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PALIMPSEST
JULY 1940
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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

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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THE PALIMPSEST

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The Extra Session of 1840

Governor Robert Lucas in his regular message to the Second Legislative Assembly of the Territory of Iowa in November, 1839, asked for the consideration of measures leading to the admission of Iowa into the Union as a State. As the session drew to a close in January, 1840, it became evident that this request was not going to receive the attention of the lawmaking body, though the Territory was growing rapidly in population and wealth. Indeed, the westward trend of settlement would require reapportionment of representation before the next Assembly met. The Federal census, however, would not be available until July. Accordingly, the Legislative Assembly presented to Governor Lucas for his approval on January 11th, an act to provide for a special session of the Territorial legislature. The primary purpose of this extra session, beginning on the second Monday of July, was to consider "apportioning the members of the council and

house of representatives equally among the several counties" of the Territory. For some unknown reason, Governor Lucas failed to sign this bill, so that after remaining in his possession for three days, with a Sunday excepted, it became a law without his signature on January 15, 1840.

In the Methodist Church at Burlington on Monday, July 13, 1840, the special session of the Legislative Assembly congregated to organize for business. In membership, this group was identical with that of the regular session that had adjourned six months before. The Democrats had a preponderance of fifteen to nine over the Whigs in the House of Representatives with two members non-committal; while the two parties were tied at six each in the Council with the affiliation of one member not determined. Organization was speedily completed. On July 14th, both the Council and the House adopted the rules and regulations of the previous regular Legislative Assembly. In the Council, James M. Clark, representing Muscatine, Louisa, and Slaughter counties, was elected President on the eighth ballot, securing eight of the thirteen votes. Jesse Browne of Lee County was the principal candidate, but he could muster no more than six votes. The opposition first supported Jonathan W. Parker of Scott County, then shifted to Warner Lewis of Dubuque, and finally

united on Clark of Louisa. Stephen Hempstead who had served as President in the regular session was apparently not a candidate. In the House of Representatives, Edward Johnston, one of the four representatives from Lee County and Speaker at the last regular session, was reëlected Speaker.

The Governor presented his message to the legislature on July 15, 1840. "I conceive it to be my duty to lay before you such information," he announced, "and to suggest for your consideration such subjects as may be required by the public interests, to occupy your attention during your session." The \$20,000 provided by Congress for the erection of public buildings had been expended for a penitentiary, and the Governor invited legislative attention to the report to be submitted by the director of that penal institution.

Congress had likewise appropriated \$20,000 to the Territory for the erection of public buildings at the seat of government (Iowa City). Governor Lucas thought this appropriation, together with the funds obtainable from the sale of lots in Iowa City, if sagaciously managed, would be sufficient to complete the erection of the capitol as planned. But he went on to say that in his opinion the laws relating to the sale of the lots should be revised to secure every possible advantage. He then sug-

gested the fixing of an average minimum price for the lots and authorizing a public sale, to be followed by private sales, for the disposal of the remaining property. The laws relating to the execution of title deeds of lots in Iowa City he thought ought to be revised. His idea was to require a certificate of final payment, to be signed by the Acting Commissioner and filed in the office of the Secretary of the Territory, with the issuance of a deed at that time.

In Congress, the Committee on Territories of the House of Representatives had reported a bill enabling the people of Iowa and of Florida to form State constitutions for the purpose of seeking admission into the Union. Though the majority of the Legislative Assembly had been opposed to seeking Statehood earlier in the year, the Governor nevertheless renewed his recommendation for legislation favorable to the early admission of Iowa into the Union. Knowing the adverse attitude of the legislature, he proposed a referendum of the voters in the Territory on the subject of a constitutional convention at the next annual election.

The census report for 1840 had not yet been obtained from the United States Marshal, but was expected within a few days. It seemed probable, however, that the population of the Territory had

at least doubled since 1838. Pending receipt of this report, the problem of reapportioning the members of the legislature had to be postponed temporarily.

