

Iowa in Michigan

On May 19, 1834, Patrick O'Connor, a crippled Dubuque lead miner, shot and killed his partner, a young Irishman named George O'Keaf. When questioned as to the reason for his act, O'Connor declared that it was his own business and added, "Ye have no laws in the country, and cannot try me." The lead miners, however, decided otherwise, and since there was, at the time, no provision for courts in the territory west of the Mississippi and north of Missouri, they decided to improvise a tribunal.

The trial was conducted in an orderly fashion. The miners selected a prosecuting attorney by popular agreement and notified O'Connor to choose his counsel. The accused was also allowed to name a jury of twelve men from a panel of twenty-four selected by the assembled miners. The counsel for the defendant urged that O'Connor should be sent across the river to Illinois and there be tried before a legally constituted court, but the prosecution answered that offenders had been sent to Illinois for trial, only to be released because the Illinois courts had no jurisdiction over crimes committed in the Black Hawk Purchase.

The jury deliberated for an hour and then returned with a verdict of guilty of murder in the first degree. The penalty pronounced was death by hanging on June 20, 1834.

On the day set for the hanging, the miners formed a procession and marched to the place of execution. O'Connor was placed in a cart and seated on his coffin. At the foot of the gallows an executioner, who had been appointed by the community, drew a cap over the face of the prisoner and fixed the noose. The cart was then driven from under the gallows and the first execution in Iowa was accomplished.

Ever since June 1, 1833, when the first spray of settlers fell into the Black Hawk Purchase the need for a government of some kind had been recognized. But Congress acted slowly. The people in what is now Wisconsin had been seeking a Territorial government of their own since 1824 when Judge James Duane Doty interested Senator Thomas H. Benton in a scheme to erect the "Territory of Chippewau" which was to be bounded on the east by Lake Michigan, on the south by the States of Illinois and Missouri, on the west by the Missouri River, and on the north by Canada. This plan would have given the unorganized Iowa country a government long before it was opened for settlement.

By 1827 Doty proposed to name the Territory "Wiskonsin", but that change was not sufficient to overcome Michigan's desire for a portion of the upper peninsula. Three years later Doty suggested the establishment of the "Territory of Huron" with the same boundaries he had originally designated. The Huron bill was before Congress as late as April 12, 1834, when its proponents, after several sessions of unsuccessful lobbying, introduced a bill to establish the Territory of Wisconsin. The political fortunes of the squatters in the Black Hawk Purchase were thus inextricably associated with the struggle for control east of the Mississippi.

