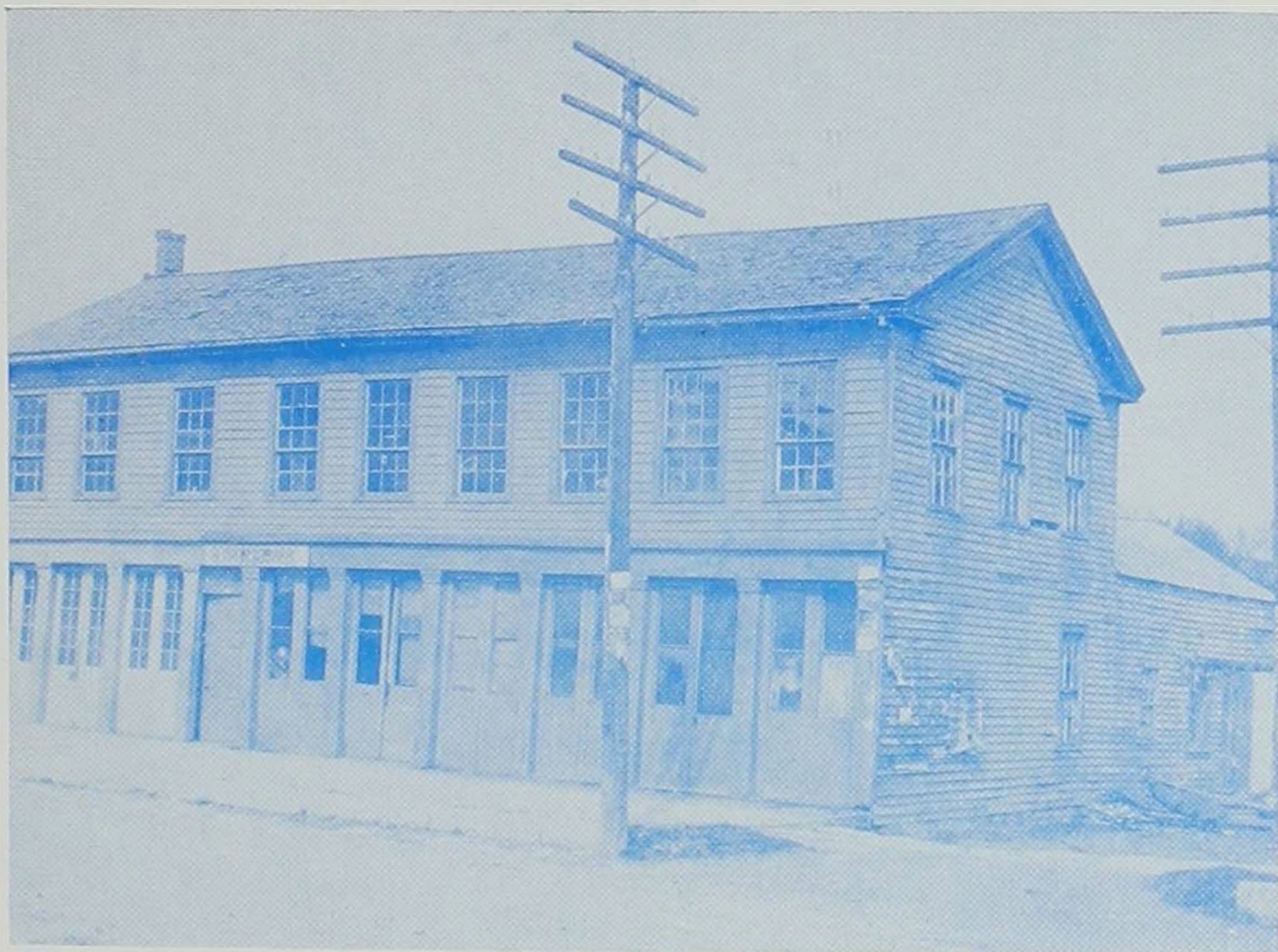


# *The* PALIMPSEST



Iowa City's First Capitol  
BUTLER'S CAPITOL

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Iowa City, Iowa

DECEMBER 1955





## *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 record 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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WILLIAM J. PETERSEN

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## *Cover*

*Front* — The Butler Capitol building as it was when it stood on South Dubuque Street, Iowa City, many years after it had served as Iowa City's first capitol building.

## *Author*

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# THE PALIMPSEST

EDITED BY WILLIAM J. PETERSEN

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## Walter Butler: Capitol Builder

Iowa City is one of the most historic towns in the Hawkeye State. Here convened five sessions of the Territorial Legislative Assembly and six sessions of the State General Assembly. Here three constitutional conventions were held — in 1844, in 1846, and in 1857. Here the Territorial and State Supreme Courts met for sixteen years, handing down decrees of momentous importance. Here the State University of Iowa was established by law in 1847; here the Republican Party was organized in 1856; here the State Historical Society of Iowa was founded in 1857. While most of these events transpired in stately Old Capitol, the first executive, legislative, and judicial measures and decrees in Iowa City were formulated in a modest two-story frame building known to contemporaries as Butler's Capitol. The story of Walter Butler and the territorial capitol he built in Iowa City is a colorful episode in Iowa history.

The backgrounds of this story are well worth



recording. Permanent settlement began in the Black Hawk Purchase on June 1, 1833. The Iowa District was attached to Michigan Territory in 1834, formed a part of Wisconsin Territory in 1836, and became the separate Territory of Iowa in 1838. The first public land surveys were begun in the Black Hawk Purchase in 1837 and the first land offices were established at Dubuque and Burlington in 1838. The first Territorial census showed 10,531 people in the Iowa District in 1836. This number had zoomed to 22,859 when the Territory of Iowa sprang into existence on July 4, 1838. The population had soared to 43,112 by 1840, compared to only 30,945 in Wisconsin. Eight newspapers had been established in the flourishing Mississippi towns by 1840: the first at Dubuque in 1836, at Burlington and Montrose in 1837, at Burlington, Davenport, and Fort Madison in 1838, and two at Bloomington (now Muscatine) in 1840.

Against this swift moving background must be painted the story of how Walter Butler built his Territorial capitol at Iowa City. On January 21, 1839, Governor Robert Lucas approved an act of the First Legislative Assembly to locate the seat of government of the Territory of Iowa upon unsurveyed lands of the United States in Johnson County. A joint session of the Assembly elected Chauncey Swan, John Ronalds, and Robert Ralston to serve as commissioners to locate the capital.



The site of Iowa City was selected by the capital commissioners on May 4, 1839. The first public sale of lots was held in Iowa City on the third Monday of August: at the end of three days 103 lots were sold for \$17,292.75. The highest sum paid for any one lot was \$750 — lot 6 in Block 79. The smallest amount paid was \$25 each for lots 5, 6, 7, and 8 in Block 52. On October 1st the second sale of lots began, and when it was concluded 106 lots were purchased — including three out-lots and six lots forfeited after the first sale. Since most of the desirable lots (those near the Capitol Square) had been sold in August, the October sale totaled only \$11,887. Out of the two sales Acting Commissioner Chauncey Swan reported to the Legislative Assembly he had received \$7,105 in cash and \$19,634.75 in notes.

Prominent among those who participated in the Iowa City land sale was Walter Butler. According to an abstract of sales of lots published in connection with the annual report of Territorial Agent Jesse Williams on December 12, 1841, Wm. Bostwick had purchased eighteen lots; Robert Lucas, twelve; Chauncey Swan, nine; Lyman Dillon, eight; E. M. Bissell, seven; Samuel H. McCrory, six; F. M. Irish, four; Wm. C. Massey, four; and Walter Butler, three.

Little is known about the early life of Walter Butler. Born in Tennessee in 1800, Butler emigrated to Illinois as a young man, where he re-



sided until 1839, when he brought his family to the newly located capital at Iowa City. In the few months of his residence he quickly became popular with his fellow-citizens. At the first public land sale of lots in Iowa City auctioneer E. C. Dougherty allowed Butler to purchase the site of his hotel, located on Lot 5 of Block 80, for \$300, which was the minimum price. Today, Shorts, Stephens, The Airliner, and Kenny's face the University campus on this site.

The records show that a year later, in 1840, Butler bought at private entry Lot 6 of Block 80 on the corner of Clinton and Washington next to his hotel for \$800. In order to do this, Butler transferred his rights to a quarter section of land on the northern outskirts of Iowa City to Walter Terrel on July 2, 1840. The following year he disposed of a "parcel" of land to A. I. Willis.

When word reached Iowa City that the Fourth Legislative Assembly would meet in the new capital during the winter of 1841-1842 if suitable quarters were furnished free, it caused much excitement in that bustling little town. Many other towns were anxious to secure this honor (twenty-seven were suggested in one day) and Burlington wanted to retain it until the new capitol was completed and ready for occupancy. As early as February, 1841, the Bloomington *Herald* declared:

The citizens of Iowa City have had numerous meetings with regard to building a suitable house for the purpose of



accommodating the Legislative Assembly during the next session. After the discussion and rejection of various plans, arrangements were finally made with Walter Butler Esq. to put up suitable buildings.

We wish our old friend Butler much speed and prosperity in his undertaking; but still a work of this kind ought to be taken hold of more generally by the people. It is a matter which concerns them all and they should all with one spirit step forward in the cause and lend their aid. Much credit is due the enterprise of the present undertaker. May he ever prosper.

It was a costly venture that Walter Butler undertook with no prospects of a financial return. Perhaps he hoped to reap some reward from Legislative use of his hotel which stood next to the capitol on Lot 5. At any rate, Butler flung himself into the task of erecting the two-story 30 ft. by 60 ft. frame building near the corner of Clinton and Washington on Block 6.

Other buildings were fairly mushrooming around Butler's Capitol. When Reverend W. W. Woods arrived in Iowa City during the summer of 1841 he was amazed at the activity. To the American Home Missionary Society, he wrote:

I am here in this new and flourishing city, as yet without house or home. I am truly in a strange land. No church going bells ring to call us to the house of God on the holy Sabbath day, nor is there yet a meeting-house or house for preaching in this place — though the Protestant Methodists will soon have one so far finished that they may use it. I never before felt so much the precious privilege of organized society; everything here is at loose ends,



unsettled and uncertain, except this one point, the multitude seem to have agreed to forget God. The Sabbath is spent in every possible way, by some in hunting, fishing, carousing; while others, wholly indifferent to such pastimes and pleasures, busily lay brick all the Sabbath day. There are others of a different stamp altogether, who are orderly go-to-meeting people. There are some of almost all different sects of religionists in the world here, and not a great many of any one kind.

The Butler Capitol, built of stout timbers "hand-hewed" in the forest and laboriously "rip-sawed" by hand, was completed in the fall of 1841. It stood ten feet back from the present-day Washington Street sidewalk and about thirty-six feet east of the Clinton Street sidewalk, on what is now the east end of Whetstone's and Hawkeye book store, and most of the Western Union.

When the Fourth Legislative Assembly adjourned, the Butler Capitol was used for a variety of purposes — for lectures and lyceum, for church and educational purposes, and for offices. Thus, the Baptists started using Butler's Capitol as a place of worship and Rev. A. R. Gardner, a Universalist minister, preached in both the Council Chamber and Hall of Representatives. Rev. James L. Thompson of the Methodist Episcopal Church spoke at both morning and "candlelight" services in the Council Chamber on May 8, 1842. In the years before streets were numbered, advertisers frequently referred to their location in relation to Old Butler Capitol.



While operating his hotel and housing the Fourth Legislative Assembly, Walter Butler was identified with numerous other activities. He was a member of the Johnson County Claim Association. He was elected Sheriff of Johnson County, an office he held with distinction. "A person of the name of Hodge," declared the *Iowa City Standard* of July 23, 1842, "was arrested on Monday last, at the forks, by Walter Butler Esq., on the charge of stealing Indian horses from this city."

