Michigan Personalities

In the course of history there are apparent incongruities. The capital of the Iowa country in 1836 was east of the Mississippi River, at the town of Belmont in Wisconsin. In the following year the capital of Wisconsin Territory was west of the river, at Burlington in what is now Iowa. By a similar paradox the beginnings of Iowa government are to be found not in Iowa, but in the territories to which it had been attached before 1838.

In 1834 Iowa as a part of Michigan Territory was under the political control of men far removed from the country beyond the Mississippi. The capital was at the town of Detroit, more than a thousand miles from the extreme western boundary of the Territory. It was there that the laws governing the Iowa country were enacted, there the policies of administration were determined, and there were to be found the officials who played leading rôles in shaping the destiny of their western domain.

When Lewis Cass resigned as Governor of Michigan Territory in 1831 to become Secretary of War in the Cabinet of President Jackson, he

was succeeded by George B. Porter as Governor. At almost the same time, Stevens T. Mason had been made Secretary of the Territory. This latter appointment had created political furor, for there was a provision in the law that in case of the absence or illness of the Governor, the Secretary should become Acting Governor, and young Mason was not yet of legal age.

President Jackson, however, paid no attention to protests, and Governor Cass before leaving for Washington gave a reception to which the political leaders of the Territory were invited and at which young Mason was toasted in a gladsome manner. From that time forth, political opposition subsided, although newspaper editors continued to vie with each other in commenting upon the anomalous situation of having a "mere stripling" in a place of such high responsibility and power. When Governor Porter became ill and Mason succeeded him as Acting Governor, the Detroit *Journal* wittily remarked: "Our territory is left in rather a novel predicament just now. We have one Judge and one 'Acting Governor' who if he lives until next October and no accidents befall him will be twenty-one years of age." Young Mason acquitted himself well, however, and rode the political storm to become popularly known in later years as the "Boy Governor" of Michigan.

During the administration of Governor Porter, Mason was frequently called upon to serve as Acting Governor. In the face of constant fear of Indian warfare; during the cholera epidemics of 1832 and 1834, when a large percentage of the urban population was swept away; and when the activity of Detroit citizens in the underground railroad caused a race riot, Mason conducted administrative affairs creditably. In the long-continued Michigan-Ohio boundary dispute and in the so-called "Toledo War", he played a significant, almost spectacular, part.

Among the young people of the Territory, Mason was a popular leader. Although it was clearly apparent that in those early days he was much more concerned with political interests than he was with purely social engagements. To his attractive and popular sisters, sojourning in the East, he wrote protesting against the fashions of the day. In a half serious and half humorous vein, he declared that if he had an empire of his own he would as strictly quarantine the approach of fashion as he would the approach of a contagious fever, and he warned them not to bring home any exquisites of fashion concealed in their frock sleeves. If you do, he continued, "I shall follow the recent example of Governor Hayne of South Carolina and consider it my duty as Chief Magis-

trate of Michigan to issue a proclamation against your landing in the Territory."

When the sisters disregarded his entreaty and wrote him that they had invited the distinguished English authoress Harriet Martineau to visit them in their Detroit home, Mason replied: "I have been standing daily in dread of the arrival of Miss Martineau . . . I wish her no harm, but pray heaven she may never arrive . . . An earthquake would not produce more terror amongst us than her presence. Everybody about the house trembles at the noise of a steamboat. Even the old gobbler in the yard seems frightened, for the knock of Miss Martineau at the door of our mansion is the knell of his departure 'to the place from which turkeys never return'. If a master's hopes, his servant's petitions, and a gobbler's prayer will avail anything, heaven will send adverse winds to the vessel that bears Miss Martineau to our port."

Such were the characteristics and idiosyncracies of the man who was at the head of Territorial affairs when on June 28, 1834, Iowa became a part of Michigan Territory. Indeed, on July 6, within eight days after the date of the annexation, Governor Porter died and Mason, then only twenty-two years of age, became Acting Governor in full control. Four months later, President

Jackson named Henry D. Gilpin as Governor of the Territory. The appointment was not confirmed by the Senate, however, and young Mason continued to serve as Acting Governor. Thus during the first six months that Iowa was attached to Michigan Territory three different men were associated with the rôle of Governor. Mason alone, however, was the Chief Executive in fact.

The Michigan Territorial Delegate in Congress in 1834 was the versatile and distinguished Lucius Lyon, later widely known as United States Senator from Michigan, and ultimately rewarded with the office of Surveyor General of the United States. Lyon was a native of Vermont who had come to Michigan in 1821. As a surveyor he gained a wide and intimate knowledge of the topography, geology, and natural resources of the Territory. Through the acquisition of favorable locations for the establishment of towns, he became one of the most wealthy and influential men in Michigan. Nominated as a Delegate to Congress in 1833 while surveying in the vicinity of Galena, he continued for some time with his work, making politics a matter of secondary concern. Before the date of the election, however, he gave a "great feast" to the miners who in turn, it is said, "gave the whole six hundred votes of that sparcely settled region to him". As a result

he was elected to Congress by a substantial plurality.

