

Guilty or Not Guilty

On the second day of December, 1837, John Wilson, a ferryman from Stephenson (now Rock Island), Illinois, appeared before David Hendershott, justice of the peace at Burlington (the capital of the Territory of Wisconsin), and made a sworn statement charging a member of the legislature with having solicited and received a bribe and with failure to do what he had agreed to do in return for the bribe. The man accused was Alexander W. McGregor, a lawyer and real estate dealer residing near Davenport, but then in Burlington as a Representative of Dubuque County.

According to Wilson's affidavit, McGregor had asked for his support in the election and promised to assist him in securing a charter for a ferry from Stephenson to Davenport. (Wilson had purchased this ferry from Antoine LeClaire in 1836, but his charter had expired.) After McGregor was elected, Wilson had promised him \$100 if the legislature granted him the desired charter. After giving McGregor a petition with the signatures of several persons, Wilson had left on a trip and did not again see McGregor until the legislature had convened at Burlington.

At that time McGregor told him that a group of Davenport men, including his brother, were interested in establishing a ferry at Davenport and that he felt he should present their petition, but he offered to promote Wilson's charter instead if Wilson would give him \$300. Wilson objected to the amount (apparently not to the bribery), but McGregor insisted and pointed out that Wilson would lose much of the value of his ferry-boats and equipment if he did not get the charter.

After thinking it over and consulting several advisers, Wilson asserted, he gave McGregor his note for \$300 dated November 29th, due in thirty days. Below the note McGregor added the following notation: "The above note is not given in consideration of any account said McGregor may have against me up to this date for professional services, neither on any settlement between him and I; but the accounts shall stand unsettled." At the same time, according to his deposition, Wilson asked for and was given a copy of this note.

This affidavit soon came to the attention of the House — indeed, it was apparently intended for that body. On the following Monday, December 4th, just after McGregor had presented a petition, Representative Charles C. Sholes of Brown County offered a resolution providing for the appointment of a committee to investigate the

charges. Sholes, P. H. Engle of Dubuque County, and W. B. Sheldon of Milwaukee County were appointed on the committee. The members apparently carried on their regular legislative duties during the day and devoted their evenings to the investigation.

On December 5th the committee interviewed John Wilson. His testimony was essentially the same as the statements in the deposition. He told the committee that McGregor had suggested that he (Wilson) join the proposed Davenport company and that they had agreed that Jeremiah Smith should present Wilson's charter in the Council. The affidavit accusing McGregor had been drawn up by W. Henry Starr. Wilson's ire had been aroused, he testified, because he had been informed that McGregor, when asked whether Wilson's charter bill in the Council would harm the one he presented in the House on behalf of the Davenport company, had replied that the Council petition was from an old rascal whom nobody thought anything of.

A number of other witnesses were examined. McGregor was an active participant in the questioning and must have given some explanation on his own part, but no statement by him to this committee was reported. Wilson was represented by W. Henry Starr and James W. Grimes, both

young lawyers in Burlington. Some witnesses asserted that Wilson's reputation for veracity was good, some that it was bad. Some said McGregor was considered trustworthy, others that they would not believe him. Some witnesses had quarreled with Wilson; others were personal enemies of McGregor. Two witnesses — B. W. Clarke and Dr. Reynolds — testified that Wilson had consulted them concerning McGregor's proposition and that they had advised him to accept it.

The members of the committee apparently did not believe whatever explanations McGregor may have made, for the report, submitted on January 2, 1838, was definitely unfavorable to the accused Representative. It did, however, explain that McGregor had asked for delay in order to get in touch with W. H. Eades who was, he claimed, a material witness for his defense. In concluding its report, the committee proposed the following resolutions:

“Resolved, That the conduct of John Wilson, in offering to a member of this house a bribe, for the performance of certain legislative services, is highly reprehensible; and that the said John Wilson be brought before the bar of this house, to be reprimanded by the speaker.