Such devotion to duty led to Butler's reelection as Sheriff; he defeated his Whig opponent 287 to 242. Butler's victory caused the Whig newspaper of August 6, 1842, to declare: "Our candidate for Sheriff (Hess) may consider himself rather complimented than otherwise, by his defeat. A staunch Democrat assured us it was brought about solely by his good disposition! He was thought too mild a mannered man for the office, and thereby lost his election."

Walter Butler's good opinion was apparently solicited by professional men. When Dr. H. Murray advertised his professional service to the citizens of Iowa City he gave for references in his advertisement in the *Iowa Capitol Reporter* of December 4, 1841, the names of Chauncey Swan, Esq., Walter Butler, Esq., Col. S. C. Trowbridge, Col. Jesse Williams, and Henry Felkner, Esq.

Always a hospitable man, Butler's home was



frequently a meeting place to promote civic affairs. On June 18, 1842, the *Iowa City Standard* noted that leading citizens had met at the home of Walter Butler to work out plans for a Fourth of July celebration. The Governor, Supreme Court judges, and veterans of the American Revolution were invited to attend the celebration.

Residents of Johnson County were shocked when they read of Walter Butler's death on January 13, 1844. The *Iowa Capitol Reporter* of January 20th paid the 43-year-old pioneer high tribute:

Death under all circumstances is clothed in robes of sorrow and heartfelt regret. And particularly is it the case when the unfortunate victim has been as distinguished for the qualities which exalt and adorn humanity as the individual whose death we record above. . . . the memory of his many noble acts of benevolence, public spirit and charity, softened by the light of affection springing from the deepest recesses of the heart, haunts our imaginations with feelings of sadness and regret. . . .

Whenever a public enterprise was to be undertaken, he was found in the front rank of its friends, toiling efficiently for its accomplishment. — He has been called away in the prime of his useful life — loved, mourned and remembered by all who knew him. It should be, and it is to be hoped it will be a pleasing duty to us all, to make his large and distressed family the recipients of that debt of gratitude which all our citizens can but acknowledge, we owe to the worth and usefulness of our departed friend.

WILLIAM J. PETERSEN



## Governor Chambers' First Annual Message

John Chambers, the second governor of the Territory of Iowa, served that Territory for half of its period of existence — from 1841 to 1845. These were important formative years when the Territory was moving slowly toward statehood. His administration, therefore, was a highly significant one in Iowa history.

Of Scotch-Irish ancestry, Chambers was born at Bromley Bridge, Somerset County, New Jersey, on October 6, 1780. He migrated with his parents to Mason County, Kentucky, at the age of fourteen. After five months at Transylvania Seminary in Lexington, Chambers began the study of law and was admitted to the Kentucky bar in 1800. He was an able and successful lawyer but a failure as a manufacturer.

In 1803 John Chambers married Margaret Taylor, who died three years later. In 1807 he married Hannah Taylor, a half-sister of his first wife. Their twenty-five years of married life were happy ones, ending only with Hannah's death in 1832. Thereafter John Chambers showered his affection upon his ten children.

During the War of 1812 Chambers served on



the staff of General William Henry Harrison, who greatly admired his efficiency and organizing genius. Chambers vigorously supported Harrison in the famous "Tippecanoe and Tyler Too" campaign of 1840. For this loyal support President Harrison commissioned John Chambers as Governor of the Territory of Iowa on March 25, 1841. At least two Iowans, Philip Viele and Joseph Hawkins, had sought the position. In addition, Daniel Webster wanted it for his friend, General James Wilson of New Hampshire, and sternly advised Chambers not to accept the post. Finally, after having refused it, and the more lucrative office of United States Treasurer, Chambers agreed to accept the Governorship, but not until President Harrison had told Daniel Webster he might "go to the Devil" with his candidate.

Chambers was sixty years old when he arrived in the Territory on May 12, 1841. For two score years he had gained rich experiences while serving several terms in the lower house of the Kentucky legislature as well as in the halls of Congress in Washington, D. C. He brought none of his family with him, being accompanied only by his private secretary, J. O. Phister, and the Secretary of the Territory, O. H. W. Stull. A socially courteous and genial man, Chambers' dignified mien and scrupulous personal appearance pleased the citizens of Iowa.

Chambers was met by an enthusiastic crowd



when his steamboat docked at Burlington. Once the formalities of introduction were over, James W. Grimes welcomed the new Governor for the people of the Territory. After praising his military record, his former public service, and his leadership in Kentucky and national affairs, Grimes concluded:

We bid you welcome to the smiling prairies of Iowa; we welcome you to the hospitalities of our city, and to the warm affections of a generous and noble hearted people. . . . it is our prayer, that He who rules the destinies of nations may so ordain that your administration of our government may prove alike prosperous to the community, and honorable to yourself.

Governor John Chambers' First Annual Message was read before the Fourth Legislative Assembly of the Territory of Iowa in the Butler Capitol at Iowa City on December 8, 1841. After congratulating the Legislative Assembly on the health of the people, the rapidly increasing population, and the productivity of the land, the Governor recommended:

*Vote of People on Statehood*

of paramount importance, is the legislation necessary to the ascertainment of the wishes of the people of the Territory, touching our admission into the Union of the States.

*Progress of Construction on New Capitol*

Assembling . . . at the established seat of government, where the erection of a very important part of the public buildings is in progress, you will be enabled to satisfy yourself by a personal inspection, whether the execution



of the work and its advancement towards completion, is such as the means put at the disposal of the superintendent, authorized you to expect.

*Penitentiary at Fort Madison*

I would recommend an earnest appeal to Congress for such an appropriation as will enable us speedily to complete a work so necessary to prevent this Territory from becoming the refuge of a large portion of the most corrupt and vicious population of the States.

*Reason for Failure to Obtain Indian Cession*

But it is probable that for a long time we shall remain subject to the evils and inconveniences of having an Indian population on our borders — evils and inconveniences resulting principally from their excessive and growing fondness for intoxicating drink, with which they are supplied by a depraved and vicious portion of our citizens, who, defying alike the laws of morality and of their country, furnish them the means of degradation and destruction, with a full knowledge and perfect disregard of its murderous effects upon them. . . . Humanity shudders and religion weeps over the cruel and unrelenting destruction of a people so interesting, by means so dastardly and brutal, that the use of the rifle and the sword, even in a time of profound peace with them, would be comparatively merciful. . . . I would, therefore, recommend such an amendment of the existing law on the subject, as will add imprisonment to the existing penalty, and will strictly prohibit all white persons from purchasing any articles of property from an Indian, without the written permission of the Agent appointed by the Government to take care of them. . . .

*Conscientious Objectors*

I would recommend that provision be made for such



cases, leaving them subject in time of war to pay an equivalent for personal service.

*Delay in Organization of Township Schools*

The subject is one upon which no delay or neglect in any department of the government, or on the part of any persons concerned in the administration of the laws for its regulations, ought to be tolerated.

*Navigation of Mississippi Above Rapids*

I recommend a respectful, but earnest appeal to Congress in behalf of your constituents, for such an appropriation for the removal of the obstructions (Des Moines and Rock Island Rapids) as will effectually protect the commerce of the Upper Mississippi against the losses and impositions to which it is now subject. . . .

*Southern Boundary of Iowa*

I have recently received a letter from the Governor of Missouri, on the subject of the boundary between that State and this Territory, in which he proposes submission of the matter in controversy to the decision of the Supreme Court of the United States, upon a statement of facts, in the nature of an agreed case, which letter, with a copy of my answer to it, is herewith submitted for your consideration.

*Strict Economy in Expenditures*

The excess of expenditures in former years, over and above the appropriations made by Congress for the support of the Territorial Government . . . admonishes us of the necessity of strict economy in the administration of the fund put at our disposal by the General Government.

Such was the content of Governor John Chambers' First Annual Message in Butler's Capitol. The following year work on the new capitol had progressed far enough to allow his Second Annual



Message to be read to the Fifth Legislative Assembly which occupied the first four rooms that had been finished since the spring of 1842.

Meanwhile Chambers, not liking Iowa City, chose Burlington as his Executive headquarters whenever the Legislative Assembly was not in session. He built his home on the outskirts of Burlington and called it "Grouseland" because of the large number of grouse in the neighborhood. Chambers loved the free soil of Iowa and wanted to spend his last years here. To William Penn Clarke he wrote in 1846: "If I live and have strength enough, I shall return to Iowa in the spring. I cannot be content here — the very sight of the negroes annoys me." He was soon back in Iowa at his Grouseland home.

During the summer of 1846 Governor James Clarke offered Chambers the command of Iowa troops raised for the Mexican War but poor health compelled him to decline the offer. He opposed the Constitution of 1846 and continued to support Whig principles and candidates.

Unfortunately, he never was able to attract more than four or five of his children to Iowa. In 1847, ill in health, he returned to Kentucky where he died on September 21, 1852. Perhaps his epitaph was best expressed by an Iowa contemporary who said that he was a "sterling, sturdy, fresh-complexioned, honest gentleman from Kentucky."

WILLIAM J. PETERSEN



## Legislating in Butler's Capitol

The arrival of the Fourth Legislative Assembly was eagerly awaited by Iowa Citians. The session was to open on Monday, December 6, 1841, so most of the members had started from their homes on the previous Friday. Travel was difficult because sleet and snow, accompanied by high winds "sufficient almost to blow the hair off one's head," dogged their journey all the way. Notwithstanding the "extreme inclemency" of the weather Governor Chambers, Secretary Stull, and all but one Council and three House members were on hand for the opening day.

Members of the Legislative Assembly were agreeably surprised with Iowa City, the *Iowa Capitol Reporter* of December 11th declared:

Taught to suppose that they were coming to a place where no conveniences would attend them, and where they should have, perhaps, to spend the winter in a condition bordering upon savage life, a widely and totally different state of things presents itself. They find themselves in a most thriving town of some seven or eight hundred inhabitants, built upon a site unsurpassed for beauty by any that we have ever beheld anywhere in the interior. This we declare in all sincerity; and in this every individual whose mind is unprejudiced upon the subject must agree with us.



They find Halls prepared for their assemblage, with every convenience and comfort that they could reasonably desire, and fitted up in a style of neatness and taste highly creditable to those by whom they were arranged.

The hands of the ladies of this city, by the by, are plainly perceptible in this arrangement, and many thanks are due, too, to our public-spirited fellow citizen, Mr. Butler, for his exertions in getting the building in readiness for the reception of the Legislature; and he well deserves to be favorably remembered for it.

