

# The **P**ALIMPSEST

FEBRUARY 1942

## CONTENTS

Remember Pearl Harbor 33

WILLIAM J. PETERSEN

The Mail Was Late 47

HAROLD D. PETERSON

Legislation in 1842 57

J. A. SWISHER

Comment 70

THE EDITOR

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## THE PURPOSE OF THIS MAGAZINE

THE PALIMPSEST, issued monthly by the State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH

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## 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.

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# THE PALIMPSEST

EDITED BY JOHN ELY BRIGGS

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## Remember Pearl Harbor

On November 26, 1941, Joe Davis, a former Iowa County club agent who had recently enlisted for a three-year term in the United States Army Hospital Corps, wrote a letter to his friends back home in Marengo describing military life in Schofield Barracks in the Territory of Hawaii. The government, he said, was "rapidly building a strong and impregnable defense" of the islands. Soldiers and sailors could be numbered by the thousands and unemployment had virtually disappeared as defense industries engaged in vast construction projects and manufacturing forged full speed ahead. "The army", Davis reported, "is building all kinds of armaments into these hills and mountain ranges and because of this great influx of defense workers, houses are being erected by the hundreds. Honolulu is now, perhaps, the most crowded city in the world. The population has almost doubled in the last nine months. The crowded streets are terrific. What

all this adds up to I don't know, except that if Japan makes a move these islands will play an important part."

Eleven days later, on December 7th, the citizens and soldiers of the Hawaiian Islands were subjected to one of the most dreadful ordeals that "madmen eager for blood" had ever conceived. Mrs. Elizabeth Langlie Todd, a former resident of Marquette, Iowa, who, though employed in a Honolulu music shop, was inured to the drone of bombing planes overhead, witnessed the attack. "I'm thankful", she wrote to her family and friends, "that the shell I saw drop a short block away — shearing the palm trees, breaking all the windows and clipping a good hand off a man — wasn't nearer. My first thought was — My those boys are getting careless. Then, when the black puffs came here and there, the reports blared over the radio — This is an air raid — and the real McCoy. As each report came in we all looked at each other just speechless. . . . This brutal thing whipped us awake. The dirty yellow dogs stabbed us in the back. Of course it's unbelievable how they got so close. But when an Ambassador is in Washington on peace terms — who expects such a thing? Inside of every man and woman here is shaking a fury which only yellow blood will quench. Never did I think I could get a gun

and very cold bloodedly stand and kill. Fear?  
. . . . No, not a minute, just insane fury."

There were many Iowa boys among those who lost their lives in this treacherous attack on Pearl Harbor. Tons of shells were bursting about them before the soldiers could man their guns. Casualties were much heavier than if the army and navy had been alert. Miss Gladys Holmes, a nurse in Queen's Hospital in Honolulu, worked night and day following the raid. Many of her friends were killed during the attack. "If you people back home had seen what I saw," she wrote to her aunt in Winterset, "you would go to work with all your energy devoted to winning this war."

To some persons the attack seemed remote and unreal, "something to be read about in the papers", but as the *Independence Conservative* observed, "the tremendous blows unloosened by Japan" directly involved boys from nearly every community. For parents with sons in the service the news inaugurated a period of anxiety. Lists of local soldiers and sailors were published in most of the newspapers. Everybody will remember Pearl Harbor.

As leader and spokesman for the citizens of Iowa, Governor George A. Wilson issued a proclamation praising Iowa Congressmen and Senators for unanimously supporting President Roose-

velt's War Message and designating Sunday, December 14, 1941, as Iowa Defense Day. "We offer without reservation", Governor Wilson declared, "the vast resources of our soil and climate and the output of our industrial equipment, the genius and capacity of our men of business and the professions, the skill and tireless zeal of our manpower, the kindly sympathy and willing hands of our women, our ability to produce abundantly the food and fuel and fibre to maintain leadership in all things, and the willingness to make whatever sacrifices that may be necessary. On this occasion, as on every other of national danger, Iowa is ready." This sentiment, the Cedar Rapids *Tribune* declared, "so fully expresses the feelings of the people of this State — regardless of social position, religious faith or political creed — that it may be adopted as the unanimous declaration and pledge of all Iowans to their Government."