The Legislative Assembly managed to deal with most of the subjects outlined for consideration in Governor Lucas's message. A bill amending the law pertaining to the administration of the penitentiary was passed in the House of Representatives, but was tabled by the Council. It was found that there had been nine convicts received, five of whom had escaped and one had been discharged, leaving a total of three in the prison. The Council, in refusing to approve of the House bill, requested the director of the penitentiary to make a detailed report to the next Legislative Assembly of monies expended and progress on the construction of the prison. No legislation pertaining to the penitentiary was enacted.

In respect to the new seat of government, however, an act was approved on July 24, 1840, fixing the valuation of lots in Iowa City. The legislature adopted most of the Governor's proposals and stipulated that "the unsold lots within the city plat of Iowa City, the seat of Government of the Territory, shall not be sold for a less average value than three hundred dollars per lot." It further imposed the duty upon the Governor, Secretary

of the Territory, and the Acting Commissioner of Public Buildings to equalize the value of the unsold lots in Iowa City, and attach to each lot a value in proportion to its site, not reducing the aggregate value of the whole below the average sum of \$300 per lot. In the same bill, provision was made for the private sale of lots remaining after the public sale, and the Acting Commissioner of Public Buildings was required to give to persons entitled thereto a certificate of final payment. Whenever a certificate of final payment was presented to the Secretary of the Territory, he was to issue a deed which would constitute a title in fee simple.

In 1838, Governor Lucas under provisions of the Organic Act creating Iowa Territory had apportioned the members of both houses of the legislature among eight districts on the basis of population according to the census of that year:

<i>District</i>	<i>Counties</i>	<i>Council</i>	<i>House</i>
1	Des Moines	3	5
2	Lee	1	4
3	Henry	2	3
4	Van Buren	2	3
5	Louisa, Muscatine, Slaughter	1	4
6	Johnson, Cedar, Jones, Linn	1	1
7	Scott, Clinton	1	2
8	Jackson, Du Buque, Delaware, Buchanan, Fayette, Clayton	2	4

The first Iowa Legislative Assembly, aware of the rapid growth of the Territory, reapportioned members of the House of Representatives among ten districts, but left the Council unchanged, probably because Councilmen served for a term of two years and none would be elected in 1839. The new second district seems to have been created to guarantee separate representation of Jackson County, while the other additional district recognized the growth of population in the interior counties of Slaughter, Johnson, Cedar, Jones, and Linn.

<i>District</i>	<i>Counties</i>	<i>House</i>
1	Du Buque, Clayton, Fayette, Delaware, Buchanan	3
2	Jackson	1
3	Scott, Clinton	2
4	Muscatine, Johnson, Keokuk	2
5	Cedar, Jones, Linn, Benton	1
6	Louisa, Slaughter	2
7	Henry, Jefferson	3
8	Van Buren	3
9	Lee	4
10	Des Moines	5

The main purpose of the extra session — to apportion the members of the Legislative Assembly equally among the various counties — was fulfilled in a bill approved by the Governor on July 30, 1840. This reapportionment, based on the

Federal census taken in June, established ten Assembly districts and stipulated the number of Councilmen and Representatives from each district.

<i>District</i>	<i>Counties</i>	<i>Population</i>	<i>Council</i>	<i>House</i>
1	Lee	6093	2	3
2	Van Buren, and attached territory	6146	2	3
3	Des Moines	5577	1	5
4	Henry	3772	1	3
5	Jefferson	2773	1	1
6	Louisa, Washington	3512	1	2
7	Muscatine, Johnson	3433	2(1)	2
8	Cedar, Jones, Linn	3097	1	2
9	Scott, Clinton	2961	1	2
10	Dubuque, Jackson, Delaware, Clayton	5739	2	3

It may be noted that this apportionment provides fourteen members for the Council, whereas the Organic Act limited the number to thirteen. Actually, when the Third Legislative Assembly met in November, 1840, only thirteen Council members presented themselves. The error appears to have been in the provisions for the seventh district (Muscatine and Johnson counties). The law of 1840 clearly allotted two council members, but according to population the district was entitled to only one.