The Fourth Legislative Assembly convened in Butler's Capitol at noon on December 6, opening with prayer by Reverend Michael Hummer of the Presbyterian Church. The following officers were elected:

## COUNCIL

President	Jonathan Parker
Secretary	James W. Woods
Sec., Asst.	Edward J. Darken
Clerks	
Transcribing	Geo. S. Hampton
"	Geo. W. Harris
Serg't-at-Arms	Samuel Parker
Door Keeper	Orrin Dodd
Messenger	Miles Driscoll
Fireman	Daniel Chance

## HOUSE

Speaker	Warner Lewis
Chief Clerk	Jos. T. Fales
Asst. Clerk	Lemuel Parkhurst
Clerks	
Recording	S. B. Gardner
Engrossing	Wm. A. Thurston
Enrolling	Benj. Tucker
Serg't-at-Arms	Charles Price
Door Keeper	John R. William
" " Asst.	H. L. Jeanin
Messenger	T. B. Browne
" " Asst.	B. W. Gillock
Fireman	Wm. Abbe

Who were these men who met in Butler's Capitol? What was their political affiliation, their place of birth, their age, and their occupation? Happily for posterity the editor of the *Iowa Capitol Reporter* on January 29, 1842, made the following



compilation of the twenty-six House members which should prove illuminating:

<i>Name</i>	<i>Birthplace</i>	<i>District</i>	<i>Age</i>	<i>Business</i>
Warner Lewis	Virginia	Dubuque	37	Farmer
Thomas Baker	Ohio	Washington	31	Farmer
Uriah Biggs	Virginia	Van Buren	40	" Surveyor
C. H. Booth	Pennsylvania	Dubuque	26	Lumber
<i>David E. Blair</i>	Kentucky	Des Moines	49	Farmer
Henry J. Campbell	New York	Lee	30	Farmer
Thomas Denson	N. Carolina	Jones	37	Farmer
Henry Felkner	Ohio	Johnson	31	Farmer
James Grant	N. Carolina	Scott-Clinton	29	" Lawyer
<i>Alfred Hebard</i>	Connecticut	Des Moines	30	Farmer
George Hepner	Kentucky	Des Moines	35	Farmer
<i>Sam P. Higginson</i>	England	Cedar-Jones	31	Farmer
Samuel Holliday	N. Carolina	Muscatine	56	Farmer
<i>Isaac Leffler</i>	Virginia	Des Moines	51	Farmer
E. S. McCulloch	Tennessee	Lee	30	Farmer
James M. Morgan	Ohio	Des Moines	28	Lawyer
J. K. Moss	Kentucky	Jackson	30	Lawyer
William Patterson	Virginia	Lee	39	Farmer
<i>Asbury B. Porter</i>	Kentucky	Henry	30	Farmer
Richard Quinton	Kentucky	Jefferson	36	Farmer
<i>Jos. M. Robertson</i>	Virginia	Scott-Clinton	36	Farmer
<i>Simeon Smead</i>	Vermont	Henry	45	Farmer
<i>William L. Toole</i>	Virginia	Louisa	39	Farmer
Oliver Weld	New Hampshire	Van Buren	29	Lawyer
John M. Whitaker	Ohio	Van Buren	40	Farmer
<i>Paton Wilson</i>	N. Carolina	Henry	47	Farmer

Note—Whigs in italics.

Then as now, the problem of roads and public transportation was one of the most difficult to solve. A total of thirty-three laws, or more than one-fourth of the total passed, dealt with Territorial roads. All but two of these laws were specific acts designating certain persons to "locate and establish," "relocate," or "review" a Territo-



rial road between specific points. Thus, Chapter 70 of the *Laws of the Territory of Iowa* reads:

Section 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, that Absalom Cornelias, Edmund Archibald, of Henry county, and Robert Neil, of Washington county, be and are hereby appointed commissioners to lay out and establish a territorial road from the town of Crawfordsville, in Washington county, to Smith's Mills, via New London, in Henry county.

Sec. 2. That said commissioners meet at Smith's Mills on such day as they may agree, (not exceeding twelve months from the passage of this act,) to discharge their duties.

Sec. 3. That said commissioners shall be allowed one dollar and fifty cents per day for their services, and shall employ one surveyor, and as many chain carriers and axemen as they shall think necessary; the surveyor shall receive no more than two dollars and fifty cents per day, and the chain carriers and axemen shall be allowed no more than one dollar per day, to be paid according to the provisions of an act to provide for the laying out and opening territorial roads, approved January the 25th, 1839.

*Approved*, February 16, 1842.

While many of the towns and geographical points are known today there are quite a number designated that have long since disappeared from maps, or from the memory of the oldest inhabitants. A few examples will suffice:

Chapter 3. Commencing at West Point, thence on the nearest and best route to Franklin, thence to the land-



ing on the Des Moines river, opposite Saint Francisville, Missouri.

Chapter 6. From Keokuck, on the nearest and best route to Ambrosia, in Lee County; thence to Winchester, in Van Buren county; thence to Fairfield in Jefferson county.

Chapter 7. From Deeds' mills on Skunk river, in Jefferson county, by the way of Brighton in Washington county, the house of Beriah Haworth in said county, Western City in said county, thence nearest and best way to the west boundary line of the Territory.

Chapter 11. From the county seat of Delaware, to Dillon's mill; thence cross the river and running the west side of the Makoqueta, to the falls on said river, at the town of West Cascade.

Chapter 36. Commencing at Denson's ferry on the Wabesipinica; thence to Milford, in Jackson county; thence the nearest and best route, so as to intersect the Military road in Dubuque county, some where in township eighty-seven, north range, one east.

Chapter 88. To review the road from Moscow via Rochester, to Marion in Linn county.

Chapter 117. To commence in the county of Muscatine, at or near the dwelling house of Charles Nealy; thence on the nearest and best route to Iowa City.

Next to roads, the subject of ferries occupied much of the attention of the men who convened in Butler's Capitol. One measure, Chapter 80, amended the act of December 20, 1838, regulating ferries. The first section of this amendment provided that County Commissioners in the Territory of Iowa were "empowered and required to regulate and established the rates of ferriage, on every



ferry in their respective counties, kept by authority of a charter from a Legislative Assembly."

The second section stated that the duty of the clerk of the County Commissioners, as well as the "duty and liability" of ferry keepers, should be the same as provided in the Act of 1838 "so far as the same may not be contradictory to those in the charter granted them."

Ten acts were passed granting certain men the right to operate ferries at specific points. Nine were located on the Mississippi while one was granted to Jesse Wright and Henry Bateman at Watertown in Van Buren County on the Des Moines River. Southernmost of those on the Mississippi was the one authorizing Robert M. G. Patterson to "establish and keep a ferry across the Mississippi River at or near the mouth of Nassau slough, in the county of Lee, for the term of ten years," subject to the laws licensing and regulating ferries. Section two of this act provided:

That no court or board of county commissioners shall authorize any person or persons to keep a ferry within the limits of one mile above the mouth of said Nassau slough: Provided, That the said Robert M. G. Patterson shall keep at said ferry a good and sufficient flat-boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay, within five months from the passage of this act; and the said Robert M. G. Patterson shall, within five years, procure a good and sufficient horse or steam ferry boat.



All other specific ferry grants made by the Fourth Legislative Assembly were located between Muscatine and Jackson counties. Ransom Long was authorized to operate a ferry at Salem in Muscatine County, Martin W. Smith at Le-Claire in Scott County, and John R. Sloan at Camanche in Clinton County. Four of the ten grants to operate ferries were in Jackson County. The one to James Leonard was located at Charleston on the Mississippi while those to Thomas S. Parks, to William and Vincent G. Smith, and to David G. Bates and John Forbes, designated a specific section in a certain township — Parks in Township 85 and the other four men in Township 87 on the Mississippi.

There were slight variations in the provisions of these grants. Bates and Forbes were to "procure and ever after keep a good and sufficient number of flat-boats and other water-crafts, for the use of said ferry, with a sufficient number of hands to work the same." The Smiths, within three years from the passage of their act, were to

procure a good and sufficient horse or steam ferry boat for said ferry; which shall be kept at said ferry for the transportation of all persons and their property across said river without delay; and until said ferry boat shall be provided as aforesaid, the said Smith's, their heirs or assigns, shall keep at said ferry a good and sufficient flat-boat, and a sufficient number of hands to work the same, for the transportation of all persons and their property across said river when passable, without delay.



The growth of Iowa is attested by the need for dams to develop power for the operation of mills. The Fourth Legislative Assembly authorized the erection of six dams — four on the Skunk River, one on the Wabesipinicon (Wapsipinicon), and one on the Des Moines River. On January 12, 1842, Governor Chambers approved an act authorizing Perriander Pollock and his associates to erect a dam on the Wapsipinicon in Township 80 in Clinton County, "which said dam, shall not exceed two and a half feet in height, above common low water mark; and in said dam, shall be constructed a lock or apron, at least thirty feet wide, and eighty feet long, so as to admit of boats to descend, and ascend, with safety."

Section 2 provided that any person guilty of injuring the dam "shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owners may have sustained, or be imprisoned at the discretion of the court." Section 3 forbade dam builders "to enter upon and flow the lands of any person, without the consent of such person; and they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity." Section 4 allowed any future territorial or state legislature to repeal any or all of the provisions if deemed expedient.

The above provisions were generally followed



by other specific acts authorizing dams. It should be pointed out, however, that the territorial legislature carefully insured the navigability of streams. Their solicitude no doubt was influenced by increased navigation on the lower Des Moines and the arrival of the steamboat *Ripple* at Iowa City in June, 1841. At any rate an amendatory act authorizing John R. Sparks and his associates to build a dam across the Des Moines River in Township 69 in Van Buren County provided that the dam "shall not exceed three feet in height above common low water mark, and shall contain a convenient lock, not less than one hundred and thirty feet in length and thirty-five feet in width, for the passage of steam, keel, and flat-boats, rafts, and other water crafts; provided said water crafts will bear two tons burden."

The Act authorizing Jason Wilson to erect a dam across the Skunk River in Township 69 of Lee County provided for an equally large lock for the passage of steamboats and other craft.

Most of the 127 laws passed were short, whereas those incorporating cities and towns, or private corporations, were detailed and ran from two to six pages in length. The Fourth General Assembly passed six measures incorporating cities and towns by special charters. One of these revived a law which had not been acted upon for the incorporation of Iowa City; another amended the law for the incorporation of the town of Bloomington.



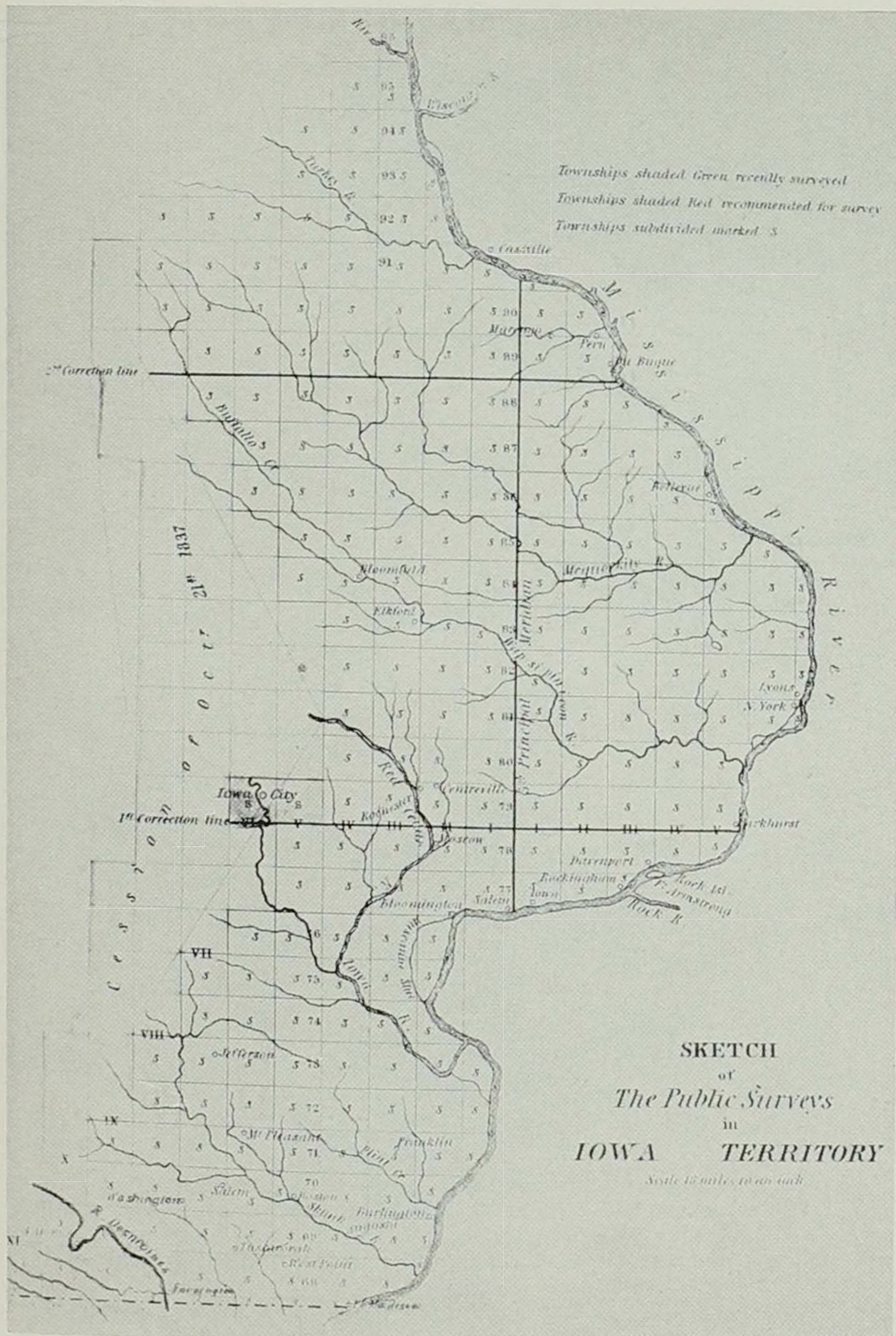
Davenport and Fort Madison, both of which had been previously incorporated, required almost six pages each to contain their 21 and 19 sections respectively. Laws also were passed incorporating Mount Pleasant and Keosauqua.

