The Palimpsest

JANUARY 1938

CONTENTS

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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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The National Scene in 1838*

Martin Van Buren was President of the United States in 1838. When he entered the White House the previous year with the aid and blessing of Andrew Jackson, Victoria of England was in the first year of her reign; Louis Philippe was on the throne of France; Germany and Italy as we know them had not achieved unification; Japan was yet deep in medieval slumber. There were twenty-six States in the Federal Union, and the population was approaching the seventeen million to be reported in the census of 1840. Foreign immigration was on the way to becoming a major factor in the nation's life. Whereas less than 150,000 persons came to these shores between 1820 and 1830, approximately 600,000 were to arrive during the fourth decade of the century.

The American people were pressing eagerly into their marvelous West. By the opening of the

*For a similar view of national conditions five years earlier, by the same author, see THE PALIMPSEST for February, 1933.

eighteen thirties, Ohio had more people than Massachusetts and Connecticut together. In 1838, Indiana and Illinois had been in the official family for two decades; Michigan had just entered. The Mississippi River had long since been reached and crossed. Louisiana became a State as early as 1812, Missouri in 1821, and Arkansas in 1836. In addition to its generous land policy, the Federal government was encouraging the westward migration with the construction of the National Road. It was in 1838 that Congress made the last appropriation for that famous highway. Altogether it cost the government nearly seven million dollars.

In the older sections of the country, urbanization was proceeding rapidly during the fourth decade of the nineteenth century. Between 1820 and 1840, cities containing upward of 8000 inhabitants increased in number from thirteen to forty-four. By 1840, New York had over 300,000 persons, Philadelphia over 220,000, New Orleans and Baltimore over 100,000 each, and Boston 95,000. Urban growth was the measure of the nation's industrialization. Factories were multiplying and the body of labor increasing. Massachusetts and Rhode Island were the centers of textile manufacture; New York and Pennsylvania of the iron industry. The total value of manufac-

tured products in 1840 was half a billion dollars.

Domestic commerce moved chiefly on water highways. Supplementing the rivers was an expanding network of canals. Railroads were still in their infancy though experiencing impressive growth. From twenty-three miles in 1830, railroad trackage increased to 2800 miles in 1840 as against a canal development in the latter year of 3320 miles. By this decade the domestic economic triangle was pronounced. The South was selling cotton to the East; the West was sending its surplus food products to the South; and the East was shipping its manufactured articles to both South and West.

Foreign commerce was of small volume in 1838. In that year, the nation's exports were valued at little more than $100,000,000. Agricultural products accounted for eighty per cent of this total, three-fourths of these being cotton. Consequently, the amount of manufactured goods exported was very small. Imports in this year were valued at less than $100,000,000. In reference to the future of American maritime commerce, it is worth noting that in 1838 the English coal-burning, wooden, side-wheel steamship *Great Western* crossed the Atlantic, and in spite of the stirring challenge of the American clipper ships some years later, the English proved to be more

far-sighted in resting their bid for ocean supremacy on steam.

A condition of economic distress prevailed in the United States a hundred years ago. If, on the one hand, the vast sweep of western land provided magnetic attraction for the settler, it also was an irresistible temptation to the speculator. The gulf between speculation and development steadily widened, and in 1836 President Jackson moved to check the disparity. His Specie Circular of that year required the use of gold and silver in payment for government land purchases, thus indirectly discrediting the masses of paper money that the banks, many of them wildcat institutions, had put in circulation. Nervous persons hurried to convert their paper holdings into specie, but since there was not nearly enough metal to make redemption, the banks were helpless before the demand. Panic, as economic depression and recession were called in those days, swept the country. Business firms went down with the banks in the crash; factories closed; prices soared. Labor suffered severely as unemployment spread and wages declined as much as fifty per cent. Labor unions, which by 1837 had achieved a membership of 300,000, received a setback the effects of which were felt for two decades. Poor Van Buren, like Cleveland in 1893, and Hoover in 1929, ar-

rived in time for the storm, and his administration was plagued by its misery.

A flurry of hostility disturbed the international affairs of the United States. In 1837 a rebellion broke out in Canada against British authority. There were "incidents" on the border between Maine and New Brunswick. Americans were accused of assisting the rebels. On the other hand, Canadian militia entered American waters and seized a ship which was operating in the service of the insurgents. In January, 1838, Van Buren sent General Winfield Scott to the scene of the trouble. A truce was eventually reached, and final settlement embodied in the Ashburton Treaty of 1842.

In the decade of the thirties the controversy between North and South was assuming distressing sharpness. During its earlier years, South Carolina's threat of nullification had been faced down by Andrew Jackson, though Congress yielded to the demand of the planters for a low tariff. But, cotton was on the march. Texas (which had seceded from Mexico in 1835, and witnessed the tragedy of the Alamo the following year) was pressing for annexation. Until the eighteen twenties, southern slaveowners had been at least half-apologetic for their labor system, but by 1838, John C. Calhoun of South Carolina was describing Negro bondage as "a positive good". There-

after, the pro-slavery argument grew passionate as servitude became more deeply entrenched in the land of cotton.

Equally intense was the movement at the North opposing slavery. In 1831 came William Lloyd Garrison breathing defiance in *The Liberator,* and fiercely declaring, "I will not equivocate . . . I will be heard." Anti-slavery organizations rapidly multiplied, and a stream of intemperate literature poured from their presses. Congress was deluged with petitions and memorials. The cause had its bloody martyrdom in 1837 when Elijah Lovejoy was shot down at Alton, Illinois. Two years later the office in Philadelphia where John Greenleaf Whittier was editing the *Pennsylvania Freeman,* was attacked and burned. In 1838 the underground railroad was formally organized in Philadelphia.

In the United States a hundred years ago, determined efforts were being made to broaden and democratize education. The New England effort of colonial days had not inspired imitation in the other sections, so that in the country as a whole education was largely a private matter, to be enjoyed by those who could afford to pay for it. Some free schools existed in the southern and middle States for the use of the children of the poor. But these labored under what in those days

was regarded as the stigma of charity, an attitude which militated against the emergence of the free school for all. Nevertheless, dynamic men were pressing for educational reform, notably Horace Mann in Massachusetts and Henry Barnard in Connecticut and Rhode Island.

The soil of the West was fertile for the growth of a democratic system of education. The famous Ordinance of 1787 had marked a promising beginning by providing for the reservation within each future township of one section of the public land for the support of schools. On the higher levels, too, education was democratically broadened as State universities emerged and spread across the country. Michigan wrote its university into the State constitution in 1835, and the University of Vermont was rechartered as a State institution in 1838. Missouri made provision for a State university in 1839.