Reapportionment in the House reflected the

growth of settlement in the western counties. Jefferson, Henry, Cedar, Jones, and Linn counties gained two Representatives at the expense of Lee, Dubuque, Delaware, and Clayton counties. Des Moines County retained its original allotment of five Representatives which was disproportionate, probably because it was not quite entitled to two Councilmen, yet had 1805 more inhabitants than Henry County which was the next smaller district and only 162 less than the tenth district which was the next larger.

On July 31, 1840, the day before adjournment, the desire of Governor Lucas to allow the people of the Territory to express their opinion on preparatory steps for admission into the Union was embodied in a provision that a poll be opened at each precinct in the Territory at the time of the next general election of the Delegate to Congress. Those voters who favored a constitutional convention were to signify it by writing "convention" on their ballots; those opposed were to write "no convention". At the appointed time, 2907 voters registered their opposition while only 973 favored the proposed convention. Although Governor Lucas strongly advocated preparation for Statehood, he refrained from any further agitation.

One interesting piece of legislation — in fact the longest and most detailed of any adopted —

was an act to "organize, discipline, and govern the Militia" of Iowa Territory. This statute, replacing a less detailed one enacted on January 4, 1839, differed from the others of the extra session in that it was taken almost verbatim from the militia act of the Territory of Wisconsin. It should be understood, however, that this procedure of adopting entire statutes from other commonwealths was a common practice. Moreover, the Assembly repealed "all the Acts of the Territory of Michigan, and the Territory of Wisconsin" which were in force in the Territory of Iowa on July 4, 1838. Inasmuch as the original Iowa militia act was merely supplementary to the Wisconsin law, this action would have left the organization of the militia in a chaotic condition. The enactment of the Wisconsin statute designated the persons liable for military duty and provided for the appointment of officers, organization, uniform, and discipline of the militia. The act filled twenty-four pages of the session laws.

Legislative assemblies a hundred years ago indulged in much special legislation. Of the forty bills passed, twenty-six were of a special nature, leaving only fourteen dealing with affairs of general Territorial concern. Laws were enacted, for example, to "authorize James Wilson, his heirs, or assigns, to build a dam across Skunk River, in

Jefferson County" and "to amend an act entitled 'an act to authorize Timothy Fanning to establish and keep a Ferry across the Mississippi River at the town of Du Buque' ". Divorces were usually obtained by judicial process except in extraordinary cases, when special legislation was demanded. Such a case was that of Harriet Williams who was granted a divorce by the Legislative Assembly because they found her husband to be a "common felon who possesses the power to squander her property and beggar herself and children".

Finally, very important to the persons concerned, an act was approved "to provide for the compensation of the Printers, Members, and Officers of the Extra Session of the Legislative Assembly, and for other purposes." This appropriation act provided, among other things, for the salaries and mileage of the members of the House of Representatives in the amount of \$2172.25. The Council members received \$1107.30 for their mileage and compensation. The trustees of the Methodist Church in Burlington were allowed \$100 as rent for the use of their building during the extra session. Francis Gehon, the United States Marshal, was paid the sum of \$250 for making the census returns available to the legislature. The total expenses as provided in this enact-

ment approved on August 1, 1840, were \$6969.15 for the three-weeks session, or \$386.62 a day omitting the two Sundays.

Contrary to the usual custom, the proceedings of the extra session of the Second Legislative Assembly were not published. A resolution was adopted by the House of Representatives to employ James G. Edwards to print 300 copies of the House Journal at the "same prices allowed by Congress for such work", but the Council took no such action and so neither journal was printed. The original records remained unpublished in the office of the Secretary of State until 1902 when, upon the initiative of Charles Aldrich, 1000 copies were published by the State Historical Department for distribution to Iowa libraries and "to meet the needs of historical students".