Illustrative of these acts is Section 8 of Chapter 57 incorporating Davenport, which enumerated the powers of the mayor and aldermen.

The mayor and aldermen shall have full power and authority, to pass all by-laws and ordinances to regulate the stationing, anchorage, landing, mooring, or unlading of boats, vessels, rafts, and all other water-crafts, within the limits of said town; to prevent and remove nuisances, to establish night-watches, erect lamps; to provide for licensing and regulating retailers of spirituous liquors within said town; and for annulling the same on good and sufficient complaint made against any person holding such license; to license and regulate drays, carts, and other vehicles, kept for public hire; to prohibit the discharging of fire-arms, and the racing or immoderate running or driving of horses, drays, carts, carriages, waggons, or other vehicles in said town; to provide for licensing and regulating shows, theatricals, and other amusements in said town; to regulate and establish markets, and to rent the stalls in the same; and to prohibit the selling of meats, poultry, fish, or game, except at the public market; to erect and repair bridges, to regulate and improve all streets, avenues, alleys, sidewalks, landings, wharves, public grounds and squares, drains and sewers; to sink and keep in repair public wells; to establish and regulate fire wards and fire companies; to provide for the prevention and extinguishment of fires, and if necessary, to remove or pull down buildings or fences, for the prevention of the spreading of the same; to



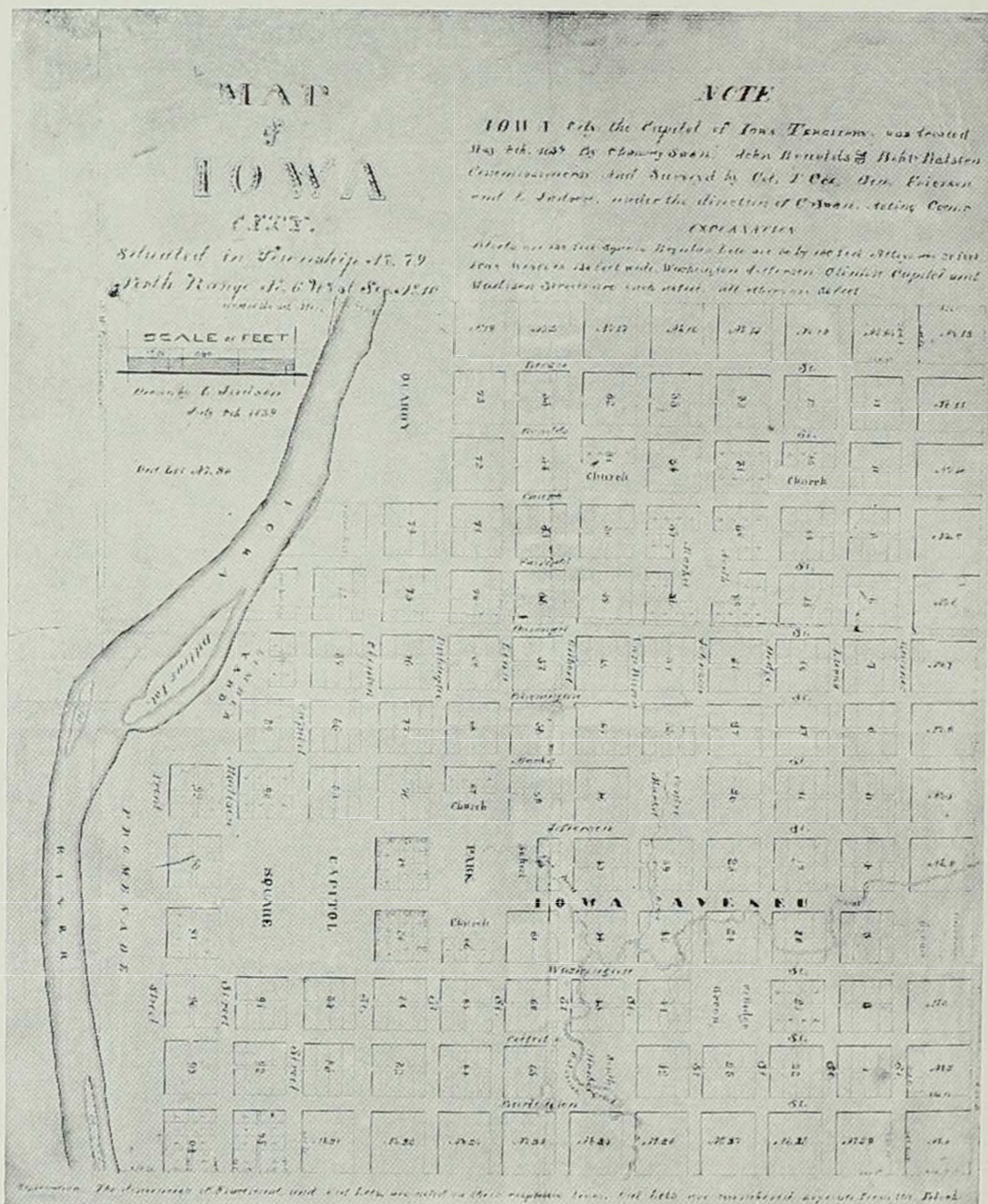
## SURVEYING EASTERN IOWA



An early map of eastern Iowa showing how the townships were laid out by government surveyors.



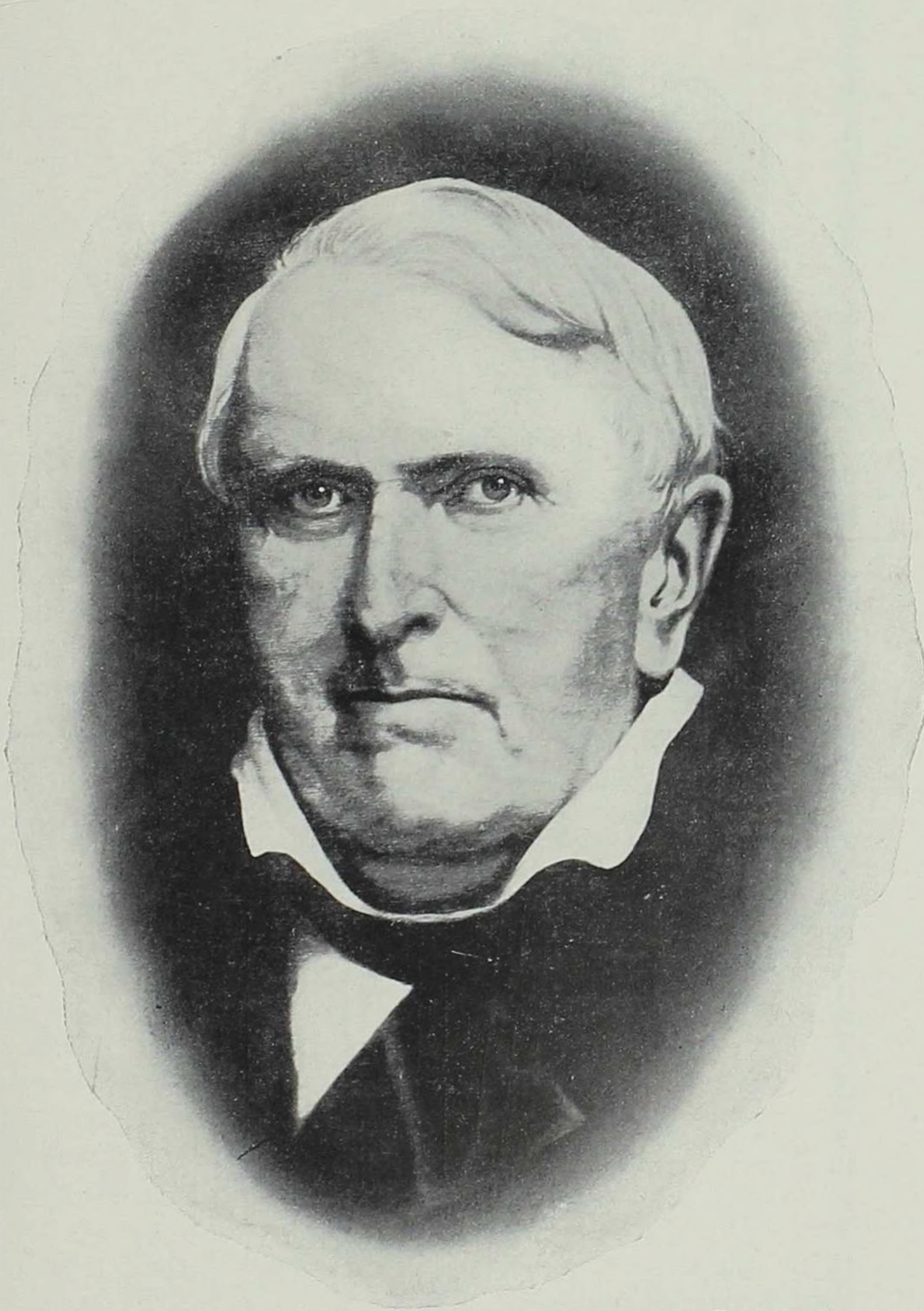
# THE ORIGINAL MAP OF IOWA CITY



The original map of Iowa City, drawn by L. Judson, and dated July 4, 1839. The more familiar version of this map (which appears as the center spread in this issue) was prepared in St. Louis by E. Dupré, lithographer, who added a number of embellishments to Judson's original drawing.

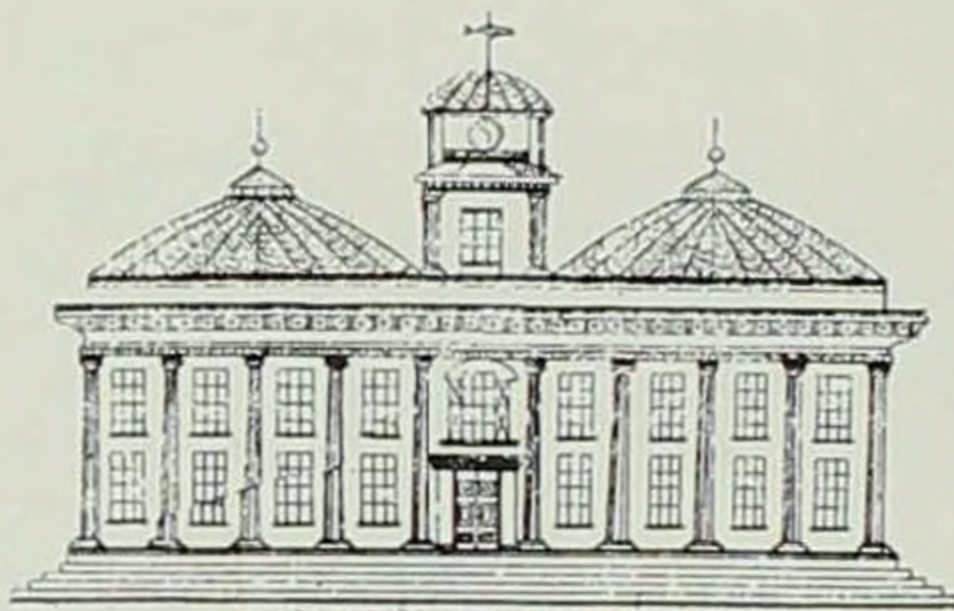


IOWA'S SECOND GOVERNOR



From an oil portrait  
John Chambers, Governor of the Territory of Iowa, 1841-1845.