“Resolved, That in the opinion of this house, Alexander W. M'Gregor, a member of this body,

has been guilty of recovering a bribe, in the shape of a note drawn for \$300, from John Wilson, of Stephenson, Illinois, for services to be performed in a legislative capacity, and that, in consequence thereof, the said Alexander W. M'Gregor ought to be, and hereby is expelled from his seat in this house."

This resolution aroused much feeling, and House action on it was postponed from time to time on McGregor's plea that he was unable to locate W. H. Eades, his key witness. In the meantime Wilson published a notice in the Burlington paper in which he printed the wording of the note and the explanatory supplement, and then added: "The public are hereby notified that I shall not pay said note, as it was fraudulently obtained and is without consideration. They are also warned against receiving any note of the above amount; as the stipulation appended to the note may be torn off.

"N. B. the Editors of the Iowa News [Dubuque] and the Backwoodsman [Grafton, Illinois], are requested to give the above one insertion and send their bill to this office."

On the fifteenth of January, McGregor presented to the House a sworn statement of his case. He had, he explained, acted as Wilson's attorney in several matters connected with the ferry previous to his election as Representative. After his

election Wilson had asked him to draw up a petition for a charter, and he had complied, but he had explained to Wilson that he was in favor of giving the charter to Davenport residents. Soon after the legislature convened, Wilson made a business trip to various places along the Mississippi and McGregor asked him to take along some notes and collect what money he could. Among these notes, but inadvertently omitted from the receipt slip, so McGregor declared, was a note for three hundred and some odd dollars given him by a man named Eades. Wilson collected and sent to McGregor by J. W. Parker a little more than eighty dollars on some of the listed notes. On this much McGregor and Wilson agreed.

In addition to this, McGregor swore, Wilson had brought him three hundred and four dollars and some cents which he had collected from Eades and had then asked if he might keep this money for a month. McGregor agreed, gave him the odd four dollars for his trouble, and took his note for the \$300 payable in thirty days. The explanation was added so that this note would not be considered as having been given in payment for his professional services. Later in the day (but not at the time the note was made out and signed) Wilson had asked for and received a copy of this note.

With this explanation McGregor filed an affi-

davit signed by W. H. Eades on January 2, 1838, in which Eades deposed that "sometime about the month of May" (1837) he had given A. W. McGregor a note for "three hundred and four dollars and some cents, payable twelve months after date, which I paid in Saint Louis, Missouri, to a Mr. Wilson, as he called himself, about the last of November, one thousand eight hundred and thirty-seven, and he surrendered my note to me." This affidavit was sworn to before a justice of the peace in Cass County, Illinois, and the clerk of the county commissioner's court of Cass County certified the official status of the justice of the peace. This affidavit gave some support to McGregor's defense, but it was, it must be admitted, a little indefinite, particularly as McGregor seems never to have been able to produce Eades as a witness. He remains throughout a mysterious and shadowy figure in the case.

On the sixteenth of January the House, not satisfied with McGregor's statement and the Eades affidavit, but willing to give the accused Representative every possible opportunity to produce Eades, voted twenty to three to postpone consideration of the charges until the convening of the extra session in June. It decided, however, to take up at once the resolution of censure directed at John Wilson, although it would appear that his

guilt was inextricably connected with the guilt or innocence of McGregor. Wilson was represented by two lawyers, W. Henry Starr and James W. Grimes. The resolution was first amended to read "giving" in place of "offering" a bribe, and the words "according to his own statement on oath" were added.

During the debate, Representative Patrick Quigley of Dubuque emphatically urged that the House go on record in condemnation of Wilson. "Sir", he declared, "if we this day pass over the first opportunity of this nature which our infant Legislature has had of expressing its deep indignation at a crime so baneful, corrupt, and blighting, what injury will we not inflict by our example upon millions yet unborn? To acquit this man we cannot. He is either guilty of bribery or he is guilty of perjury, and at all events he is guilty of contempt." At one point in Quigley's remarks, Starr interrupted him with the blunt statement, "It is false". Quigley was much incensed and Starr was arrested by the sergeant at arms on the charge of "contempt". The House then went on with the discussion. Finally, after much jockeying of votes and motions, the resolution to censure John Wilson was rejected by a vote of 17 to 7.