This period witnessed the beginning of recognition of women's right to higher learning. Co-education became a practice at Oberlin College, Ohio, in 1833, and in 1836 a female seminary was established at Mount Holyoke, Massachusetts. Nine seminaries in Iowa, authorized in 1838, were to be open to students of both sexes.

Nor was adult education ignored by this eager generation. The free public library was a growing

institution; vocational courses were being given in the cities at mechanics' institutes; and the lyceum was spreading across the land. Appearing in the eighteen twenties, the lyceum had about 3000 local units by the middle thirties. There were State lyceum boards; and in 1839 was held a national lyceum convention. One of the very few of Abraham Lincoln's early speeches to be preserved was given in 1838 before a young men's lyceum in Springfield, Illinois.

The advance of mind and spirit in America was reflected in the literature of the period. Now came a promise for American letters that the future was to fulfill brilliantly. Irving and Cooper were already established. An edition of Bryant's collected poems appeared in 1832, and between 1834 and 1840 George Bancroft published the first three volumes of his history. Edgar Allan Poe was in the midst of his producing career, and, in 1838, went to Philadelphia to become editor of *The Gentleman's Magazine*. In the following year he published his *Tales of the Grotesque and Arabesque*.

The thirties were an eventful decade in the life of Emerson. During the year 1837 he called Americans to a declaration of intellectual independence in his epochal Phi Beta Kappa address, "The American Scholar". Equally stirring was

his address in 1838 to the senior students of the Cambridge Divinity School urging independence from traditional creeds and religious orthodoxy. These were the years when the Transcendentalists were meeting together for discourse and disputation, and at the end of the decade *The Dial* was established, that the fruits of their symposia might not be lost.

Hawthorne came quietly into print in 1837 with *Twice Told Tales*. In 1838, Longfellow began publishing lyrics in the *Knickerbocker Magazine* which were reprinted in his first volume of poems in 1839 as *Voices of the Night*. At the opening of the thirties, Whittier published his *Legends of New England*, and volumes of poems in 1837 and 1838. In the latter year he went to Philadelphia to edit the *Pennsylvania Freeman*. Through the thirties, too, Whittier was writing and publishing anti-slavery verses later to be gathered into a volume as *Voices of Freedom*. Beyond the writing of books, newspapers were multiplying in number and circulation; the decade saw the beginning of the New York *Sun* and the New York *Herald*.

By the eighteen thirties the first generation of painters that could pretend to competence had passed from the scene. Copley died in 1815, West in 1820, and Stuart in 1828. But the number of American-born artists was increasing and, though

European influences were still strong, native feeling was becoming more perceptible. Portraiture was yet the pronounced form of painting. Chester Harding of Massachusetts was in such demand as a portraitist that the aging Stuart asked, "How rages the Harding fever?" Henry Inman settled in Philadelphia and, in 1838, earned by his art nearly $9000. William Sidney Mount varied portraiture with *genre* studies: his "Raffling for the Goose" and the "Power of Music" are still able to endure close technical scrutiny, and stimulate great emotional pleasure. The promise of deeper native feeling was in the Hudson River School of landscape painters.

Society in early nineteenth century America was not without musical appreciation. Folk songs of the English, Dutch, Germans, and Scotch were sung. Moved to lament or ecstasy by slavery or religion, the Negro bondsmen developed words and melody that could not fail to arrest the attention of white society. Church and choral music was already conspicuous. Opera was getting a start in the Italian Opera House of New York City, opened in 1833 and destroyed by fire in 1839. Interesting was the immediate controversy over the question whether opera should be sung in English or Italian, with the majority demanding English.

The level of American culture was more gratifying to Americans themselves than to critics abroad, but at least one Englishman was constructively interested in the intellectual harvest of the years. It was in 1838 that Congress accepted the munificent gift of one hundred thousand pounds from James Smithson, providing for "an establishment for the increase and diffusion of knowledge among men." The result was the creation of the Smithsonian Institution.

By 1838, American society was becoming impressed with the magnificence of its heritage and the splendid prospect of the future. A tide of elation was rising in the national heart. Soon would be heard the surging chant of "manifest destiny". Not many yet could hear the low rumble of gathering tragedy — the rising storm of "irrepressible conflict". And no one, not even himself, dreamed of the significance of Abraham Lincoln who, at this midway point of his life, was a member of the Illinois legislature, and just establishing himself in his residence at Springfield.

HARRISON JOHN THORNTON

The Geography of Wisconsin Territory

On July 4, 1836, exactly sixty years after the signing of the Declaration of Independence, the Territory of Wisconsin was established. The boundaries of this vast wilderness were far-flung, extending from Lake Michigan on the east to the Missouri and White Earth rivers in the west, and from Illinois and Missouri on the south to Lake Superior and the pine-clad borders of Canada at the north. Greater in size than the Old Northwest Territory, the Territory of Wisconsin embraced an area almost equal in extent to the thirteen original States when Washington was inaugurated President. The capitals of five States — Madison, Des Moines, Saint Paul, Pierre, and Bismarck — are now contained within the area of that forest and prairie empire. Madison, which in 1837 could count only a few log cabins, had been selected as the future capital of Wisconsin Territory but, pending the erection of public buildings, the straggling village of Burlington in Des Moines County served as the temporary capital of a region whose boundaries extended far beyond the military frontier of that day.

A pulsing drama had been enacted on this vast

stage of lake and forest, of lush prairie grass and wind-swept plain. At Green Bay in 1634 the landfall of the white man in Wisconsin occurred when Jean Nicolet discovered the dusky Winnebago Indians. Thirty-nine years later Joliet and Marquette shot their light canoe out of the Wisconsin River and gazed at the mighty expanse of the Father of Waters. From the banks of the Mississippi in what is now Minnesota, Michel Aco and Louis Hennepin viewed the Falls of St. Anthony in 1680 while being led northward as captives by the Sioux. In the Galena-Dubuque mineral region in 1690 the Miami Indians induced Nicholas Perrot to mine lead. On the shores of the muddy Missouri in 1742 the intrepid La Verendrye brothers visited the Mandans and buried a leaden plaque opposite present-day Pierre.

Indians still roamed unmolested over nine-tenths of Wisconsin Territory in 1838. Not a single cession had been made in Minnesota or the Dakotas. In present-day Wisconsin only the land south of the Fox and Wisconsin rivers had been opened for settlement. Most of the Winnebago Indians were still east of the Mississippi and north of the Wisconsin River although they had promised to cross over into the Neutral Ground where a school had been established for their children on the Yellow River. The Stockbridge In-

dians from New York were located around Green Bay and the Menominee were still harvesting wild rice north of them. The Chippewa Indians ranged between the Mississippi and Lake Superior and were constantly at war with their neighbors to the west, the Sioux, whose warlike tribes ruled the northern plains from the sources of the Mississippi to the village of the Mandans.