CAPITOL OF IOWA TERR.

# MAP OF IOWA CITY

SITUATED IN TOWNSHIP 19. N. R. 6 W. of the 5<sup>th</sup> P. M.

Drawn by L. Judson

## NOTE

IOWA CITY the CAPITAL of IOWA TERRITORY  
located May 4<sup>th</sup> 1839 by  
MR. CHAVEY SWAN  
JOHN RONALDS } Commrs.  
ROBERT RALSTON }  
and Surveyed by Messrs. Cox, Frierson & Judson  
under the direction of C. Swan Act. Comr.

## EXPLANATION

BLOCKS are 320 feet square regular lots  
are 80, by 150.  
The dimensions of fractions and out lots  
are noted in their respective lines.  
Aleys are 20 feet Iowa Avenue is 120  
feet wide Washington Jefferson Clin-  
ton Capitol and Madison Streets  
are each 100 feet all others are 80 Feet

NATIONAL ROAD

## SCALE OF FEET



OUT LOT N<sup>o</sup> 20

40<sup>th</sup> AVENUE

CLINTON

CAPITOL

DILLON'S LANE

FRONT

MADISON

PROBIE AND

CAPITOL  
SQUARE

JEFFER

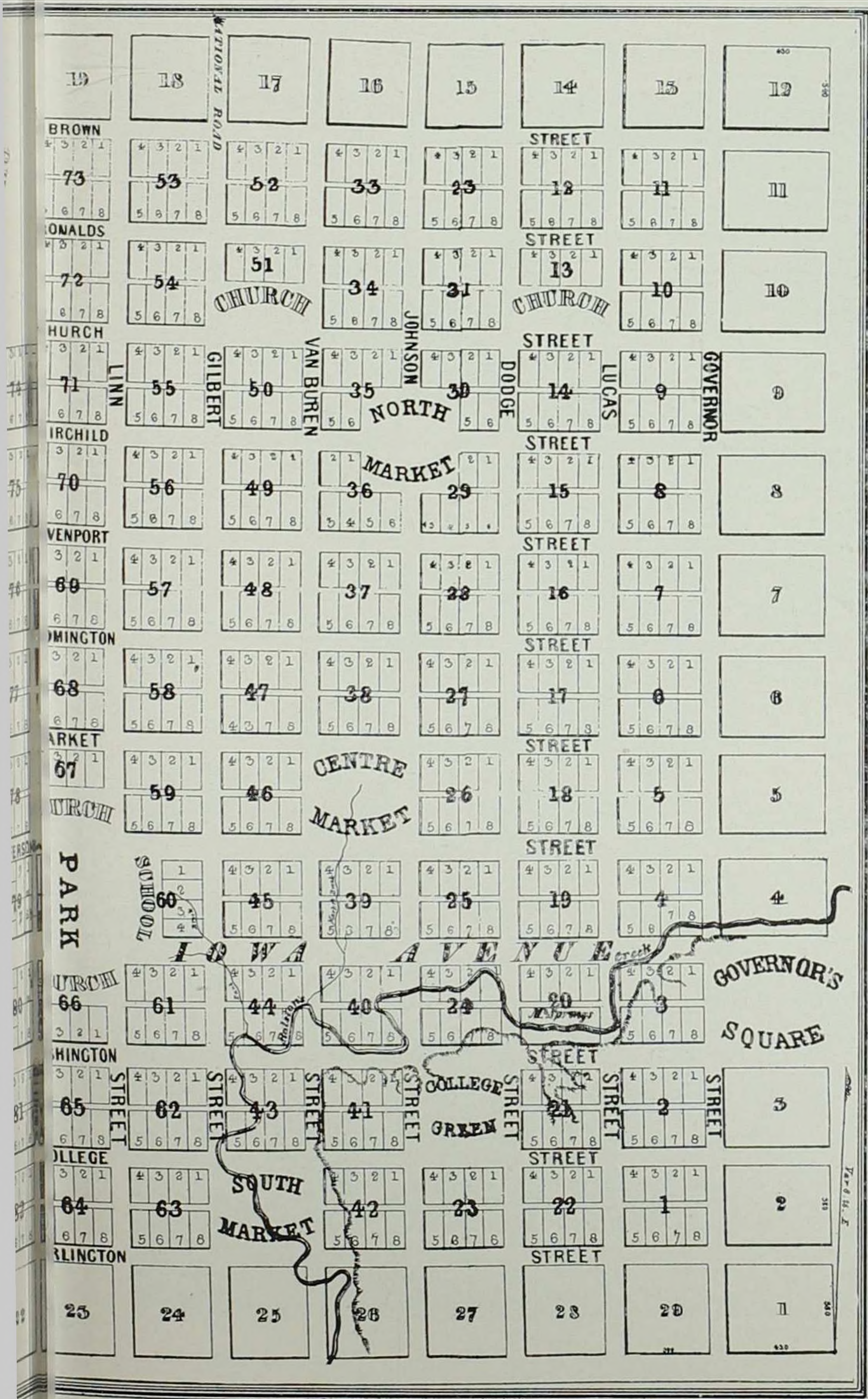
STREET

STREET

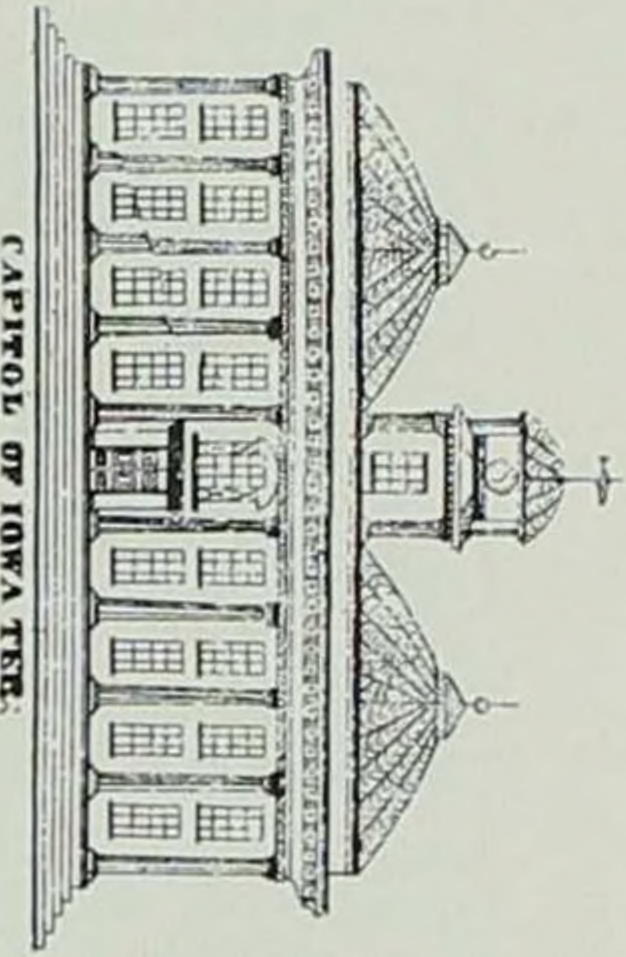
STREET

STREET







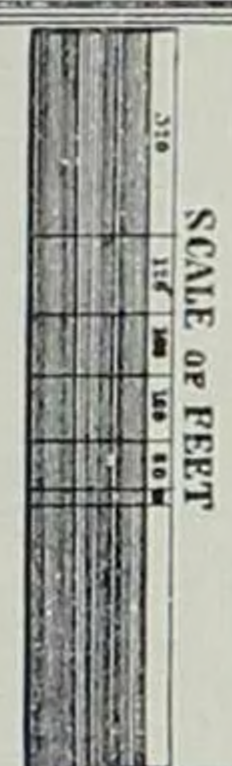


CAPITOL OF IOWA TERR.

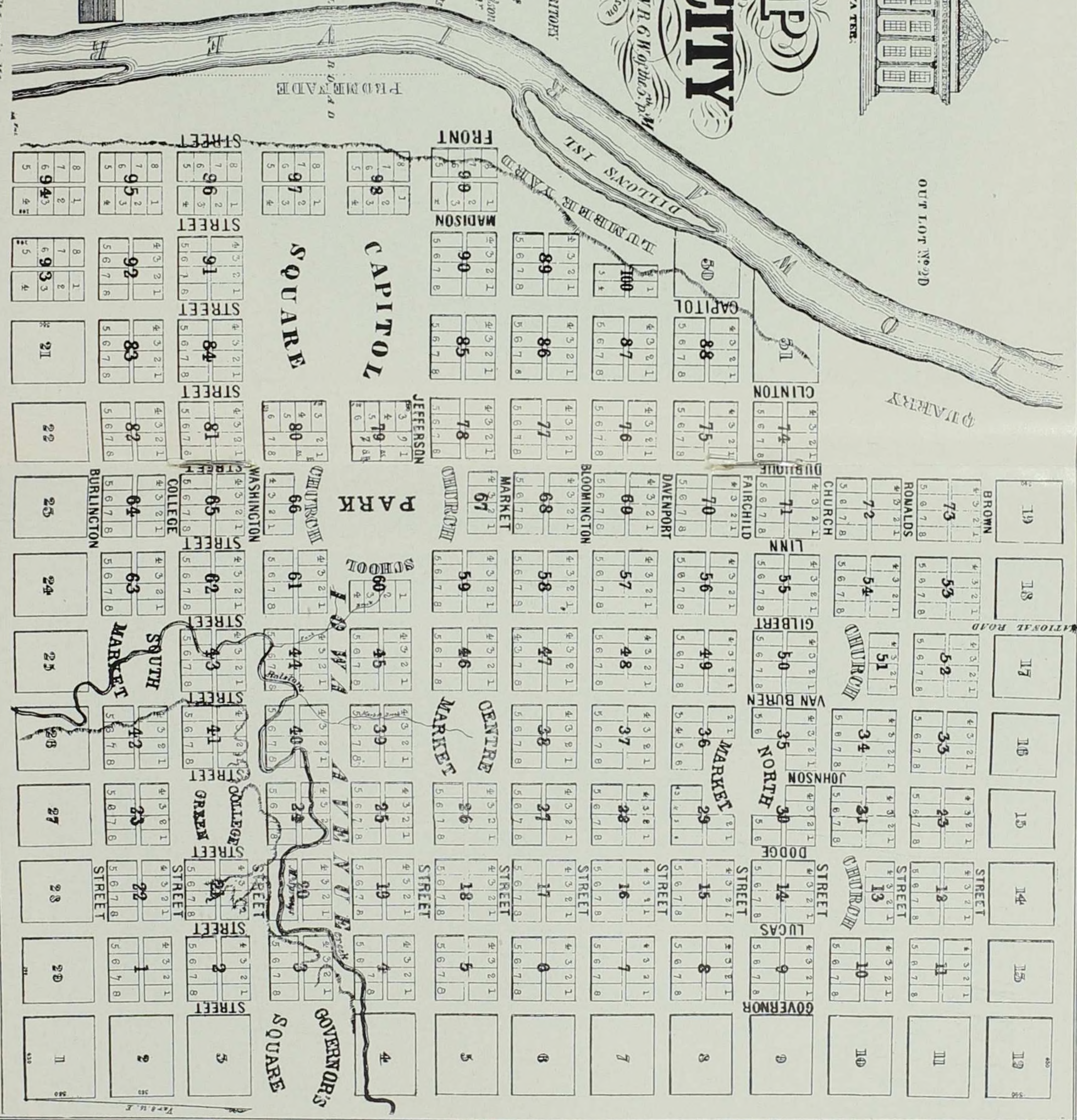
# IOWA CITY

ESTATED IN TOWNSHIP 19, N. R. 6 W. Q. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

