

Iowa in 1844

One hundred years ago, John Tyler, a Whig, was President of the United States. But 1844, like 1944, was a presidential election year. Henry Clay was the leading candidate among the Whigs, while Martin Van Buren and James K. Polk were the principal contenders for the presidential nomination on the Democratic ticket. Polk favored territorial expansion — the annexation of Texas — and perhaps because of that fact, he secured the nomination and later won the election.

During Territorial days, the Governor of Iowa was appointed by the President of the United States for a term of three years, "unless sooner removed by the President". His salary, as well as other Territorial government expenses, was paid from the United States treasury. John Chambers, a Whig, who had been commissioned Governor by President William Henry Harrison in 1841 was still serving in that office in 1844. Augustus Caesar Dodge was Iowa's Delegate to Congress. Charles Mason, Joseph Williams, and Thomas S. Wilson constituted the Iowa Territorial Supreme Court. James P. Carleton was Speaker of the Iowa House of Representatives

and Thomas Cox was President of the Council in the Legislative Assembly.

By the first of April, 1844, thirty-one counties had been established in Iowa Territory but county government had been organized and put into operation in only eighteen of them. Twenty-five of the counties had their present boundaries. Fayette County, established in 1837, still officially extended west to the Missouri River and north to the Canadian border, embracing an area of more than 140,000 square miles, most of which had not yet been ceded by the Indians or opened to settlement.

From December, 1843, to the middle of February, 1844, the Sixth Legislative Assembly was in session in the new Stone Capitol in Iowa City. This Assembly was composed of twenty-six Representatives from the counties which were fully organized, apportioned on the basis of population. Lee and Van Buren counties each sent two members to the Council. Des Moines, Henry, and Jefferson counties each constituted a separate district with a single member, while Louisa and Washington counties, Muscatine and Johnson counties, Cedar, Jones and Linn counties, and Dubuque, Jackson, Delaware, and Clayton counties were districted together with one member from each district. The apportionment in the Council

as in the House was roughly according to population.

The Sixth Legislative Assembly remained in session until February 16, 1844. It passed one hundred and forty-four laws and twenty joint resolutions. The laws dealt with subjects ranging alphabetically from adjutant general to wolves and writs of error. Among the most typical statutes were provisions for the taking of the census, the organization of new counties, the building of dams, the operation of ferries, the establishment of roads, the organization of corporations, and the collection of taxes.

The act relative to the census would be criticized now for its duplicity, because it dealt with two distinct subjects — counting the inhabitants and also calling for a special session of the Legislative Assembly to convene on June 16, 1844. It was later discovered that the date designated came on Sunday.

Relative to the census the law provided that it should be the duty of the county, township, or precinct assessors to ascertain "the number of white inhabitants" residing within their respective counties, townships, or precincts on May 1, 1844, and certify the results to the clerk of the board of county commissioners on or before the second Monday in June. Accordingly, a census was

taken in twenty-one counties, including newly established Davis, Kishkekosh, and Wapello. Kishkekosh County, which was later renamed Monroe County, was not yet organized, but for governmental purposes was attached to Wapello County and the census returns were made by officers of that county. Two other counties — Keokuk and Mahaska — which were organized by law in February, 1844, but had not yet elected officers, did not make census returns in accordance with the new law.

Complete returns of the census of 1844 apparently were never published. A summary of the count in Johnson County, however, appeared in June in both the *Iowa Standard* and the *Iowa Capitol Reporter*. The report showed that there were 296 families residing in Johnson County — 186 families in Iowa City and 110 in the county. The total population of the county was 1525, and of this number, 916 were residents of Iowa City. This newspaper summary included data not required by the census law, such as the number of cattle, horses, sheep, and hogs in the county. It also gave the assessed valuation of livestock together with that of other personal and real property. The total assessed valuation for the county was \$312,197.

The organization of new counties was a subject

of much interest in 1844. One of the acts passed by the Sixth Legislative Assembly provided for the organization of Keokuk and Mahaska counties and for attaching Poweshiek County to Mahaska County for governmental purposes. Another law authorized the attachment of Kishkekosh County to Wapello, while a third provided for the organization of Davis County and the attachment of Appanoose County thereto.

Perhaps the most unique statute in this connection was a measure which authorized the division of Lee County and naming the southern part of that area Madison County. This law, however, provided for a referendum, and the division would become effective only if it were approved by the people of that area at the general election in April, 1844. As this measure was not approved by the people, the law did not become operative, and the county was not divided.

One hundred years ago, grist and saw mills were being constructed along Iowa streams, and mill dams were needed to increase the water power. One of the measures designed to aid this development authorized proprietors of mill dams to increase the height of dams previously constructed, provided the increased height did not cause the stream to overflow and damage adjacent property.

