The PALIMPSEST

OCTOBER 1944

CONTENTS

A Guide for Englishmen 289
JEAN PHYLLIS BLACK

Wareham G. Clark 298
FLORA CLARK GARDNER

Constitution Making in 1844 311
J. A. SWISHER

PUBLISHED MONTHLY AT IOWA CITY BY
THE STATE HISTORICAL SOCIETY OF IOWA

ENTERED AS SECOND CLASS MATTER JULY 28 1920 AT THE POST OFFICE AT IOWA CITY IOWA
UNDER THE ACT OF AUGUST 24 1912

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

THE MEANING OF PALIMPSEST

In early times a palimpsest was a parchment or other material 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.

Price — 10 cents per copy: $1 per year: free to Members
Address — The State Historical Society, Iowa City, Iowa

THE PALIMPSEST

EDITED BY JOHN ELY BRIGGS

VOL. XXV ISSUED IN OCTOBER 1944 NO. 10

COPYRIGHT 1944 BY THE STATE HISTORICAL SOCIETY OF IOWA

A Guide for Englishmen

The influence of emigrants' handbooks upon the settlement of the Mississippi Valley a hundred years ago is difficult to assess, but they offered interesting pictures of the way the newly opened Territories appeared to contemporary writers who were interested in the development of the natural resources and the expansion of trade. Among these guides, published in 1844 in London, was a pamphlet by John B. Newhall whose frank intention was to encourage Englishmen to migrate to the upper Mississippi Valley.

Little information is available concerning Newhall's life. He was a native of Massachusetts, and writing in 1846 he stated that "ten years ago, I beheld the western shore of the Mississippi a primeval wilderness . . . I participated in rearing the first land-marks of a young and rising State", but elsewhere in describing Burlington he remarked that "although the traveller of 1844 alights from a four-horse coach, at the door of a

spacious hotel", he in 1834 "was glad to find the shelter of a log cabin and a comfortable bed, within the folds of a Buffaloe robe."

In his first book, *Sketches of Iowa,* published in 1841, he claimed Burlington as his residence, and declared that he had "been engaged in the arduous pursuits of active business from boyhood." Some of these sketches had appeared as early as July, 1839, in the *Iowa Patriot* of Burlington. Later he had articles in the Burlington *Hawk-Eye* under the signature "Chemokomon". Newhall was frequently referred to as "Major Newhall", but without indication of the source of the title. He served as secretary to Governor James Clarke in 1845, and in the following year published his third book, *A Glimpse of Iowa in 1846.*

Despite his love for Iowa, Newhall seems not to have given up thought of further migration. In April, 1849, he left Burlington, bound for the upper Missouri country, and probably for California. This, however, he had not determined on when he left home. Alas, whatever his intention, it was doomed to frustration, for he died at Independence House, Independence, Missouri, of cholera on May 7th, after a day's illness. His wife and several small children had been left in Burlington.

His *British Emigrants' "Hand Book"*, issued a

hundred years ago, was an unpretentious book of a hundred pages measuring six and a half by four inches. Its sole illustration was an in-text diagram showing the manner of surveying a township and numbering the sections. Printed for the author by T. Stutter, the price was to be "one shilling and six pence each" at all booksellers. This would be thirty-five cents in American money. Robert Lucas gave his "hearty approbation" to Newhall's laudable efforts to promote interest in Iowa, and George Catlin, then in London, recommended this guide to all "who desire a more extended acquaintance with one of the most interesting portions of the United States."

Newhall's purpose in publishing his emigrants' handbook was to make available to all the substance of the lectures he had been giving in various parts of England during 1843-44, together with additional detailed, practical information which those actually contemplating emigration would need to plan and carry out their designs efficiently.

His first concern was to establish the purity of his motive in both lecturing and writing, as his feelings had been injured by frequent charges that he was a "speculator" or "agent of some Land Company" who stood to profit personally from inducing immigration. Far from being mercenary, Newhall claimed he was moved only by the misery

due to over-population in which he saw worthy but helpless Britishers languishing. He desired to acquaint them with the contrasting situation in the Mississippi Valley, a situation in which they were welcome to share. He felt particularly obligated to write because "the British public was almost inundated with such copious showers of Journals, Travels, 'Domestic Manners,' 'Notes for general circulation,' etc. respecting America," written by "the gifted tourist . . . while he calmly reposed in the saloons of Mississippi steamers." These accounts were wholly inadequate to supply the prospective emigrant with the kind of accurate, down-to-earth items which would determine the success or failure of his venture.

