

# The **P**ALIMPSEST

DECEMBER 1939

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## THE PURPOSE OF THIS MAGAZINE

THE PALIMPSEST, issued monthly by the State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH

*Superintendent*

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## THE MEANING OF PALIMPSESTS

In early times palimpsests were parchments or other materials from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

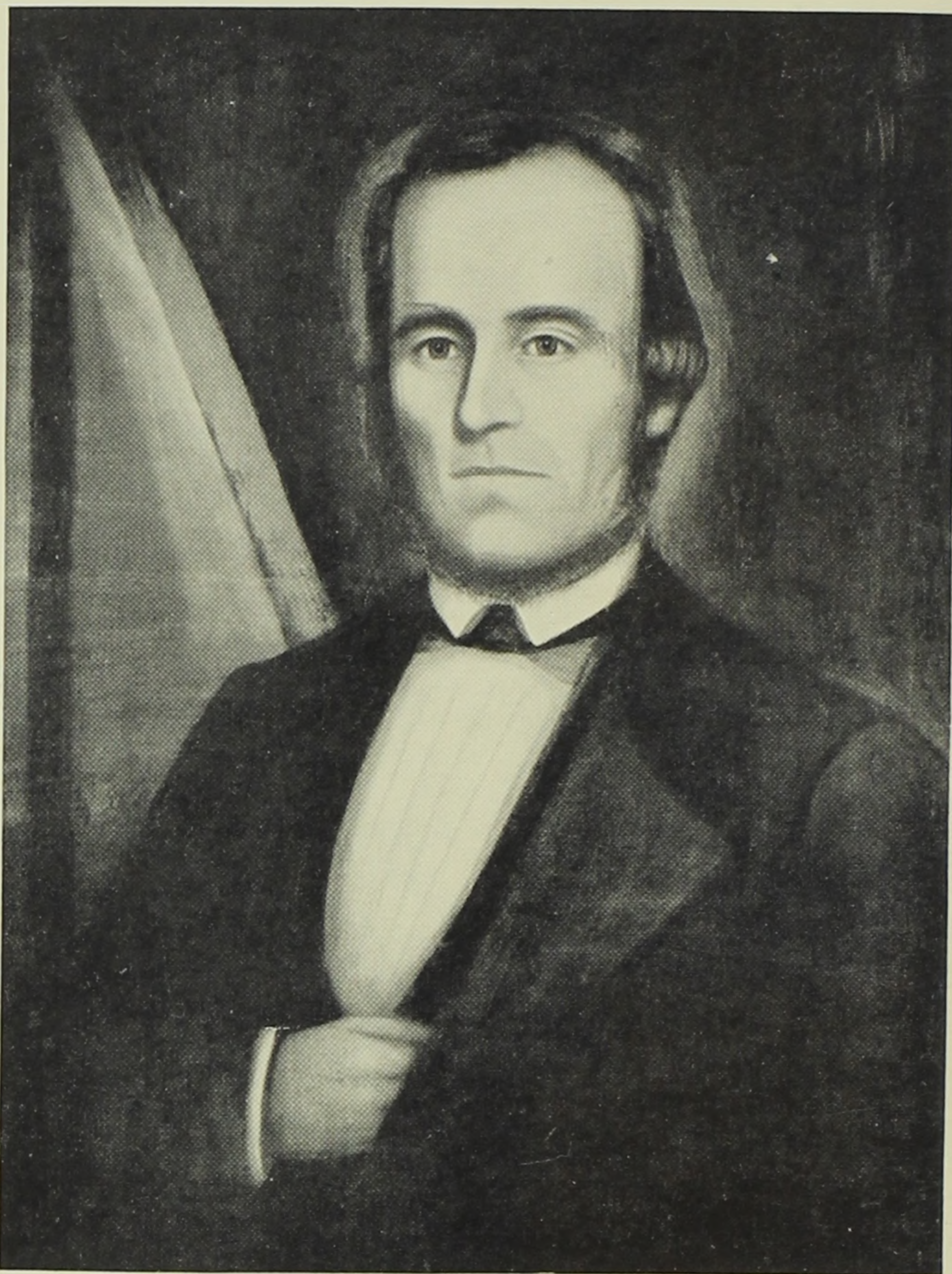
The history of Iowa may be likened to a palimpsest which holds the records of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