HUGH E. KELSO

Waiting for the Mail

The settlers had expected the mail for days, sometimes weeks. At last it arrived. The mail carrier, tired and shaken from his long ride, was welcomed, and the exasperating delay was momentarily overlooked as the messages, conveyed in letters dated several weeks earlier, were eagerly read for "news" of friends and relatives back East.

The "celerity, certainty, and security" of the mails, although imposed as an obligation upon all who were in the postal service, was not always realized. Settlers, far separated from their earlier homes, found the irregularity of the mails a matter of considerable hardship. Complaints and petitions for better service were frequently made public.

As early as 1838 the citizens of Dubuque showed their discontent with conditions in this respect. At a public meeting a committee was appointed to petition Congress for specific improvements in mail facilities. Almost twenty years later the *Keokuk Gate City* commented on the "miserable" service: "The receipt of one mail in four days at this season of the year is an outrageous

imposition on the community. It is a state of things that no man would tolerate in any ordinary business. . . . It is an insult to tell us that mail can not be brought forty miles oftener than once in four days — or that more than one failure need occur in succession. There is no excuse for this treatment of the public.”

The irregularity of the mail service could usually be attributed to a number of circumstances. Newspaper editors illustrated with graphic accounts. Faulty and careless handling of the mail played a part. In 1836 the *Dubuque Visitor* declared that according to the contract mail was to be conveyed three times a week between Galena, Dubuque, and Peru. But, said the editor, “the mail that was due on Wednesday last came the next day and the carrier, fatigued with his extraordinary exertion, leaving his mail bag in town, took a small jaunt into the country by way of recreation and did not return until the next day. . . . The mail was due again on Sunday, but the carrier being probably conscientiously opposed to traveling on that day, it did not come until brought by a steamboat passenger on Monday. . . . Not infrequently in order to have an easy trip, [it] is retained at Galena for the arrival of a steamboat; and sometimes to save trouble and expense, waits till next time.” A Dubuque editor

also related how on one occasion the postmaster after waiting some hours for the mail to be brought from the steamer to the postoffice, was compelled to take the mail from the steamboat himself in order to prevent it being carried on to Prairie du Chien. He finally found it on the boiler deck, in charge of no one in particular.

The delay may have started in the eastern States, where the burden of transportation was heavier. The Postmaster General reported in 1841 that he had frequently been addressed by postmasters and others concerning the irregularity of the mails. He suggested that considerable improvement in the service would be gained if the carriers, who claimed the right under their contract to carry three passengers on the mail stage, would not be permitted to carry passengers if the mails required the whole coach.

Contributing to some extent to the inefficiency were the awkward arrangements for mail distribution. An editor pointed out that, since Keokuk was chosen for the distributing point for all mail from the East, mail which passed through Burlington first went on to Keokuk to be "distributed" and was then sent back to Burlington.

But instances of this kind and of carelessness were apparently far less often the cause for delay than the unavoidable hindrances imposed by the

weather. Storms, deep snow, high water, and poor roads were seldom absent all at one time. The mud on a post road in the fifties was described as "thick as dough and greasy at the same time. The horses would slip up and the wheels slide fearfully at every inclination of the road, and whenever we got out to walk it seemed as though we lifted a common sized farm at every step." Travelers on the stage journey from Galena to Saint Louis were warned not to attempt the trip unless prepared to walk half the distance and carry a fence rail the rest of the way.

The people in Franklin County suffered the delays of the mails for a long time. One of the first lines to be established in the county was that between Cedar Falls and Hampton in the middle fifties. But even after the establishment of the weekly service, the stagecoach carrying the mail was occasionally awaited for weeks at a time.

