

County Evolution in 1839

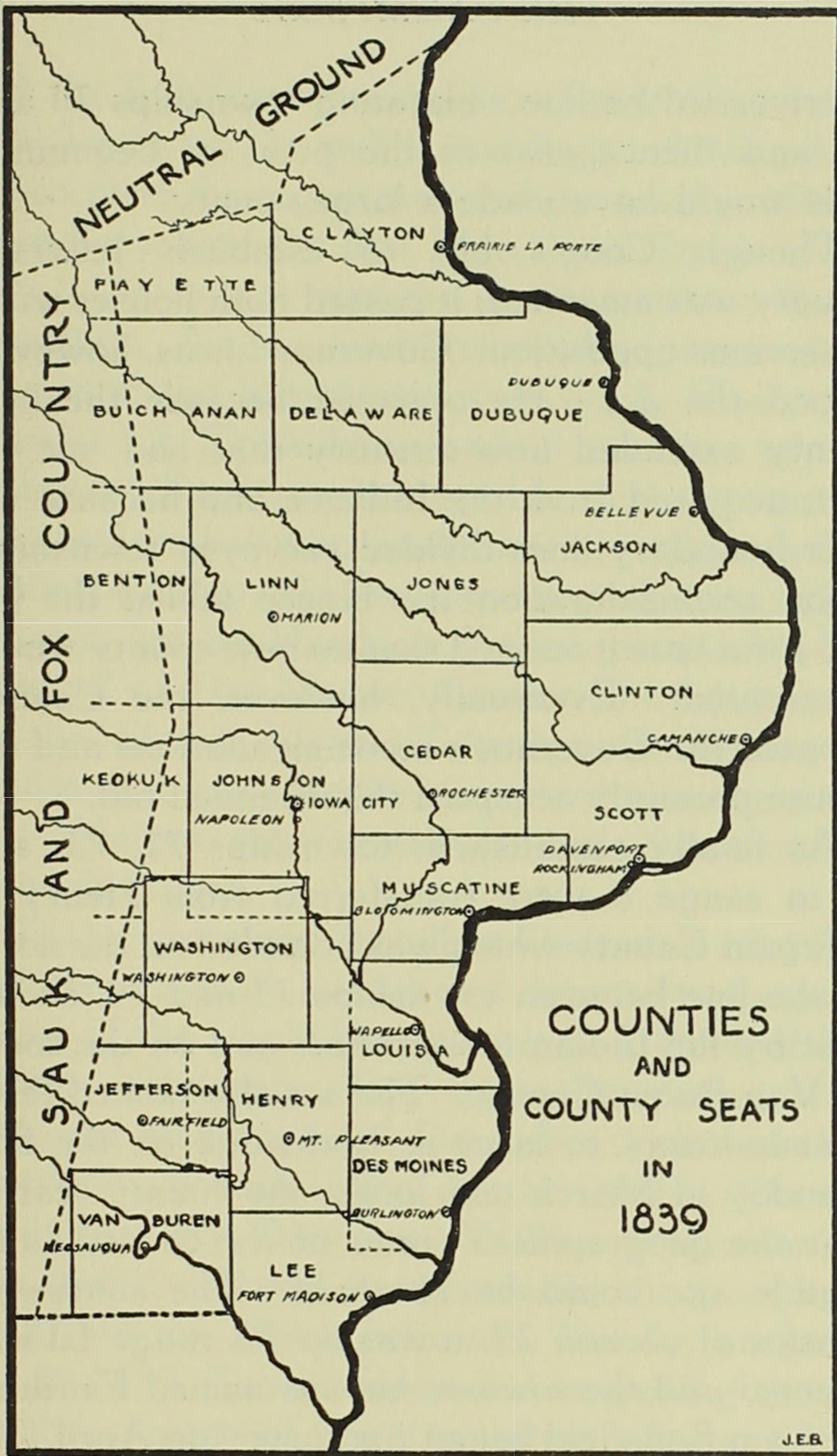
In consideration of "the local excitements that frequently arise in neighborhoods, on the subject of division of counties, the alteration of county lines, and the location of county seats," Governor Robert Lucas declared in his first message to the Territorial legislature that much benefit would result "were the whole of the surveyed part of the Territory laid out into counties of a uniform size, and so bounded as to preclude any subsequent subdivision, or alteration of the boundaries; and the seats of justice established in each [where they had not already been fixed by law] by disinterested commissioners to be appointed for the purpose." The Governor proposed the enactment of a general law on this subject.

Local politicians were quick to capitalize opportunities to win the favor of communities which were dissatisfied with the existing county boundaries or the location of the county seats. Members of the legislature promised to respect the wishes of their constituents and vote for the changes favored by the most numerous petitioners. In anticipation of such legislation a standing committee on township and county boundaries

was appointed in the House of Representatives.