By far the greater share of Newhall's text was devoted to Iowa. He was almost lyrical in his description of its natural beauty and riches, and particularly in painting the contrast between the Indian wilderness of 1832 and conditions twelve years later when "manufactures and commerce flourish, literature and arts are diffusing their invigorating influence." He was quite carried away by the almost magical populating of a hitherto virgin land, and equally moved at the boundless opportunity for those who would intelligently undertake the hardships of pioneer life.

Newhall sought to lure the Englishman from

his unhappy surroundings by depicting the "grassy lawns and verdant vales, interspersed with towering oaks . . . the river tumbling its crested foam over precipitous ledges of cragged rocks— the spiral cliffs and massy ledges grouped in fantastic forms amidst the cultivated valley."

Hardly less enticing was his brief description of the soil: "It appears to make but little difference what kind of crop is placed in the ground; whatever is sown yields most abundantly and probably a hundred years successive cultivation would not exhaust the rich mould at the surface." Amiably scornful of his English friends who often exclaimed, "Oh! I never learnt to farm!" he declared that "such an objection would make a westerner smile. 'Never learnt to farm!' It requires no philosophy to plant seed or to hold the plough." It seems clear from this blithe attitude that among the "arduous pursuits" in which Newhall had engaged, farming had been excluded, for surely physical endurance and good judgment must have been needed no matter how rich the soil.

Newhall was also greatly impressed with the diversity of trees to be found in the woodlands, and with the facilities for turning these into lumber through the water-power which the many well-distributed streams provided. He remarked that he had noted during his travels in France and

England how dependent those countries were upon windmills which the well-watered character of the western region made superfluous.

The prairies Newhall considered "one of the most captivating features in the landscape of Western America." "Prairie", he thoughtfully explained, was "a French word signifying Meadow" and its "characteristic peculiarity is the absence of timber". Prairie soil was as rich as any and had the great advantage of being already clear of trees and ready for cultivation. Although he thought anybody could plow, he had no illusions about timber felling. He gave plain warning that chopping "is a labour [an Englishman] will never like; a dextrous use of the axe he can seldom if ever acquire." The expense of buying needed lumber was but a trifle in comparison with the saving due to the absence of timber.

On the western climate, Newhall spoke with moderation. He conceded that winters were severe and summers uncomfortably hot for short periods at a time, while the first months of spring were "generally disagreeable and cheerless, and anything but what the softness of the name indicates." He expressed pity for the immigrant who might arrive in March, but bade him be of good cheer, for by the middle of April he would be delighted with the contrast. As for autumn, it

would present "a picture calculated to excite emotions of wonder and delight."

Although Newhall assumed that the best prospect and chief desire of the immigrant would be to take up land, he did not wholly neglect those interested in pursuing crafts and trades. All persons with mechanical skills could count on "certainty of employment and good wages." These included stone cutters, bricklayers, masons, blacksmiths, cabinet makers, millwrights, tanners, saddlers, and gunsmiths.

In the field of trade, he pointed out that while "in England every man followed his peculiar calling, the merchant of the Western States sells from a silk dress to a tin cup, from a cambric needle to a crow-bar; if the farmer has got no cash, the merchant takes his grain, beef, pork, wool, hemp, wax, hides, loads a 'flat boat' and sends it off to New Orleans; in short your genuine Western Merchant is frequently a 'character', perchance captain of his own flat boat, sells his own cargo at New Orleans —takes a packet round to New York and Boston —buys 20,000 dollars' worth of goods, returns to the west and takes his seat in the legislature, to which he had been elected—does a little at law making—a trifle at president making—puts up pork—preaches occasionally at a camp meeting—manufactures lard oil—takes a mail contract from

government—is 'sole agent' for Brandeth's pill—sends out cheese to Liverpool—'comes over' to settle accounts—spends a week at Rome, and returns in good time at the breaking-up of the ice of the Mississippi, to load another flat boat for New Orleans. Thus, you perceive, your Western Merchant is a personage who takes time on the wing. Are you disposed to try it, Reader? There is no obstical [sic] for a person of ordinary tact and capacity soon to become possessed of the qualifications of a Western Trader."