Across the Mississippi, in what is now Iowa, some 22,859 settlers had been attracted to the Black Hawk Purchase since 1833. Three additional areas — the Half-breed Tract, the Keokuk Reserve, and the Second Purchase — had opened about one-fifth of the Hawkeye State to settlement by 1838. The land to the westward was still the red man's hunting ground.

The Sauks and Foxes had raised their wickiups west of the Black Hawk Purchase and a few Ioways still camped on the Nodaway. The Potowatomi were straggling into southwestern Iowa. Other tribes were being moved west of the Mississippi. "The number of Indians which will be on our western frontier, when the scheme of emigration shall have been accomplished," declared the Fort Madison *Patriot,* "is estimated at about two hundred and fifty thousand, capable of bringing into the field fifty thousand warriors."

Throughout the year Indians paid frequent vis-

its to the white settlements. Black Hawk "honored" Fort Madison with his presence while Chiefs Whirling Thunder, Yellow Thunder, and Caramanee appeared at Mineral Point to consult Governor Henry Dodge about Winnebago annuity payments.

Military posts dotted this vast wilderness in 1838. Fort Howard was located at Green Bay, Fort Winnebago at Portage, Fort Crawford at Prairie du Chien, and Fort Snelling stood on a towering bluff at the mouth of the Minnesota River. Only two years before, Fort Armstrong had been abandoned, while the troops had marched away from Fort Des Moines in 1837. Camp Kearny had been established in the Council Bluffs area in 1837 but was quickly abandoned. Fort Leavenworth was the only post on the Missouri River where troops were available to quell Indian troubles on the western border of Wisconsin Territory in 1838.

Wild game was abundant. Both Alfred Brunson and Theodore Rodolf spoke frequently of herds of deer. Sometimes they saw as many as fifty. Snakes were everywhere. When Cutting Marsh visited Poweshiek's village he found that that typical red man preferred hunting to agriculture. The fur trader was important in this wilderness: Joseph Rolette and Hercules L. Dousman

ruled with iron hands at Prairie du Chien, and Henry Hastings Sibley received many dusky visitors at his trading post opposite Fort Snelling.

The mineral resources of this region were well-nigh unlimited: copper and iron lay in the northland while valuable lead mines sprinkled the Galena-Dubuque area. The coal and gypsum mines of Iowa lay untouched, the latter actually unknown. Only the lead mines were important enough to have attracted settlers. Thus, in 1836 there were 10,531 settlers in the Black Hawk Purchase and 11,683 in the region east of the Mississippi. About half of these were located in the Galena-Dubuque mineral region. But avaricious land speculators ruined this area for legitimate settlers and between 1836 and 1838 most of the immigrants built their cabins in eastern Wisconsin or in the southern half of the Black Hawk Purchase. By 1838 there were only 18,149 people east of the Mississippi and 22,859 in the Iowa district.

There were many who thought highly of this region. "I consider the Wisconsin Territory as the finest portion of North America, not only from its soil, but its climate," Captain Marryat declared. "The air is pure, and the winters, although severe, are dry and bracing; very different from, and more healthy than those of the Eastern States."

Marryat described the country between Green Bay and Prairie du Chien as "alternate prairie, oak openings, and forest; and the same may be said of the other side of the Mississippi, now distinguished as the district of Ioway." Limestone quarries yielded abundantly. The land did not have to be cleared of timber, there being just enough for use or ornament. According to Marryat: "Prairie of fine rich grass, upon which cattle fatten in three or four months, lay spread in every direction. The soil is so fertile that you have but to turn it up to make it yield grain to any extent".

The rapid growth of Wisconsin Territory apparently elicited "jealousy and heartburning" from Illinois editors. "The tide of emigration stops no longer upon the banks of the placid Illinois, but rolls across the majestic Mississippi," chuckled the editor of the *Iowa News* gleefully. "In plain words, this is the point to which every man the moment he 'pulls up stakes' at home points his eye and hither he wends his way. The consequence is that Illinois is not now *going ahead as rapidly as in times past*. Her population does not increase as fast — her prairies are not settled as quickly and thickly, and her speculators in *'her hundred cities'* are not now amassing a fortune in a single day."

The editor of the *Iowa News* believed the cli-

mate of Wisconsin was extremely invigorating. The atmosphere was generally clear in fine weather and there were but few cloudy days. He believed such a healthful condition was in part explained by the fact that Wisconsin was a level country and had no hills or mountains. The prairie and high table land exposed the country to the wind and to the sun. The rich soil and the presence of Lake Superior and Lake Michigan were also believed to have an effect on the atmosphere.