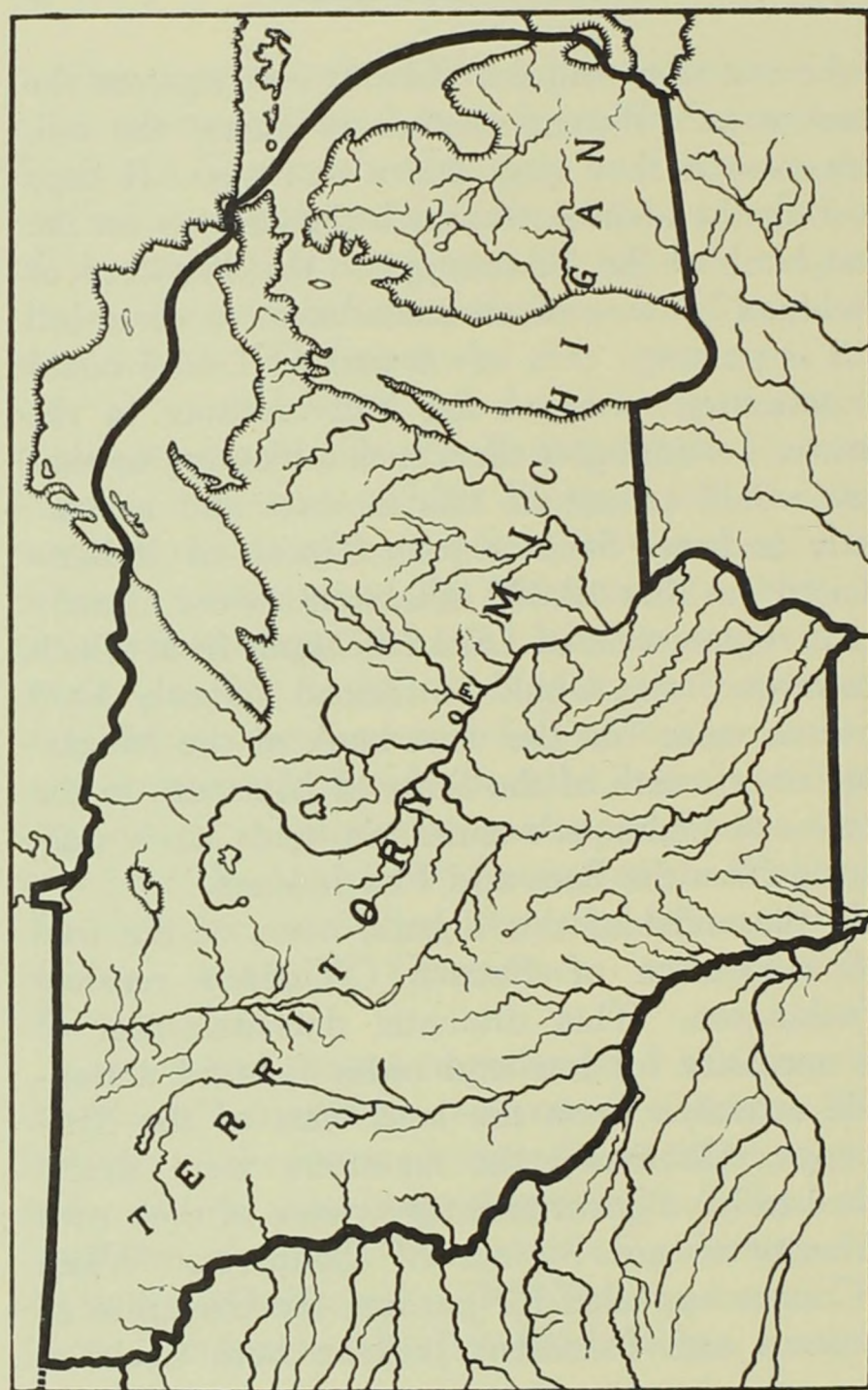
A fresh impetus was given to the efforts to provide adequate government for the western country by the entrance of John P. Sheldon into the fight. Writing to Secretary of War, Lewis Cass, from Peru (Iowa) on December 2, 1833, he alluded to the "necessity of annexing the Sac & Fox cession" to the Territory of Michigan in order that the "upwards of 1200" settlers might receive the "benefits of civil government." He believed no one had yet represented this necessity in terms "sufficiently strong" to insure speedy action. Cass, he thought, could do "more than any other man" to effect the proposed annexation.

The cause of the Dubuque lead miners was also championed by Lucius Lyon, Delegate from Michigan Territory. As early as December 11, 1833, Lyon presented a "memorial of inhabitants of the mining country west of Lake Michigan" urging the establishment of a separate Territorial government. The memorial also advocated "the sale of mineral lands, pre-emption rights, establishment of land offices". In the months that followed, Lyon continued his efforts in behalf of his western constituents to whom he was deeply indebted for his post. On January 27, 1834, he presented a memorial of the inhabitants of Chipewewa "praying to be attached to the new territorial government west of Lake Michigan whenever the territory may be devided." In the following March he produced another resolution, this time from the Legislative Council of the Territory of Michigan "soliciting the establishment of a separate territorial Government west of Lake Michigan".