Perhaps in response to the Governor's recommendation or in an effort to avoid the continual log-rolling characteristic of special legislation, Jonathan W. Parker proposed a general law to regulate the size of counties and provide a uniform method of locating county seats. This bill was passed by the Council early in January, 1839, but failed to be considered in the House. Meanwhile, the proponents of particular changes were active in securing the enactment of measures calculated to satisfy certain localities and factions.

According to an act of the Territorial legislature in 1838 the jurisdiction of Henry County had been extended to the Indian country on the west. In response to the demand of the inhabitants of the attached area, William G. Coop introduced a bill in the House to establish the new county of Jefferson. Hoping that his own town of Lockridge might be made the county seat, he proposed to include a slice of Henry County. As the bill was originally framed the eastern boundary probably began at the southeast corner of township 71 north, range 8 west, followed the township line north to the Skunk River, thence up the river to the line separating townships 74 and 75, thence west to the line between ranges twelve and thirteen, thence south to the Des Moines River, down



the river to the line separating townships 70 and 71, and thence east to the point of beginning. This would have made a large county.

Though Coop's bill to establish Jefferson County was amended, it passed both houses without serious opposition. Governor Lucas, however, vetoed the act. He objected because the new county extended into territory that had not yet been acquired from the Indians, and because the river boundary lines divided surveyed townships. Upon reconsideration the House tabled the bill and for a time it seemed that no new county would be created. Eventually, however, the Council adopted the Governor's recommendations and the House promptly accepted the amended bill.

As finally established, townships 71, 72, and 73 in range 8 were transferred from Henry to Jefferson County which was bounded on the north by the line between townships 73 and 74, on the west by the Indian cession line, and on the south by Van Buren County. The act also named three commissioners to meet at Lockridge on the first Monday in March and locate the county seat as near the geographical center of the county as an eligible site could be obtained. The southwest quarter of section 25, township 72, range 10 was selected and the town-to-be was named Fairfield. William Bonafield began the survey on April 17th

and the first lots were sold on June 15th to provide funds for the public buildings. Meanwhile, to complete the organization of the county, officers were elected on the first Monday in April.

In 1838 Louisa was the smallest county in the Territory. Among the citizens who were anxious to extend the boundaries was W. L. Toole, the founder of Toolesboro and a member of the House of Representatives. He hoped to annex the northern half of the adjacent townships in Des Moines County. At the same time a faction in Lee County, led by Hawkins Taylor, planned to acquire all of Des Moines County which lay south of the Skunk River. Together the forces of Louisa and Lee counties conspired to outvote the Des Moines representatives and thus achieve their objectives.

Taylor presented his bill on December 15, 1838, and about a week later it was debated in the committee of the whole House with C. J. Price of Lee County presiding. The opponents managed to table the measure until December 28th and then postponed consideration another week. On the following day, however, William Patterson of Lee County moved to reconsider the postponement, but the House refused. Finally, on January 2, 1839, Taylor succeeded in getting the favorable report of the committee of the whole

adopted by a vote of 17 to 7. John Frierson of Muscatine, James Hall of Van Buren, and Robert G. Roberts of Cedar, joined four Representatives of Des Moines County in opposition.

George Hepner of Des Moines County led the fight against the bill in the Council, but his motion to strike out the enacting clause was defeated, the rules were suspended, and the bill was passed 7 to 6. L. B. Hughes and J. D. Payne of Henry and J. W. Parker of Scott voted "No" with the three Des Moines Councilmen. The next day Hepner introduced a bill to redefine the boundaries of Des Moines County, probably in the hope of retrieving some of the lost territory, but his proposed boundaries were so amended that he moved to table the bill and thus the contest ended.

Contrary to the advice of Governor Lucas, the revised boundary between Lee and Des Moines counties followed the Skunk River all the way up to the intersection of the line between ranges four and five, thus dividing townships 69 in ranges three and four and transferring the parts south of the river to Lee County. A small corner of township 69 in range five north of the Skunk River was left in Lee County instead of being transferred to Henry or Des Moines. The Governor signed the act on January 23, 1839, and the boundaries then established have remained permanent.

Meanwhile, Representative Toole introduced his bill to move the boundary of Louisa County south three miles where it had originally been located in 1836. When he tried to enlist the Governor's support, however, he was rebuffed. "No, sir," declared Robert Lucas, "I will allow no townships to be divided in that manner." And so the proposal was not pressed in the House.

A few days later a similar bill appeared in the Council. Robert Ralston of Des Moines County immediately moved to table it, but others insisted on the first and second readings. Hepner next presented a remonstrance of Des Moines County citizens against being attached to Louisa County and moved in vain to refer the bill to the standing committee on county boundaries. Then Arthur Inghram of Des Moines County suggested that the proposed boundary be shifted from the line between sections 18 and 19 in townships 72 to the line between townships 72 and 73, thus leaving it exactly where it was. This amendment was defeated 8 to 3. Hepner's motion to table was also lost and the bill passed.