Impatient to hear word of the events of the war in 1861 (Did the *Star of the West* get provisions to Sumter?), Hampton people had to wait nearly seven weeks. At one time the "snow was deep, and the mail agent would not venture out. Mr. Owens . . . walked 50 miles — from Iowa Falls to that place — on snow shoes, and carried the mail on his back." The Franklin County *Record* expressed its opinion in a woodcut, repre-

senting the mail stage as a turtle hitched to a sled that on its covered top had the words, "From Cedar Falls to Hampton".

In 1840, a traveler, riding on the Dubuque and Garnavillo mail line of stages, a distance of forty miles, said the trip was made in a little more than six hours, stopping six times to change the mail, and three-quarters of an hour to dine.

Vindicating the Western Stage Company against the "raking down" which it was receiving for its slow service, a Polk County newspaper editor wrote: "The Company, we think, deserves the praise of the people of Iowa for its indomitable perseverance in ploughing through snow, rain, sleet and mud for the past eight months, imperiling the lives of their drivers and teams in crossing swollen streams to accommodate the traveling public and deliver the mails at the post office. . . . We believe the company has done more to forward the mails and passengers than the public could reasonably expect at their hands, taking into consideration the awful condition of the roads." The *Muscatine Democratic Enquirer*, too, praised the "enterprise and liberality" of J. Frink, of the Frink, Walker & Company's stages, as the "head of mail contractors" in seeking to improve the service.

Between the beginning of settlement and the

coming of the railroads west of the Mississippi, mail facilities on the whole improved as immigration continued to expand the nuclear communities. Although better mail service often awaited the growth of settlement, immigration was in turn stimulated by better means of communication. A town that could advertise frequent mail delivery had a distinct advantage in attracting settlers.

According to postal regulations, mail was conveyed from the nearest postoffice on any established post road to the courthouse of any county which was then without mail facilities. To a gentleman in Davis County, who in the early forties sought to get a postoffice established near his claim, Augustus Caesar Dodge, Delegate in Congress, gave the following advice: "My object then is to say to you, fix your county seat; to it the mail will have to go; and then petition Congress for the other routes which you desire in and through your county. You will send these petitions to me, and I will endeavor to have such routes established as will afford to Davis and Appanoose counties the mail facilities to which they are entitled." George W. Jones, the first representative of the Iowa country in Congress, urged the people to propose the construction of new post roads to gain the necessary advantages in postal services.

By the middle eighteen fifties a network of post roads brought the mail to many parts of the State. The United States Postmaster General's report for the year ending in June, 1855, showed that there were 6265 miles of post routes in Iowa, of which 1185 miles were by stagecoach service. The mode of conveying the mail for the balance of the mileage was not specified, but included horseback, hacks, or various other vehicles. The mileage by way of steamboat was given as 150 miles. Although the routes in mileage aggregated 6265, the total transportation of mail in Iowa for the year was 1,313,372 miles, at a cost to the government of \$90,705.

Contracts for carrying the mail were let to the lowest bidder. In 1855 fifty-two major routes, and twenty additional routes comprising only a few miles, were submitted for competitive bids. Of the fifty-two contracts, thirty-nine were for weekly service, back and forth; four were bi-weekly; seven, triweekly; and two routes, from Keosauqua to Fairfield and from Iowa City to Muscatine, were for six round trips each week. On the western border of the State, a triweekly mail contract was let between Council Bluffs and Sioux City over a distance of one hundred miles. The longest trip in the contracts granted in 1855 was that between Dubuque and Sergeant's Bluff,

325 miles across the State, established as a weekly mail.

In 1854 the Postmaster General was directed to establish a mail route on the Mississippi River from Keokuk to Galena. This seems to have been only partially accomplished, for in the report of the following year the transportation of the mail by steamboat was indicated as between Keokuk and Rock Island, running six times a week. The steamboat company received \$25 for each trip.

Regular schedules were prescribed. The mail coach leaving Iowa City destined for Fort Des Moines, for example, left at four o'clock in the morning and was due at the latter postoffice at eight P. M. the following day. The mail from Dubuque to Muscatine, over an eighty-eight-mile route, left at six A. M. each week on Tuesday and arrived at six P. M. on Thursday. The distance of thirty miles between Independence and Cedar Falls was made in one day, from seven in the morning until six o'clock in the evening.

