

## The Territory of Iowa

Scarcely had the act organizing the Territory of Wisconsin gone into effect, than an agitation for division was launched. By the fall of 1837 it had captured the public mind. The burden of the movement was taken up with enthusiasm by the inhabitants of the Iowa District. The people of Des Moines County were among the first to take formal action on what may well be called the first vital question in the history of the Constitutions of Iowa. At a meeting held in the town of Burlington on Saturday, September 16, 1837, they resolved "That while we have the utmost confidence in the ability, integrity and patriotism of those who control the destinies of our present Territorial Government, and of our delegate in the Congress of the U. States, we do, nevertheless, look to a division of the Territory, and the organization of a separate Territorial Government, by Congress, west of the Mississippi river, as the only means of immediately and fully securing to the citizens thereof, the benefits and immunities of a government of laws."

Delegates from seven organized counties west of the Mississippi met at the capitol in Burling-



ton on Monday, November 6, 1837, and organized themselves into a "Territorial Convention". In a memorial to Congress relative to the proposed division of the Territory, it was announced that representatives of the citizens of the Iowa District, "taking into consideration their remote and isolated position, and the vast extent of country included within the limits of the present Territory, and the utter impracticability of the same being governed as an entire whole," had availed themselves of their right of petition to ask for "the organization of a separate Territorial Government over that part of the Territory west of the Mississippi river." The members of the Legislative Assembly, impressed with the fact that the Iowa people were in earnest, also drew up a memorial within three weeks after the Convention had adjourned.

By January 1, 1838, the people had expressed their views. They had formulated their convictions into a definite request which called for immediate division of the Territory. The scene of debate and discussion now shifts from the prairies to the halls of Congress. Here on February 6, 1838, the Committee on Territories, to whom had been referred the memorials of the Territorial Convention and Legislative Assembly along with petitions from sundry citizens, and who had been



instructed "to inquire into the expediency of establishing a separate territorial government for that section of the present Territory of Wisconsin which lies west of the Mississippi river and north of the State of Missouri," reported such a bill.

In the report which accompanied this bill the Committee stated that they had become "satisfied that the present Territory of Wisconsin is altogether too large and unwieldy for the perfect and prompt administration of justice, or for the convenient administration of the civil government thereof." They were more specific in saying that "the judges of the Territory, as it now is, and also the Governor, district attorney, and marshal, are entirely unable to perform their respective duties in all parts of the Territory." They also pointed out that of the fifty thousand inhabitants in the Territory more than half resided west of the Mississippi River, that the population was rapidly increasing, that the natural line of division was the Mississippi River, that the capital would soon be removed to Eastern Wisconsin, and that "so much of the present Territory of Wisconsin as lies east of the Mississippi river must necessarily form one State."

It was not, however, until early in the month of June that "An act to divide the Territory of Wisconsin and to establish the Territorial Gov-



ernment of Iowa" passed both the Senate and the House of Representatives. On June 12, 1838, it received the approval of President Van Buren. As the Constitution of the Territory of Iowa it took effect on the sixty-second anniversary of the Independence of the American Nation. In the chronology of our Constitutions it stands as the second code or text of fundamental law.

But the Territory of Iowa was not established without opposition in Congress. From the records it appears that the sympathies of the Representatives were not all with the people on the frontier. Mr. Shepard of North Carolina intimated that the bill had been introduced to the end that "a fresh and rich field might be opened to those who speculate in the public lands, and a batch of new offices created for such as seek Executive favor". He had no sympathy with the squatters. "Who are these that . . . pray for the establishment of a new Territory? Individuals who have left their own homes, and seized on the public land. . . . These men pounced on the choicest spots, cut down the timber, built houses, and cultivated the soil as if it was their own property. . . . Without the authority of law, and in defiance of the Government, they have taken possession of what belongs to the whole nation, and appropriated to a private use that



which was intended for the public welfare. . . .  
The majesty of the laws should be vindicated."

The Representative from North Carolina was jealous of the growth and development of the West, and he objected to the liberal land policy of the United States since it encouraged the young men to leave their southern homes. He declared that "if the Territory of Iowa be now established, it will soon become a State; if we now cross the Mississippi, under the bountiful patronage of this Government, the cupidity and enterprise of our people will carry the system still further, and ere long the Rocky Mountains will be scaled, and the valley of the Columbia be embraced in our dominion. This, then, is the time to pause."

The spirited debate, which took place in the House of Representatives, on the question of the establishment of the Territorial government of Iowa disclosed the fact that the creation of a new Territory at this time west of the Mississippi and north of Missouri was of more than local interest; it was, indeed, an event in the larger history of America. Some few men were beginning to realize that the rapid settlement of the Iowa country was not an isolated provincial episode but the surface manifestation of a current that was of National depth.