

The Constitution Rejected

On January 7, 1845, the Committee on Territories reported a bill for the admission of Iowa and Florida into the Union. It passed the House of Representatives on February 13, 1845, by a vote of one hundred and forty-five to forty-six. The Senate considered the measure on March 1st, and passed it without alteration by a vote of thirty-six to nine. On March 3, 1845, the act received the signature of President Tyler.

When Iowa applied for State organization in 1844, Florida had been waiting and pleading for admission ever since the year 1838. The reason for this delay was the avowed policy of admitting States not singly but in pairs. Florida was waiting for a companion. And so in 1844 it fell to Iowa to be paired with the peninsula. The principle involved was not new; but never before had two States been coupled in the same act of admission. The object sought was plainly the maintenance of a *balance of power* between the North and the South.

But back of the principle of the balance of power, and for the preservation of which that principle was invoked, stood slavery. The institu-

tion of free labor in the North was balanced by the institution of slave labor in the South, to preserve both. And so the admission of Iowa and Florida had to be determined in reference to this all-devouring question of National politics.

Now it so happened that the opposing forces of slave labor and free labor, of "States Rights" and "Union", came to an issue over the boundaries of the proposed State of Iowa. In the bill for admission, as reported by the House Committee on Territories, the boundaries proposed in the Iowa Constitution were retained without alteration. But Mr. Duncan, of Ohio, had other limits to propose. He would have the new State of Iowa bounded as follows: "beginning in the middle of the St. Peter's river, at the junction of the Watonwaer or Blue Earth river with the said river St. Peter; running thence due east to the boundary line of the Territory of Wisconsin, in the middle of the Mississippi river; thence down the middle of the last named river with the boundary line of the Territory of Wisconsin and State of Illinois to the northeast corner of the State of Missouri, in said river Mississippi; thence westwardly with the boundary line of said State of Missouri to a point due south from the place of beginning; thence due north to the place of beginning in said St. Peter's river."

Mr. Duncan pointed out that these were the boundaries proposed by Nicollet in the report which accompanied the publication in January, 1845, of his map of the basin of the Upper Mississippi. He preferred the Nicollet boundaries because they were "the boundaries of nature" and at the same time they left sufficient territory for the formation of two other States in that western country.

On the other hand, Mr. Brown, Chairman of the Committee on Territories, said that the question of boundaries had been carefully investigated by his committee, "and the conclusion to which they had come was to adhere to the boundary asked for by the people of Iowa, who were there, who had settled the country, and whose voice should be listened to in the matter."

The arguments for restriction prevailed, and the Duncan amendment, which proposed to substitute the Nicollet boundaries for the Lucas boundaries, passed the House of Representatives by a vote of ninety-one to forty. In the Senate the bill as reported from the House was hurried through without much debate. Here the question of boundaries seems to have received no consideration whatever.

No good reason had been urged showing why Iowa should not be admitted into the Union. All

of the essential qualifications for Statehood were present — a large and homogeneous population, wealth, *morale*, and republican political institutions. Congress did not pass an adverse judgment on the government provided by the Constitution of 1844. Only the boundaries were modified.

While Congress was discussing the area of Iowa and carefully considering the effect which the admission of the new State might possibly have upon matters of National concern, the Constitution of 1844 was being subjected to analysis and criticism throughout the Territory. Moreover, it is interesting to note that the only provision of the Constitution which was held up and debated in Congress was the very one which was generally accepted by the people of the Territory without comment. Whigs and Democrats alike were satisfied with the Lucas boundaries. Nor did the people of Iowa at this time think or care anything about the preservation of the "balance of power". Their adoption of, and adherence to, the Lucas boundaries was founded upon local pride and commercial considerations.

Opposition to the Constitution of 1844 was at the outset largely a matter of partisan feeling. The Whigs very naturally opposed the ratification of a code of fundamental law which had been

formulated by a Democratic majority. Then, too, they could not hope for many of the Federal and State offices which would be opened to Iowans after the establishment of Commonwealth organization. And so with genuine partisan zeal they attacked the instrument from Preamble to Schedule. Nothing escaped their ridicule and sarcasm.

As a party the Democrats favored the Constitution of 1844, defended its provisions, and urged its adoption by the people. They held that as a code of fundamental law it was all that could be expected or desired, and with a zeal that equaled in every way the partisan efforts of the Whigs they labored for its ratification at the polls.

An examination of the arguments as set forth in the Territorial press reveals two groups of citizens who opposed ratification. First, there were those who were hostile to the Constitution because they did not want State government. Secondly, there were others who could not subscribe to the provisions and principles of the instrument itself.

Fortunately for the cause of the opposition a new and powerful objection to ratification appeared in the closing weeks of the campaign. The news that Congress had, by the act of March 3, 1845, rejected the boundaries prescribed by the Iowa Convention reached the Territory just in

time to determine the fate of the Constitution of 1844. It was thought that a ratification of the Constitution would carry with it an acceptance of the Nicollet boundaries, while a rejection of the Constitution would imply a decided stand in favor of the Lucas boundaries. The Constitution of 1844 was rejected by a majority of 996 votes.

Believing that the rejection of the Constitution by the people called for some action on the part of the Assembly, Governor Chambers proposed that the question of calling another Convention to draft a new constitution, be referred to the people. But a majority of the Assembly were in favor of re-submitting the Constitution of 1844 with the Lucas boundaries. Just what effect ratification would have was uncertain.

The campaign of the summer of 1845 was very much like the campaign of the spring. All of the leading arguments both for and against the Constitution were repeated in the press and on the stump. The parties divided on the same lines as before, except that the opposition had the assistance of a much larger Democratic contingent.

The official returns of the August election showed that the Constitution of 1844 had been rejected a second time. But the majority against its ratification had been cut down by at least one-half.