

## The Pen Knife Quarrel

When the Territory of Iowa was created in 1838 President Van Buren appointed William B. Conway of Pittsburgh to the office of Secretary of the new Territory. This selection is said to have been in reward for Conway's earnest support in the election of President Jackson and later of Martin Van Buren. Prior to receiving his commission as Secretary of the Territory of Iowa he was editor of a Democratic newspaper in Pennsylvania in which he gave full expression to his partisan bias. Conway had never held a political office until his appointment as Secretary and he had had no experience in public affairs, but he was young, ambitious, and eager to assert his authority in the new office. Moreover, his lack of tact, his delight in facetious expressions, and his peevish temperament continually embroiled him in controversies during his sojourn in Iowa.

One of these quarrels arose between Conway and the Council of the First Legislative Assembly of the Territory of Iowa shortly after that body met at Burlington in Old Zion Church. On November 23, 1838, eleven days after the session started, the Council found itself in need of several articles necessary or convenient for the use of its members. Accordingly a resolution was passed asking the Secretary of the Territory to furnish the members of the Coun-



cil with "pen knives, stamps, half a dozen ink stands, and a tin pan for each stove in the Council Chamber."

This resolution was sent to the Secretary and on the following day, November 24th, he replied to the Council in a characteristic letter. Conway wrote that a resolution "in relation to pen-knives, tin pans, &c" had received the "attentive consideration which the magnitude of the subject" appeared to demand and that the part of the resolution which related "to extra ink stands and tin patty pans" would be promptly complied with. He asserted that pen knives could not be secured, but that this deficiency was not due to any ill will or neglect on his part. Moreover, he took great pains to recite what he had already done for the convenience of the members of the legislature. Stationery for the use of the legislature had been purchased in Cincinnati but had not arrived because navigation on the Ohio had been entirely suspended. This, he informed the Council, was "the act of God" whose will was beyond human power to resist and whose designs human wisdom could not counteract. He said that as soon as the Governor had named the day on which the legislature was to convene he as Secretary had "proceeded to St. Louis, to make preparations for the approaching session, and returned, in despite of every peril, to provide for the comfort and convenience the dignity and elegance of the Honorable, the Legislative Assembly; and for whose comfort and convenience



and dignity" he had "made every provision within the reach of his power always excepting knives."

Since that time the Secretary had tried to get knives at Burlington, but knives of suitable quality and in a sufficient quantity could not be procured in this town. "And the Secretary can't make knives", he declared. "If he could do so, he would do so, with expedition and pleasure." He promised that, at the next session, "if it should comport with his own wishes, and the wishes of all those whom it may concern, that he should retain his present station" he would take "especial care to supercede the necessity of any further legislation on the subject of knives" because it was his earnest wish that "all the members should have knives and stamps, and folders, and all and singular such thing or things, device or devices whatsoever, as may facilitate the operation of the hands in yielding assistance to the deliberations of the head."

This flippant and ironical reply of the Secretary greatly offended the Council and the letter was referred for consideration to the committee on expenditures. In the meantime Mr. Conway was informally advised by Stephen Hempstead and Jesse D. Payne, members of the committee, that the purpose of referring the letter to this committee was to determine whether the reply was "deficient, as regards the respect claimed by and due to, the Honorable Council." The Secretary at once suggested to these gentlemen and later to Robert



Ralston, the other member of the committee, that, in his judgment, the proper thing to do would be to inquire formally of the Secretary whether "disrespect was *intended*" by his letter or not. This suggestion Conway repeated in a note to the committee so that "his wish to explain might thus become a matter of record." He was confident that the position he had taken was the "only one which, as a gentleman, he could occupy, and this position he was determined to maintain."

The members of the committee, however, must have deemed it beneath their dignity to ask for explanations concerning the intentions of the Secretary. They assumed that Mr. Conway, being responsible as a public official for his statements and experienced as an editor in the use of the English language, would mean what he said. At all events they paid no attention to this note asking to explain the intent of his first letter. On November 27th the committee reported "with much regret" that the "communication of the Hon. Secretary of this territory to the Council, dated Nov. 24th, is of such a nature as to call forth a severe animadversion upon its tone and spirit." The evident intention of that communication, in the opinion of the committee, was not only to treat with irony and contempt the resolution of the Council requesting certain supplies, but at the same time "to convey the idea that the articles asked for by the resolution were unnecessary and unimportant."



Besides taking exception to the tone of Conway's reply the committee report also complained that the Secretary had failed to make suitable preparations for the session of the legislature. The house which they were to occupy was found to be unprepared notwithstanding the great peril which the Secretary claimed to have experienced in returning from St. Louis, "to provide for the comfort and convenience, the ease, elegance, and dignity of the Honorable Legislative Assembly". The committee realized that the reason for this, according to the Secretary, "was the act of God" and, although it "would not pretend to impute blame to the Hon. Secretary, for the frustration of his great designs, by the Creator of the universe, whose powerful arm can arrest the progress of Governors, Secretaries, and Legislatures", the committee did think it was "somewhat surprising that the acts of God, should so far intervene, as to prevent officers of the Council and House of Representatives, from getting upon the credit of the Legislature, a few tin cups and a bucket to drink out of". Moreover, the committee asserted as a matter of fact, that the Secretary had taken great pains "to prevent the Merchants and citizens of Burlington" from extending credit to the officers of the Council and House of Representatives by intimating that such accounts would not be paid by him.

