

No Convention in 1840

When the House of Representatives of the United States was discussing the creation of Iowa Territory, Augustine Shepard of North Carolina protested that, "If the Territory of Iowa be now established, it will soon become a State". That prediction was soon verified because agitation for Statehood began before the Territorial government was well rooted in Iowa soil.

Aware of the growing population and the attendant political needs, Governor Robert Lucas messaged the question of seeking admission into the Union to the Second Legislative Assembly which convened at Burlington on November 4, 1839. The Governor suggested that the lawmakers consider measures preparatory to the formation of a State government. To such a suggestion the Chief Executive of Iowa knew that many persons would raise serious objections of a financial nature. They would argue that while Iowa remained a Territory the national government would pay the costs of operation, but a State government would have to be supported by taxes levied on local citizens whose ability to pay was very limited. In rebuttal of this view, the Governor pointed out that the

prosperity of Ohio, Indiana, Illinois, and Michigan rapidly improved with their admission into the Union, so that the cost of government was not burdensome.

With these general remarks, Governor Lucas offered three specific suggestions. One was to memorialize Congress "asking of that body the passage of an Act, at their ensuing session, granting to the inhabitants of Iowa Territory, the right to form a Constitution and State Government, and to provide for their admission into the Union". The Governor also described boundaries for the new State. Another proposal of the Chief Executive was that the Legislative Assembly enact a statute providing for a constitutional convention as soon as Congress should authorize the drafting of a State constitution.

The Second Legislative Assembly adjourned on January 17, 1840, without enacting the Governor's recommendations. Though a minority, led by Stephen Hempstead, the President of the Council, endorsed the views of the Governor, most of the members could see no clear advantages for the farmers, merchants, and miners. Perhaps one explanation of this difference of opinion may be found in the diversity of political responsibility. The Governor, being appointed by the President of the United States, was consequently not likely

to be swayed by the prejudices of the local citizens. Contrary to this position of local political immunity, the legislators were close to the Territorial voters and naturally influenced by their views upon taxation and finance.

The portion of the Governor's message which dealt with Statehood was referred to a committee in the House which made a detailed report on the subject. On November 14, 1839, the Burlington *Hawk-Eye* explained: "We are rejoiced that we have an opportunity to inform our readers of the total annihilation of the *office holders* scheme for immediate admission of our Territory into the Union as a State. That part of the Governor's Message which related to this subject was referred to a committee in the House of Representatives, and on Monday a report was received from them and unanimously adopted by the House. The report goes at length into the matter and finally arrives at the conclusion that it is inexpedient and impracticable to take any steps at this time preparatory to our admission. We believe that is the opinion of nine-tenths of the people throughout the Territory. Gentlemen office holders and office seekers! You cannot be Senators in Congress next year. Wait a *bit*, till your merits and demerits are generally known."

The Second Legislative Assembly convened

again in an extra session in July, 1840, to reapportion its membership according to the current census. In the meantime, Congress, little concerned with or ignorant of the action of the Iowa legislature and because of political expediency, opened the Iowa Statehood question. Governor Lucas in his message to the special session of the legislature on July 14, 1840, stated the reason for the Congressional action. "I perceive," he said, "by the journals of Congress, that a bill was reported by the committee on territories to the House of Representatives, early in the session, to enable the people of the territory of Iowa to form a constitution and state government and for the admission of such state into the Union. This bill was reported in connection with a bill extending the same privilege to the citizens of Middle and West Florida." Congress was apparently seeking free territory to balance a slave area that was ready for admission into the Union.

"I have not yet learned the fate of these bills," continued the Governor, "but presume that they will both pass together and probably [at] the present session of Congress. I therefore, suggest to the Legislative Assembly the expediency of providing by law for taking the sense of the people of this territory on the subject of a convention at the ensuing annual election. It appears to me that

there can be no objection to submitting this subject to the people for their consideration, as an expression of public opinion thereon, through the ballot-box, would enable the ensuing Legislative Assembly to act understandingly, and in accordance with the expressed will of the people on this important subject."

The bill to which Lucas referred was introduced by Representative John Pope of Kentucky on March 5, 1840. The House of Representatives adjourned on July 21st without taking further action. Certainly William W. Chapman, Iowa's Delegate, knew of this proposal but he did not take an active part in promoting its passage.