Although Iowa editors reacted to the attack on Pearl Harbor in many ways, all emphasized its unifying effect on the American people. "That was Hitler's great mistake", the Clinton *Herald* pointed out. "By goading Japan into Sunday's attack, he has brought a union of strength in the United States and in all democracies that will prove the undoing of the dictatorships of Germany, Italy and Japan."

Equally quick to recognize this unifying consequence was the *Mason City Globe-Gazette*. "Japan's cowardly attack upon the territory and flag of the United States will be dealt with by a strong and united nation", the editor assured his readers. The newspaper formerly edited by Verne Marshall did not mince its words. "Yesterday", declared the *Cedar Rapids Gazette*, "there were interventionists and isolationists, republicans and democrats, new dealers and anti-new dealers. Today there are only Americans." Now, declared the *Muscatine Journal*, the "time for argument and for bickering is past. Unity is our national need. The signs that we will achieve it are encouraging."

The *Davenport Times*, while observing that "Nothing could have united the American people as the treachery which accompanied the surprise attack on Pearl Harbor", could not refrain from reminding everybody that the "true nature of the sinister forces which have made common cause against the democracies was brought home to the nation", which had been "lulled into a false sense of security" by the isolationists. "The peaceful aspirations of the American people were translated into ten years of effort to appease the Japanese."

In northwestern Iowa the *Cherokee Times* ap-

plauded the "changed outlook" of the *Sibley Gazette-Tribune*. "We are as much opposed to war as ever," the Sibley editor affirmed, "but we don't propose to sit idly by and allow the little Japs to slaughter our American boys. No sir, we are now in favor of your Uncle Sam going to the limit in order to make this unruly fellow in the Orient behave himself. America first!"

No doubt about the course of American foreign policy remained in the opinion of the *Le Mars Sentinel*. "As is often the case the people who favored a middle course in our foreign relations were right. One group of extremists would have rushed us into a war for which we were unprepared and another group would have had us neglect preparations for a war that was inevitable. The country chose the sane course and our millions now stand united in defense of our country."

The inevitability of the struggle was apparent to many Iowa editors, particularly those schooled in the dangers of the "Yellow Peril". "Well, it's finally come", commented the editor of the *Osage Press* — "that war with Japan we middle-aged ones have for forty years been hearing must some day happen; and it has come with a deceitful treachery that bears out what we in boyhood used to read about the tricky Japs in the pulp-magazine thrillers."



Many editors, noting the rising swell of patriotic fervor, were inclined to draw parallels with similar episodes in United States history. "The reaction was typically American. If the reception of the devastating news in Burlington was a fair example," declared the *Hawkeye-Gazette*, the United States "is still the America of Bunker Hill, of Gettysburg, of San Juan, of Chateau Thierry and Belleau Wood." Readers of the Council Bluffs *Nonpareil* found a similar editorial in their newspaper. "Our people did not want this war. We had hoped against hope that it could be avoided. But we are ready for whatever may come just as we were in 1917, and as our forefathers were in 1775, 1861, and 1898." Farther up the Missouri River the *Sioux City Tribune* declared: "There is nothing for it now but to go in with all the power and vigor at our command. The war must be won! Our sovereignty has been attacked. We cannot stop now to count the cost."

Although many Iowans probably expected swift and decisive action that would strike at the vitals of the enemy, most people realized that the attack on Pearl Harbor might have forced a change in the normal strategy of our military experts. "It did weaken the air force and it did do some damage to the fleet," the *Atlantic News-Telegraph* pointed out, "but at the worst the dam-

age done will be absorbed as a good boxer absorbs a blow". Days passed with no news of our mighty fleet. No bombs fell on vulnerable Tokyo. Apparently the military leaders were using their own judgment instead of the spectacular tactics of the amateur strategists. "Remember", cautioned the Oelwein *Daily Register*, "we are supposed to be the quick victims of a Japanese blitz, German style. Every time we hold the line or strike a blow it slows down the blitz. When Japan ceases to have a succession of almost daily or hourly victories and gains, the blitz is slowing down. When a blitz assumes zephyr-like tendencies it is in its last throes."