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JAMES CLARKE



# THE PALIMPSEST

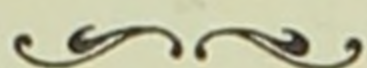
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## James Clarke

"I avail myself of the opportunity to say," spoke Governor James Clarke to the Legislative Assembly of the Territory of Iowa on December 3, 1845, "that it will afford me great pleasure to coöperate with the Legislature in all measures calculated to exert a favorable influence upon the destinies of our Territory, and the happiness of its people." Of the new Governor's first message, former Governor John Chambers said: "It has a few strokes of demagogueism in it, but considering all things, might have been worse."

James Clarke was only thirty-three years old when he became Iowa's Chief Executive. His prevailing viewpoint was one of youthful optimism and idealism. In the editorial columns of his newspaper, he had continually fostered cultural development; he had tried to attract immigrants to Iowa; and he had proudly boasted of his home town of Burlington. Alert to the opportunities of the pioneer west, he was equally aware of current



problems. He was one of the first to foresee the trouble brewing over the disputed Iowa-Missouri boundary; he appreciated the need for a strong Chief Executive in the Territory; and he deplored the general tendency of legislatures to pass too many laws.

On the subject of slavery abolition he was particularly vehement, especially for one nurtured in the North. Concerning Elijah P. Lovejoy, a radical abolitionist in Illinois, Editor Clarke wrote: "We flattered ourselves that abolition had no votaries in this Territory, and above all, we did not believe that the proprietor of any newspaper would be willing to prostitute his columns to a purpose, at once so silly, unjust, impracticable and evil." And he concluded that the controversy between the slaveholders and abolitionists "will have a greater tendency than any other single cause, to produce the greatest political evil that could possibly befall us — a dissolution of the Union." That he was tolerant of slavery extension may be deduced from the fact that he accepted the Mexican War as a desirable means of conquest.

Whence came this perspicacious editor, promoter, imperialist, and politician? What environment and circumstances produced a pioneer so thoroughly interested in the public welfare, so active in cultural enterprises, so practical in judg-



ment? Who else would have had the vision to propose as early as September, 1838, the formation of a "Historical Society of Iowa" for the preservation of the epoch-making record of the founders of the Commonwealth?

Born in the Ligonier Valley, Westmoreland County, Pennsylvania, on July 5, 1812, James Clarke was the third son of John Clarke. Early in life the future Iowa Governor became a printer's apprentice and served in several localities. Eventually he was associated with a newspaper at Harrisburg.

James Clarke was ambitious to become a public official. Hopeful of achieving a career in law, he found this path blocked by a lack of money. Taking another course, he became a newspaperman and traveled that road to public service. In 1833, during the month of June, Newspaperman Clarke went to Philadelphia where he was introduced to General Andrew Jackson, then President of the United States. Might Old Hickory have inspired him to become a firm Democrat?

Like many other young men, James Clarke pondered the future possibilities of the West. It was not long before he decided to migrate to the valley of the Mississippi. Starting in the spring of 1836, he first stopped at the home of a brother at Madison, Indiana. Encouraged by the prospects, he



continued to Saint Louis, the most important center in the West, where he was readily employed by the *Missouri Republican*. Presently he wrote to his brother that he was earning twelve dollars a week, of which "he paid three dollars a week for board, and was saving money, and added that there were some excellent openings in the Upper Mississippi". If he could manage, he meant to take advantage of one of them.