This combination of circumstances left the Council no other alternative than to ask the Secretary to supply the missing articles. The committee did not



think that the resolution had implied any disrespect to the Secretary and therefore regretted very much that he "should have so far forgotten the dignity which he owed to himself, his office, and the Representatives of the people, as to attempt to ridicule their proceedings and make their acts a subject of merriment and derision."

In conclusion the committee emphatically assured the Secretary that the Legislative Assembly would not "tamely submit to the insults and derision of any officer of this Territory; and they, at all times, will defend to the last their honest rights, and the liberty of the people whom they have the honor to represent." This sentiment and, indeed, the whole attitude of the committee apparently received the hearty indorsement of the entire Council, for the report was adopted without a single dissenting vote.

Mr. Conway, however, read the report with "perfect astonishment" and, thinking that "*all*" of the members of the Council might not have been aware that he had desired to explain the intent of his original communication before any official action was taken, he addressed a letter to the Council on November 28th in which he severely rebuked the members of that body for not inquiring of him whether he meant any disrespect before they condemned him. An opportunity to explain, he declared, "was a preliminary requirement which intercourse between *gentlemen*, whether official, or personal and private, imperatively required." In view of all he had done



to reach an understanding with the committee he respectfully requested the Council to reconsider the vote on the adoption of the condemnatory report. If for any "incomprehensible reasons" the Council should not comply with this request the Secretary announced that he would be "reduced to the unpleasant alternative of joining issue on the Report itself", in which event he would be "abundantly prepared to satisfy any and every honest, honorable and rational mind", both as to facts and principle, that the report should not only be reconsidered but rescinded.

On the following day, November 29th, President J. B. Browne referred this letter to the Council for consideration. It is evident from the laconic record in the journal that the mood of the Council had not changed since the adoption of the committee report two days before. Thoroughly impressed with the dignity and importance of their own office, the members of the upper house of the first Territorial legislature had expected to be treated with courtesy and profound respect. They had been irritated by the Secretary's facetious response to their request for pen knives and tin pans, and had frankly stated their opinion of his conduct. But it was not in Mr. Conway's nature to receive censure with humility, and when his blustering report was read in the Council chamber the farcical qualities of the controversy quite eclipsed the original contentions. It must have been with an air of suppressed mirth that



Mr. Payne moved to lay the Secretary's letter on the table until the Fourth of July. Mr. Hempstead thought the letter should not be printed in the journal and, amended to that effect, Mr. Payne's motion was adopted.

The rage with which Secretary Conway read of this action in the journal may well be imagined. The criticism of the Council he had resented, but to be openly flouted by a few backwoods lawmakers, to have his earnest efforts in retrieving a false step greeted with ridicule, to be treated with contempt was more than he could endure. With mingled feelings of vindictiveness, injured pride, and self-defense he immediately wrote a long communication to the Council in which he reviewed the whole controversy and concluded with an elaborate analysis of the facts and principles involved.

He did not stop to consider whether or not the Council had "vastly transcended their rightful powers" in excluding "an official communication" of an officer of the government "from their Journal (a public Record, the property of the people,)" but proceeded at once to consider the report of the committee on expenditures. The assumptions upon which that "unwarrantable Report" were based he reduced to five "methodical specifications".

The "first and the most material" of these assumptions was that the Secretary's "*intention*" had been to treat the resolution of the Council with "*irony and contempt*". "Who could explain the



Secretary's intention but himself", he asked. Yet when he offered to do so he had been denied the opportunity and the Council had proceeded to "torture his language into contempt".

The second assumption in the committee report was that the Secretary had intended to "*convey the idea*" that the articles which the Council asked for were "unnecessary and unimportant". In reply Mr. Conway called attention to his previous "sufficiently respectful" communications to the Council as evidence of "the estimation in which he held *all*" of the comforts and conveniences of the Legislative Assembly. Moreover, there could be no question of the "*importance*" of the matter because "the progress of this unwelcome negociation had added Gothic proportions to a subject not heretofore believed to have been capable of such vast extension!"

