

Twixt Rockingham and Davenport

In the fall of 1837 the Legislative Assembly of the Territory of Wisconsin provided for the establishment of Scott County, and stipulated that the "seat of justice" in the county should be established "either at Davenport or Rockingham" as might be decided by the qualified voters of the county, at an election to be held for that purpose. The law also provided that this election should be held on the third Monday in February, 1838, that polls should be open at H. W. Higgins's hotel in Rockingham, at John H. McGregor's hotel in Davenport, at the home of J. A. Richards, and at the home of E. Parkhurst in the village of Parkhurst (now the town of LeClaire). The returns of the election were to be made and certified to the clerk of the district court of Dubuque County, and, in turn, certified by him to the Governor of the Territory. Persons residing in any county attached to Scott were specifically not authorized to vote.

Pursuant to this statute, the election held in Scott County on February 19th aroused tremendous interest. For weeks before election day, the partisans of Davenport and Rockingham campaigned assiduously. Davenport was located on

the river opposite the west end of Rock Island, while Rockingham was inland about three miles farther west. The advantages to be acquired by the town selected as the seat of justice were of sufficient importance to be worthy of no small sacrifice. Appreciative of this fact, the inhabitants of both pioneer communities entered into the contest with a determination to win. So insistent were they, indeed, that temporary residents were permitted to vote. Ballot boxes were "stuffed", and illegal tactics were employed.

"Monday last was the day specified in the act of the Legislative Council", reported the *Dubuque Iowa News*, "for the people to select Davenport or Rockingham as the seat of justice for Scott County. Great interest was felt by friends of both places, and we are sorry to say that it was so great as to induce men to use the most unfair means for the selection of Davenport. Men were engaged, who employed conveyance and paid the expenses of men from this county [Dubuque] to go down and vote for Davenport. This is barefaced injustice, and should never be countenanced by the Council. The bona fide residents of the county are the ones who should make the selection, and the only selection which ought to be considered legal."

Vigorous editorials and indignant communica-

tions appeared in the press. An extract from a letter from Rockingham, which was evidently intended only for the eyes of the editor, was of sufficient interest to be given a place in the news. The writer commended the editor for having "freely animadverted" upon the manner of conducting the election in Scott County. He believed that "such unwarrantable and illegal proceedings" should be exposed, and expressed a willingness to furnish "all the facts and all the minuti" if such were desired. "More than 200 illegal votes were polled at Davenport, for Davenport", he said, "and 10 for Rockingham, which the judges would not receive at the Rockingham precinct". In the county, he added, "there are 270 votes only — 165 of those voted for Rockingham."

From Davenport came comments expressing quite a different viewpoint. One writer regretted that a judgment had been given before both parties were heard, "because in nine cases out of ten, an opinion made up from the first and *ex parte* report of any matter is an incorrect one." The statement that "*Falsehood* travels faster than *Truth*", he said, "is eminently verified in this case." It had traveled very quickly to Dubuque, and had gone on "in *tandem* haste" to the Governor. The means used by the friends of Davenport, whatever they may have been, were "*not unfair*". There was "a

majority of 106 for Davenport. The people of Scott County are satisfied. That majority speaks the voice of the county." The writer also declared that several individuals from Rockingham were reported to have gone to the Governor with affidavits seeking to annul the election. Moreover, there were those, he suggested, who thought the friends of Davenport ought also to go to the Governor with affidavits. "I think not", he concluded. "They have too much respect for Gov. Dodge to trouble him with what he may conceive unnecessary, and too much confidence in him to believe he will do anything without giving them a hearing."

As a matter of fact, the results of the election were reported to Governor Dodge according to law. Facts concerning the illegal conduct of the election must also have been presented. Indeed, the stories of corruption and the influence of liquor could scarcely have escaped his attention. On the basis of common knowledge he declared the election void.

Almost twenty years later, when Franc B. Wilkie published *Davenport Past and Present*, he retold the story of the election in vivid detail. "The matter probably began," he said, "by each party counting noses, and a discovery upon one side or the other that there was a deficiency." Which side first became aware of its shortage and resolved to

supply its needs from abroad is not clear. Before the day of election, however, "both parties were engaged in recruiting *legal voters* — Rockingham in Cedar County, and Davenport in Dubuque." It further appears that an individual named Bellows, holding "a *carte blanche*" from seven residents of Davenport who had suddenly discovered that their town was in need of laborers, started to Dubuque "in the capacity of recruiting Sergeant." That Bellows proved himself a most efficient officer is evident from the fact that "a day or two prior to the election he returned with *eleven sleighloads* of miners, who, in consideration of one dollar per diem, food and whisky, and all other expenses, had agreed to *labor* a few days in Davenport, where they had understood there was a scarcity of hands at that particular juncture." The arrival of this motley crew marked the beginning of "a grand carnival". Houses were illuminated, bonfires lighted, processions formed, gunpowder exploded, and whisky served as "men with tumblers in hand, and elbows bent, were everywhere looking skyward."

On the "memorable nineteenth of February" the town was filled with miners — "roaring patriotically drunk". They were Americans who believed that voting is not only a privilege but a "glorious, blood-bought, inalienable right", and so

they voted. "They were the fiercest, raggedest, most God-forsaken crowd under the heavens." To challenge them was useless, for to them perjury was nothing. To attempt forcible resistance was madness. What could the good citizens of Davenport do but let them vote?

The miners voted, and were soon again on their way. It is recorded that during their brief sojourn they drank "three hundred gallons of whisky, and other liquors, and cost those who brought them, for transportation and other expenses, over \$3,000!" Nevertheless, all this was to no purpose, for Governor Dodge annulled the election.

And so the rivalry of Rockingham and Davenport continued and Scott County remained without a seat of government. At the special session of the Legislative Assembly in June, another election was authorized to be held on the first Monday of August "for the purpose of deciding whether the town of Davenport or the town of Rockingham, shall be the seat of justice". Only free white male citizens of legal age and residents of Scott County for sixty days were eligible to vote. Any non-qualified person convicted of participating in the election was subject to a fine of not less than \$100 or more than \$500. The returns were to be counted by the sheriff of Dubuque County in the presence of the county commissioners.

At this election Rockingham seems to have "laid aside all conscientious scruples", and resolved to win by fair means or foul. The struggle was harder than before, and the fraud greater. Non-residents were sworn in as "old settlers", and more votes were cast than the population warranted. All of which, however, seemed to be in strict conformity with the oath taken by some of the judges: that they should "to the best of their ability, see that votes were polled to elect Rockingham the county seat."

When the votes were counted it was found that Rockingham had a majority, but the Dubuque county commissioners took the liberty of "purging the polls" by throwing out a sufficient number of votes to give Davenport a majority of two. Thereupon the Rockingham party applied to the Supreme Court for a writ of mandamus to compel the county commissioners to report the result in favor of Rockingham. The court, however, refused to act for lack of jurisdiction, and thus the contest continued.

At the next session of the legislature another election was ordered. Rockingham eventually withdrew from the contest. Davenport won the final election and erected a courthouse free of cost to the county.

J. A. SWISHER