The railroads, first coming to the Mississippi in the middle fifties, altered the problem of mail carriage. This more expeditious means of transportation was utilized at once, and as the railroad lines progressed westward, the stagecoach drivers gradually ceased bidding for the renewal of their contracts to carry the mails. Immigration gained

momentum, and the new settlements were cheered by the promise of better communications with the East. Those in the service of the Post Office Department were still under obligation for "celerity, certainty, and security" in handling the mails. In many instances the railroads, still primitive in equipment, were less dependable than the stage and steamboat.

Good railroad connections could not be established immediately. The *Anamosa Eureka* in the early sixties remarked upon the changed conditions: "So it is probable that the Federal troops have won a great victory somewhere, but we . . . will have to wait until next week, probably, before we learn the particulars. Oh," cried the editor, "Oh for the good old times when we had a daily stage instead of a bare railroad track!"

MARIE HAEFNER

Insurance Comes to Iowa

Insurance is one of the most stabilizing influences in modern business and one of the most effective methods of socializing economic risk. It is not a phenomenon of recent development. It is an old institution of gradual evolution through the years. It had its origin in ancient maritime trade. It came to America with the Pilgrims, crossed the Alleghenies with the oxcart and the prairie schooner, and came into Iowa with the pioneers. The first insurance in Iowa was fire insurance, in response, no doubt, to the most obvious need.

On December 16, 1837, while Iowa was still a part of Wisconsin, the *Wisconsin Territorial Gazette* contained the following item: "Wednesday last was a sad day for Burlington, and long will it be remembered in sorrow. Its matin light opened upon the ruins of the fairest portion of our village; and now the Capitol, and five of our best store houses, and two groceries are piles of smouldering ruins." This was descriptive of the fire which four days earlier had burned the capitol building and caused great loss to the town of Burlington.

Disregarding prairie fires, it was the most dis-

astrous conflagration that had yet occurred in the Iowa country. Shocked by the calamity, some property owners decided to prevent the recurrence of such a catastrophe. In the same issue of the *Gazette* this notice appeared:

FIRE! FIRE!

Recent events have painfully admonished the citizens of Burlington, of the urgent necessity of taking immediate steps to prepare for the occurrence of fire. They are therefore respectfully requested to meet this evening at 7 o'clock, at the Wisconsin Hotel, for the purpose of considering the proper steps necessary to be taken in the premises.

At the town meeting held in compliance with this notice, George W. Kelley was named chairman and John M. Garrigues was appointed secretary. A resolution was adopted for "the immediate formation and organization of a fire company" to be known as the "Fire, Hose, Hook, and Ladder Company", and James W. Grimes, Morton M. McCarver, and J. B. Webber were named as a committee to solicit membership in the company. John S. David, George H. Beeler, G. W. Cook, G. W. Kesler, George Temple, and Amos Ladd were appointed to raise funds for the purchase of equipment. Moreover, it was recommended "to every house keeper, shop keeper, and others, to procure as early as practicable at least two good

leathern buckets, to be hung up in a convenient place, for immediate use, in all cases of fire." Another resolution named David Rorer, Charles Mason, and Mr. Dickinson on a committee to urge the legislature to pass a law "incorporating the Burlington Fire Company".

Impressed with the necessity for protection against such serious losses by fire, a group of business men proposed to organize an insurance company. On January 10, 1838 — less than thirty days after the burning of the capitol at Burlington — Representative David R. Chance introduced in the Legislative Assembly a bill to incorporate the "Iowa mutual fire insurance company at Burlington". This measure passed both houses of the Assembly with little delay and became a law on January 19, 1838.