The next "accusatory statement", according to the Secretary, charged him with having intimated that he would refuse to honor accounts made by the officers of the legislature. He replied that when he wished to be "understood to make an intimation" his meaning could "seldom be misapprehended". He reminded the Council that, as the disbursing officer of the Territorial government, he was "bound under a penalty of Twenty Thousand dollars" to account for all expenditures and he could not allow every person claiming to be an officer of the legislature to buy whatever he pleased without the restriction of obtaining an order from the Secretary. He



had, however, offered to give specific orders for the purchase of supplies as they were needed and these orders he insisted had never been withheld, or dealt out with a niggardly hand. Moreover, in reply to the plea for a "few tin cups and a bucket to drink out of" which the committee had "so beautifully and pathetically paraded before the public, through the medium of a Senatorial Report", Mr. Conway alleged that he had never refused an application for a "few tin cups and a bucket to drink out of" made to him "in form, or out of form, by any man, woman, or child, that does now exist, or ever has existed". Indeed, "his heart would have melted within him, if such a touching idea had ever reached his feelings, even through the misty visions of a dream, that any Member of the Honorable Council should have suffered the slightest inconvenience for want of a 'few tin cups and a bucket to drink out of.' "

The fourth and fifth "methodical specifications" related to the lack of "*many necessary* articles of stationery and furniture" and to the inadequate preparations that had been made for the session of the legislature. The Secretary bade the members of the Council look around their chamber and see if the surroundings were such as to be an excuse if the laws passed "should not bear the impress of wisdom". And as to making preparations for the coming of the legislators Mr. Conway reminded the Council that "the duties of the Secretary, on that occasion, were unusually arduous. It was the *begin-*



*ning* of the *first* session. A new Government was to be established. The Rivers were all down to the lowest ebb, and the season was anomalous, in the calendar of Autumn. Still the Honorable Representatives met; though the rain fell, and the winds blew, and the heavens lowered gloomily upon their meeting! May God forbid that this should be ominous of the result of their deliberations." Meanwhile the "Secretary was out, through mud and rain, directing and assisting in everything that could be done, to prepare comfortable and pleasant quarters for men who had the honor to represent a free people."

Thus having disposed of the "facts" in the case Conway approached the subject from the standpoint of "principle". The Council had "solemnly condemned an officer of the Territorial Government" without a hearing, he declared, in spite of his request for an opportunity to explain. The "common right of self defence" had been "rashly invaded". Authority "equivalent to the most despotic usurpation" had been assumed by the Council "without allowing the accused the exercise of that right which the meanest criminal can claim". What gentleman of the Council, he asked, would "submit, with servile tameness to a proceeding like this"? How then could they "ask the Secretary to bow down, in meek submission, before a rash decree" at which their sense of honor and justice must revolt. The Golden Rule, he averred, "is a maxim which not only bears



the sacred impress of Divine authority, and wisdom, and goodness; but it is also the test of true honor." As for himself he "would still fondly cling" to the "pleasing conviction" that this doctrine might yet "receive the assent of the Council".

In conclusion he reminded the Council that he was bound to transmit to the President and to Congress a copy of the proceedings of the Council. His official certificate was necessary to give validity to the proceedings in the courts of the Territory. Since he had "sworn to do his duty" he warned the Council not to make the mistake of supposing that he would give validity to "*mere selections*" from the journal or to a mutilated and garbled record. On the contrary he promised to "attest, before the people, and the Courts of this Territory,—before the Congress, and the President of the United States, and before high Heaven" that the record was false. His own official communication of November 28th had been "excluded from the Journal", had been "spurned from the Record"—the record which was the "*property of the people*" and of which the Secretary was "the legal *Guardian*". It was his duty, he reiterated, to "record and preserve *all* your *Laws* and *proceedings*," and "less than all he will *not* receive." This action, Conway asserted, was not prompted by any hard feelings toward the members of the Council or by a desire to inflict an injury on any of them, but he proposed nevertheless to defend his own rights and his own honor.



At this point he inquired whether the members of the Council were prepared "to reconsider and recind" the committee report. He did not ask that it be "*expunged*", for he did not approve of that principle, "if the defence be allowed to accompany the accusation." He merely requested that the journal be restored to that condition which would authorize him to certify that it was a complete record. He would require no sacrifice of the "true dignity" of the members of the Council nor "would he inflict a wound" on their "proper pride". He only asked for the revocation of a decree which branded him with official delinquency, for his offense was nothing more than the clash of "Senatorial gravity" on the one hand and the "easy familiarity" of his "*epistolary style*" on the other. Finally he professed himself to be "anxious to renew his friendly intercourse" with the Council if that could be done on "honorable terms". These terms were that the "condemnatory Report" of the committee "*in its moral effect*" should be recinded, revoked, annulled and made void."

This letter was dated December 3, 1838, but it was not until December 27th that further formal communication in regard to the matter passed between the Secretary and the Council. On that date Mr. Conway, at the suggestion of Judge Thomas S. Wilson, sent a note to the Council stating that he was willing to withdraw his original communication of November 24th if the report of the committee on



expenditures, "together with subsequent proceedings of the Council, in reference to said communication" were also withdrawn. This, the Secretary had been "informally advised", the Council was willing to do. He would then be prepared, he said, to renew his "relations with the Council, official and personal, as they existed prior to the 24th of last November."

On motion of Mr. Payne the Council resolved to comply with the suggestions of the Secretary and the quarrel was amicably settled. In the meantime, disagreements developed between the lawmakers and Robert Lucas, Governor of the Territory, over the problem of expenditures. Conway, having made his peace with the Council, then proceeded to join forces with the Legislative Assembly in vigorous opposition to the Governor.

JACOB VAN EK