More discussion then occurred concerning what should be done with Starr, who was technically a

prisoner of the House. He was permitted to speak, explained his hasty remark, and apologized; but Quigley was not mollified. P. H. Engle introduced a resolution that Starr should be fined \$100 and imprisoned for twenty-four hours, but this was rejected and the crestfallen Starr was discharged. Quigley was highly incensed at the refusal of the House to reprimand Wilson for his conduct and to punish Starr for having (in effect) called him a liar, and on the following day he resigned his seat.

This seems to have ended the case of McGregor *vs.* Wilson in the regular session in the winter of 1837-1838. Wilson was, however, granted an exclusive ferry charter for ten years, the bill having originated in the Council and passed the House without a record vote. No explanation for the complaisance of the House in regard to John Wilson's confessed part in the alleged bribery has been found. The resolution of censure was rejected, he was given the charter (for which he asserted he had given McGregor the discredited note) although he was not at the time a resident of Wisconsin Territory, and Quigley asserted in his published explanation of his resignation that the House gave Wilson \$120 for his attendance during the investigation. The official record of such expenditures does not, however, appear in the *House Journal*.

During the interval between the adjournment of the regular session and the convening of the special session, A. W. McGregor resigned his seat in the House of Representatives; and in the election to fill vacancies, Lucius H. Langworthy was chosen in his place. Quigley was again elected to the seat he had resigned. The bribery charge against McGregor was not dropped, however, although he could not be expelled from a seat he had already resigned. On June 20th the House adopted the following resolution:

"Whereas, Alexander W. McGregor, late a member of this House, from the county of Dubuque, was arraigned before the bar of this House, on the affidavit of John Wilson, charging him with having taken a bribe in his official character of legislator: and whereas, the said McGregor plead innocence of the charge, & occupied much of the time of this House in introducing testimony to that effect, none of which was satisfactory: this House postponed a decision upon this case till this session, that the said McGregor might have ample time for his defence, and to prove his innocence: and whereas pending the resolution offered by the committee selected to investigate said charge, said McGregor has resigned his seat in this House: Therefore,

"Resolved, That, in the opinion of this House,

the said Alexander W. McGregor stands charged before this House and the people of this Territory, of the offences of receiving a bribe, extortion and corruption, and is unworthy and undeserving of its confidence."

This resolution was adopted by a twelve to nine vote. Representative Quigley immediately offered a second resolution charging John Wilson with corrupting and bribing A. W. McGregor, a member of the House, but again the House refused to censure Wilson.

This vote is the last record found concerning the bribery episode in the first legislative assembly held on Iowa soil. One hundred years have passed since A. W. McGregor and John Wilson stood arraigned before the bar of the House at Burlington. We can not see these men and their witnesses to judge their characters. We can not know the open and the secret jealousy and rivalry which so often directed the current of official and legislative action. On this incident we have no clue to that elusive public opinion, often unpublished, which explains so many decisions. Why did the House hold McGregor guilty of receiving a bribe but clear Wilson of giving the bribe? Was it a case of "State's evidence"? Most elusive of all is the question, what became of the mysterious W. H. Eades? Was he a non-existent person created to

furnish testimony; or did he die or move beyond the jurisdiction of the Wisconsin legislature? Did McGregor ever attempt to collect the \$300 due on the note? We do not know.

It appears that the majority of the House members felt that McGregor had used coercion to secure the note and that Wilson was more the victim of an unscrupulous official than the originator of the bribe. Yet the fragments of information gleaned from the papers, records, and histories of the next few years do not picture McGregor as a man deprived of the respect of his fellow citizens. Apparently he continued to reside near Davenport until his death about twenty years later. He served as president of the Scott County Agricultural Society in 1840 and his name appears among those of nine men who gave a bond to erect a courthouse and jail free of charge to the county if Davenport were made the county seat. His reputation, however, must have suffered severely from the bribery charge. Whether he was "guilty" or "not guilty" is still an enigma.

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