The twelve incorporators of this company included some of the most prominent men of Des Moines County: George H. Beeler, Jesse B. Webber, Nathaniel Chase, Jonathan Morgan, James W. Grimes, Levi Moffatt, George W. Kelley, William Janes, Amos Ladd, Isaac Leffler, David Rorer, and John H. Randolph. These men, together with all persons whose property was insured by the company, were constituted "a body corporate and politic in fact and in name".

Having established the corporation in the first

section, the act provided in the second section that the company should "be bound by the same regulations and restrictions, and with the same privileges" as were granted to the Milwaukee and Racine Mutual Fire Insurance Company, which had been incorporated by a special act in the previous month.

The Milwaukee and Racine insurance law contained regulations that, by virtue of its application to the Burlington incorporators, are essential to an explanation of the first Iowa statute. This law provided that every person who should become a member of the company by effecting insurance therein, should, before he received his policy, "deposit his promissory note, for such a sum of money, as shall be determined by the directors." A part, not exceeding seven per cent of the note, should be paid in cash and the remainder should "be payable in part or the whole at any time when the directors shall deem the same requisite, for the payment of losses by fire, and such incidental expenses as shall be necessary" for transacting the business of the corporation. At the expiration of the term of insurance, the note or such part of it as remained unpaid, after deducting losses and expenses, should be returned to the maker thereof. Provision was also made that the company should have a lien on the property insured "to the amount

of his deposit note, or so much thereof as may be unpaid." This was an extreme form of assessment that approached the power of attorney in rate making.

If the available funds and deposit notes were not sufficient to pay claims for fire losses, additional assessments might be made, but no member could be assessed more than one dollar for every hundred dollars of insurance carried by him. Provision was also made that no insurance policy should be operative until application had been made to the company for insurance to the amount of at least \$20,000 and no policy should be written for a longer period than seven years.

The final section of the law prohibited double insurance. It stipulated that if insurance were obtained in this and another company, the insurance in this company should "be deemed and become absolutely void, unless such double insurance subsist with consent and approbation" of this company.

But despite fire insurance and fire protection, fires continued to break out in Burlington. The *Territorial Gazette* for April 7, 1838, announced that on the previous Wednesday night the fire alarm had been sounded. The editor said this is "at any time an 'ugly noise', but when 'darkness is visible,' it is really appalling — and especially

when we know that we are so unprepared to meet it."

This was the situation in July, 1838, when Iowa became a separate Territory. The former Wisconsin legislation remained in effect until July, 1840, unless specifically amended or repealed earlier. Presumably, the incorporation of companies remained valid, and many such special privileges had been granted, though not all were utilized. The charter of the Burlington fire insurance company was not nullified by the change of political jurisdiction.

On December 24, 1838, another fire visited Burlington when a building owned by Amos Ladd was completely destroyed. Apparently the Iowa Mutual Fire Insurance Company, which had been incorporated in January, had failed to become operative. At all events, although Ladd was himself one of the incorporators of the company, the December fire was reported to have cost him a \$1500 loss.

Further evidence that this early company had not become operative is found in the fact that on December 29, 1838, only five days after Ladd's fire in Burlington, Jonathan W. Parker of Scott County introduced in the Council of the Legislative Assembly a bill to incorporate another "Iowa Mutual Fire Insurance Company". This measure

was readily passed in both houses and became a law on January 25, 1839. It had twenty-five incorporators: Isaac Leffler, James Cameron, Amos Ladd, Thomas Cooper, George H. Beeler, David Rorer, Jeremiah Lamson, Jesse B. Webber, S. S. Ransom, William H. Starr, David Hendershott, William M. Devoe, George W. Kelley, William S. Edgar, Thomas S. Easton, Nehemiah Chase, Enos Lowe, Jesse B. Browne, George W. Hepner, L. B. Hughes, Thomas M. Isett, Alexander C. Donaldson, Joseph T. Fales, James Hall, and Thomas Cox. Five of them had been named as incorporators of the first company.