His opportunity came soon. The Territory of Wisconsin, recently organized by Congress, was attracting hundreds of ambitious settlers. There was lead to be mined, land to be cultivated, and offices to be filled. And where politics flourished there was opportunity for printers. What better fortune could a prospective editor crave than to establish a newspaper at the new capital of Wisconsin Territory? With all his resources, James Clarke went to the infant town of Belmont, where he associated himself with John B. Russell.

In this little frontier community the First Legislative Assembly of the Territory of Wisconsin was convened by Governor Henry Dodge on October 25, 1836. On the same day, the first number of the *Belmont Gazette* appeared. The newspaper consisted of four pages, twenty-one by fourteen inches, six columns to a page. At once, the *Gazette* became the official press of the Territory.



On the western frontier, no newspaper could prosper without some of the government printing. Clarke and Russell were unusually fortunate: they printed the proceedings of both the Council and the House of Representatives, as well as the session laws in their paper. The *Belmont Gazette* received over \$2500 from the government of the Territory for printing. Meanwhile, however, hopes for the future of Belmont faded. Burlington was selected as the temporary capital, where the next session of the Legislative Assembly would meet. Consequently, James Clarke published the last issue of the *Belmont Gazette* in April, 1837, and moved to the new capital. He was perfectly certain that public printing was the life blood of a newspaper.

At the capital on the Mississippi he founded the *Wisconsin Territorial Gazette and Burlington Advertiser* on July 10, 1837. Again anticipating the convening of the Territorial Legislative Assembly, he hoped to become the official printer. Early the next year his father in Pennsylvania wrote him a long letter: "I am highly pleased with your paper, and am led to think your Legislative body is getting along with as much order and dignity as in the older States, and perhaps a little more. I can hardly file your paper; the people here are so anxious to see it; they seem to consider



it as coming from beyond no place, and read it with avidity."

James Clarke's enterprise and ability attracted the attention of Governor Henry Dodge. On August 5, 1837, *The Western Adventurer* announced that "James Clarke, having been appointed by the Governor, Territorial Librarian, has just opened and arranged, in a convenient and handsome style, the new Territorial Library, in a large, airy and convenient front room, in the second story of the commodious house at the corner of Columbia and Main Streets" in Burlington. As his assistant, Clarke selected the youthful James W. Grimes.

On July 4, 1838, the part of Wisconsin Territory on the west side of the Mississippi became the Territory of Iowa. Clarke immediately changed the name of his paper to the *Iowa Territorial Gazette and Burlington Advertiser*. From the beginning he had been attracted by the political destiny of the country west of the Mississippi. Indeed, Clarke was one of the leaders of the movement in the fall of 1837 to divide the Territory of Wisconsin. His political reward for this service, however, was not at once apparent. Busy with the onerous task of keeping a frontier newspaper alive, he seems to have had no time for public duties. Nevertheless, his partisanship kept him



in good standing with Democratic leaders. During the controversy between Secretary William B. Conway and Governor Robert Lucas, his sympathies were with the Governor. Some members of the Lucas faction suggested the removal of Conway and the appointment of Clarke as Secretary.

"The agents of the general government who are known to and have influence with the President", wrote Editor Clarke to his father on July 22, 1839, "have determined, I understand, to petition for his [Conway's] removal, and at the same time ask that I may be appointed in his stead. If tendered to me I would accept it, though I never expressed a desire to have it." Clarke concluded by adding that "Gov. Lucas also tendered to me the honorable appointment as one of his staff, which for reasons good and sufficient I declined."

In the following November, Secretary Conway died, and James Clarke was named Secretary of the Territory. Probably Henry Dodge and his son, Augustus C. Dodge, had much to do with the appointment. Inheriting a precarious condition in Territorial finances, caused by the imbroglio between his predecessor and the other governmental departments, he soon found that official business was as hard to conduct as a struggling frontier newspaper.