Newhall declared flatly that any industrious and prudent man could succeed if he had a hundred pounds ($500) in his pocket when he arrived, although "how much more convenient 3 or £400 would be, must be very obvious to any man of sound judgment." He provided a list of essentials which could be obtained for eighty pounds, but warned not to allow the remaining cash to "oze" away, because it was "very convenient for a settler in a new country always to have a few pounds by him," and it had frequently been an error on the part of emigrants to expend their last dollar on additional land, only to become discouraged and to fail when life without any margin of reserve became too hard for them. Apparently, Newhall felt that women were apt to weaken first in the strange and primitive environment, for he referred

in deprecation to the handicap of a "Home sick Wife".

In concluding this portion of his book, Newhall urged the necessity of planning the adventure of emigration while still at home, for the East in which most emigrants would land knew little about conditions in the West, and even had a class of persons who deliberately preyed upon the foreigner. Above all he warned the Englishman not to lose his nerve and cling to the Atlantic seaboard, but to press on to the West where, despite any brief hardships, labor was continuously in demand and no one needed to be poor very long.

JEAN PHYLLIS BLACK

Wareham G. Clark

Wareham G. Clark was a wholesale and dry-goods merchant in New York City for ten years prior to 1840 when he decided to leave the noise and confusion of the great metropolis and seek his fortune in the new West. Having sold most of his stock of dry goods, he purchased a light wagon and two of New York's finest dock-tailed Morgan horses and, in company with his nephew, John Clark, planned to start for new adventures in the Territory of Iowa.

Loading the wagon with the remaining stock of dry goods, the young men drove their spirited team across the flat lands of New Jersey and into the foothills of the Alleghenies. Thence they went up over the crest and along the winding rocky mountain trails, out into the new Middle West. Exchanging their small stock of dry goods en route for room and board, and for western furs for eastern markets, the young men made their way westward. At length they crossed the Mississippi River at Burlington and passed into the new Territory of Iowa. Between the years 1840 and 1842, young Wareham Clark, in this manner, made three overland journeys between his old

home in New York and the prairies of Iowa where he planned to establish his permanent residence.

During this period he spent some time in the new Territory between the Mississippi and the Des Moines rivers surveying the public lands, helping to establish township and county lines, and platting new towns. Now and again he ventured into the Indian territory west of the Des Moines River. The country was beautiful, new, and promising. Surely it was a good land — a land in which a pioneer of courage and intelligence might wish to dwell.

Wareham Grant Clark was born of sturdy pioneer stock at Middle Haddam, Connecticut, on January 16, 1813, and was named for a famous colonial minister, Rev. John Wareham. His father's people were clarks (clerks) of the old English courts, from which the name was derived. They could trace their lineage directly to King Alfred, and so Wareham Clark had royal blood in his veins. In America his immigrant progenitor was Major John Clark who came to New England in 1634, to become one of the founders of New Haven, Connecticut. His maternal ancestors were likewise distinguished colonial settlers.

While he was in Davis County in the early forties, Clark made frequent visits to the home of Judge William Walter Rankin, an Ohio man who

had recently moved with his family from Lafayette, Indiana, where the eldest daughter had attended an academy for girls. Charming Jane Rankin was quick-witted and attractive and before long the New Englander found himself much in love with the pioneer magistrate's daughter. He not only asked the strict Scotch Presbyterian father for his daughter's hand, but he also persuaded the Judge to accompany him on a trip to select a site for a new home for himself and his bride.

On a lovely late spring morning in 1842 the two men and Mrs. Rankin and daughter Jane set out in Clark's light wagon drawn by his lively Morgan bob-tailed bays. Huge lunch baskets were filled with delicacies for the all-day outing. The sight of the rolling prairies covered with verdant waving prairie grass and fragrant blooming shrubs greeted them on every side as they drove over neighboring acres, and then on into the Indian territory.