The Dubuque *Telegraph-Herald* likewise urged its readers not to overlook the immediate advantage Japan had gained by her surprise attack. "The American people", the editor suggested, "will have to be calm and patient until our forces overcome this initial handicap." It might take longer than had been expected. "If the Philippines hold against an all-out attack by Japan, they will be doing more than many an expert has credited them with being able to do. For ten years the experts have been telling us that we will have to really fortify the Philippines, as we have fortified Hawaii, or be prepared to lose them early in a war with Japan." The Marshalltown *Times-*

*Republican* was confident that "Our troops are giving a good account of themselves whether on land, sea or air".

The press generally recognized that the war might be long and hard. "Already the war in the Pacific has taken so critical a turn as to make inescapable a long hard war, which will compel us to spend ten times the money which had it been invested in warcraft during the years when America slept would have found us dominant on the seas rather than in our present difficult position", declared the Davenport *Times*, sorry that Americans had forgotten that "eternal vigilance is the price of liberty." Many editors in smaller communities took a similar view. "The war will not be a short one", the Winterset *News* reminded its readers. "There has been loss of life, of air power, of ships. There will be further losses but whatever comes, whatever hardships we may endure, there is one thing of which America is sure — Japan will not, cannot win the war."

Although agreeing that the "immense productive facilities" of the United States were important, the Iowa City *Press-Citizen* warned its readers not to get any "warped idea" that this was all that was necessary. "That is not the way wars are won. Wars are won by fighting. Wars are won by killing enemy soldiers and sailors."

And so, the editor concluded, "Let us not beguile ourselves with subconscious lullabies sung by contemplation of our great resources. Two million American men in the armed forces are not thus lulled. Other millions face the reality on February 16. Our task is not only to produce weapons. It is to use them. It is to seek out the enemy and destroy him. In that task many an American faces wounds and death."

With this attitude the *Waverly Independent* concurred. "Before we are finished," the editor declared, "we shall see our fill of blood, and tears, and sweat. We have only now barely begun our task of becoming the arsenal of democracy, and to this will be added the problem of tremendously expanding the armed forces of the nation. It will not be easy, but to it we today bring a high resolve. We have set our hands to the task, and we will not turn back."

Most editors recognized that the United States had everything at stake in this gigantic conflict. It was not merely the loss of prestige or the possible reduction of this country to a second-class power that threatened. Indeed, the whole realm of liberty and the democratic way of life hung in the balance. According to the *Mason City Globe-Gazette*: "All that America holds dear is at stake, our heritage of freedom, our glorification of

man over state, our religion centering about the golden rule."

After reviewing the history of Japanese-United States relations, the Humboldt *Republican* scorched Nipponese officials for "utter irresponsibility, the flagrant disregard of truth and honor, and the violation of international law." Frankly, the editor declared, "I am not sorry the die has been cast and that Japan cast it. If ever a nation needed a licking Japan is that nation. She has been bullying, bluffing and assuming the ways of the white man long enough. She has been pouncing on helpless victims long enough. She has been sitting tight on her smug little island while her soldiers and other forces have been raping, pillaging and sacrificing those she pounced on in other lands. The people of Japan have known no suffering beyond that necessary for the full production of materials and men to keep the army, and other forces going." But the wind is changing. "Japan is going to reap the whirlwind" and presently her people "will realize something of the suffering of the Chinese that Japan has been trying to crush."