Upon assuming the duties of Territorial Secre-



tary, Clarke sold his interest in the *Gazette*. On December 21, 1839, James Clarke & Company was succeeded by John H. McKenny. In his farewell editorial Clarke stated that his paper had been partisan because the political conflict was "one of principle". The new owner announced that the "general character of the paper will remain unchanged" and that W. J. A. Bradford (first Supreme Court Reporter) would assist in the editorial department.

The year 1840 was an eventful one in the life of James Clarke. Besides attending to his official duties, he was active in other engagements, such as helping to organize the Masonic lodge at Burlington. Not the least of the interests that occupied the attention of the rising young statesman was his courtship of Christiana H. Dodge. He had probably met the Governor's daughter in 1836 when he was a printer at Belmont. Their friendship grew during the intervening years and on September 27, 1840, they were married by the Reverend Samuel Mazzuchelli at Dodge Grove, Wisconsin.

Secretary Clarke was instrumental in developing a spirit of partisan unity among Iowa Democrats, which culminated in a convention that supported his brother-in-law, Augustus C. Dodge, for the office of Territorial Delegate. Though Dodge



won his seat in Congress, the Whigs triumphed in other contests, and William Henry Harrison became President of the United States. As soon as he took office in 1841 John Chambers was appointed Governor of Iowa and O. H. W. Stull succeeded Clarke as Secretary of the Territory. Thereupon Clarke resumed his occupation of publishing the *Burlington Gazette*.

Retirement from office, however, did not reduce Clarke's interest in politics and civic improvements. As he had led in the formation of the Territory, so now he advocated Statehood. He attended Democratic conventions and in 1843 helped nominate Augustus C. Dodge again for the Territorial seat in Congress. In February, 1844, he demonstrated his personal popularity by being elected mayor of Burlington without opposition.

Meanwhile, the agitation for Statehood gained currency. In April, 1844, the people decided to frame a constitution and apply for admission to the Union. On October 7, 1844, the first Iowa Constitutional Convention met at Iowa City. Among the delegates was James Clarke. During the sessions of the Convention, he took an active part in the discussions. He served on the Credentials Committee, as well as being a member of the committees on the Judicial Department and on Suffrage and Citizenship. When the document



was drafted, James Clarke was one of the signers of the Iowa Constitution of 1844.

Although the first Iowa Constitution, as amended by Congress, was rejected by the people, James Clarke continued to play a leading rôle in the transition to Statehood. With the ascendancy of James K. Polk to the position of President, the Democrats returned to power. Again Editor Clarke interrupted his favorite occupation of publishing the *Gazette* to become the third Territorial Governor of Iowa on November 18, 1845.

In an editorial on Saturday, November 22, 1845, Clarke said of the *Gazette*: "It is the oldest paper in the Territory, and enjoys a support equal if not superior to any other. It has a subscription list of but little under 700; and as to advertising, the paper shows for itself." On Saturday, November 29th, the firm of S. R. Thurston and James Tizzard began publishing Iowa's most prominent newspaper.

Although Clarke's appointment was approved by many, it was criticized by some. Governor John Chambers recorded in the family record book: "Octr. 20th 1845 — Removed from office by President Polk, to make room for a political partizan. Let it be remembered that this removal from office was made without the imputation of improper conduct or of neglect of duty, or other



cause assigned." Some critics asserted that this appointment savored of nepotism. Ambitious politicians were inclined to resent the dominance of the Dodge dynasty. Founded by Henry Dodge, the family political fortunes were augmented by Augustus C. Dodge and James Clarke. Speaking of this dynasty, the *Davenport Gazette* on November 27, 1845, declared: "James Clarke, Esq., editor of the *Burlington Gazette*, has received a commission from the president of the United States appointing him to the office of governor of Iowa Territory. This makes the fifth member of the Dodge family who are now in possession of fat offices. Their aggregate salaries is about \$14,000! That family is pretty well provided for by the government."