The opposition was stronger in the House. On Thomas Blair's motion to table until March 4th there was a tie vote. James W. Grimes then moved indefinite postponement and the House agreed, 14 to 8. That was the end of the Council

bill, but on January 5th the original House bill was revived, amended, and passed. Apparently the attempt to extend Louisa County southward was abandoned and three townships on the west were annexed from Slaughter County. The Council also accepted this change and the act was approved by the Governor on January 12, 1839. The Louisa County boundaries have not been altered since.

In compliance with the law fixing the boundaries, an election was held in Louisa County on March 4, 1839, to locate the seat of justice. A majority voted for Wapello just north of Lower Wapello which had previously been designated by law. The new town, located in the southeast quarter of section 27, township 74, range 3, was surveyed and platted in May. Over \$9000 were raised from the sale of lots to build the courthouse.

Following the revision of the western boundary of Louisa County, Slaughter was left with only nine townships. Apparently in anticipation of this contingency, J. M. Clark of Louisa introduced a bill to expand Slaughter toward the north and west. Though the Council adopted "sundry amendments" and a few citizens remonstrated against any changes, some action seemed necessary and so the measure was passed with no serious opposition. The House approved without

argument or amendment and Governor Lucas signed the act on January 25th.

By this law the name of the county was changed to Washington, substituting in honor the first President for a former Secretary of Wisconsin Territory. In area the limits were extended one tier of townships farther north and one range farther west, thus making a square county containing sixteen townships. As Louisa County had gained three townships from Slaughter, so Washington acquired three from Johnson. The inclusion of the four townships on the west was in accord with the Governor's recommendation to organize all the territory that had been acquired from the Indians.

Three commissioners were named to locate the county seat for the convenience of "the future as well as the present population of the county." Meanwhile, the seat of justice was to remain at Astoria. When two of the commissioners met on June 1, 1839, they disagreed on the site. One preferred the geographical center of the county and the other a place two or three miles southeast. They finally compromised on the southwest quarter of section 17, township 75, range 7, and named the town Washington. Lots were sold in August to provide funds for public buildings.

Although several other changes in county

boundaries were proposed, none was adopted. A bill to redefine the boundaries of Clinton and Scott counties was vigorously opposed by the Representatives of Muscatine, Cedar, and Louisa counties. It must have encroached upon Muscatine County because Frierson offered an amendment to establish the existing boundary between Scott and Muscatine. An amendment by Chauncey Swan to transfer townships 87 in ranges 3, 4, and 5 east from Jackson to Dubuque County was adopted. In this form the bill passed the House. Meanwhile, however, many protests were sent to the legislature. After careful examination of public opinion in these petitions, the Council indefinitely postponed the bill, and the boundaries in question have remained unchanged ever since.

Another bill provided for completing the boundaries of Clayton, Fayette, and Buchanan counties and modifying those of Delaware and Dubuque. Among other things, those northeast townships of Jackson County would have been added to Dubuque. The Council passed the measure without much trouble. In the House, however, Thomas Cox of Jackson County first tried to extend the Jackson line six miles farther south and when that proposal was defeated he argued successfully in favor of the existing line between Jackson and Dubuque. With that

amendment the House passed the bill, but in the Council Stephen Hempstead of Dubuque County insisted on the original provisions and so the measure was lost. Dubuque and Delaware county boundaries have remained as they were in 1838.

Besides the settlement of boundary questions, two statutes authorized the organization of government in existing counties. By legislative assertion Jones and Linn counties were organized on June 1, 1839. Three commissioners were named for each county to locate the county seats with "particular reference to the convenience of the county and healthfulness of the location." If the commissioners accepted any reward for locating the county seat or bought a lot there within six months, they would be guilty of a high misdemeanor and lose forever their right to vote or hold office. In Linn County the seat of justice was established at the geographical center of the county and named Marion in honor of the Revolutionary general. The commissioners for Jones County failed to act, and so the county seat was not located until 1840. At that time a site one-half mile north of the center of the county was selected and named Edinburg.

Agitation for relocation of the county seats in Scott, Lee, and Van Buren counties was reflected in the legislature. Early in the session the House

resolved to investigate the election in which Davenport had been made county seat because eighteen votes for Rockingham had been rejected. A bill was finally passed to purge the polls, but the Council rejected it on the motion of J. W. Parker of Davenport.

The controversy in Lee County was particularly serious. A strong faction was hostile to Fort Madison and wanted the county seat nearer the center of the county — perhaps at West Point. After much bitter discussion and parliamentary maneuvering a bill to create a commission to relocate the seat of justice passed both houses. The vote in the Council was 7 to 6. Warner Lewis of Dubuque County then moved to reconsider and changed his vote from Yea to Nay. So narrowly did Fort Madison retain the county headquarters.

At the election in September, 1838, the voters of Van Buren County decided to move the county seat from Farmington to Van Buren (later named Keosauqua). Many citizens, however, were not willing to accept this result as final, and so the Territorial legislature named three commissioners to meet at Keosauqua in May and relocate the county seat — *unless* Keosauqua would give land, cash, or materials worth \$5000 to provide public buildings. Apparently the Keosauquans raised the money, for no other place was selected.

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