Since the "ultimate goal" of the United States is to crush Japan, the Ames *Tribune* urged that "America must strike hard and fast." Twenty-four hours after the treacherous attack on Pearl

Harbor the *Washington Evening Journal* observed that the "one wish in America today is, 'Let's get the job done. The sooner the better.'" But the *Estherville News* felt that the American people were still "quite bewildered" by the "breath-taking" events which began with the "underhanded" attacks on United States naval bases. Most writers, the *News* believed, had scarcely had time to evaluate the dispatches but the editor felt certain "it will take time" to "end the Japanese menace." "All of us," the *Spencer Reporter* declared, "will be in the fight before it is over, for that is the result of modern all-out warfare. Whether or not we actually carry guns, pilot warplanes or man naval units, final victory cannot come without the fullest sort of cooperation by the entire population of America. And final victory must come or there will be no America."

The people of Iowa quickly manifested their whole-hearted support of the war effort. Recruiting stations were jammed, the navy, the air corps, and the marines being particularly popular. On Monday following the attack on Pearl Harbor more than one hundred applicants for enlistment in the United States Navy kept the Davenport office open until three o'clock in the morning. News of such action must have lent encourage-

ment to the 111 Scott County men serving in the army and navy, in the "extreme danger areas" according to a "hurried survey" made by the Davenport *Times*. "Thousands of young brave men are flocking to Uncle Sam's colors to help when it really becomes necessary", the Gladbrook *Tama Northern* asserted. "They will strike with vengeance that will never give back. And in the meantime we at home will keep 'em flying."

Agriculture and industry, labor and capital, subscribed to this all-out spirit. On Monday the students, faculty, and alumni of Luther College telegraphed a message to President Roosevelt expressing their "wholehearted loyalty" to the government in this "hour of crisis" and pledging their support to "whatever measures you deem it necessary to take in protecting our nation, its rights, and liberties." Similar action indorsing the declaration of war was taken at other educational institutions.

Meanwhile, many persons were looking forward to the day of peace. Charles E. Snyder, pastor of the Unitarian Church at Davenport, told the Contemporary Club his views of the new world order. "The best we can hope for as a result of World War II", the Decorah *Public Opinion* declared, "is the setting up of an international governing body with jurisdiction over

and with proportionate representation from all the peoples of the world."

If Iowa was the center of isolationist policy, as eastern commentators assumed, the conversion was sudden and complete after the Pearl Harbor incident. "Some day peace is going to come again", wrote W. Earl Hall in the *Mason City Globe-Gazette*. "Uncle Sam is going to occupy the head chair at the table where plans will be drawn for creating a world society in which civilized people may be secure against the pagan ideologies of future Hitlers. When that time comes, we shall discover whether it is possible for a nation to learn from bitter experience.

"Here's one who has had his fill of isolationism and self-sufficiency for America", Hall concluded. "From this point on all his doubts are going to be resolved in favor of those who work with reason and sanity toward the creation of a better world."

For this "rational interpretation of the fundamental lesson of the whole experience of this nation and the world since Armistice Day of 1918" the *Des Moines Register* expressed "unstinted admiration." Pearl Harbor apparently rocked the very foundations of isolationism in the Hawkeye State.

WILLIAM J. PETERSEN



## The Mail Was Late

Thursday, January 24, 1867, had been a clear day, but by half past four in the afternoon, when Charles Hale, driver of the North Western stage, started from Twin Lakes to take the mail to Fort Dodge, it had begun to snow. Ordinarily he could reach his destination, some twenty-five miles away, yet that night. But Charles Hale was an experienced stage driver who knew Iowa winters and so, as he took charge of the two horses hitched to the open sleigh containing the mail from Sioux City, he said that he would spend the night, if the weather became worse, at Yates Settlement ten miles east of the lakes. This now forgotten "town" lay two or three miles southeast of present-day Manson in Calhoun County.

The road was a mere track on the prairie, with no ditches, no fences, no markers of any kind to distinguish it from the rest of the level plain if snow covered the ground. The only signpost along all those ten miles was a single abandoned cabin. But the mail must go through, and so Hale started according to schedule.