Another law authorized Hugh Boyle of Lee County and Ralph Bissell of Henry County to construct a dam across the Skunk River. It was provided, however, that the dam should contain a convenient lock, not less than one hundred and thirty-five feet in length, and thirty-five feet wide. The dam and lock were to be so constructed as to allow the passage of flatboats, rafts, and other water craft "when the river is in a good stage for safe navigation".

Seven measures passed by the Sixth Legislative Assembly provided for the establishment and operation of ferries. These were to be located at Montrose, Dubuque, Burlington, Keokuk, Fort Madison, at the mouth of Nassau Slough near Keokuk, and at the lower end of Rock Island, all on the Mississippi River.

In 1838, John Wilson had been authorized to maintain a "horse or steam power" ferry at Rock Island. A new law authorized the operation of "a swing ferry boat" at that place, to be propelled "by the force of the current" of the river. The boat was to be attached to one end of a cable, the other end of which would be fastened to the island. The law provided that when this new type of boat was completed and ready for operation it should be inspected by the county commissioners of Scott County to see if it would furnish "a suf-

ficient and safe conveyance of passengers, horses, cattle, hogs, and other property" without unreasonable delay. Apparently the new design did not work successfully, for swing ferry boats were never commonly used.

Education was a subject of much interest to the pioneers of Iowa in 1844. Among the laws which were passed by the Sixth Legislative Assembly were nine measures which dealt with the establishment of educational institutions. Citizens of Des Moines County were especially favored with legislation relative to schools. Special acts provided for the incorporation of the Burlington Mechanics' Institute, Burlington University, and Jefferson Academy in Des Moines County. In Henry County provisions were made for the incorporation of the Mount Pleasant Lyceum and the Mount Pleasant Collegiate Institute. Other acts incorporated the Mechanics' Mutual Aid Association of Iowa City, Farmington Academy, Clinton Academy at De Witt, and Washington Lyceum of Jackson County. Some of these schools in later years came to be important educational institutions, Mechanics' Academy, founded by the Mechanics' Mutual Aid Association of Iowa City, had a long and noteworthy history, and Mount Pleasant Collegiate Institute, which later became Iowa Wesleyan College, was at the end of a

century, the oldest college in continuous service still operating in Iowa.

Transportation was a subject of increasing importance in 1844. Some thirty laws passed by the Sixth Territorial Assembly made provisions for the establishment of roads. In some cases these roads were to be located between frontier towns. Thus one act provided for a road from Farmington to Ottumwa — spelled in the law "Autumwa". Other roads were to extend from Delhi to Cascade, from "Bellview" to Iowa City, and from Fort Madison to "Iowaville". Sometimes roads were established between two mills. One statute authorized the marking of a road from Deed's mill in Jefferson County to Crippen's mill in Washington County. Another road was to extend to "Indian Agency" and another to the Missouri State line.

Interest in transportation was stimulated by reports of three steamboats which ascended the Iowa River as far as Iowa City during the year 1844. The *Agatha* arrived at the capital city on Tuesday, March 12th. It had left Burlington the previous Saturday evening and "during each night she lay by". The *Agatha*, propelled by a stern wheel, was in size and appearance "a very respectable craft". She towed two keelboats "as far as the mouth of the Cedar", but the amount of freight

brought up to Iowa City was not large. No doubt the crew hoped to have a larger cargo downstream. However, much of the pork and wheat produced in this section had been previously "waggoned off, owing to the uncertainty of having steamboat transportation".

On June 29, 1844, the *Iowa City Capitol Reporter* noted that on the previous Saturday the steamer *Emma* "very unexpectedly hove in sight of our usually quiet little city". This was "by far the largest craft of the kind" that had come to the capital.

During the first week of September, the *Maid of Iowa* arrived at Iowa City. It was then believed that the "practicability of steam navigation" was assured in all favorable seasons of the year. But, alas, this prophecy failed. Steamboat navigation never flourished on the Iowa River.

By 1844, legal controversies of a wide variety were being appealed to the Iowa Territorial Supreme Court. During that year, forty-five cases were settled by that court. Three men, who later became Governors of Iowa, were employed as attorneys. Ralph P. Lowe served as counsel in ten of these cases; and James W. Grimes, who, like Lowe, was later United States Senator as well as Governor, was an attorney in four of the cases. In one instance, the case of a promissory note ap-

pealed from Louisa County, Lowe was attorney for the plaintiff and Grimes for the defendant. In two other cases, Stephen Hempstead, the second State Governor of Iowa, was one of the attorneys. Other prominent attorneys in these cases included David Rorer, S. C. Hastings, and Stephen Whicher.

Three of the Supreme Court cases are of interest today because of the parties to the litigation. One case came up on a writ of quo warranto by George W. Jones against Timothy Fanning, both prominent residents of Dubuque. The action was brought to deprive Fanning of the right to operate a ferry which he pleaded was based upon a Territorial law of 1838. Jones replied that the law was void, and alleged that Fanning had not operated the ferry in such a manner as to acquire any rights under the law. The lower court had ruled that the law was valid and had been sufficiently observed. Accordingly, a verdict had been rendered in favor of Fanning, and the Supreme Court affirmed this decision.