Governor Clarke's tenure of office was dramatic. The Des Moines River improvement project was a live topic; the United States was at war with Mexico; and Iowa made the transition to Statehood. In his message of December 3, 1845, to the last Territorial Assembly James Clarke was hopeful for Iowa's early admission as a State. He nevertheless outlined a program for the legislature, especially deploring the growing public debt, the dangers of too much law making, and the policy of withholding mineral lands from pre-emption.



Governor Clarke was heartily in favor of internal improvements. When Congress made a land grant on July 8, 1846, for the purpose of improving the navigation of the Des Moines River, he promptly appointed Jesse Williams, Josiah H. Bonney, and Robert Cook to select the land.

But the patriotism stirred by the Mexican War dwarfed all other activity. On June 1, 1846, Governor Clarke issued a call for a regiment of Iowa volunteers. To ex-Governor John Chambers he offered the command of the Iowa troops. Severe illness, however, prevented the former Chief Executive from accepting. An additional company served as a frontier guard against the Indians at Fort Atkinson.

The formation of the State of Iowa was the most important event during Clarke's incumbency. At a Constitutional Convention which met in May, 1846, at Iowa City, a second organic law was formulated. On August 3rd the Constitution was approved at a general election. On September 9th, Governor Clarke issued a proclamation announcing the approval of the charter and appointing October 26th as the day for electing State officers. On December 2nd, Governor Clarke presented a farewell message to the First General Assembly of the State of Iowa, and on the following day Ansel Briggs was inaugurated



as the first Chief Executive of the State. On December 28th Iowa was formally admitted to the Union by Congress.

James Clarke returned to Burlington where he resumed his active interest in local affairs. A prominent Mason, he maintained his fraternal enthusiasm by being in regular attendance at the lodge meetings. In 1848 he again associated himself with the *Burlington Gazette*, and the same year he was a Vice President of the Democratic National Convention which nominated Lewis Cass for President.

The citizens of Burlington consolidated their public school districts in 1849. According to an early writer, the "first meeting under the new plan was held March 29, 1849, in the Congregational Church. James Clarke was chosen President; L. D. Stockton, Secretary; John Johnson, Treasurer, and James W. Grimes, Chairman of the Committee to inquire about the number of schools needed."

The normal course of events in Burlington was interrupted by an epidemic of cholera. On July 25, 1850, the *Burlington Hawk-Eye* exclaimed: "This terrible scourge still continues among us. We are unable to determine whether any abatement has taken place. Time alone, can solve this deeply interesting question. It is certain, however, that no



abatement has taken place since our last issue. The number of deaths from Cholera, since the 4th instant, we are creditably informed, amounted to sixty, up to the evening of the 23rd."

One of the first families stricken was that of James Clarke. The *Hawk-Eye* on August 1st revealed the tragic story: "After following to the grave the remains of a promising child on the 11 ult., and giving up to the embraces of the king of terrors a visitor at his house on the 13th, and his beloved wife on the 14th, Governor Clarke, after an illness of two weeks, superinduced mainly by his afflictions, was called to follow them on the 28th. He died at the residence of Judge Mason, where he spent the last twelve days of his life". Two daughters and a son survived.

The entire State was saddened with the ex-Governor's death. Citizens of Burlington met on Monday, July 29, 1850, at the law office of Grimes and Starr and organized the funeral services. Business houses were closed between ten-thirty and two o'clock. At eleven o'clock, the Reverend William Salter (who was later to write Clarke's biography in the *Iowa Historical Record* for January, 1888) conducted services at the Congregational Church. Pall-bearers were David Rorer, William H. Starr, J. C. Hall, M. D. Browning, A. W. Carpenter, O. H. W. Stull, John G. Foote,



and J. P. Wightman. At the church a procession led by "a band of music" formed and marched to the cemetery.