NOTE  
IOWA CITY, CAPTOL OF IOWA TERRITORY  
located May 19th 1839 by  
JAMES W. WALKER  
JOHN H. HARRIS  
and surveyed by Messrs. J. H. HARRIS and J. W. WALKER  
under the direction of J. W. WALKER  
EXPLANATION  
BLOCKS are 330 feet square regular lots  
are 80 by 150  
the dimensions of the blocks and lots  
are noted in their respective lines  
All are 30 feet wide  
Jefferson Cin  
the Capitol and Madison Streets  
are each 100 feet wide and are 80 feet  
NATIONAL

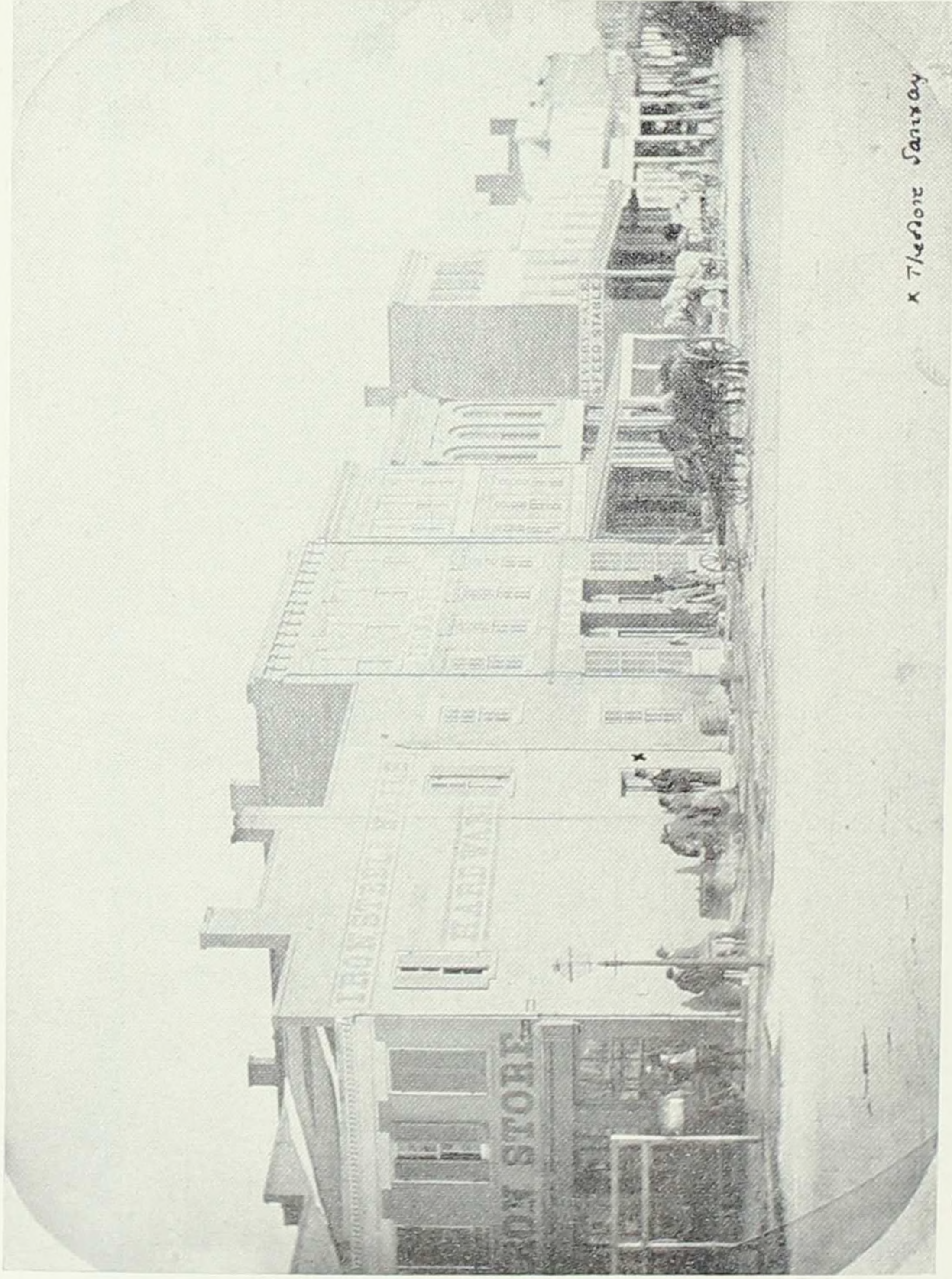


E. Dupré's Lith. St. Louis, Mo.





LOT 6, BLOCK 80 IN IOWA CITY IN THE 1860'S



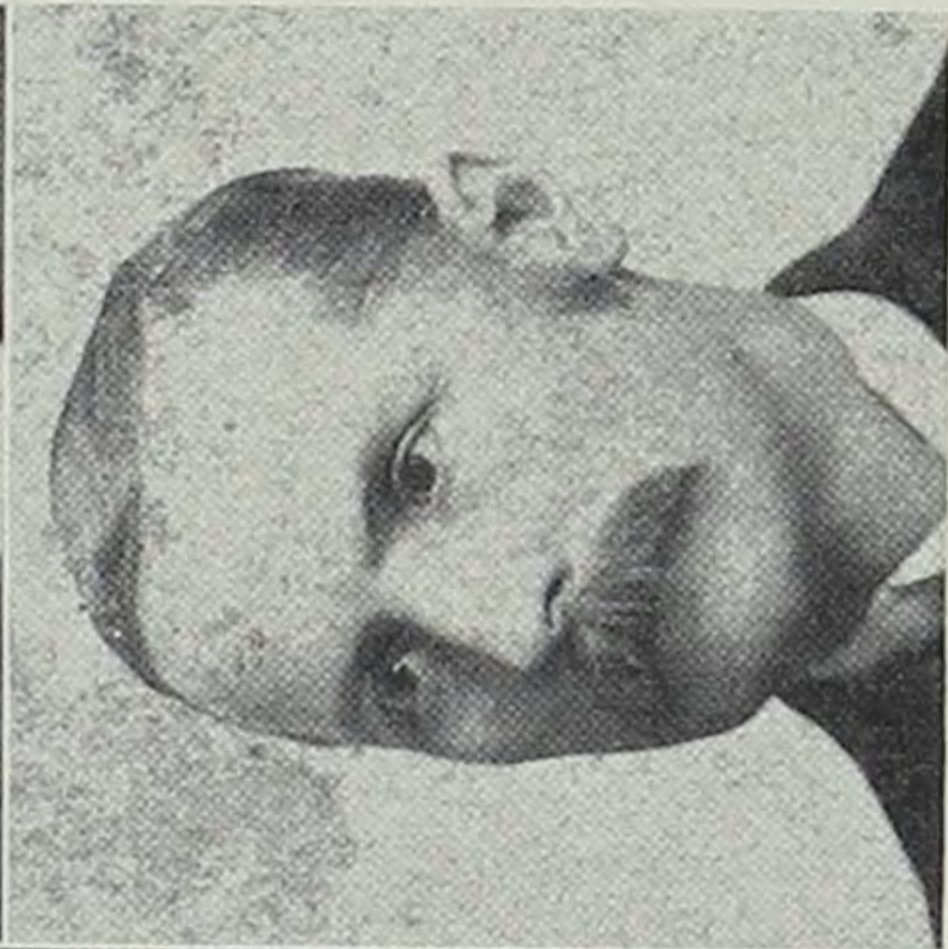
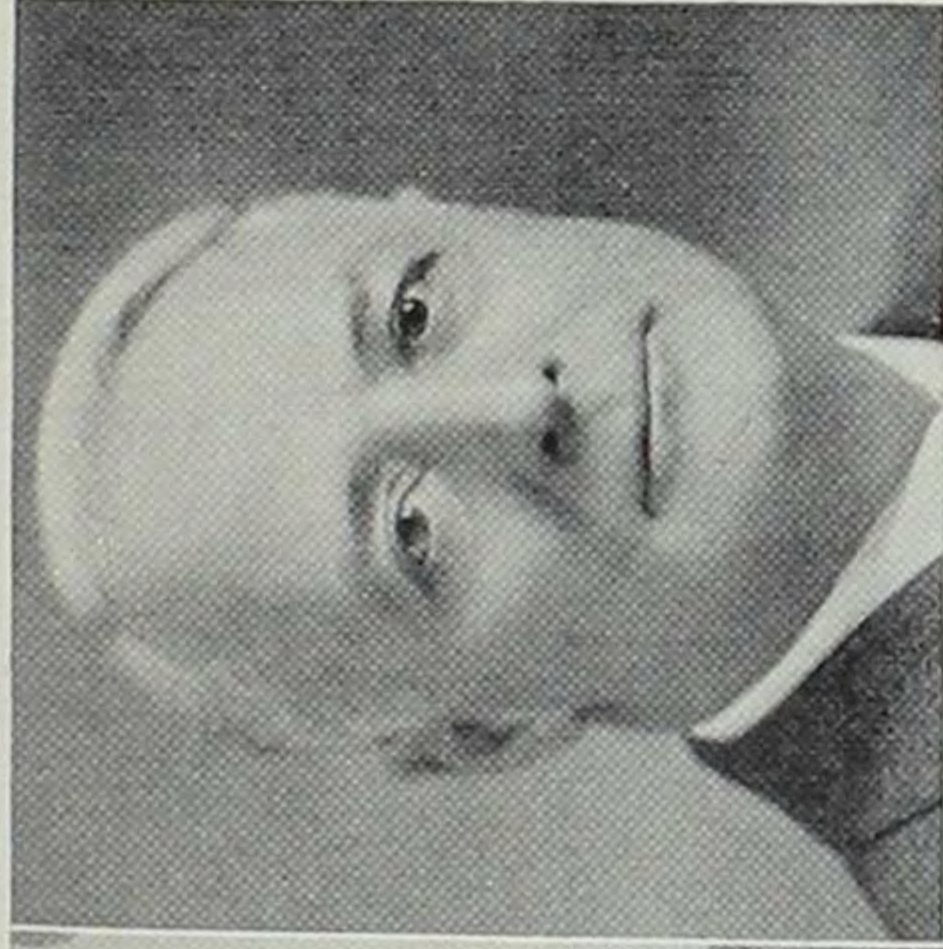
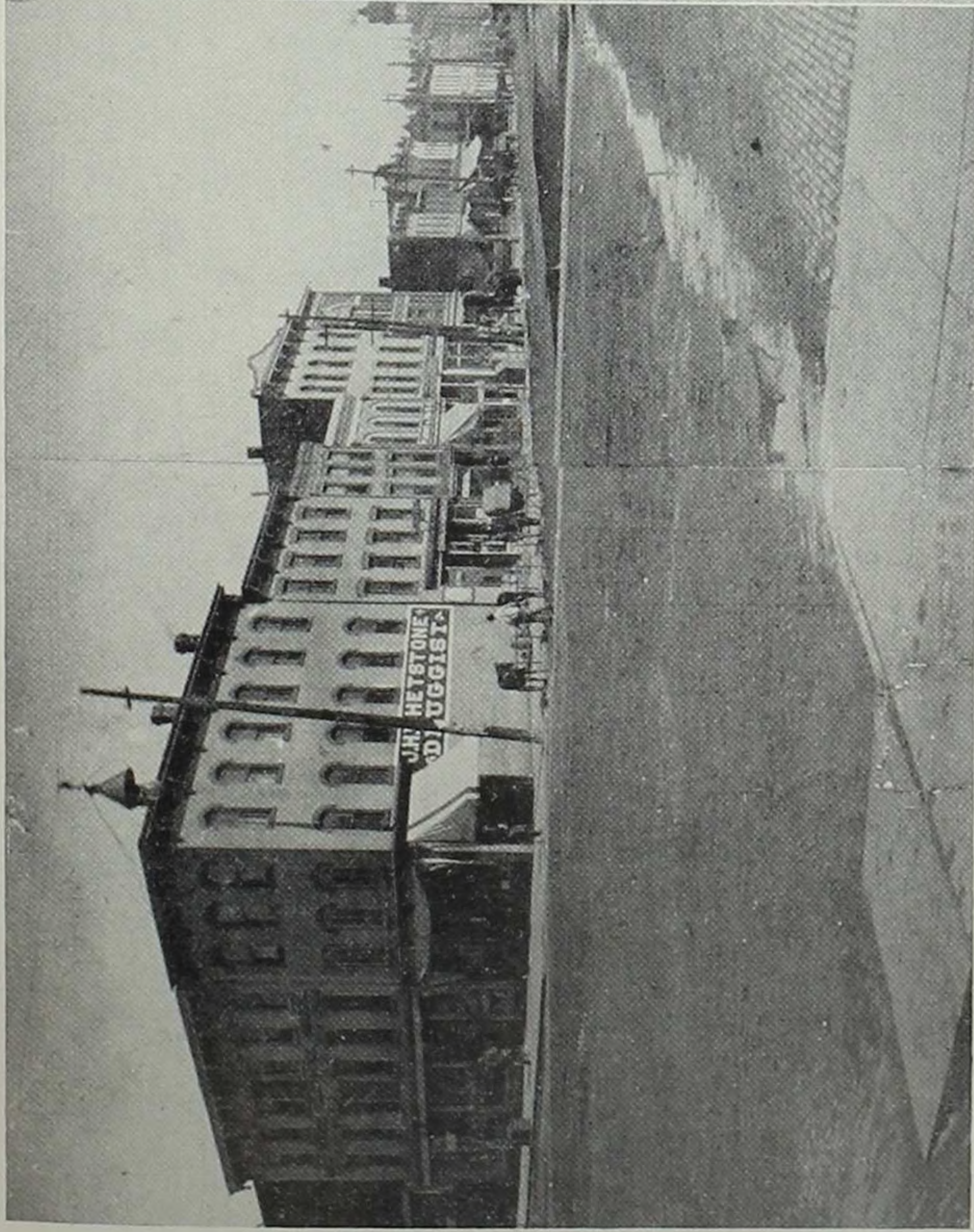
x 7/4/2012 Sanxay