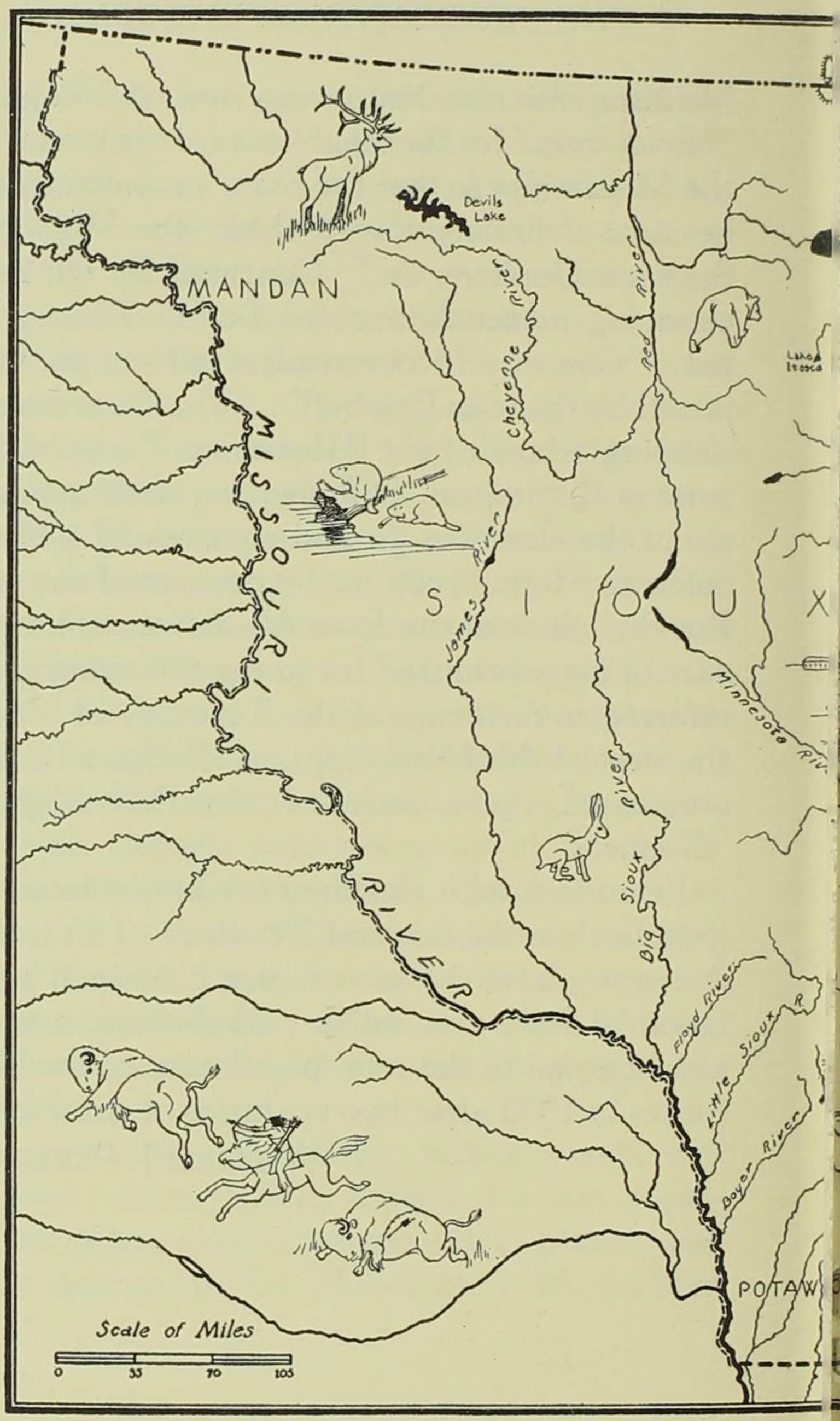
Cutting Marsh, missionary to the Stockbridge Indians, whose reports to the Scottish Society were rarely colored, gave a more conservative view of Wisconsin Territory. "The winters cold, the summers warm, not excessively hot & vegetation rapid. The soil clayey, and of a reddish cast, not remarkable for fertility, tho' sufficiently so to produce, with suitable cultivation, all of the necessaries of life." Of the Black Hawk Purchase, Marsh said: "It is doubtless the most valuable part" of the Territory "for agricultural purposes. For beauty and fertility of soil it is much of it unsurpassed by any that I have seen E. of the Mississippi."

As news from missionaries, Indian agents, soldiers, and editors trickled eastward a new vocabulary of place names, personalities, plants, and animals sprang up. On March 28, 1838, the Fort

Madison *Patriot* had suggested the cognomen "Hawk-eyes" for the inhabitants of the land west of the Mississippi so that the State's etymology could be more definitely traced than "the Wolverines, Suckers, Gophers, &c." Confused by the rapidly changing nomenclature, the Buffalo *Patriot* queried: "Can any of our readers inform us what is meant by the term Gopher!" "Yes," answered the obliging editor of the *Wisconsin Territorial Gazette* at Burlington. "Gopher is a small quadruped about the size of a ground squirrel, of a blackish color and found only in the prairies of the west." But the editor of the *Iowa News* was not at all so sure of his sobriquets, for in the following June he referred to residents of the Territory of Wisconsin west of the Mississippi as "Badgers" and denominated those east of the Mississippi as "Gophers".

Few areas were destined to enjoy a more rapid growth than the original Territory of Wisconsin. A century later the same region contained a population of fully nine million inhabitants, a number almost equal to the total population of the United States in 1820 after two centuries of growth.