At first it was a delightful sleigh ride through the gently falling snow, with food and warmth to

look forward to at the next station. Then the flakes began to fall thicker and faster. The north-east wind increased in violence with each passing minute. Still, the deserted cabin had been passed, and so the driver knew he had kept on the route that far.

When Hale thought he must be within a mile or two of Yates Settlement he stopped trying to guide the horses, trusting that they instinctively would find a way to the stage station there. The curtain of snow was so thick, the night so dark that he could see nothing beyond the heads of his horses; the wind blew so strongly that he could not have looked into it if there had been light to reveal familiar landmarks.

The horses plodded on and on. They should have reached the "settlement" by this time. There was but one dreadful conclusion to draw: they must be off the road. But were they to the north? Were they to the south? Could they have passed those few buildings in the storm? It would be hopeless to head into that blizzard to look longer for a couple of cabins on the prairie; it might not be too late to retrace the way to the lonely cabin beside the road. That at least would offer more shelter than an open sleigh. The horses could follow the trail they had just made. For a mile this was not difficult, but the storm was increasing

in fury and all marks in the snow were soon obliterated. Hale realized then that he was lost — lost on the empty prairie in a blizzard.

However terrible his plight, he did not become panic stricken. Experienced pioneer that he was, he had had the wisdom to prepare for a cold trip, wearing two flannel shirts, two pairs of trousers, two heavy coats, double mittens, and buffalo overshoes over his heavy boots. Covering all this, he wore a "large heavy Rubber overcoat". Not even such clothing would keep a motionless person from freezing, with the temperature sinking toward fifteen below and the wind changing to the northwest. The horses had to be kept moving throughout an entire night of storm that paralyzed the region. Farther south and east trains were stalled, no stages left their stations, and drift-blocked streets in towns kept business at a standstill for two days.

All that night and into Friday, while snow was "sifting through every crevice of our best houses," those horses shuffled on aimlessly among the drifts. No sun indicated the east; there was no compass more dependable than the unstable northern gale.

Eighteen slow hours of constant plodding brought the horses to the end of their ability to pull the sleigh. In spite of his own dangerous

position, Hale unhitched his team, hoping that their instinct might guide them to the nearest stable. If he had expected to follow them, it proved impossible to do so in the storm, and they were soon out of sight.

Being north of the trail, as he thought, he could travel with the wind and so keep in a general southerly direction. He hoped for a constant wind. Something — a rut, perhaps, or a familiar contour — might tell him that he had reached the road. He would have to go hungry, for food of no sort had he brought along. His thirst could be quenched with snow, though it would neither warm nor stimulate him.

During the hours of gray daylight the snow continued to fall and drift. The howling wind aggravated the cold that was far below zero as Hale stumbled through the deepening drifts. His nose, face, and ears froze; his feet stiffened; his hands began to freeze, even though he kept moving, moving, moving. The hours succeeded each other until dark day gave way to darker night while still the hungry, exhausted stage driver plodded on. Feeling near the end of endurance, he paused from time to time to rest. Wisely not surrendering to the temptation to lie down, he nevertheless fell asleep standing, only to awaken as he toppled into the snow. This experience was repeated time

after time that Friday night, the second he had spent in the open.

As Saturday's dawn approached, the snow finally ceased falling and the wind died away. But there was no easing of the intense cold. Scanning the horizon, Hale found no sign of tree or smoke or cabin. The sun indicated directions, but that availed little for he did not know where he stood.

This was a crucial moment. Should he do the easy thing — let fatigue and sleep claim him, little caring that he probably would never awaken? No pioneer harbored such thoughts. As long as a man was able to move he had to stagger on and hope. After that decision Hale's mind must have ceased to function actively. He started toward the east, knowing that if he could keep this direction he would in time reach the valley of the Des Moines River. Once at the river, going either upstream or downstream would bring him to some settler's cabin.

Again the stupefying struggle was resumed, step by step with clumsy, stiff feet, through the drifts. A pause, sleepiness, a rude awakening by falling in the snow, and on again. Saturday afternoon passed; evening merged into night; and night at long last was followed by clear, cold Sunday with the north wind blowing again.