Another case was an appeal on writ of error from the district court in Muscatine County. A suit had been brought in the lower court against Robert Lucas for the payment of a promissory note. Notice had been served by the sheriff by leaving a copy of the writ at the farm home of

Charles Nealley which was referred to in the return as "the usual place of residence" of Robert Lucas. At the time, however, the former Governor of Iowa was living in the town of Bloomington. He defended the suit on the ground that he was not properly served with notice, but the district court held otherwise. In the Supreme Court Chief Justice Charles Mason ruled that if an injustice had been done Mr. Lucas, his remedy was in equity and he had no ground of complaint against the ruling of the district court.

Perhaps the most interesting case which came to the Supreme Court in 1844 was one which arose from a sale of lots in Iowa City. Chauncey Swan, commissioner of Iowa City, had sold lot four in block ninety-seven to John R. Ewing and James G. Catham, who had paid \$66.21, which was one-fourth of the purchase price, and had given three promissory notes, each for a like amount, in payment of the balance. The certificate of purchase, through some error, was made out for lot three instead of four. Subsequently, Swan had sold and conveyed lot four to another party. When the notes fell due, the makers of the notes pleaded lack of consideration and refused payment. The local court directed that the advanced purchase money be refunded. In the Supreme Court the judgment was affirmed.

The most significant public question before the people of Iowa Territory in 1844 was the agitation for Statehood. This was not a new movement. Both Governor Robert Lucas, a Democrat, and Governor John Chambers, a Whig, had advocated the adoption of State government. Under their leadership the question had been referred to the people in 1840 and again in 1842, but in each instance the proposal was defeated by a large popular vote.

By the year 1844, Iowa Territory had a population of 75,000, and there was an increasing interest in Statehood. In the newspapers, at public gatherings, and in private conversations, the arguments which had developed for and against admission into the Union were presented with renewed vigor. On the one hand, it was argued that Territorial government was at most a temporary arrangement which must eventually give way to the more perfect constitution of the Commonwealth. Moreover, it was believed that a new State organization would lend political stability, and stimulate a wider interest in immigration. It would increase population, develop internal improvements, and greatly increase Iowa prestige, both within and beyond the borders of the State.

There was opposition, however, to the establishment of a new State, because under the Terri-

torial government, expenses were paid from the United States treasury. Statehood would increase taxes. Moreover, there had been substantial growth and prosperity and a large measure of freedom under the Territorial system, and many of the residents were quite content to remain under that form of government.

Territorial newspapers were divided on strong partisan lines. The Democratic newspapers favored Statehood, while the Whig papers opposed it. One reason for this division lay in the fact that the Democratic party had a majority of representatives in the Legislative Assembly, and it was clear that in case of Statehood the Democrats would have a controlling vote and secure most of the State offices.

Governor John Chambers, who succeeded Governor Lucas in 1841, took a broad and statesmanlike view of the question. Despite the fact that he was a Whig and knew that Statehood would mean the termination of his office, he advocated State government and urged its early adoption. Under his leadership, in February, 1844, the Legislative Assembly passed a measure which provided for another popular vote on the question. At the elections in April, the people returned a large majority in favor of calling a constitutional convention. Subsequently delegates were elected

and plans were made for the holding of a convention at Iowa City in the fall. Thus, 1844 is memorable as the year in which it was finally decided that Iowa should seek admission to the Union.

In 1844, Robert Lucas built a new home on a farm adjacent to Iowa City. Because of the plum trees near the house, he called it Plum Grove. There the venerable Governor was destined to spend his declining years. He had seen much of strife and hardship. In approaching the end of his life, he cherished the serenity of Plum Grove and contemplated the values of Christian faith. He spent much of his time leafing through a well-worn Methodist hymnal, and writing religious verses in the margins of newspapers and on the backs of public documents. In the hundred years that have passed since the Lucas home was built at Plum Grove, Iowa City has extended southward to include this area within the city limits. The house erected in 1844 still stands.

Owned by the State of Iowa, the building is being restored to its original condition. Walls and partitions that have been removed are being replaced. Fireplaces that have been boarded up or bricked in are being rebuilt, and the house will be made to appear substantially as it was in 1844. The surrounding area, too, is being made to conform with the original setting. Wild plum trees,

lilacs, roses, and a variety of native trees, bushes, and shrubs are being planted. Thus, Plum Grove as it originally appeared, will be restored and maintained as a historic shrine — the home of the first Governor of the Territory of Iowa.

Thus in retrospect, we span the years from 1844 to 1944. Not many buildings are standing now that were erected then. Not many laws remain unaltered that were enacted then. Not many scenes remain unchanged. But the men and women of Iowa who lived and served and built in those early days have left indelible imprints upon the history of the Commonwealth. The influences of one hundred years ago are still clearly apparent.

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