WILLIAM J. PETERSEN


Devils Lake
MANDAN
MISSOURI
RIVER
Cheyenne River
Red River
Lake Itasca
James River
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Floyd River
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Boyer River
POTAWATOMI
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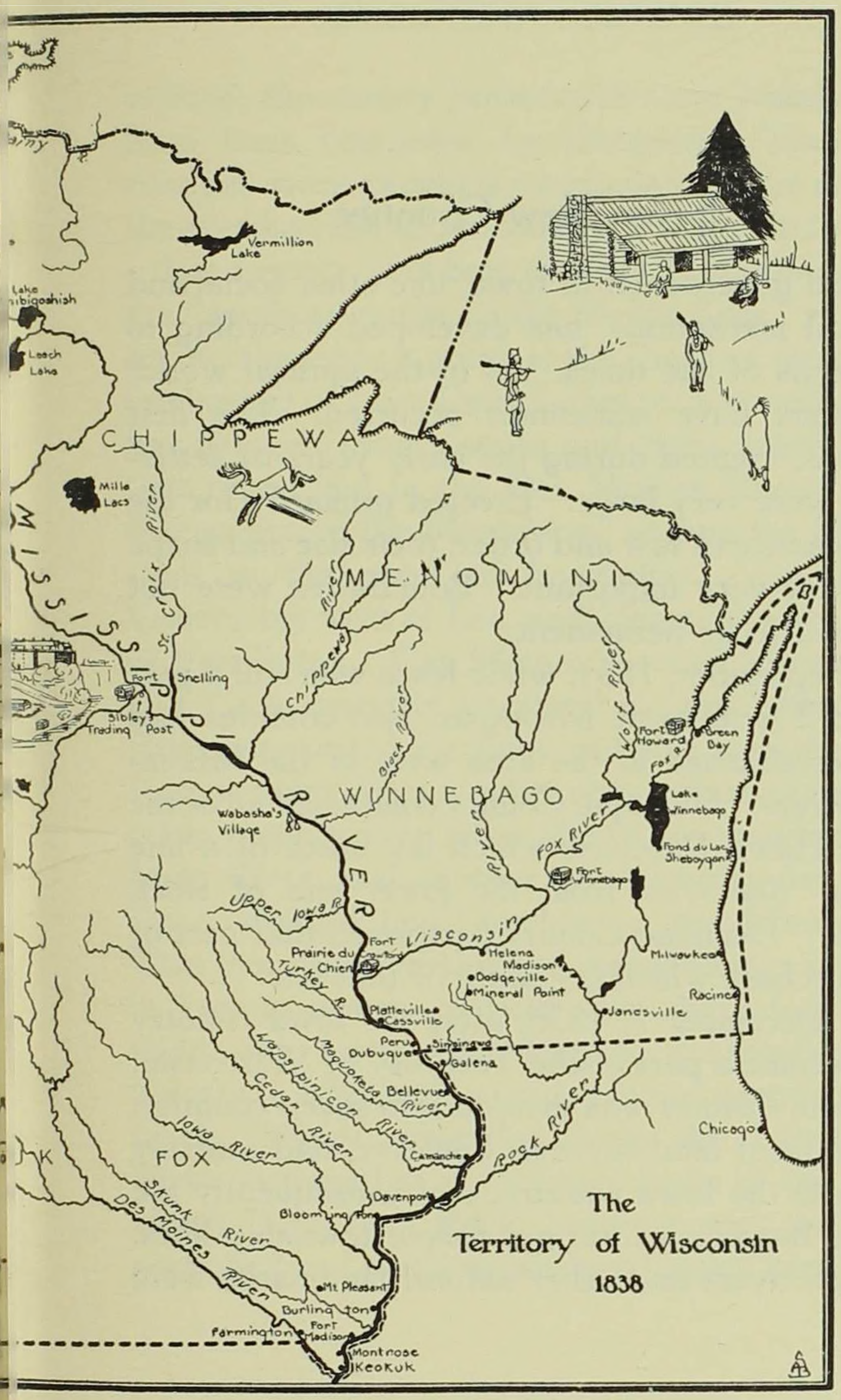
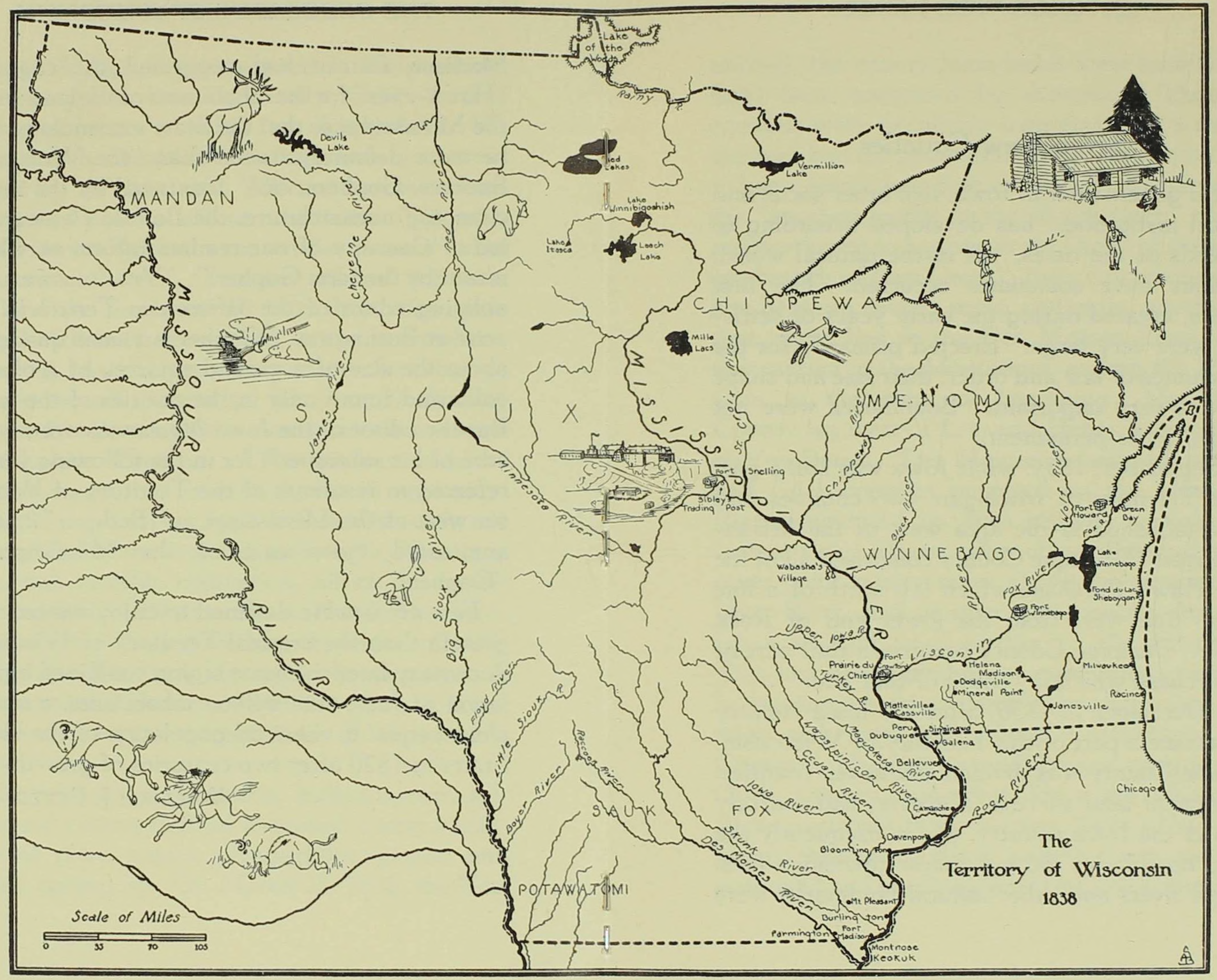
70
105



The
Territory of Wisconsin
1838


Lake of the Woods
Rainy R.
Devils Lake
Red Lakes
Vermillion Lake
MANDAN
Lake Winnibigoshish
Lake Itasca
Leech Lake
CHIPPEWA
Mille Lacs
MISSOURI
RIVER
James River
Cheyenne River
Red River
SIOUX
MISSISSIPPI
St. Croix River
MENOMINI
Minnesota River
Big Sioux River
Snelling
Fort
Sibley Trading Post
Chippewa River
Black River
Wolf River
Fort Howard
Green Bay
WINNEBAGO
Lake Winnebago
Fond du Lac
Sheboygan
Fort Winnebago
Fox River
Wabasha's Village
Upper Iowa R.
Wisconsin River
Prairie du Chien
Fort
Turkey R.
Helena
Madison
Dodgeville
Mineral Point
Milwaukee
Racine
Janesville
Platteville
Cassville
Peru
Dubuque
Galena
Sinsinawa
Little Sioux R.
Floyd River
Boyer River
Raccoon River
Maquoketa River
Bellevue
Scuer River
Wapsipinicon River
Iowa River
Rock River
Chicago
SAUK
FOX
Camanche
Davenport
Bloomington
Skunk River
Des Moines River
POTAWATOMI
Mt. Pleasant
Burlington
Farmington
Fort Madison
Montrose
Keokuk
Scale of Miles
0
35
70
105
The
Territory of Wisconsin
1838

Seven New Counties

Local government in Iowa, like other social and political institutions, has developed according to the needs of the times. As in the natural world, mutations have sometimes occurred. The first counties, created during the early years of settlement, were very large. Erected primarily for the maintenance of law and order, their size and shape were not very important. Boundaries were not intended to be permanent.