The new law, like the one enacted the previous year, provided for the deposit of promissory notes, for a five per cent cash payment, and for a relinquishment of the notes when the policy expired. It also provided that every member should "be bound to pay his proportion of all losses happening, or expenses accruing" in the company, "to the amount of his premium note".

All buildings insured in the company, together with the right, title, and interest of the assured to the land on which they stood, to the extent of one building lot if in town, or of one acre if in the country, was pledged to the company by virtue of the insurance. This law also prohibited double insurance, and stipulated that the insurance should

not be in effect until policies to the extent of \$30,000 should be subscribed. The final section of this law provided that any future legislature of the Territory, or State, might alter or repeal this act "whenever they considered the public good requires it".

In January, 1840, the law was amended to provide for thirteen directors. The directors named for the ensuing year were: Jesse B. Webber, Hanson E. Dickinson, Nehemiah Chase, A. C. Dodge, Enos Lowe, Arthur Bridgman, Charles J. Starr, William H. Starr, George W. Kelley, Charles Mason, Joseph T. Fales, S. C. Hastings, and Philip Viele. This amendment provided that the board of directors "may at any time delegate to committees of their own members, such portions of their powers and duties as they may deem proper."

Prior to the enactment of this law — on December 17, 1839 — S. C. Hastings introduced in the Territorial Assembly a bill to incorporate the Bloomington Insurance Company, which became a law on January 13, 1840. This corporation, unlike the Burlington companies, was a stock company, capitalized at \$50,000, and stock was sold at twenty-five dollars a share. Moreover, this company was authorized "to insure all kinds of property against loss or damage by fire or other

casualty, to make all kinds of insurances against loss on goods and merchandise in the course of transportation, whether on land or water, to make all kinds of insurance on life or lives, to cause themselves to be insured against any loss or risk which they may incur in the course of their business, and generally to do and perform all other matters and things connected with and proper to promote those objects."

The company was to be managed by nine directors, to be chosen by the stockholders. Pending organization, John H. Richmond, Henry Reece, John W. Brady, Edward E. Fay, Robert C. Kinney, Adam Ogilvie, Hezekiah Musgrove, James G. Morrow, and Irad C. Day were named as "commissioners to open books for subscription of stock and to superintend the business of the stockholders".

The final section of the law stipulated that "this act shall continue and be in full force for the term of twenty years from the passage thereof". But the preceding section provided that the law might be altered or amended by any subsequent legislature.

The Bloomington Company evidently did not organize upon receiving its charter, for in 1842 a law was passed by which it was said the former statute should be "revived". An additional provi-

sion in this act stated that if the company should become insolvent the stockholders would be held individually responsible for the debts of the company. It would be interesting to describe the business of these pioneer companies, but their records seem to have been lost. Perhaps they never wrote enough policies or sold enough stock to become effective. No trace of them has been found in county recorders' offices or court records.

Special acts incorporating the Dubuque Insurance Company and the Farmington Insurance Company were passed in 1842. These were both stock companies, with powers and privileges similar to those granted to the Bloomington Insurance Company in 1840. In 1844 the "DuBuque and Jackson Mutual Fire Insurance Company" was incorporated, but the act presented no new features.

The constitution of Iowa, adopted in 1846, contained a provision to the effect that corporations should not, thereafter, be created by special laws, and a general law prescribing regulations for fire insurance companies was passed in 1857.

Despite the changes of a hundred years, mutual insurance companies patterned after those of 1840 have prospered. Mutual fire insurance companies of Iowa now receive more than a million dollars annually in premiums. And stock companies re-

ceive more than a quarter of a million dollars in premiums.

The modern mutual company does not have a promissory note clause which was commonly found in the early policies. Instead, assessments are made after losses have occurred and the amount assessed is determined by the extent of the loss. Likewise the stock companies have changed to meet new and current needs. But insurance is still one of the great and growing enterprises of Iowa, tracing its origins to the needs and resourcefulness of the pioneers.

J. A. SWISHER

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