Night overtook them just as they came in sight of a deserted log cabin. Wishing to explore the country more thoroughly, they decided to spend the night there and return home the next day.

In the middle of the night, Clark, who was sleeping in the open near his horses, was aroused by their restlessness. Suddenly he heard them dash away and gallop off over the prairie. Think-

ing that they had loosened their halter-straps, he hastened after them before they would have time to run out of sight and hearing. Again and again he came within close range of the horses, but on and on they went. Presently he became aware that the night had passed. The sun was rising above the horizon in the east. He had left the Rankins asleep, not knowing whither he had gone, and even worse than that he had become so confused by the zig-zag trail he had followed that he was completely lost!

Not knowing how far he had traveled in his anxious search, the city-bred man started to find his way back, but the hot sun had dried the dew on the grass and erased his path. The wet grass that had soaked his shoes and clothing was now dry and harsh and cut like knife blades through his clothing and into his flesh. He called to his friends, but no answer came back to him. He tried to retrace his steps and walked on and on seeking some familiar landmark.

Three wretched days passed! He wandered on through a heavy thunderstorm. Three sleepless nights he spent on the open prairie. Howling wolves and hooting owls continually reminded him of the dangers of the wilderness. The loss of his team was almost forgotten in his anxiety. Weakened by the lack of food and sleep, he at

last found his beloved Rankins who of course were in search of him during his absence.

They had had time to observe small pony tracks near the hoof-prints of the Morgan horses and had concluded at once that someone had stolen the team. The thief was eventually caught, convicted, and sentenced to be whipped.

On May 1, 1843, the first day that claims for homesteads could be made in the newly acquired Indian territory, Wareham G. Clark took some "640 acres of raw prairie land" in what is now the central part of Monroe County. There he established the first settlement in that area. He built a substantial log house on a well-chosen site and arranged the place so that it served as a central meeting place for the earliest pioneers. There he brought his bride, Jane Rankin Clark, after they were married on August 24, 1843, and together they contributed much to the development of that neighborhood.

Their home served as the first post office in the community for a number of years. It also served as the "general store" in the settlement. Labor, cash, and furs were traded by the earliest pioneers to the Clarks for dry goods and other merchandise brought from the New York store or obtained in Iowa Territory. The Clarks took occasional trips to the nearest trading post, then Eddyville on the

Des Moines River, to supplement their stock of goods.

The Clark home served likewise in the capacity of a local library, for when Wareham Clark decided to settle in the "far" west he brought along his private collection of books —"a large library of the choicest works in philosophy, history, science, and general literature, which thereafter, on the wild western frontier became his constant solace and companion". Besides these books the New York *Sun*, and the Hartford *Times* found their way into the Clark home at regular intervals and were shared with the neighbors. This pioneer home was used also as a town hall, and the citizens in the Kishkekosh County precinct cast their votes in the large combination living room, dining room, and fireplace room, where Mrs. Clark arranged dry-goods boxes for tables and covered them with gay calico direct from New York City. The ballot box was a paper box in which stockings were originally packed. W. G. Clark was elected justice of the peace.

The first marriage in Kishkekosh County united charming Mary Searcey and young Nelson Westcoatt. Three months later the bride died of a fever — the first death in the community. There was no lumber at hand with which to make a casket and so a large walnut tree was cut, pun-

cheons were hewn, and from these a coffin was fitted together with wooden pegs. Mrs. Clark used some of the velveteen from her husband's stock of dry goods to line and cover the coffin.

Wareham Clark introduced many new grains and fruits in his part of the State. He brought the first wheat into Kishkekosh County, for example, and in 1844 harvested thirty acres of this grain. He gave grain seed to several of his neighbors, thus providing the means for their start in cultivating new and improved varieties of agricultural products.