In September, 1834, while Iowa was still a part of the Territory of Michigan, two counties had been established in the area west of the Mississippi River. Dubuque County comprised all of the Black Hawk Purchase which lay north of a line drawn "due west from the lower end of Rock Island". Demoine County comprised that part of the Purchase which lay south of that line.

On December 7, 1836, after the Iowa country had become a part of the Territory of Wisconsin, Demoine County was divided into seven counties. Government land surveys, however, had scarcely begun in the Iowa country, and consequently the county boundaries did not follow township lines. Though rivers and other natural landmarks were

utilized, the county boundaries were mainly artificial lines computed by distances. Thus, the counties were peculiarly irregular, and a map of the area had the appearance of a "crazy quilt".

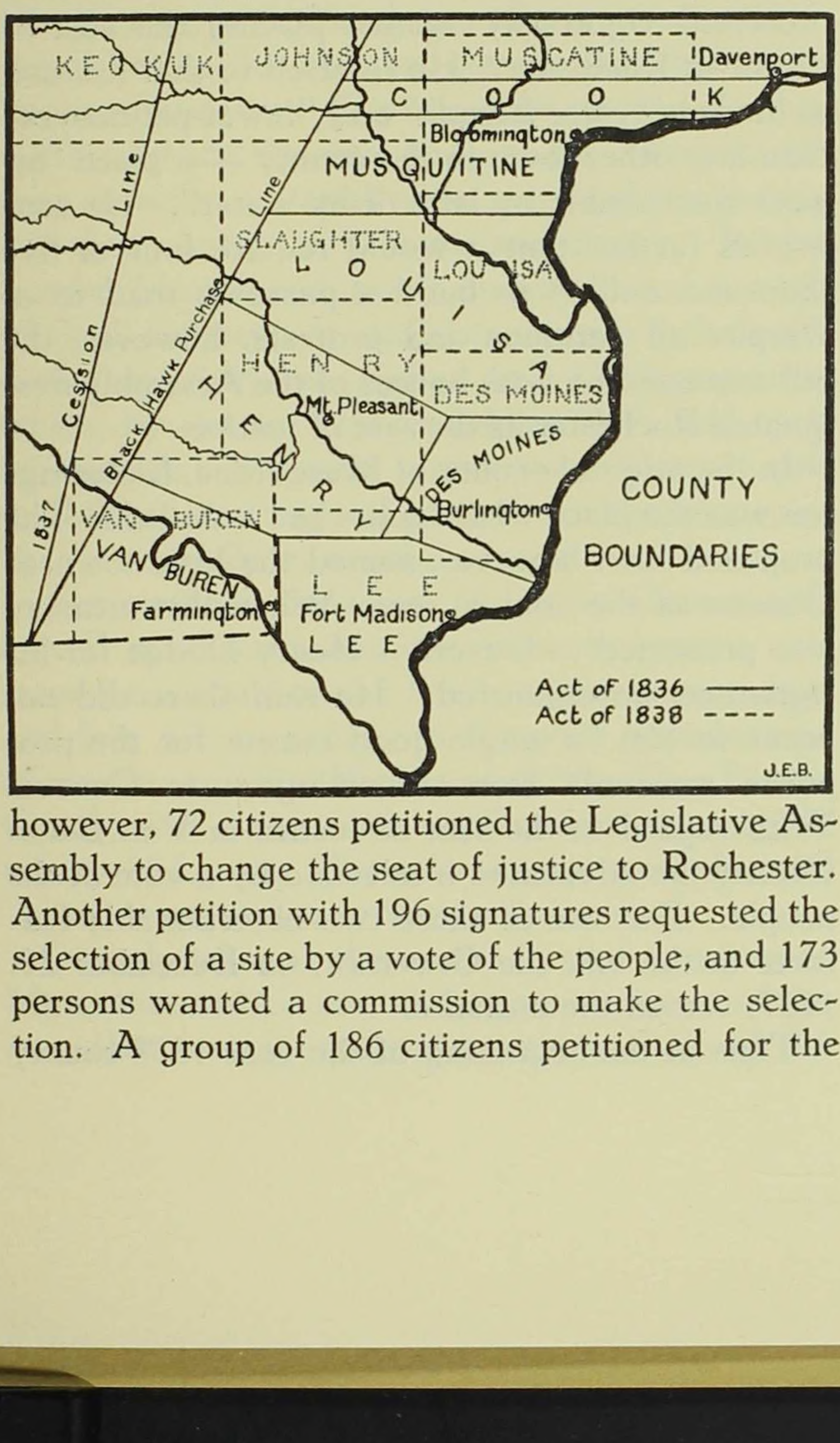
Lee County was first described. Beginning at the "southern outlet of the Skunk river," the line ran northwest to a grove at the "head of the northern branch of Lost Creek", thence due west to the line between ranges seven and eight, south along that range line to the Des Moines River, down that stream to the Mississippi, and up the Mississippi to the point of beginning. Van Buren County lay west of Lee, and Henry County north of Van Buren. Des Moines, Louisa, Musquitine, and Cook counties bordered on the Mississippi River, separated by lines running straight west from a point fifteen miles above Burlington, another point twelve miles above the mouth of the Iowa River, and another point twenty-five miles "in a straight line" farther up the Mississippi. This inaccurate method of measurement resulted in leaving a strip of land only about four miles wide and forty miles long to constitute Cook County. Musquitine and Louisa counties, like Cook County, extended from the Mississippi River westward to the western limits of the Black Hawk Purchase. Each, however, was well proportioned and much wider than Cook County.

In December, 1837, the original county of Dubuque was divided into fourteen counties. Unlike the counties previously established, these counties were laid out in rectangular form, and for the most part their boundaries followed township lines. The three southern counties of this group — Scott, Cedar, and Johnson — were supposed to adjoin the northern counties to be reformed from the make-shift counties of Cook and Musquitine. Actually their boundaries did not conform to the existing counties on the south.

For one thing, the newly formed boundaries of Scott County cut off and absorbed the east end of Cook County. Johnson, likewise, included the west end of Cook County and a small area in the northwest corner of the original county of Musquitine. To further complicate matters there was a considerable area between Cedar County and what remained of Cook County which in fact was not included within the boundaries of any county.

Meanwhile, a bill to redefine the boundaries of the seven southern counties was adopted by the Legislative Assembly. This bill proposed to retain the names of Lee, Van Buren, Des Moines, Henry, and Louisa counties, to substitute the name "Wayne" for "Musquitine", and to form a new county called Slaughter. Moreover, the county seats were named in the bill.

Over the location of some of the county seats a controversy arose. For example, district court had been held at the town of Farmington in Van Buren County. While the new bill was pending,



however, 72 citizens petitioned the Legislative Assembly to change the seat of justice to Rochester. Another petition with 196 signatures requested the selection of a site by a vote of the people, and 173 persons wanted a commission to make the selection. A group of 186 citizens petitioned for the

legislature to establish the county seat at Bentonsport.