In response to the Governor's insistent urging, however, the Legislative Assembly passed an act, approved on July 31, 1840, "to provide for the expression of the people of the Territory of Iowa as to preparatory steps for their admission into the Union". At the annual election on October 5th, the judges of each precinct were to provide a separate ballot box in which the voters could deposit their decision on the question of Statehood. Those in favor of calling a constitutional convention were to write on their ballots "Convention" and those opposed to such action were to write "No Convention". Voting was to be conducted according to the statute governing Territorial elections.

Between the passage of this act and the date of the election there were two months for a popular discussion of the subject. The historical records that remain indicate that the question elicited little argument. Perhaps the formation of local party lines was more debatable. Perhaps the sentiment opposing Statehood was well known. But in either case the campaign of 1840 was fought out on issues other than that of calling a constitutional convention.

In the numerous county conventions held throughout the Territory for the purpose of nominating candidates for public office, the question of Statehood was seldom mentioned. Nor is there evidence that any candidate made a prominent issue of the convention proposition. That the referendum on admission to the Union stimulated relatively little interest is evident from the fact that officially 7595 votes were cast for Delegate to Congress while only 3844 ballots were deposited on the question of Statehood. Obviously the people of Iowa Territory considered the issue a minor one in comparison with the enthusiasm generated by the campaign for the office of Delegate to Congress.

The opposition to the calling of a constitutional convention was overwhelming. Three negative ballots were cast for every one in favor of drafting

a State constitution. According to the final but incomplete count, only 937 electors wrote "Convention" on their ballots while 2907 persons wrote "No Convention". Tabulated by counties, the election figures show some interesting variations. Although printed as the "Official Return" in the local press, the editors had to apologize for the fact that they did not have the results from Dubuque, Delaware, Jones, or Cedar counties. Either no record was kept or the final tabulation never found its way into the public records. Even so, the rejection of the proposal was convincing.

CONSTITUTIONAL CONVENTION REFERENDUM

<i>County</i>	<i>Convention</i>	<i>No Convention</i>
Clayton	3	52
Clinton	17	24
Des Moines	56	440
Henry	164	229
Jackson	14	260
Jefferson	47	173
Johnson	54	117
Lee	108	423
Linn	81	39
Louisa	59	126
Muscatine	93	210
Scott	115	277
Van Buren	97	373
Washington	29	154
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<i>Total</i>	937	2907

The only county casting a majority for the convention was Linn, while Clinton was the only other county in which the vote was close. It may be assumed that Dubuque and Delaware county opinion was similar to that in Clayton and Jackson counties, though Jones and Cedar county results may have paralleled those in Linn and Clinton counties. The defeat of the proposition was decisive: the people of Iowa Territory did not want the responsibilities that went with the formation of State government. There the question remained. Even Governor Lucas admitted defeat. In his message to the Third Legislative Assembly on November 3, 1840, the Chief Executive said: "The votes given at the late general election for and against a State Convention, were against a Convention by a large majority. The sentiments of the people of the Territory thus indicated will necessarily preclude all further legislation on the subject at the present session. The people have, by their votes, expressed their preference for a Territorial Government for the time being."

No further action was taken until the meeting of the Fourth Legislative Assembly. On December 8, 1841, Governor John Chambers in his first message to the legislators declared that what seemed to be "of paramount importance, is the legislation necessary to the ascertainment of the

wishes of the people of the Territory, touching our admission into the Union of the States, as one of the confederates, in the duties and obligations of the National Government."

Chambers said that he was aware of the vote in 1840 but believed that circumstances had changed. The Territory had continued its phenomenal growth in population and Congress had passed the "Distribution Act" providing that Iowa among the States and Territories should receive a share of the revenue from the sale of the public lands, and that each new State upon joining the Union should be granted 500,000 acres of land for internal improvements. This, indeed, did alter the opinion in Iowa relative to the calling of a constitutional convention. Although Statehood was not consummated for five years, some phase of the issue was continually the subject of political debate.

The agitation in 1840 was simply premature. Territorial government seemed to provide adequate services and sufficient political liberty, while the movement for Statehood appeared to be mainly the object of ambitious politicians. Yet the election of 1840 was an example of the continual development of democracy on the western frontier. Iowa voters decided between the fostering care of the national government and political independence.

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