What shall be the final estimate of James Clarke? Shall it be that this "quiet kind of gentleman, slender and thin in build" was simply "very respectable"? Shall his services be measured by a county named in his honor? Shall he be remembered as the third Territorial Governor of Iowa? Most likely his permanent monument is the newspaper he founded. While he was its owner, the elegantly written editorial columns were filled with cultural ideals and ambitions for the future of Iowa. The present Burlington *Hawk-Eye Gazette* is the successor of James Clarke's *Wisconsin Territorial Gazette*.

JACK T. JOHNSON



## A Penitentiary for Iowa

Among the problems of the first Legislative Assembly of Iowa in 1838 was the enactment of a criminal code providing suitable punishments for public offenders. "Some of the greatest statesmen and philanthropists of the age", declared Governor Robert Lucas in his first message to the Territorial legislature, had studied the subject, "and the general conclusion has been, that sanguinary punishments do not tend to lessen crime, and that the general policy of all criminal laws should be to prevent crimes, rather than to inflict punishment, and that all punishments should be inflicted with a view to reform, rather than exterminate the criminal. In these conclusions I heartily concur, and would wish to see confinement at hard labor, for life, substituted in all cases, in lieu of capital punishment, when suitable prisons for the purpose can be had".

That this enlightened policy might be inaugurated as soon as possible, the Governor suggested "the expediency of respectfully memorializing Congress to grant to the Territory an appropriation sufficient to erect a Penitentiary in the Territory, for the confinement of convicts that may be



sentenced for a violation of the penal laws of the Territory, as well as those who may be convicted for a violation of the laws of the United States." Though a quarter section of land had been granted to each county to provide for public buildings, only one jail had been built, according to the Burlington newspaper. The Governor thought it reasonable to anticipate the same liberality by Congress to Iowa as to other Territories. Apparently he chose to disregard the previous appropriations amounting to \$40,000 for Territorial buildings. Perhaps he assumed that this money was not available for a prison, or that an additional amount would be needed.

On Saturday, January 12, 1839, a special committee of one from each electoral district was appointed in the House of Representatives to "inquire into the expediency of establishing a penitentiary in this territory". Under the leadership of John Frierson of Muscatine this representative committee of eight drafted a bill and submitted it for consideration on the following Monday. The details were discussed thoroughly, probably vehemently, by the House in committee of the whole, and finally the bill was reported without locating the penitentiary. James W. Grimes of Burlington proposed Mount Pleasant and his motion carried, fourteen to eleven. With the exception of Laurel



Summers, all the Representatives of counties north of Henry opposed this location, while the Representatives from Des Moines, Van Buren, and Henry counties were unanimously in favor of Mount Pleasant. The delegation from Lee County divided evenly: James Brierly and Hawkins Taylor for Mount Pleasant and William Patterson and C. J. Price opposed. And so on January 17, 1839, the House of Representatives authorized the establishment of the penitentiary at Mount Pleasant.

In the Council the next day the location of the penitentiary at Mount Pleasant was immediately challenged by the representatives of northern counties. Stephen Hempstead of Dubuque proposed to substitute Davenport, but the motion was lost five to eight. Jesse B. Browne of Fort Madison was the only southerner to support the change. Hempstead then suggested Fort Madison as the seat of the penitentiary but precisely the same Councilmen voted against that change. Apparently the Mount Pleasant faction had a decisive majority. This vote must have been an attempt of the northerners to divide their opponents, because their tentative support of the Lee County town was obviously insincere.

Though Fort Madison did not attract more than one unequivocal vote (Browne), there must



have been some dissatisfaction with Mount Pleasant. Probably the parliamentary maneuvers were motivated by local rivalry. George Hepner's motion to locate the penitentiary at Burlington attracted the support of the other two representatives of Des Moines County as well as Browne of Lee and Charles Whittlesey of Cedar County. Then James M. Clark of Muscatine County proposed Bloomington. The four northern Councilmen agreed to that change but Clark and Browne were the only others. Why Jesse D. Payne of Henry County should have favored Hempstead's motion to locate the penitentiary at Dubuque is a mystery, but apparently it had no chance of adoption and Payne may have hoped thereby to win northern votes for Mount Pleasant on later ballots.