When the Council was considering this problem, Arthur B. Inghram of Des Moines County protested vigorously against placing the seat of justice at Rochester. He referred to that location as having "fewer friends" and "fewer petitioners" than any other town in the county — a place "almost inaccessible by land or by water". He contended further that it would require four or five thousand dollars to build a passable road to it. Despite all petitions and protests, however, the bill as passed by both houses of the Assembly designated Rochester as the seat of justice.

In the original county of Musquitine, Bloomington was the place where court had been held. The proposed law, however, named the little town of Geneva as the county seat. When this measure was presented to Governor Henry Dodge for his signature, he demurred. He said there did not occur to him "a single good reason for the proposed removal" from Bloomington to Geneva. With regard to the seat of justice in Van Buren County, he advocated a selection by a vote of the people. Because of these two objectionable features in the bill, the Governor, on December 20, 1837, vetoed the measure.

Thus at the beginning of the year 1838 county

government in the Iowa country was in turmoil and county boundaries were in a very apparent state of confusion. The boundary and county seat bill, however, revised to meet the Governor's approval, was passed and signed on January 18th. According to this measure the northern boundary line of Muscatine County was pushed farther northward and the west line was moved eastward, thus reducing materially the length of the county and designating its present boundaries. In this manner Muscatine County absorbed what was left of Cook County. It was also made to include the area lying between Cedar and Cook counties, which, by the act of December, 1837, had been left outside any county jurisdiction. This act also established the "seat of justice" for the county at the "town of Bloomington".

The southern boundary of Louisa County was moved northward and the west boundary was moved eastward to the line between ranges four and five, corresponding to the west boundary of Muscatine and Des Moines counties. Thus Louisa County was made much smaller than the original county of Louisa. The seat of justice was located "at the town of Lower Wappello".

Directly west of the newly formed counties of Muscatine and Louisa, and occupying most of the area that was formerly the western half of the

original counties of Musquitine and Louisa, was a new rectangular area called Slaughter County. The town of "Astoria" was designated as the seat of justice. In reality, however, the "town of Astoria" never developed. Only one house was ever erected there. This may have been used temporarily as a courthouse, but its history is brief, and its location is not now known. Perhaps it was near the present site of Ainsworth. Slaughter County, like its erstwhile seat of justice, was destined to have a short existence. With boundaries somewhat altered, it later became Washington County.

By the act of January 18, 1838, Van Buren County, like Muscatine, was given its present boundaries, while Henry, Des Moines, and Lee counties were given boundaries similar to those which they now possess.

In Van Buren County the seat of justice was fixed temporarily "at the town of Farmington", and provision was made for the voters to determine the ultimate location. At an election held in October, 1838, it was decided to move the seat of justice to Keosauqua — a more nearly central location within the county. In Henry County the seat of justice was established at Mount Pleasant, and no serious attempt has been made to change it. The capital of Des Moines County was estab-


NEUTRAL GROUND
CLAYTON
PRAIRIE LA PORT
FAYETTE
FOX COUNTRY AND SAUK
BUCHANAN
DELAWARE
DUBUQUE
DUBUQUE
BELLEVUE
JACKSON
BENTON
LINN
JONES
CLINTON
CEDAR
CAMANCHE
KEOKUK
JOHNSON
ROCHESTER
NAPOLEON
SCOTT
DAVENPORT
MUSCATINE
BLOOMINGTON
SLAUGHTER
LOWER WAPPELLO
LOUISA
HENRY
MT. PLEASANT
DES MOINES
VAN BUREN
BURLINGTON
KOSSAUQUA
LEE
FARMINGTON
PORT MADISON
COUNTIES
AND
COUNTY SEATS
IN
1838

lished at Burlington, and in Lee County a similar honor was conferred upon the town of Fort Madison. County seat contests later developed in each of these counties, but in each case the location selected in 1838 has come to be the accepted one.

Thus, in the evolution of local government — in the adoption of rectangular surveys, in the designation of county boundaries, and in the selection of county seats — the act of January 18, 1838, is significant. With only minor changes the decisions then made have survived the fluctuations of politics and local rivalries for a hundred years.

J. A. SWISHER

Chartered Towns

Municipal government in Iowa began with an act of the Legislative Assembly of the Territory of Wisconsin on December 6, 1836. This measure provided that whenever "the white male inhabitants" of a town of three hundred inhabitants wish to become incorporated "for the better regulation of their police", it should be lawful, upon ten days notice, for such persons as had resided there for six months, "to assemble themselves together in public meeting" and "proceed to decide by vote, *viva voce,* whether they will be incorporated or not." If a count of the vote showed that two-thirds of those voting were in favor of incorporation, a meeting was called at a later date for the election of five "trustees" for the town. These trustees selected a president from their own group, and the president and trustees were "considered in law and equity a body corporate and politic" for the conduct and management of municipal affairs.

In accordance with this law the people of Dubuque and Burlington signified a "wish to be incorporated", and that wish was carried into effect. Elections of trustees were held in the spring of 1837. At that time these were the only towns in

the Iowa district large enough to be entitled to a municipal form of government.

Meanwhile, Congress authorized the towns of Fort Madison, Burlington, Bellevue, Dubuque, and Peru to be surveyed. The proceeds from the sale of lots was to be paid to the town trustees. Inasmuch as Bellevue and Peru had less than 300 inhabitants, the Territorial incorporation act was amended on January 12, 1838, to allow those two towns to organize and elect trustees.

Fort Madison was laid out in 1835. But this being the site of a federal fort, questions of validity of title were raised and the town was resurveyed. The first sale of lots under the government survey was made in 1838. Unlike Dubuque and Burlington, Fort Madison apparently was not organized as a village under the legislative act of 1836 — its local affairs being administered by county and township officers.

Population in these early river towns grew rapidly, however, and perplexing questions soon arose relative to the control of docks, ferries, shipping, vending, traffic, and a multitude of other interests which it was necessary to govern and control by municipal authorities. Accordingly, the need for a new and more flexible form of municipal government was apparent.

An obvious and very easy way of obtaining an

effective municipal organization was to ask the legislature for a special charter which would meet the needs of the particular community. In accordance with the early American practice, legislatures were accustomed to grant such charters when requested, and to embody in them such provisions as might be requested by the local community. The usual method of securing a special charter in Iowa was for the inhabitants of a town to petition the legislature in writing. In some instances, a delegation from the locality was sent to the capital for the purpose of presenting a charter which had been previously drafted by a committee of citizens. The proposed charter was, of course, introduced by a member of the legislature from the county in which the city or town was located. Such charters were usually passed with little discussion and without opposition.