By the spring of 1845 the settlement in which Clark had become a leading figure had progressed so far that the people decided to sever political dependency upon Wapello County, to which they had been attached, and organize the government of Kishkekosh County as an independent unit. At the election of the first county officers in August, 1845, at Clark's Point, about two miles north of the present city of Albia, Wareham G. Clark was elected probate judge. A town called Clarksville was laid out and there the first district court was held, Charles Mason presiding.

When court time arrived in 1846, Mr. Clark was building a new and larger house for himself and family. When the lawyers came on horseback with their libraries in their saddle-bags, ready

to begin court, the new home was walled up and roofed but not finished. Nevertheless it was used as a courtroom while the grand jury retired to a nearby slough for deliberation on the first cases to come before the court. Mr. Clark placed a chair at one end of the unfinished room for the judge's "bench", and the jury sat about on blocks of wood and such other makeshift seats as they were able to find.

When night came a heavy rain set in and the horses of the lawyers and jurymen needed shelter. To meet this emergency the loose floor boards were shifted to one end of the courtroom and covered with hay for a soft bed for the lawyers while their horses were sheltered in the other end of the same building. During the night some of the horses got loose and it is reported that they soon began eating the beds on which the lawyers were sleeping.

In August, 1845, the voters of the Territory refused for the second time to join the Union under the constitution of 1844. Plans were made, however, for a second constitutional convention to which Kishkekosh County, renamed Monroe County in January, 1846, was entitled to send a delegate. In May, 1846, Wareham G. Clark, "a democrat, but an abolitionist in his views," went to the capital at Iowa City as the delegate repre-

senting both Monroe and Appanoose counties in this important convention.

The second Iowa constitutional convention met on May 4, 1846, and Wareham G. Clark rode on horseback from his home to the capital. One of the thirty-two members present, he was named on two of the six standing committees. As a member of the revision committee whose duty it was "to collect, compare and digest various reports of a Constitution preparatory to their third reading", his broad knowledge of parliamentary law was used advantageously. As a member of the engrossment committee whose duty it was to "make clear and legible documents for final action", his fine and speedy penmanship was a great help when typewriters were unknown.

The tasks of these committees were multifold. By day they were among the busiest of the convention, and by night they burned the candle-lights well into the next day "comparing, digesting documents", condensing some, enlarging others preparatory to the next day's action by the delegates. Wareham G. Clark's clear thinking and logical reasoning were of great importance here. "Much of the work of the Second Constitutional Convention was handled by its six Standing Committees". The members of the second constitutional convention were proud that they were so well organized

and industrious that only fifteen days were required to frame the new organic law which was adopted by the people on August 3, 1846. Wareham G. Clark was one of the members of this convention who did not ask for pay or receive any pay for his time and efforts.

On the way home, when Clark was nearing the end of his journey, he stopped at the stagecoach inn at Eddyville, planning to remain there for the night. Much to his surprise he heard his father's voice inquiring the way to Clark's Point. Oliver Clark was on his way from Connecticut to visit his son in the west.

But Wareham Clark's public service was not at an end. The settlers in Lucas County to the west wanted someone with a "fair-minded attitude, logical reasoning, and well-informed mind to settle the question" of just where their permanent county seat should be located. Clark served as one of the commissioners for this purpose. It was a warm August day when a group of men followed the commissioners to "a stake some four feet high, which proved to be a Government landmark at the corner of Sections 19, 20, 29, and 30, Twp. 72, Range 21 West." Presently Commissioner Clark asked someone to help him upon this stake, which was done; and after surveying the country about him for a moment he promptly and

emphatically said, 'Gentlemen, this is the county seat of Lucas County!'" The others at once agreed.

Ever interested in the progress and welfare of his community, Wareham Clark spent much effort to obtain mainline railroad facilities for southern Iowa. Even when a few of his neighbors charged that "the new-fangled idea of having an 'iron-horse' racing across the prairies would come to no good", Clark pressed on, anticipating the time, perhaps, when this railroad would operate as a portion of a coast to coast system.

In his youth and young manhood, Clark studied history, science, and literature. Coming into the new West he was interested in the schools of his community. He served for years as treasurer of the neighborhood school. In 1873 he helped organize a new school adjoining his large farm and served as a member of this school board for many years. The site chosen overlooked a large buffalo wallow for which the school was named. As president of the local school board it was not only his duty to hire the teacher, but to find a place for the teacher to live, and this usually ended by the teacher taking up board and room in the spacious Clark home.