To test the true attitude of the Council, Whittlesey proposed to strike out Mount Pleasant and his motion was carried seven to six by the four northerners, two from Burlington, and Browne of Fort Madison. Thereupon Whittlesey suggested that the penitentiary be located at the new capital of the Territory (Iowa City), but that idea received no support from the partisans of existing towns. E. A. M. Swazy of Van Buren County proposed Fort Madison again. This time the representatives of Lee, Van Buren, and Henry coun-



ties united on that location but all the others opposed it, including the four northerners who had previously voted for Fort Madison. Apparently Mount Pleasant and Fort Madison were eliminated. If the penitentiary was to be situated most conveniently in relation to density of population, Burlington seemed to be the only remaining choice. Payne of Mount Pleasant therefore moved to place the penitentiary at the temporary capital of the Territory and his motion was adopted, eight to five. Only Browne, Clark, Whittlesey, Hempstead, and Lewis of Dubuque voted no. And so the bill passed on January 19th and was returned to the House of Representatives for concurrence.

The Representatives, however, were not pleased with the change. Hawkins Taylor of Lee County, who had originally voted for Mount Pleasant, immediately moved to strike out Burlington and his proposal was adopted. James Hall of Van Buren County moved to locate the penitentiary at Keosauqua but his suggestion was not adopted. Chauncey Swan wanted to place the penitentiary at the new capital of Iowa City but that location was rejected. Then Taylor renewed his original proposal to locate the penal institution at Fort Madison, and the House agreed. The Council also accepted the change from Burlington to Fort



Madison, though the three Des Moines County members and Payne of Henry voted no.

The Territorial legislature assumed that the money to build the penitentiary would be obtained from the United States treasury. On July 7, 1838, Congress had appropriated \$20,000 for public buildings in Iowa. The Organic Act creating the Territory on June 12, 1838, had also contained an appropriation of \$20,000, but this sum was restricted to public buildings at the seat of government and was therefore not available for the penitentiary at Fort Madison.

Some members of the Legislative Assembly apparently hoped, with Governor Lucas, that an additional appropriation might be obtained from Congress. Stephen Hempstead tried to amend the bill to appropriate "any moneys that may have been, or may hereafter be appropriated for the erection of a Penitentiary", instead of appropriating the \$20,000 provided by Congress on July 7, 1838, "for the erection of public buildings", as the House of Representatives had provided. This amendment, however, was defeated. Assuming that Congress might have intended to spend \$40,000 for public buildings at Iowa City, Charles Whittlesey wanted to keep the whole sum available for the capitol (in his district); but the Council adopted the opinion of Jesse D. Payne who



thought a proviso that the penitentiary appropriation should "not interfere with the \$20,000 appropriated by the organic law, organizing the Territory of Iowa" would be sufficient protection for the capitol funds. This amendment was superfluous because the organic act appropriation could not have been spent for a public building at Fort Madison anyway. Hempstead, still hopeful of securing an additional appropriation by Congress — or determined to frustrate the whole project by eliminating the use of any funds already available — proposed that the \$20,000 provided for "public buildings" should not be spent for the construction of the penitentiary, "if the same has been appropriated by Congress for other purposes." The seven Councilmen from Des Moines, Henry, and Van Buren counties defeated this obstructive amendment, and so the bill passed and was approved by the Governor on January 25, 1839.

The Territorial legislature authorized the erection of a penitentiary "of sufficient capacity to receive, secure, and employ one hundred and thirty-six convicts," to be constructed according to the plan of the Connecticut State Prison at Wethersfield. This type of prison provided a cell for each prisoner at night and workshops for labor together during the day. The maximum cost was fixed at \$40,000, which implied the expectation of another



Congressional appropriation of \$20,000. Eventually, on August 29, 1842, Congress provided \$15,000 more, but declared that the prison would have to be completed at no further expense to the national government.