In debating the pre-emption law which would be applicable to the Iowa country Lucius Lyon, as Senator from Michigan in 1838, met both John C. Calhoun and Henry Clay in open debate and won the laurels. Calhoun declared that if he was correctly informed the Iowa country had been seized "by a lawless body of armed men, who had parcelled out the whole region, and had entered into written stipulations to stand by and protect each other." Senator Lyon with an array of facts gained from long experience on the western frontier, contended with skill and effectiveness that the distinguished Senator from South Carolina was not informed through personal contact with the settlers and that he was ill advised. Lyon had traveled forty or fifty thousand miles at different times and in different directions, through the woods and over the prairies. Settlement, he agreed, had been rapid, and squatters in the Iowa country had protected themselves by claim associations which were indeed extralegal, but by the very act of settlement and the advance of civilization lands had become more valuable and a more stable government was thereby assured. What is it that makes land valuable, he asked, "What but settlement, civilization and improvement?"

A question of political interest throughout the Northwest in the thirties centered in the Michigan-Ohio boundary dispute. For many years a strip of land from five to eight miles wide along the northern boundary of Ohio had been claimed by both Michigan and Ohio. Michigan had the better claim, but Ohio had the greater political power. When the controversy was at white heat, Robert Lucas, then Governor of Ohio, went with commissioners into the disputed area to make surveys. He was met at Toledo by the spirited young Governor of Michigan supported by a thousand troops. War seemed almost inevitable. To prevent hostilities, President Jackson removed Governor Mason from office and appointed John S. Horner to that position.

Meanwhile, interest in State government had developed in Michigan Territory. An election was held and officers selected — Stevens T. Mason being chosen Governor. This placed Michigan in the anomalous situation of having both Territorial and State officers. Legally the Territorial officers were in control but the popular demand was for Mason and statehood. Congress, however, would not grant statehood until the boundary dispute was settled. Finally, it was agreed that Michigan should relinquish its claim to the disputed area and extend its border to in-

clude the northern peninsula. Thus the boundary dispute was settled, Michigan became a State with enlarged boundaries, and the "Toledo War" ended without bloodshed.

In the Territorial judiciary, when Iowa became a part of the Michigan Territory, there were four judges — Solomon Sibley, a Whig, and George Morell, Ross Wilkins, and David Irvin, Democratic appointees of President Jackson. Of these men, the versatile and eccentric Judge Irvin, who was assigned to the Northern District, later came to be widely known in Wisconsin and Iowa history.

Judge Irvin's whims and peculiarities were exceeded only by his legal abilities and his insistence upon absolutely fair play. A genuine "high-toned" gentleman, a bachelor, well informed upon all current events, even to horses, dogs, and guns, he was "full of whims and oddities", and at all times ready to attend to any fun. In matters of personal concern he practiced the strictest economy. When well advanced in years, it is said that he fell in love with a rich lady at Saint Louis, but when she learned of his parsimonious habits "the match was broken off".

On the bench he was a fair and able jurist, familiar with all the technicalities of the law. Indeed, he was so insistent upon technicalities

that once when a county seat was located at a site where buildings had not yet been erected, he insisted upon holding court there in a buggy improvised as a courtroom — the nearest house being a half mile away. In 1836, Judge Irvin was appointed Associate Justice of the Wisconsin Territorial Supreme Court, and was assigned to the judicial district on the west side of the Mississippi River. In this position he resided for a time at Burlington.

Another man directly connected with public affairs and the establishment of local government in the Iowa district of Michigan Territory was John P. Sheldon — for many years editor of the Detroit *Gazette*. A gentleman of the old school, "courtly in appearance and manner", Sheldon had come to Detroit shortly after the War of 1812, and was the vigorous advocate of many progressive movements. Soon after the opening of the Black Hawk Purchase he was commissioned by the United States government as deputy lead-mine agent stationed at Peru (Iowa). It was his duty in this office to issue permits to the miners, to authorize the marking of mining claims, to require that the ore be delivered to a licensed smelter, and to see that the smelter in turn retained a percentage of the lead to be paid to the government. While Sheldon re-

sided at Peru he was a champion of the miners' interests, a dynamic influence for the betterment of the community, and a powerful force in urging the attachment of the Black Hawk Purchase to the Territory of Michigan.

Local legislation in 1834 was provided for the Iowa country through the Legislative Council of Michigan. The rapid influx of population into the region west of the river, and the occasional appearance of vice and crime — as in the case of the murder of George O'Keaf — made it imperative that regulatory laws be enacted. On the first of September the Council met in extra session at the Territorial capital in Detroit, where it had been convened by proclamation of Governor Mason. On the second day of the session the Governor in his message to the legislative body called the attention of the Council to the needs of the people in the Iowa country. "The inhabitants on the western side of the Mississippi", he said, "are an intelligent, industrious and enterprising people, and their interests are entitled to our special attention. At this time they are peculiarly situated. Without the limits of any regularly organized local government, they depend alone upon their own virtue, intelligence and good sense as a guaranty of their mutual and individual rights and interests." To remedy this situation he

recommended the establishment of counties, townships, and courts.

Two days later James Duane Doty, a member of the Territorial Council, presented a petition "from sundry inhabitants" asking for an organization of the country west of the river, "and for the seat of justice at the Village of Du-Buque." The two counties and two townships which were established in response to this request constituted the first organized local government in the Iowa country west of the Mississippi River.

The activities of persons engaged in maintaining order and administering justice on the frontier constitute another chapter in the history of the beginning of civil government in Iowa. The pioneers were not for the most part "renegades and vagabonds forming a 'lawless rabble' on the outskirts of civilization". Rather they were a people endowed with the spirit of progress who found something in the freedom and opportunity of the West that expands the soul of man. Leading personalities in Michigan Territory, being aware of this, were anxious to extend local government to those on the western frontier.

J. A. SWISHER