Lyon found "many impediments" in Congress for his bill creating a separate Territory. The majority in the Senate branded it as unnecessary, and opposed anything that would "allow the President the least extension of patronage, in making appointments". "I believe, however," he wrote Sheldon on May 19, 1834, "when it comes

to the test they will not dare to vote against the measure in sufficient number to defeat the bill, even though they may desire to do so. If they do, I shall endeavor to attach the country on the west bank of the Mississippi to the Territory of Michigan by way of an amendment to some bill as it is passing . . . I wish to God I could be permitted to speak for half an hour in the Senate. I would give them such a blowing up that they would repent of this in dust and ashes." Early in June, Senator John Tipton of Indiana pointed out that 10,000 inhabitants were already in the region west of Lake Michigan from which two large States would be formed. Nearly 3000 of these were "on the west bank of the Mississippi river, north of the State of Missouri, in the vicinity of Dubuque's mines, on lands lately purchased from the Sacs and Fox Indians."

In the midst of this debate, news of the trial and conviction of Patrick O'Connor reached Washington. This dramatic demonstration of the necessity for law and order focused nationwide attention upon the land west of the Mississippi. Obviously the squatters were determined to have government by virtue of their own authority if not by act of Congress. When O'Connor appealed for pardon, the Governor of Missouri and President Jackson both declared



WHEN IOWA WAS A PART OF MICHIGAN FROM 1834 TO 1836

they had no jurisdiction in the matter. This view was in harmony with the opinion of Galena attorneys that the general laws of the country for the punishment of crime did not extend over the Black Hawk Purchase "because it had ceased to be an 'Indian Country'!" Such a doctrine encouraged lawlessness. Two men had been killed in drunken brawls during the previous winter at the lead mines, and the perpetrators of those bloody deeds had escaped trial. The murder of O'Keaf brought the whole situation to a crisis.

Three days after the execution of O'Connor, on June 23, 1834, Representative Roger L. Gamble of Georgia reported a bill providing that all the territory of the United States bounded on the east by the Mississippi River, on the south by the State of Missouri, on the west by the Missouri and the White Earth rivers, and on the north by Canada was, "for the purpose of temporary government, attached to, and made a part of, the territory of Michigan". The inhabitants of this vast wilderness expanse were to be "entitled to the same privileges and immunities, and be subject to the same laws, rules, and regulations, in all respects, as the other citizens of Michigan territory." This bill was read twice in the House, ordered engrossed, and on the following day was read a third time and passed. The Sen-

ate was even more expeditious. When Senator John M. Clayton of Delaware presented the bill on June 27th, it was read twice, ordered engrossed, and then read a third time and passed, all on the same day! Andrew Jackson signed the bill on June 28, 1834.

When Iowaland was attached to the Territory of Michigan it came once more under the system of government provided in the Ordinance of 1787. But a distinct change had occurred since 1821 when the land had been left a political waif by the admission of Missouri into the Union. Immediately following the Louisiana Purchase the only inhabitants of Iowaland were those located on the Spanish land grants. In 1834 there were several thousand bona fide settlers in the Black Hawk Purchase.

The Northwest Ordinance was a simple document originating from the necessity for some sort of government for the unorganized country between the Appalachians and the Mississippi. By 1787 a number of States had ceded their western lands to the United States and the others were on the verge of doing so. The pleas of the distracted westerners for "relief and assistance" were echoed by the Ohio Company which petitioned Congress for the right to settle on lands west of the Alleghanies. The first settlement in

Ohio was at Marietta in 1788, contemporaneous with the advent of Julien Dubuque at the lead mines. Farther west, a few straggling Frenchmen in such villages as Vincennes in Indiana and Cahokia and Kaskaskia in Illinois eked out a simple, albeit sometimes a precarious existence. Adopted on July 13, 1787, while the Constitutional Convention was in session at Philadelphia, the Ordinance established a government over the region from which Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota were ultimately formed.

The system of government has served as a model for all subsequent Territorial governments in the United States. Civil and religious liberty was guaranteed, education encouraged, and slavery prohibited. The region north of the Ohio River was to be divided ultimately into not less than three or more than five States. Two types of political structure were provided. The initial stage of government was simple, all the legislative, executive, and judicial powers being vested in five men. A Governor was to be appointed by Congress for a term of three years and a Secretary for four years. Three Judges, likewise appointed by Congress, were to hold office during good behavior. All were required to reside in the district and possess a freehold estate — the

Governor one thousand acres of land, the Secretary and Judges each five hundred acres. Subsequently the appointive power was vested in the President of the United States.