This was the corner of Clinton and Washington streets in Iowa City in the 1860's, with Sanxay's hardware store occupying the building where Whetstone's Drugstore is now located.



hardware store occupying the building where Whetstone's Drugstore is now located.

## THE SAME CORNER FORTY YEARS LATER

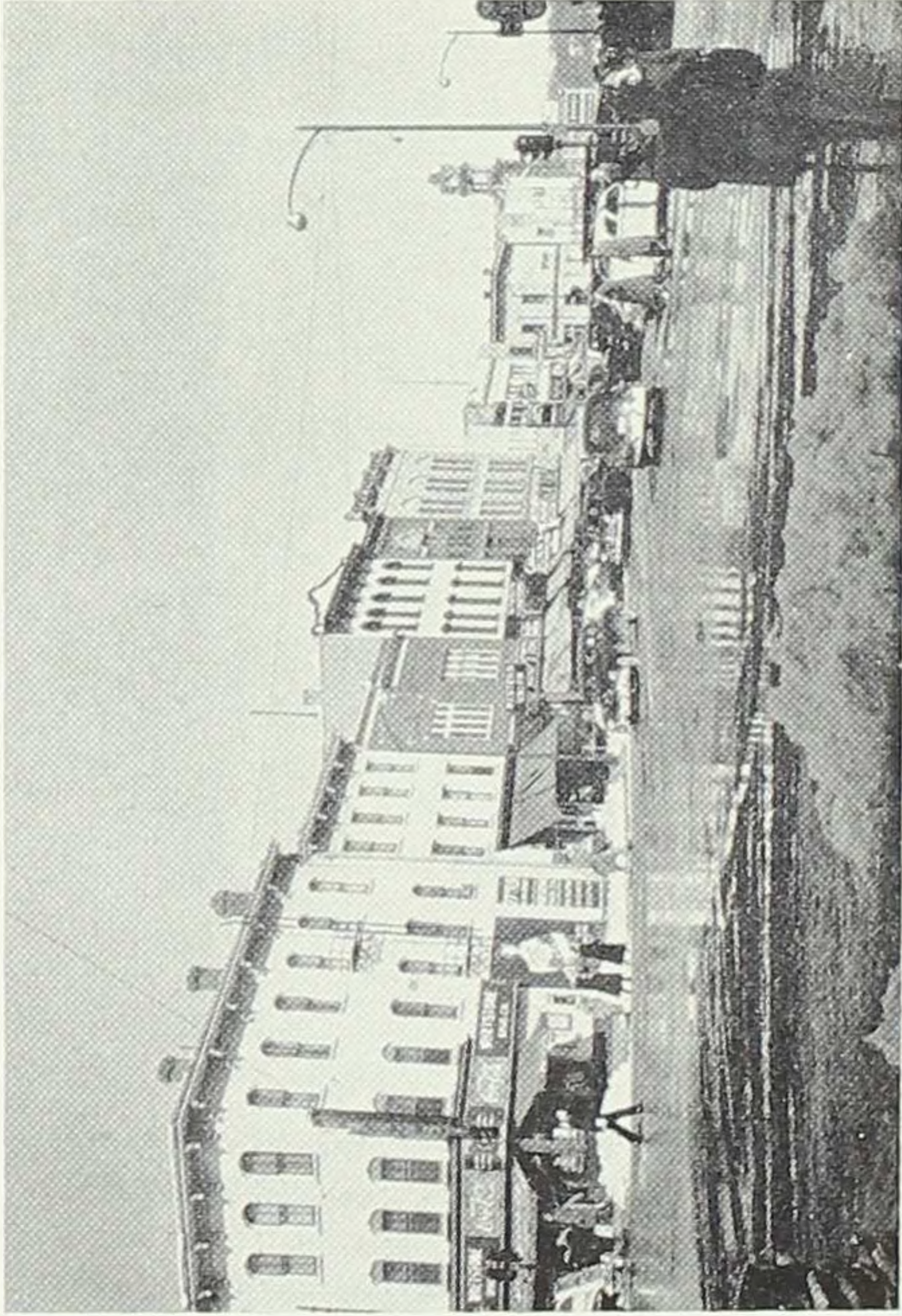
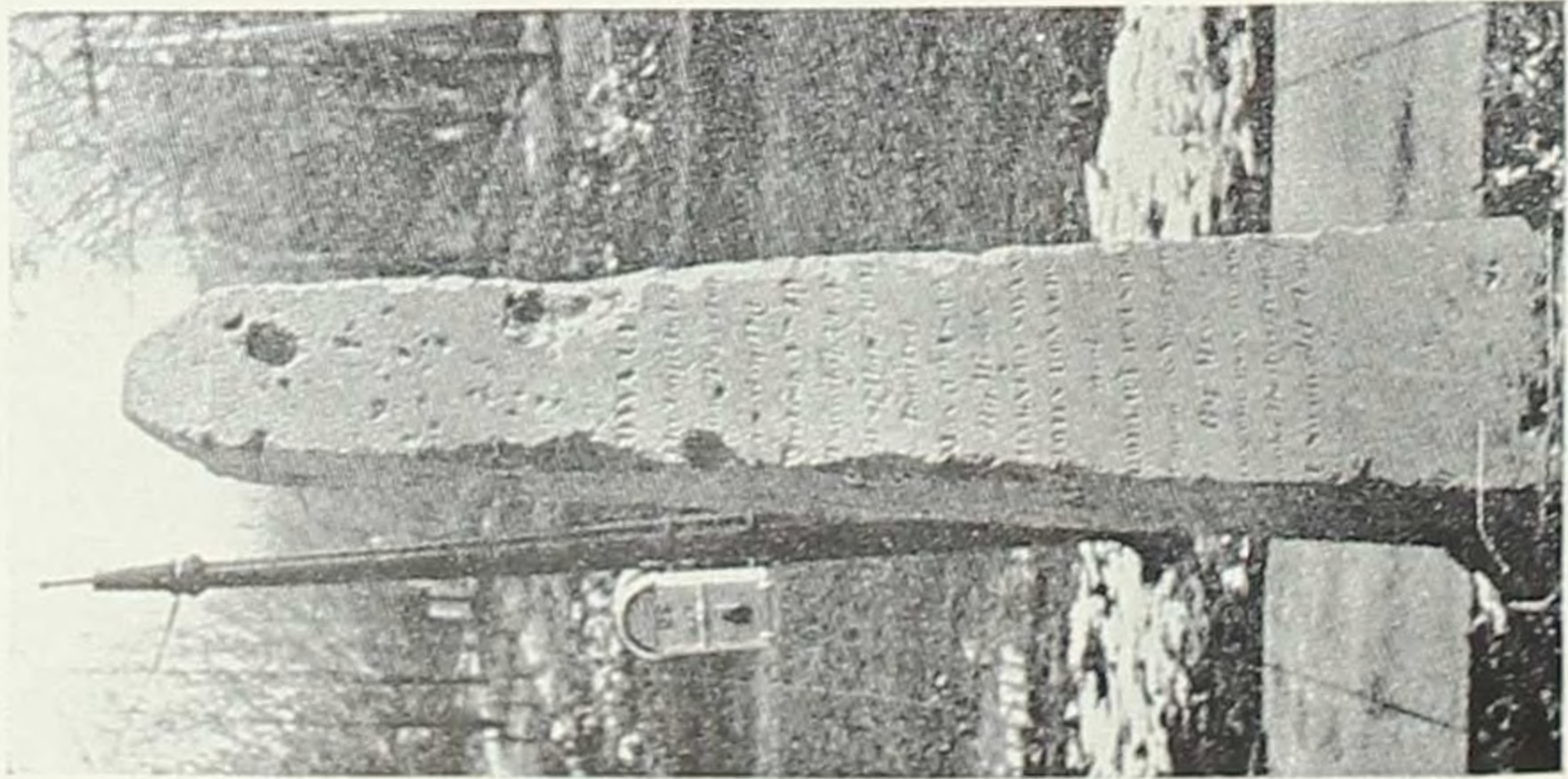


Courtesy Robert R. Whetstone

On the left is the corner of Clinton and Washington streets about 1900, revealing the changes in buildings and businesses since the 1860's. On the upper right is Robert R. Whetstone, who for many years ran Iowa City's famous Whetstone's Drugstore, moved here in 1876 by his father, John H. Whetstone (lower right).



## IOWA CITY LANDMARKS: OLD AND NEW



Courtesy Kent Photography

On the left is the historic, weatherbeaten monument located on the west side of South Summit Street, Iowa City. It was erected by the town's early surveyors in 1839 to indicate the southeast corner of the original plat of Iowa City. Above is a modern Iowa City landmark, the Whetstone corner at Clinton and Washington streets.



license bakers and regulate the price and weight of bread, and to prohibit the baking of the same for sale, except by those licensed; and also to pass all such by-laws and ordinances not inconsistent with the constitution and laws of the United States, or of Iowa, as they shall deem necessary and proper, for the health, safety, cleanliness, and convenience of said town.

Divorce was the subject of frequent legislation in Butler's Capitol. The Fourth Legislative Assembly passed eleven laws granting divorces. Two acts were passed before the Christmas holidays — both on December 21, 1841. Chapter 2 provided that the "marriage contract heretofore existing between John Haynes and Celia Haynes, late Mrs. Celia Farley, be and the same is hereby dissolved." The act dissolving the bond of matrimony existing between Nicey Hull and Charles Cornelius Hull, provided that Nicey Hull "be henceforth known by the name of Nicey Livingston." Three divorces were approved on the closing days of the session: James V. Hill, of Linn County, from his wife Eliza Hill; Clarissa Welch, from her husband Samuel C. Welch; and Rebecca Fisher, from her husband John Fisher.