Numbed and weak, Hale still kept his frozen face toward the east. A little before noon he saw a grove in the distance and moved on with renewed hope, if with no greater speed. He neither knew nor cared that he was approaching Lost Grove, the patch of trees that gave Lost Grove Township in Webster County its name. This meant that he was west of the present town of Harcourt, some seventeen miles south of Fort Dodge and more than twenty-five miles as the crow flies from Twin Lakes. Hale, of course, did not know this; trees to him meant the edge of timber along the river and the possibility of a cabin. At worst, it would mean shelter from the wind, even though he could not make a fire in the snow.

Inspired to new effort, he struggled on. With strength gone, progress was tragically slow. Darkness closed in while he was still on the prairie, faced with another night in the open. By continuing, if his strength should not fail completely, he might reach the trees; on the other hand, a small grove could easily be missed in the dark and it might not be regained on the morrow, even if he were still able to walk. Hale realized that it would not be wise to seek the grove in the dark. Nor could he continue to keep in motion for even part of another night, the fourth since leaving Twin Lakes, so he selected a huge drift, scooped out a

small cave, crawled in, and pulled snow on top of himself. Falling asleep he dreamed that he finally had reached Fort Dodge.

Fortunately the driver did awaken in the early dawn of Monday, exhausted, crippled, and scarcely able to dig his way out of the snow. The morning light showed Lost Grove a mile away. He tried to start toward it, only to discover that his frozen limbs would no longer obey his mind. The only way he could "walk" was to use his frozen hands to lift one foot, move it forward, set it down, and then repeat the gruelling process with the other foot.

A mile of this painful progress finally brought Hale to the trees, where he made the awful discovery that they formed only an island on the prairie, containing neither inhabitants nor shelter. The one thing that must have saved this tortured man from collapse was the sight of a house a mile and a half beyond the grove. Forward again, but now his feet gave out entirely. He could only crawl through the deep drifts. Occasionally he tried a few steps, but inevitably he fell into the snow. Eight terrible hours were consumed in covering the two and a half miles from the place where he had slept to the cabin on the prairie beyond the grove.

For four days and four nights, through the

winter's worst blizzard, this lost man had struggled many more than the airline thirty miles from the lakes to this claim of S. Hicks, five miles west of Dayton, then known as West Dayton, where willing hands gave him first aid.

While Hale was being treated and fed, the news was sent as soon as possible to Fort Dodge. The messenger, Mr. Rifenburg from West Dayton, reached Fort Dodge on Wednesday night. The next morning, E. H. Albee, manager of the local stage station, sent a team and wagon to bring the injured driver to Fort Dodge, if he could be moved. Once in Fort Dodge, the frozen and exhausted man was placed in the care of Dr. Stephen B. Olney, the town's first physician, who believed he had a chance to live, though scarred, crippled, and lacking an ear.

It should not be supposed that during all this time the citizens of Fort Dodge were calmly sitting beside their warm stoves waiting for the mail to come in. That is all any one could have done during the day of the storm, and no one worried at first. The people at Twin Lakes took it for granted that the driver would have reached Yates Settlement; at Fort Dodge it was supposed that he would not have left the lakes in the face of a storm. If he had lost his way he would be beyond help and it would be hopeless and dangerous for



others to go out on the prairie in such a blizzard to search two counties for him.

As soon as the storm abated and it was learned that the stage had never reached Yates Settlement, searchers set out from Twin Lakes, and the news was sent to E. H. Albee at Fort Dodge. Within a mile of the Yates home, some tracks were found. How these survived the storm is not explained, but apparently surface snow had blown away, exposing frozen ruts to give evidence that the team had made several circles and then started off to the northeast and into oblivion.

The pathetic hunt went on, not with any hope of finding the stage driver alive, but to save his remains from the animals and to salvage the mail. The search was still in progress when the news came from Dayton that Hale was alive and being given the best care that a pioneer home afforded.