The second stage was more democratic in character. When the population of any district amounted to five thousand free male inhabitants of full age, the Governor was empowered to call an election for Representatives in a General Assembly in the proportion of one representative for every five hundred free male inhabitants. The Representatives so elected were to nominate ten persons, all residents of the district, five of whom were to be appointed as members of a Legislative Council to hold office for five years. The Governor, Secretary, and Judges were still appointive, and the chief executive had the absolute power to veto any act of the legislature. Finally, the Ordinance provided that when a Territory contained sixty thousand inhabitants it might petition for admission into the Union on an equality with the original States. Viewed broadly from the standpoint of its influence on the future, the Ordinance of 1787 has been ranked next to the Constitution as the most important organic act in the history of the United States.

When Ohio became a State in 1802, all the rest of the Old Northwest was included in the

Territory of Indiana. Two years later the attachment of Upper Louisiana to Indiana gave Governor William H. Harrison jurisdiction over the entire upper Mississippi basin. No other Governor under the Northwest Ordinance ever held sway over such an enormous area.

But the people around Detroit, like those at Saint Louis, felt that Vincennes was too far away. Their petitions were heard. Congress passed an act declaring that after June 30, 1805, all of Indiana Territory lying "north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall for the purpose of temporary government, constitute a separate territory, and be called Michigan." Detroit, founded by Cadillac in 1701 and incorporated as a town in 1802, was designated as the capital.

The administration of William Hull, the first Governor, was a travesty which culminated in 1813 with his ignominious surrender of Detroit to the British. The need of a vigorous executive led Madison to appoint the able and trustworthy Lewis Cass to that post. He formed a volunteer company and led it boldly against the Indians.

His dashing bravery so inspired his men that they completely routed the enemy. Local government was restored, courts established, and the people gradually assumed greater responsibilities of self-government.

In 1816 a surveyor reported there was not one acre in a hundred "fit for cultivation" in the whole Territory of Michigan, and this, combined with ignorance of the country, hostile Indians, and a surplus of cheap lands farther south, retarded the Territory's growth. Governor Cass spent much of his time encouraging settlement. His persistent efforts, coupled with the arrival of the steamer *Walk-in-the-Water* at Detroit in 1818 and the opening of the Erie Canal in 1825 were largely responsible for the population of Michigan increasing from 8591 in 1820 to 31,639 ten years later. Meanwhile, the second stage of government was put into effect and in 1823 the people elected their own legislature. By 1834 steamers often landed a thousand passengers in a day at Detroit. The census that year revealed 87,278 inhabitants in the land destined to be the State of Michigan.

Explorations and Indian affairs, many of which related to the land west of the Mississippi, occupied the attention of Governor Cass, particularly after 1820 when he went with Henry Schoolcraft

to investigate the Indian tribes, to induce them to cease going to Canada for presents, and to obtain strategic sites for trading posts. He visited Mackinac, Sault Ste. Marie, Cass Lake, Prairie du Chien, Green Bay, and Chicago before returning to Detroit. Five years later, in 1825, Cass served with William Clark in drawing up the treaty whereby the Neutral Line was established in Iowa between the Sauk and Fox on the south and the Sioux to the north. In 1827 his decisive action quelled the Winnebago scare. During his administration of nearly two decades, Governor Cass commanded the respect of the Indians by his courage and won the esteem of his fellow citizens by his energy and integrity.

When Lewis Cass became Secretary of War in the Cabinet of President Jackson, Michigan lost one of its greatest Governors. George B. Porter of Pennsylvania was appointed Governor in 1832 but Stevens T. Mason, a lad of nineteen, ruled over the destinies of the Territory during the frequent and protracted absences of Governor Porter. It was while the "Boy Governor" held sway over what is now Michigan and Wisconsin that the land west of the Mississippi was attached to his already stormy empire.

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