In later life, one of Wareham Clark's chief interests was in the field of horticulture. According-

ingly, in 1856, he purchased a large farmstead in Monroe Township and established the Clark Orchards covering over fifty acres of land. It was there that he practiced many new methods and conducted his experiments. New specimens were developed by grafting various kinds of fruit trees. Clark's Prolific Apple was one of the delicious varieties brought into bearing during these years. At one time his exhibit of fruits at the Iowa State Horticultural convention contained 180 varieties, and "took the prize," according to the newspaper. After visiting the Clark homestead, one news editor wrote, "Mr. Clark was the first settler of that region, and looked up to as the 'Father of Monroe County'. His farm contains many hundred acres, had more fruit, better fruit, and a greater number of varieties than anyone else in southern Iowa. No one in that region has done as much for the improvement and cultivation of fruit as Mr. Clark."

Wareham Grant Clark lived until June, 1890. He found time to read much of the world's best literature. He traveled widely, visiting much of the Middle West, besides taking two trips entirely across the continent. He lived abundantly, making valuable contributions to his community, his county, and to the Commonwealth of Iowa. He used his knowledge of history to gain a clear per-

spective of the future and, being a man of much individual enterprise and stability, he helped explore, survey, and develop the raw prairie into farmsteads and growing towns and cities. He lived a full life. It seems fitting that the old homestead of Wareham Grant Clark is now being used by the State Agricultural College as a field laboratory and experimental farm.

FLORA CLARK GARDNER

Constitution Making in 1844

Astute, discerning William Penn observed that "Governments, like clocks, go by the motion men give them . . . Wherefore governments rather depend upon men, than men upon governments." But in 1844 men of Iowa had not yet taken the necessary steps to lay aside Territorial rule and assume the duties and responsibilities of State government. In that year the first substantial advance was made in the direction of statehood, when a convention of delegates framed a constitution. The men who drafted this first organic law for the State were, like the makers of the Federal constitution, pioneers in a new field. A study of the records of the Federal constitutional convention and the first Iowa constitutional convention reveals several similarities and some contrasts.

Seventy-two leading men of the colonies had been offered or given credentials to serve in the Federal constitutional convention of 1787. Only fifty-five of them attended. The convention met in the Statehouse in Philadelphia in a hall about fifty feet square, the walls of which were "already eloquent with sacred memories." Members of the

convention were, for the most part, young men — their median age was forty-two. Two of the most distinguished men of the convention — Benjamin Franklin and George Washington — however, were not young. Franklin, the oldest member of the convention was eighty-one, and Washington had attained the age of fifty-five. Among the delegates were a few merchants, financiers, farmers, doctors, educators, and soldiers. Of the remaining number, at least thirty-one were lawyers.

"How can we know these young men" of the Federal Constitutional Convention, "in their laces and knee breeches", asked an eminent historian. "Only fragmentary glimpses were caught of them during the summer of 1787." In like manner one may well ask, how can we know the young men of the Iowa constitutional convention of 1844, rustic in appearance, as they came, many of them on horseback, from distant settlements across the Iowa prairies to attend the convention.

Fragmentary glimpses were caught of them during the fall of 1844. The Iowa City newspapers contained interesting data concerning their arrival, and their debates. In 1900 these fragments were carefully collected by Dr. Benjamin F. Shambaugh and published as source material by the State Historical Society of Iowa. From these items may now be gleaned some facts about

the convention which convened in Representatives Hall one hundred years ago.