Before the end of the following week the stage itself was found, not north of the road as Hale had mistakenly believed when he turned the horses loose, but several miles south of it and about halfway between Yates Settlement and Fort Dodge. The spot was approximately two or three miles southeast of the present railroad junction of Tara. Only one horse was found, and it had frozen to death near the sleigh.

Hale's recovery was slow. On February 23rd,

a month after the start of his adventure, Doctor Olney found it necessary to amputate parts of both feet. The driver continued to show the same courage in pain that he had shown on the prairie in the blizzard. A. E. Haskell, superintendent of the North Western Stage Company, whose only loss was two horses, "with his accustomed liberality . . . spared no expense in providing the best of treatment, care and medical attendance that could be procured."

Even in those hardy times, Charles Hale's exploit was considered remarkable. It was news, even in the East. A New York clergyman, having read a newspaper account of the stage driver's experience, immediately mailed him a donation of ten dollars.

Since Hale was a poor man hitherto dependent on his wages for a living and now hopelessly crippled for life, the editor of the *Iowa North West* suggested that the ladies of Fort Dodge give a benefit entertainment or concert for him. Whether the ladies took the hint is not known, but the young men of Fort Dodge organized a "musical band" to give benefit concerts for Hale, the first of which netted thirty dollars. After that the unfortunate man, in the opinion of the local editor, ceased to be newsworthy. And so his saga ends.

HAROLD D. PETERSON

## Legislation in 1842

One hundred years ago, when the Fourth Legislative Assembly was in session, John Tyler was President of the United States, John Chambers was Governor of the Territory of Iowa, the seat of the Territorial government was Iowa City, and the Assembly met in Butler's Capitol. At that time the Indians still occupied large areas in Iowa. But the Black Hawk Purchase and the Purchase of 1837 were being rapidly settled and surveyed. Local government kept pace with the westward advance of population. Eighteen counties were represented in the Legislative Assembly.

In the House of Representatives Lee County, which constituted the first district, was represented by William Patterson, E. S. McCulloch, and Henry J. Campbell. Van Buren County was represented by John M. Whitaker, Oliver Weld, and Uriah Biggs. Des Moines County had five Representatives — Isaac Leffler, David E. Blair, George Hepner, Alfred Hebard, and James M. Morgan. Henry County was represented by Paton Wilson, Simeon Smead, and Asbury B. Porter. Richard Quinton, William L. Toole, Thomas Baker, Samuel Holliday, James K. Moss,

and Henry Felkner represented Jefferson, Louisa, Washington, Muscatine, Jackson, and Johnson counties respectively. A district consisting of Cedar, Jones, and Linn counties was represented by Samuel P. Higginson and Thomas Denson. Scott and Clinton counties also formed a single district with two Representatives — Joseph M. Robertson and James Grant. Warner Lewis and C. H. Booth represented Dubuque, Clayton, and Delaware counties.

In the Council the counties of Dubuque, Jackson, Clayton, and Delaware were represented by Mortimer Bainbridge and J. S. Kirkpatrick. Scott and Clinton counties were represented by J. W. Parker. Cedar, Linn, and Jones counties sent George Greene to the Assembly. S. C. Hastings spoke for Muscatine and Johnson counties. Francis Springer represented Louisa and Washington counties. J. B. Browne and Ed. Johnston represented Lee County. Henry County was represented by W. H. Wallace, Jefferson County by W. G. Cook, Van Buren County by G. S. Bailey and James Hall, and Des Moines County by Shepherd Leffler.

“Notwithstanding the extreme inclemency of the weather” immediately preceding the beginning of the session, every member of the Council except Mr. Hall of Van Buren County, and all members

of the House except Messrs. Hebard, Weld, Quinton, and Denson were in Iowa City ready to take their seats on the first day of the session. The day on which most of the members left their homes was "excessively disagreeable," a cold sleet having fallen during the whole day, accompanied by high winds. During the night the rain ceased, "but the cold increased, and with it the wind, to a degree of fierceness sufficient almost to blow the hair off one's head." It did "make sad havoc with the hats and cloaks" of those who breasted "the pitiless peltings of the storm".