The charters of Burlington and Fort Madison, granted on the same day, January 19, 1838, were similar in general outline, yet considerably different in detail. Each charter provided for an annual election of officers by the qualified voters. They varied, however, as to the time of holding elections, the number of officers, and the qualifications of voters. The Burlington charter provided that "for the preservation of peace and good order, and the promoting of the prosperity and quiet" of the

city, "the free white citizens" of twenty-one years of age, should on the first Monday of February of each year, elect a mayor and eight aldermen, a recorder, treasurer, and engineer. And strangely enough, it provided that these officers should "be commissioned by the governor of the territory". The Fort Madison charter, on the other hand, provided that, on the first Monday of May each year, "the free male inhabitants" of the city, should elect "a president, recorder and five trustees", any five of whom should constitute a board for the transaction of business.

Each charter authorized the council to levy and collect taxes. The Fort Madison charter provided, however, that all poll taxes should be applied to the repair of streets, "and to no other purpose". It also provided that taxation should not exceed, in any one year, the sum of twenty-five cents on each one hundred dollars worth of property taxed, unless upon petition of a majority of the property holders of the city.

The Fort Madison charter formed the model for subsequent special charter legislation. The fundamental laws of Bloomington (Muscatine), Salem, Farmington, Iowa City, and Mount Pleasant were patterned closely upon this model. Both the Burlington and Fort Madison charters were repealed within a few years and superseded by

more elaborate ones. Nevertheless, the form and practices which they established were closely followed in the general charter law when the legislature was no longer allowed to pass such special statutes.

At the end of a century only four municipalities in Iowa are still operating under special charters — Davenport, Muscatine, Wapello, and Camanche. The charters of Burlington and Fort Madison, however, had a tremendous influence upon the character and development of municipal government in Iowa.

J. A. SWISHER

A Commonplace Calendar

While patriots laid the foundations of political, economic, and spiritual destiny, the rank and file of humble citizens lived in the realm of Commonplace. For them the history of 1838 consisted of daily work and events of personal significance.

New Year's Day. The weather was warmer "than ever before felt in the country at this season of the year." A warm rain stripped the earth of snow and entirely cleared the ice from the channel of the Mississippi. One enterprising citizen "was busily engaged in prairie breaking" near Dubuque.

Wednesday, January 3. Governor Dodge approved a law declaring that all Territorial roads should be sixty-six feet wide. ♦ A Literary Association, formed on the lyceum principle, was organized at Dubuque.

Thursday, January 4. The House of Representatives indefinitely postponed consideration of a bill to prevent Sabbath breaking.

Saturday, January 6. Mrs. Martha Rorer, wife of David Rorer, "a lady estimable and exemplary in every relation of life", died in Burlington.

Monday, January 8. Robert Baneford, John

Vanetia, and John Blaycock were named by law to establish a road from Bloomington to the "forty mile point on the Cedar river" by way of Geneva, Moscow, and Rochester.

Thursday, January 11. Ira Pingry and Mary Zimmerman, both of Big Maquoketa, were married.

Friday, January 12. John Pearson's new barn in Burlington burned, "the work, doubtless, of an incendiary." The barn "was the best in the Territory, built after the manner of Pennsylvania barns, and just finished last fall." ◆ The Territorial legislature dissolved the bonds of matrimony between Louisa Ann Sibley and William T. Sibley, and Louisa Ann was "restored to all the rights and privileges of a *femme sole.*"

Saturday, January 13. The weather continued fair, "having much the appearance of Indian Summer".

Monday, January 15. A statute provided for the incorporation of Dubuque Seminary for the education of both sexes in science and literature. The legislature also granted a divorce to Lucinda Jones and Abraham Jones of Burlington. Lucinda was given control of the three youngest children — Betsy Ann, John Wesley, and Sarah Malinda.

Friday, January 19. The Territorial legislature authorized the organization of Philandrian Col-

lege at Denmark, and seminaries at Fort Madison, West Point, Burlington, Mount Pleasant, Augusta, Farmington, and at a rural community in Des Moines County.

Tuesday, January 23. The lyceum at the courthouse in Dubuque was open to the public.

Thursday, January 25. The librarian respectfully requested that all books out of the Territorial Library be "returned as early as possible."

Saturday, January 27. Though the Mississippi River was frozen at Prairie la Port, it was still running at Dubuque. The ground was covered with about two inches of snow, which brightened the prospects for better sleighing. At Burlington the season was unpleasant and very changeable. The river was still open, though sometimes so full of ice that only Parry and his canoe dared to "venture upon its partible surface".

Tuesday, January 30. The city charter of Burlington was accepted "by a very large majority." ♦ A cold wave struck Dubuque. The river froze solid enough to be crossed with safety. If the zero weather should continue, "jolly fellows" planned to go sleigh riding on the river.

Wednesday, January 31. The coldest night of the winter at Burlington. Though the river was still open, it was "jam full of ice".

JOHN ELY BRIGGS

Comment by the Editor

THE TERRITORIAL CENTENNIAL

The year 1838 was important in the political history of Iowa. For three hundred years destiny had been pointing toward the Great Valley in the heart of America. Spaniards had come seeking gold and precious jewels; Frenchmen with dreams of empire had taken possession of the land that extended beyond the boundaries of their explorations; British soldiers had fought for control of the fur trade and won a continent, only to lose it to their American cousins. In a single generation the frontier of settlement moved across the old Northwest Territory and beyond the Mississippi. Everywhere the pioneers took with them the political institutions of free people. As population increased, new Territories were created and States were formed. A century has passed since the Territory of Iowa was established.

Though politics made 1838 significant in Iowa history, the birth of the Territory was not the only event that illuminated the manner and purpose of life among the early settlers. Up the Mississippi and across the prairies of Illinois came hundreds of pioneers — farmers, merchants, lawyers, doc-

tors, preachers, miners, surveyors, carpenters, blacksmiths, and speculators — all contributing to the character of frontier society and affecting the trend of public affairs. Men and women with high hopes and superb courage were busy taming the wilderness of forest and prairie, clearing the ground and laying the foundation for a better culture than their own. Many of the noblest achievements of later years had their origin in the vision and labor of those indomitable people.

In recognition of the contributions of the founders of the Territory to the political, social, industrial, and cultural welfare of Iowa, every number of THE PALIMPSEST in 1938 will be devoted to the history of the commonwealth a hundred years ago. Politics will inevitably play the leading rôle in the drama of 1838, but other interests and occupations will have prominent parts. Month by month the character and scenes of a century ago will occupy the stage of printed pages, to the end that the ancestors of Iowa may live again in the minds and hearts of the present generation.

J. E. B.

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