For this constitutional assembly seventy-three delegates had been chosen, and seventy-two of them attended. It had been determined by law that the convention should meet on the first Monday in October, at the Territorial Capitol in Iowa City, and efforts were made to have everything ready on that date. Representatives Hall, like the hall in Philadelphia, was about fifty feet square — fifty-two by forty-three to be exact. It was not yet "eloquent with sacred memories", but was destined to become historic. A comment in the Iowa City *Standard* of September 22, 1844, revealed the appearance of the convention hall. "We are gratified to state," reported the *Standard*, "that the Territorial Agent is actively engaged in preparing accommodations for the Convention to form a Constitution, appointed to assemble on Monday week." "The Southern room of the 2nd floor of the Capitol has been plastered, &c., and the necessary furniture is either procured or in preparation. A carpet the Convention will probably have to dispense with, as there are no available funds with which to purchase one, and credit cannot be procured. We presume, however, that the character of the Constitution will not suffer from this deficiency."

The delegates who assembled in this newly equipped convention hall to form a State constitution were young men — younger, indeed, than the men who framed the Federal constitution. The median age was thirty-eight. Seven of them were in their twenties, thirty-four were in their thirties, and only two — Robert Lucas and Henry Robinson, a farmer from Des Moines County — were more than sixty years of age. The personnel of this convention differed from that of the Federal convention in that a majority of them — forty-one in all — were farmers, and only ten were lawyers. There were in the convention six physicians, four merchants, three mechanics, two miners, and two millwrights. But there were no bankers, no teachers, and no ministers among them. One of the members, Robert Lucas, had previously served as Governor of the Territory of Iowa. Another, James Clarke, would later serve in that office; and two of the delegates, Stephen Hempstead and Ralph P. Lowe, were destined to become Governors of the State.

On Monday, October 7th, the convention was called to order by Francis Gehon of Dubuque County, and Ralph P. Lowe of Muscatine County was named president *pro tem.* On the following day, Shepherd Leffler of Des Moines County was unanimously elected President of the convention.

"Iowa, young, beautiful and blooming as she now is", he proclaimed as he took the gavel, "endeared to us by every attachment which can bind us to our country, may at no distant day, for everything that is great, noble or renowned, rival if not surpass the proudest State of the American confederacy." President Leffler designated eleven standing committees to work on various problems that were before the convention. These consisted of committees on the bill of rights, executive department, legislative department, judicial department, suffrage and citizenship, education and school lands, corporations, state boundaries, county boundaries, county organization, internal improvements, and state debts.

At the first session of the convention, the meeting was opened with prayer by Rev. Nicholas Snethen of the Methodist Protestant Church. Two days later Elijah Sells of Muscatine County offered a resolution to provide for prayer each morning. The motion was laid on the table and taken up again on the following day. William W. Chapman of Wapello County favored the resolution. Francis Gehon thought it "would not be economical" for the convention sitting at an expense of $200 to $300 per day, and time was money.

J. S. Kilpatrick of Jackson County opposed the

resolution as it would be compelling men to listen to what they were opposed to, and violated one of the inalienable rights of men.

Andrew Hooten of Des Moines County opposed the resolution and reminded the convention of an anecdote of Benjamin Franklin who as a boy inquired of his father why it would not be better to say grace over the whole barrel of pork at once and dispense with table grace.

Elijah Sells had not expected opposition to the resolution, and Robert Lucas regretted that there should be contention on the subject. He "could not believe that any disbelieved in a superintending Providence." He reminded the convention, too, that Benjamin Franklin had made the motion for prayer in the Federal constitutional convention and that this had been followed everywhere as a matter of custom.

Gideon S. Bailey of Van Buren County said that whenever politics and religion were mingled, excitement was created. He did not object to prayer on the first day. But to continue it each day would cost two or three hundred dollars. "Why not be economical in this as well as in other things?" Eventually the resolution was indefinitely postponed by a vote of forty-four to twenty-six.

Economy was the guiding principle of the con-

vention. Salaries of the state officers were intended to be in harmony with the general economic level of frontier society. "For the first ten years after the organization of the Government," according to the constitution, "the annual salary of the Governor shall not exceed one thousand dollars; Secretary of State, five hundred dollars; Treasurer, four hundred dollars; Auditor, six hundred dollars; Judges of the Supreme and District Courts, each one thousand dollars." Members of the General Assembly were to receive not more than two dollars per day for the first fifty days of the session and not to exceed one dollar per day after the first fifty days. In addition to this compensation, however, they were allowed two dollars for each twenty miles traveled in going to and returning from the place of meeting.