Ten private corporations were established by the Fourth Legislative Assembly. Four of these were designated to promote literary and educational interests: the Iowa City Mechanic's Mutual Aid Association, the Mechanic's Institute of Dubuque, Washington College at Washington,



and Mount Pleasant Literary Institute at Mount Pleasant. Two manufacturing companies were incorporated: the Washington Manufacturing Company and the Cedar Rapids Manufacturing Company. Three measures provided for the organization of insurance companies: the Bloomington Insurance Company, the Dubuque Insurance Company, and the Farmington Insurance Company. One measure amended the law relative to the incorporation of "Religious Societies."

Two measures changed the names of towns. Vandenburg in Clinton County became DeWitt, and Rising Sun in Van Buren County became Pittsburg. The next to the last measure (Chapter 126) appropriated \$1,200 "for the promotion of agriculture, and household manufactures in this Territory" and was to be distributed among the various counties. Chapter 84 provided for a vote by the people on the "subject of the formation of a Constitution and State Government."

During the Territorial period members of the Legislative Assembly were paid three dollars per day during their attendance at the session, and "three dollars for every twenty miles travel in going to and returning from the said session, estimated according to the nearest usually traveled route." The presiding officers were paid at the rate of six dollars per day. Chapter 125 provided "for the compensation of Members, Officers, and Printers of the Legislative Assembly, and for oth-



er purposes." The total appropriations was \$24,413.80, and the following were the major costs:

Pay and Mileage of House Members.....	\$6,434.80
Pay of House Officers.....	2,700.00
Pay and Mileage of Council Members.....	3,214.50
Pay of Council Officers.....	2,025.00
W. Lewis—extra pay as Speaker of House.....	225.00
J. W. Parker—extra pay as President of Council	225.00
Stationary, candles, &c. paid by Secretary.....	1,651.41
Van Antwerp & Hughes—papers furnished House .....	491.00
Van Antwerp & Hughes—papers furnished Council .....	259.00
Van Antwerp & Hughes—printing House & Council bills, reports, &c. ....	2,674.44
Wm. W. Coriell, Printing 1841 House Journal..	900.00
Russell & Hughes, Printing 1841 Council Journal	750.00
James M. Hawkins (postmaster) for postage of letters, papers, documents, &c.	
House Members .....	309.21
Council Members .....	219.38
J. W. Woods, transcribing, indexing, and prepar- ing Council Journals for publication, &c.....	350.00
J. T. Fales, transcribing, indexing, and preparing House Journals for publication, &c.....	350.00
John B. Newhall, 38 copies of Sketches of Iowa..	57.00
Walter Butler, for 75 cords of wood.....	150.00
Walter Butler, for receiving furniture of the Ter- ritory, cutting wood, putting up stoves &c...	18.50

Most of the twenty-four other bills were negligible, one of the smallest being to Justice of the Peace John Hawkins — \$3.00 for swearing in twenty-two members. S. Parker was paid 75¢ for



ink stands and Miles Driskell \$2.00 for furnishing paste for "enveloping" the Journals.

The Legislative Assembly refused to pay Walter Butler any rent for the use of Butler's Capitol on the grounds that it had been offered free rent if it would meet in Iowa City while the new stone capitol was under construction. At the same time it did allow James W. Grimes \$100 for the rent of a room to Governor John Chambers as his Executive Office in Burlington, and Father Samuel Mazzuchelli received \$60 "for rent of room to store the furniture of the Legislature and Council, 12 months, as per contract with former Secretary."

The Legislative Assembly convened on Monday, December 6, 1841, and remained in session until Friday, February 18, 1842 — a period of seventy-five days. During that time there were ten Sundays, a nine-day Christmas recess, and two Saturdays when the Assembly did not convene. Accordingly, the Assembly was actually in session fifty-four days. During the session 152 bills and joint resolutions were introduced in the Council and 149 in the House — a total of 301 measures. Of this number 127 bills and nine joint resolutions were enacted into laws. The legislative grist ground out by the Third, Fourth, and Fifth Legislative Assemblies reveals that the Fourth Legislative Assembly, which toiled in the Butler Capitol, did well compared with the Third which met in Old Zion Church at Burlington, or



the Fifth, which was the first to convene in the new territorial Capitol at Iowa City in December, 1842.

<i>Legislative Assembly</i>	<i>Capitol City</i>	<i>Building</i>	<i>Acts</i>	<i>Reso- lutions</i>
Third	Burlington	Old Zion Church	101	4
Fourth	Iowa City	Butler's Capitol	127	9
Fifth	Iowa City	Stone Capitol	84	10

The work of the Fourth Legislative Assembly in Butler's Capitol compares favorably with that of any other legislative body during the Territorial period. Despite bitter partisan politics over patronage and appointments, much constructive legislation was passed and the way was prepared for still more fruitful sessions in the Stone Capitol rising on the banks of the placid Iowa.

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The following winter the *Iowa Capitol Reporter* found the Stone Capitol ready to receive members of the Fifth Legislative Assembly. According to the editor:

The Legislature of the Territory commences its session in this city on Monday next. The members "*fresh from the people*" are flocking in thick and fast, from the North, the South, the East, and we had like to have said from the West. The sleighing is fine, the sleigh-bells are jingling, the stages are staving around, and in short our little city, usually quiet and unostentatious, presents quite a bustling, business appearance. Our City Hotels are all remodeled, renovated, and fitted up, snug and comfortable, and, we might even say, tidy, for so far West, for the accomoda-



tion of the dignitaries of the Territory, office-seekers, visitors, genteel loafers, (if there should be any such,) and all others. The new Capitol is so far completed as to afford comfortable accommodations for the people's servants to do the people's business; — and to all appearances we shall have one of the most orderly, industrious, temperate and useful Legislatures, this winter, that has ever convened in the Territory.

Iowa City had undergone a truly amazing growth during the summer of 1842. Although still four years away from statehood, when the Fifth Legislative Assembly convened the future "Athens of Iowa" was already manifesting the spirit and enterprise that has marked its progress over a century of time.

WILLIAM J. PETERSEN



## Tracking Down Titles

The ground on which Butler's Capitol stood is now occupied by valuable Iowa City property — Whetstone's Drug Store, the Western Union, and the Hawkeye Book Store.

On October 19, 1842, Butler sold the eastern third of Lot 6, plus a piece along the northern border to Thomas J. Robinson and John P. Myers. On January 3, 1842, before he obtained the patent to the land, Butler had used the remainder of the lot as security for a mortgage from Robert M. Secrest for \$2,130.90 in four notes, all due on June 1, 1842. There is no evidence of extension or renewal of this loan. On January 3, 1843, Butler assigned to Stewart R. and William A. Drury so much of this mortgage "as was made to secure the largest promissory note" to Secrest.

After devious court proceedings the land finally came into possession of Frederick Sanxay on March 16, 1848. Sanxay established an iron works and hardware store on it in 1850. On February 9, 1859, Sanxay sold the land to Theodore Sanxay, who mortgaged the property back to Frederick Sanxay for \$6,000 the same day. This sum was due and paid in 1862.

The Whetstone site was sold to Peter A. Dey



in 1893, whose heirs held it until 1948, when it was sold to William O. Byington and Everett O. Moss. These men had acquired the Whetstone Drug Store from Robert Whetstone, whose father had moved his drug store into Sanxay's vacated hardware store about 1876.

The Western Union site was sold to Samuel H. Sperry in 1858. Sperry sold this property to Morgan Reno, whose banking house of Culbertson and Reno had stood just east of the Sperry property. Upon Morgan Reno's death in 1869 his wife Margaret inherited the former Sperry property. She willed it to her son and daughter upon her death. In 1930 Reno Hohmann, Morgan Reno's grandson, leased it to the Western Union.

On May 7, 1862, Theodore Sanxay sold most of the land now occupied by the Hawkeye Book Store to Leopold and Seligman Rothschild. Two years later Moses Bloom acquired this property. In 1870 Theodore Sanxay sold the rest of the land to the rear of the Hawkeye Book Store to Moses Bloom, whose family retained possession of this combined property until June 30, 1914, when Sidney Bloom sold it to John Ries. In 1954 the Hawkeye Book Store bought the property.

Butler's Capitol, meanwhile, had been moved to South Dubuque Street where it stood (front cover) for years, a reminder of a public spirited man who brought the first legislature to Iowa City.

WILLIAM J. PETERSEN



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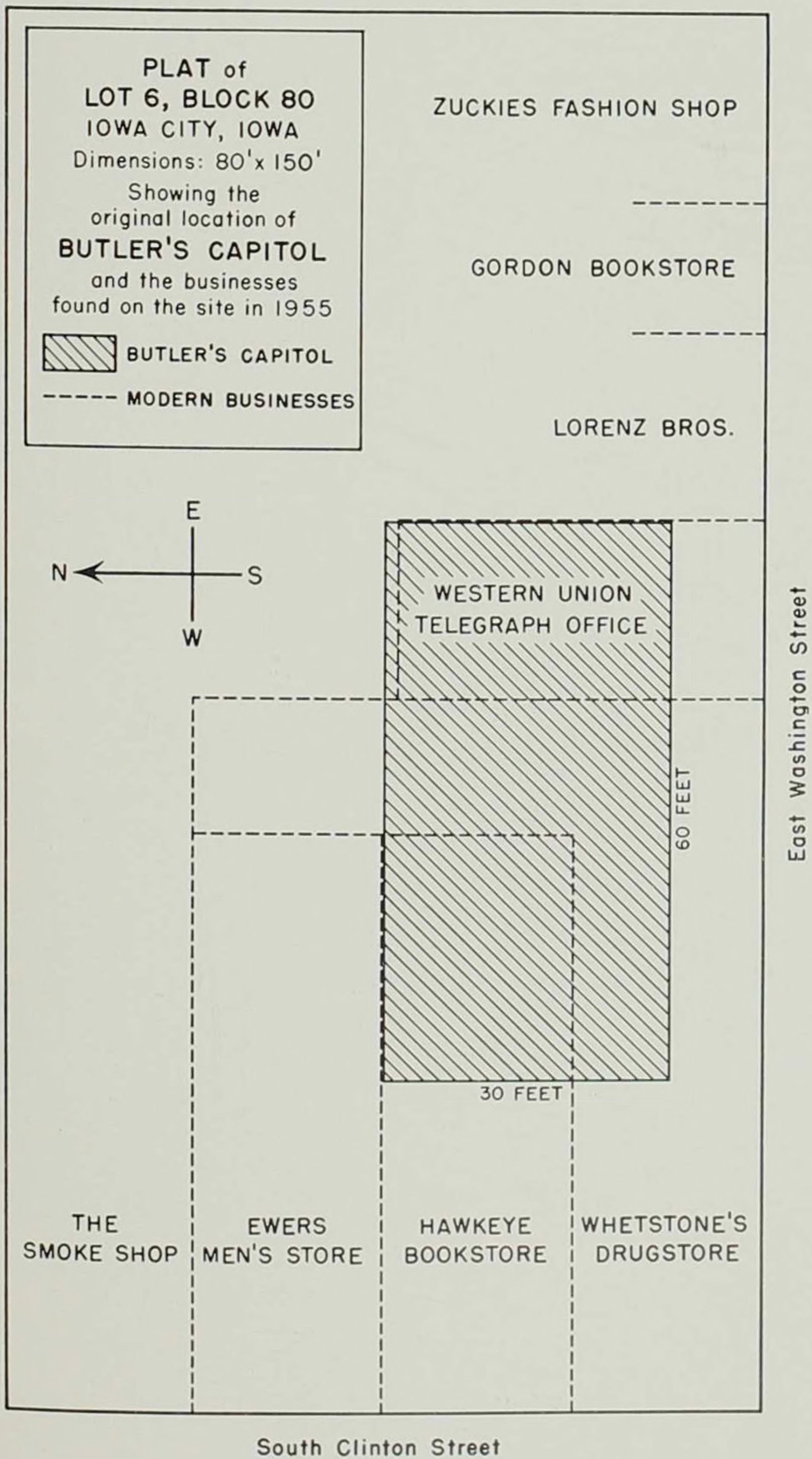


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