

The Convention of 1846

When the members of the Eighth Legislative Assembly of the Territory of Iowa met in the Old Stone Capitol on the first Monday of December, 1845, they found that, as a result of the rejection of the Constitution of 1844, they were face to face with the question which for six years had confronted the pioneer law-makers of Iowa as the greatest political issue of the Territorial period. They found that the whole problem of State organization was before them for reconsideration.

Confident that the people of Iowa really desired State organization and were anxious for its immediate establishment, the Legislative Assembly passed a bill providing for the election of delegates to a Constitutional Convention.

Of the thirty-two delegates who were elected to seats in the Convention of 1846, ten were Whigs and twenty-two were Democrats. Fifteen of the members were born in the South, eight in the New England States, four in the Middle States, and five in Ohio. Of those born in the South six were from Kentucky, four from Virginia, three from North Carolina, one from Alabama, and one from Maryland. The eight mem-

bers born in New England were four from Vermont and four from Connecticut. The oldest member of the Convention was sixty-seven, the youngest twenty-three; while the average age of all was about thirty-seven years. As to occupation, there were thirteen farmers, seven lawyers, four merchants, four physicians, one mechanic, one plasterer, one smelter, and one trader.

It was on the morning of May 4, 1846, that the second Constitutional Convention met in the rooms of the Old Stone Capitol at Iowa City. Immediately after the roll had been called, Enos Lowe, of Des Moines County, was chosen, *viva voce*, President of the Convention. When the officers had been selected, "The Reverend Mr. Smith invoked a blessing from Deity upon the future labors of the Convention." This was the only prayer offered during the entire session.

It is unfortunate that only the barest fragments have been preserved of what was said in the Convention of 1846. The official journal and a few speeches are all that have come down to us. The debates could not have been very long, however, since the entire session of the Convention did not cover more than fifteen days.

The discussion for the most part was confined to those subjects upon which there had been a marked difference of opinion in the earlier Con-

vention or which had received attention in the campaigns of 1845. Indeed, the fact that Boundaries, Incorporations, Banks, Salaries, Suffrage, Executive Veto, Elective Judiciary, and Individual Rights were among the important topics of debate is evidence of a desire on the part of the Convention to formulate a code of fundamental law that would not meet with the criticisms which were so lavishly heaped on the Constitution of 1844.

The Constitution of 1846 was modeled upon the Constitution of 1844, although it was by no means a literal copy of that twice rejected instrument. Both codes were drawn up according to the same general plan, and were composed of the same number of articles, dealing substantially with the same subjects. The Constitution of 1846, however, was not as long as the Constitution of 1844 and was throughout more carefully edited.

As to boundary specifications, the only material difference is found in the shifting of the line on the north from the St. Peters to the parallel of forty-three and one-half degrees of north latitude. This new boundary was a compromise between the boundaries suggested by Lucas and those proposed by Nicollet.