail thee with pleasure,
And take up my pen to address thee in verse;
Though bright be my theme or discordant my measure,
I hope thou'lt receive it for better or worse.
How oft have I gazed where kind nature had squandered
And lavished her grandeur and riches on thee,
And thought to myself as around thee I've wandered,
No spot in this world was so pretty to me.

For thirteen years the county seat remained at Garnavillo, but not without a series of contests. Indeed, all of the towns in the county which were eligible for the seat of government became contestants. No sooner had one place obtained the coveted prize than the others formed an alliance to secure a removal.

In 1847 the name of the town of Prairie La Porte was changed to Guttenberg in honor of Johannes Gutenberg, the German inventor who introduced the

use of movable type in printing. Guttenberg was a settlement of Germans, and has remained predominantly German, as its founders intended. A writer once jestingly remarked that there was "but one American in Guttenberg, and he was an Irishman."

While the county seat was at Garnavillo the thrifty German settlers of Guttenberg and the citizens of Elkader were continually trying to secure a change. In accordance with a law passed by the State legislature in 1849, a vote was taken on the question of removal. The election was held in April and resulted in two hundred and fifty-four votes for Garnavillo, one hundred and seventy-seven for Guttenberg, and one hundred and eighteen for Elkader. As none of the towns had a majority of all the votes it was necessary to hold a second election restricted to the two highest, Garnavillo and Guttenberg. This resulted in a majority of twenty-three votes for the former town, whereupon the county commissioners declared that Garnavillo should "be and remain the permanent seat of justice of said Clayton County".

This did not settle the issue, however, for in December, 1854, three petitions were sent to the legislature asking that some action be taken for relocating the county seat. One petition asked that the county seat be "speedily and permanently fixed," leaving the manner in which this result was to be attained to the discretion of the legislature. Another petition asked that a commission be appointed to make a selection, but that the people be allowed to

vote upon the question before a final decision was reached. The third petition asked that the whole question be submitted to the people. Because of the conflicting ideas expressed in these petitions the legislative committee failed to recommend any legislation at all, and the matter stood as before.

In January, 1855, a general law was passed which provided that whenever the citizens of any county desired to relocate the county seat they might secure an election for that purpose by a petition presented to the county judge. In accordance with this law, a petition signed by nine hundred and fifty voters of Clayton County was presented to the judge, asking for a vote on the question of removing the county seat from Garnavillo to Elkader. The petition was granted and a vote was ordered to be taken at the next April election in 1856. Elkader received eleven hundred and thirty-five votes while Garnavillo received only nine hundred and sixty-four. So the county seat was changed to Elkader and that event was made the occasion for printing some more so-called poetry.

The coveted prize was not retained long by Elkader, however, for the citizens of Guttenberg soon petitioned for another election and with the help of the citizens of Garnavillo they won the contest — the vote being two thousand and thirty-eight for Guttenberg and seventeen hundred and six for Elkader. But Elkader did not propose to submit tamely to this decision. An order of the court was

obtained forbidding the removal of the offices because of alleged fraud on the part of the citizens of Guttenberg. Before the writ could be served, however, the offices had been transferred to Guttenberg and no further effort was made by the Elkader partisans to have the election contested or the offices returned. That was in 1858.

The reestablishment of the county seat at Guttenberg was no particular advantage to Garnavillo, however, so the inhabitants of the town which had been founded as the "permanent" county seat set about securing the return of the county government from Guttenberg to Garnavillo. The petition for this purpose was signed by many of the citizens of Elkader. At the April election in 1859 the question was submitted to a vote, and Garnavillo won by a majority of one hundred and fifty-eight votes. Again the county officers returned to their old home at Garnavillo.

Almost immediately Elkader proposed a test of the issue against Garnavillo and a petition for this purpose was willingly signed by citizens of Guttenberg. Accordingly, the question was again submitted to a vote in 1860 and Elkader won by a majority of more than six hundred votes.

No time was lost in effecting the removal of the county offices to Elkader. Indeed, the county seat had become so transient that whenever an election was ordered the officials at once proceeded to pack their books and papers preparatory to an early de-

parture. In this respect the officers were said to be like "chickens that had been removed so often from point to point that whenever they saw a covered wagon they lay on their backs and crossed their legs ready to be tied."

The McGregor *Times*, in commenting on this election, said, "Elkader is undoubtedly the county seat of Clayton County for the ensuing year. At McGregor, Garnavillo received a majority of forty votes, but enough has been heard to admit of no doubt of Elkader's success. Here the voters care very little about the annual scramble. It is a disgrace to the county. We propose to Judge John Garber to purchase a daguerrean car, attach a pair of mules to it, locate the recorder and treasurer in the basement, finish a pilot house on deck for himself, and move the business around the county, locating in the timber during the winter and on the prairie in summer. We suppose a petition will be circulated in ten days for 'relocation' to some other ambitious point."

Four years passed, however, before another election was held for possession of the county seat. By that time McGregor had entered the contest. The election was held in November, 1864, and resulted in twenty-four hundred and three votes for Elkader and sixteen hundred and nine for McGregor. Apparently the more central location of Elkader and actual possession of the county offices were insuperable advantages.

Four years later, in 1868, Garnavillo again made a final attempt to secure the seat of justice. An election was ordered between Garnavillo and Elkader, which resulted in favor of Elkader by a majority of seven hundred and thirteen votes. This appears to have been the last election to settle the perennial rivalry between Guttenberg, Garnavillo, McGregor, and Elkader, although several efforts have since been made to have the question of relocating the county seat submitted to a vote — all without avail. Elkader has remained the capital of Clayton County for more than sixty-six years.

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