At a joint session the Legislative Assembly elected three directors to supervise the construction and operation of the penitentiary. Of seven men nominated, Jesse M. Harrison and John S. David were elected on the second ballot and John Claypole on the third. The first to be elected was supposed to serve for three years, the second for two years, and the third for one year. At the end of the first year, the number of directors was reduced to one, and the two who had been elected for the long terms were removed by law, leaving in office Claypole whose term legally expired on January 25, 1840. In effect, therefore, the legislature reëlected him for a three-year term, which he served.

Before May first the citizens of Fort Madison gave the Territory a "suitable spot" of ten acres within "one mile of the public square", as required by law. It was a good site, in the opinion of the directors, located at the east end of town about 400 yards from the river on a low ridge extending to the base of the bluff. An abundant supply of water and excellent building materials were avail-



able, though most of the stone was eventually obtained from a quarry across the river in Illinois.

On June 5, 1839, the directors appointed Amos Ladd of Burlington as superintendent of construction. He immediately made plans for a two-story stone building containing quarters for the warden and space for 138 cells in conformity to the plan specified by the act of the Assembly. Such a structure would cost \$55,933.90, estimated the directors, but they believed the "outer wall, warden's house, and sixty cells" could be completed for the allotted \$40,000 and the remaining portion could be "erected by the labor of the convicts."

Superintendent Ladd began construction on July 9th and by the first of November two wells had been dug, a boarding house to accommodate the workmen had been built, the basement story of the warden's house and guard room had been erected, the foundation for sixty cells had been started, 350 feet of cut stone for the cells was on the ground, and "about 150 perch of stone from the quarry, not yet laid in the walls." Already \$3422 had been spent.

During 1840, work on the prison was prosecuted with all the diligence that funds would permit. The whole appropriation of \$20,000 was spent and, in order to finish the prison enough to be used, the superintendent contracted with Wells



& Wilson for work to the amount of \$8000 and had issued certificates for \$2,322.18 more. By the first of November, 1840, "three-fourths of the main building (including cells, guard room, and keeper's house)" was "thirteen feet high", the second story of the keeper's house was up and a temporary roof over it, ten cells were completed, except for the iron doors, and twenty more were started, ten of them above the first ten. A committee of the legislature reported that the materials and workmanship surpassed any "of a similar kind in the western country."

Meanwhile, twelve convicts had been committed to the penitentiary, before adequate facilities were ready for their confinement. During the day the prisoners were "moderately exercised in such employment as the Director may offer" and at night they were "lodged in the cellar under the guard room of the penitentiary". The "hard labor" they were supposed to do consisted of construction work, "at times assisting at turning and raising stone, and carrying stone and mortar", which was valued at forty-six cents a day.

Working among masons and stone cutters, the convicts were able to conceal iron tools with which seven of them broke their shackles and escaped into the rough, brush-covered country around the penitentiary where they eluded pursuit. Two



were recaptured in Saint Louis. Jacob Abdon, Samuel Conlogue, and Lester Wallace escaped from the cellar under the guard room by breaking through the floor while the guard was at supper. Thereafter the most desperate convicts were required to wear the "necklace", an iron collar with two iron horns extending beyond the shoulders.

In November, 1840, six prisoners were in the penitentiary, "well secured with a ball and chain, and properly guarded." James McCubben, Samuel Wilson, John Howard, Bartlet Dennison, Ephraim Whitacre, and Samuel Green were reported to be "in a good and healthy condition, well clad [in uniforms of bed ticking, one side dark and the other light], and suitably accommodated as regards boarding and lodging." On January 15, 1841, William Anderson was appointed as the first warden and assumed the responsibility for the custody and employment of the convicts. Work on the prison, however, practically ceased until more money was appropriated. The half-dozen or more prisoners were employed mainly in cultivating a large garden and in a cooperage shop.

JOHN ELY BRIGGS



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