

The Territorial Capital is Named

Having designated Burlington as the temporary seat of government, Governor Robert Lucas called the First Legislative Assembly into regular session at that place on November 12, 1838. His first annual message to the legislature was a masterpiece of executive counsel and legislative wisdom. In it he advised that steps be taken "to provide by law for the appointment of three disinterested men, of known integrity and weight of character, and to vest them with authority to take the subject into consideration, and to fix upon a place for the seat of Government of the Territory".

The Governor's suggestion that "in settling this question every interest of a local or private character should be excluded" was little heeded. Rivalry between the northern and southern counties and between the river towns and interior communities was evident the moment Colonel Thomas Cox, in the House of Representatives, moved, on November 15th, that "so much of the Governor's message as relates to establishing the seat of government, be referred to the committee on Territorial Affairs." But not until James W. Grimes had moved, on December 27th, that the committee be

instructed to report as soon as practicable did they present a bill in which Burlington was designated as the temporary capital for a period of three years and Mount Pleasant as the permanent capital.

In committee of the whole the provision that Burlington be made the temporary capital for three years was adopted without much discussion and after only one motion to substitute a different place. But on the provision that Mount Pleasant be named as the permanent seat of government there were twenty-six motions to strike out Mount Pleasant and insert the name of some other town.

On the floor of the House the conflict of local interests was renewed. An attempt to substitute Fort Madison for Burlington as the temporary capital failed. At this point in the controversy Colonel Thomas Cox of Jackson County launched a new idea in regard to the permanent location of the seat of government. If the House could not come to an agreement on a river town or on an interior community, why not ignore all local interests and locate the capital on unoccupied (and possibly unsurveyed) public land.

And so, the Colonel moved to strike out the name of Mount Pleasant and instruct the capital commissioners to locate the permanent seat of government "at the most eligible place" in Linn, Ce-

dar, or Johnson County. While this motion failed to pass the House of Representatives, the idea upon which it was based was later revived on the floor of the Council. There the idea of choosing a site on unoccupied public land came to fruition. On a motion submitted by James M. Clark of Louisa County, section two which named Mount Pleasant as the permanent capital was stricken from the bill by a vote of nine to four. Thereupon Stephen Hempstead of Dubuque moved to insert a new section which in its final form read: "Be it enacted, That the commissioners hereinafter mentioned, or a majority of them, shall, on the first day of May, in the year eighteen hundred and thirty-nine, meet at the town of Napoleon, and proceed to locate the Seat of Government at the most eligible point within the present limits of Johnson county."

By a vote of nine to four the Hempstead motion was adopted by the Council. This was on January 2, 1839. After the remaining sections had been considered, the bill was finally referred to the Committee on Territorial Affairs; and upon the report of that committee the bill was adopted by the Council on January 3rd by a vote of ten to three.

On the same day the bill as passed by the Council was sent to the House. After the sergeant-at-

arms had brought in the absent members, a vote of thirteen to twelve was recorded in favor of the bill following the adoption of several minor changes. The changes made by the House were readily agreed to by the Council. On the fourth day of January, 1839, the bill for "An Act to locate the Seat of Government of the Territory of Iowa, and for other purposes" was placed in the hands of the Governor.

Whatever the cause of delay may have been, the Governor did not express his views officially upon the bill until January 17th when in a communication to the House of Representatives he said that he concurred in general. He took exception, however, to the provision that authorized the capital commissioners "to enter upon the United States land that is yet unsurveyed . . . [with] no provisions to obtain the consent of Congress to locate the seat of government on their lands, or to obtain a grant or title from the government, to land upon which the seat of government may be located."

Furthermore, he pointed out that the bill contained no provisions "for the sale or disposition of the lots in the town directed to be laid out at the seat of Government"; that "the bill declares that the Governor of the Territory shall officiate as Treasurer, and imposes on him duties, totally in-

compatible with the duties of the Executive of the Territory"; and that "it provides for the appointment of commissioners by joint ballot of the Council and House of Representatives, which is a mode of appointment entirely unprovided for by the organic law."

In conclusion the Governor stated that, with the exceptions mentioned, he approved of the bill; but he added, "I shall, however, retain the bill in my possession for the present, and should the Legislative Assembly, during its present session, pass an explanatory supplement, remedying the defects above alluded to, the whole subject will meet with my unqualified approval."

In the meantime, as if forewarned of the Governor's objections, Samuel Parker of Van Buren County had introduced a House bill supplementary to the act locating the seat of government, which after consideration in committee of the whole was reported to the House without amendment.

It was at this point in the proceedings on the eventful fifteenth day of January, 1839, that Colonel Thomas Cox arose to present a motion of great importance to the future seat of government. Recognized by the Speaker as the member from Jackson County, Colonel Cox moved to insert in the second line of the first section the

words, "to be called Iowa City". The House approved—apparently without a dissenting voice. Thus the town that was subsequently located in Johnson County on the banks of the Iowa River as the permanent seat of government of the Territory of Iowa was named before it was born.

Two days later (on Thursday, January 17, 1839) the House received from Governor Lucas his message directing attention to what he was pleased to call "defects" in the "details" of the bill to establish the seat of government which had been adopted by the Legislative Assembly on January 4th. Immediately the message, along with the supplementary bill pending in the House, was referred to the Committee on Territorial Affairs. The next day (January 18th) the House, after approving some minor amendments, concurred in the adoption of the supplementary bill as recommended by the Committee on Territorial Affairs.

At this stage in the proceedings relative to the seat of government the members of the Council appeared on the floor of the House. A joint session ensued, at which Chauncey Swan, John Ronalds, and Robert Ralston (in the order named) were elected to serve as commissioners to locate the permanent seat of government in Johnson County.

On January 19th the supplementary bill was

passed by the House and sent to the Council where it was adopted with an amendment. The House at once concurred in the Council amendment and passed the bill. As adopted by the two branches of the Legislative Assembly the second act on the establishment of Iowa City was transmitted to the Governor for approval on January 21st.

And the Governor did approve. He affixed his signature to both the bill "to locate the seat of Government of the Territory of Iowa" and the bill supplementary thereto, on the twenty-first day of January one thousand eight hundred and thirty-nine.

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