The Federal constitution was promulgated in the name of the people, and this recognition of popular sovereignty was accepted by the pioneers of Iowa. According to the first article, the constitution of 1844, like the United States constitution, was designed to establish justice, insure tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of life, liberty, and the pursuit of happiness. To this end a bill of rights was included in the first constitution of Iowa, which not only guaranteed the cus-

tomary rights of free people but declared that all men are naturally free and that all political power, being derived from the people, is subject to their control at all times. Slavery was prohibited and aliens were guaranteed the same property rights as citizens. The bill of rights added to the Federal constitution contained ten articles, but there were twenty-three sections in the first Iowa description of civil liberty.

The principle of separation of powers, upon which the structure of the national government was founded, was specifically recognized in the Iowa constitution of 1844. Indeed, the form of government was almost identical — a bicameral legislature composed of a Senate and a House of Representatives, a chief executive and a substitute who was to preside over the Senate, and a judiciary consisting of a Supreme Court and district courts. The proportionate size of the two branches of the General Assembly appears to have been modeled upon Congress for the House could never be less than two or more than three times as large as the Senate. In the original Congress, the House of Representatives was two and one-half times as large as the Senate.

In the Federal constitutional convention of 1787, the question of boundaries was not a major issue. Indeed, the boundaries of the United

States are not designated in the Federal constitution. The question of territorial limits was covered by the simple provision that when the constitution should be ratified by nine States it should become operative in the area contained in the States so ratifying, and by the further provision for the admission of new States. In the Iowa constitutional convention of 1844, however, the size and shape of the State was a question of prime importance.

Early in the convention the Committee on Boundaries reported in favor of boundaries that were in substantial agreement with those which had been proposed by Robert Lucas in 1838. Accordingly, Iowa would be bounded on the south by the State of Missouri, on the west by the Missouri River, on the east by the Mississippi River, and on the north by the Minnesota River, and a line from the mouth of the Blue Earth River to the mouth of the Big Sioux River. At that time, the exact location of the northern boundary was not very certain because the maps of the country were inaccurate, and so Robert H. Gower of Cedar County suggested that the forty-fifth parallel be made the northern boundary of Iowa. William W. Chapman opposed this proposal because it would make the State too large. Robert Lucas concurred in this opinion, saying that Iowa would then embrace an area of more than 120,000 square

miles, including a large range of broken and comparatively valueless country belonging to the Sioux Indians, "the title to which would hardly ever be extinguished." John C. Hall of Henry County proposed the parallel of forty-two degrees and thirty minutes as the northern boundary, whereupon O. S. X. Peck of Lee County suggested the forty-fourth parallel as a compromise.

In the end, however, the convention adopted the Lucas boundaries. When Congress considered ratification of the constitution for admission of Iowa to the Union, considerable opposition developed toward such a large State. With little concern for the natural features of the country, the national legislature materially reduced the size of the proposed State of Iowa. But the people of Iowa refused to join the Union under such conditions. Twice the amended constitution was submitted for popular approval and twice it was rejected. While there were partisan arguments against Statehood and criticisms of particular sections, the principal cause of the negative voting was unsatisfactory boundaries.

Clearly, William Penn was right: "Governments depend upon men." In 1844 men in authority were not willing to settle their differences in the matter of boundaries, and so the work of the convention came to naught.

J. A. Swisher

THE STATE HISTORICAL SOCIETY OF IOWA

Established by the Pioneers in 1857
Located at Iowa City Iowa

PUBLICATIONS OF THE SOCIETY

The Iowa Journal of History and Politics
The Palimpsest—A monthly magazine
The Public Archives Series
The Iowa Biographical Series
The Iowa Economic History Series
The Iowa Social History Series
The Iowa Applied History Series
The Iowa Chronicles of the World War
The Iowa Centennial History
The Miscellaneous Publications
The Bulletins of Information

MEMBERSHIP

Membership in the State Historical Society may be secured through election by the Board of Curators. The annual dues are $3.00. Members may be enrolled as Life Members upon the payment of $50.00.

Address all Communications to

THE STATE HISTORICAL SOCIETY
Iowa City Iowa