Mr. Quinton was present when the House was called to order on the second day. Mr. Denson and Mr. Hebard arrived at the capital two days late, and Mr. Hall and Mr. Weld, both of Van Buren County, were eight days on the road to Iowa City, being detained by high water at both Cedar Creek and the Skunk River. "They crossed those streams through running ice with a good deal of difficulty and risk, and found it necessary to go round by way of Burlington" in order to reach Iowa City.

At the capital the legislators discovered that "they were in a haven of safety and comfort". Some of them found conditions quite different from what they had anticipated. They had supposed 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." But in reality "a widely and totally different state of things presented itself." They found themselves in a most thriving town of some seven or eight hundred inhabitants, "built upon a site unsurpassed for beauty". They found 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 the city, by the by, were plainly perceptible in this arrangement" and many thanks were due them. Much credit was also due to "our public-spirited fellow citizen, Mr. Butler", for his exertions in getting the building in readiness for the legislators.

During the Territorial period members of the Legislative Assembly were paid three dollars per day during their attendance at the session, and "three dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route." The presiding officers were paid at the rate of six dollars per day.

The organization of the Fourth Legislative Assembly was attended with much interest. Since

the Democratic party had a majority of members in each house, it accordingly claimed the spoils of office. Warner Lewis, of Dubuque County, was elected Speaker of the House without special incident. But when Jonathan W. Parker was declared elected President of the Council he was at once accused of having voted for himself in order to obtain the office. This was a very odious offense in the opinion of the Whigs.

The *Iowa City Standard*, a Whig paper, in commenting upon this incident said: "Mrs. Parker received 7 votes, Mr. Bainbridge 4 votes, Mr. Greene 1 vote, Mrs. Parker *voting for herself!* What will Mrs. Parker's constituents think of this? Will they not feel dishonored by this act of hers? — time will determine."

The *Iowa Capitol Reporter*, a Democratic paper, replied by saying it was not certain that "General Parker" had voted for himself. But if he did it was a commendable thing to do. Of the thirteen members of the Council, seven were Democrats, and the affirmative vote of seven members was required to elect a President. Hence if Mr. Parker voted for himself, he did it "IN CONFORMITY WITH A SOLEMN DUTY WHICH HE OWED THE DEMOCRATIC PARTY". He was commended for doing his duty, "regardless of the murmurings of his political enemies."

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, nine other holidays at Christmas time, 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.

One of the chief problems which confronted the legislators was a consideration of the pioneer means and methods of transportation. Of the 127 bills that became laws, thirty-one were measures dealing with the improvement of roads, and ten were measures granting permission to operate ferries.

One of the statutes dealing with roads was a general law which provided that "all applications for laying out or re-locating any county road, shall be by petition to the commissioners of the county, signed by at least twenty legal voters, residing within three miles of where the said road is to be laid out or relocated". Provision was also made for the building of bridges at the expense of the county.



Another measure authorized the board of commissioners of the several counties, through which the military road "from Dubuque via Iowa City, to the Missouri line" extended, to open and improve this road as other Territorial roads were opened and improved. A law was passed which provided for the relocation of the road "running from West Liberty to intersect the military road, in direction to Dubuque, laying between Red Oak Grove, in Cedar county, and Edinburgh, in Jones county." The construction of another Territorial road from Fairfield, in Jefferson County, to Portland, in Van Buren County, and thence to the Missouri border was authorized.

Three statutes stipulated that roads should be built to mills. One of these laws provided for a Territorial road "from Deed's mills on Skunk river, in Jefferson county, by way of Brighton in Washington county, the house of Beriah Harworth in said county, Western City in said county, thence [by the] nearest and best way to the west boundary line of the Territory". A similar measure described a road from Thomas Lingle's mill in Johnson County, by way of Westport to Marion, in Linn County, "on the most practicable route". The third enactment proposed a road from the town of Crawfordsville, in Washington County, by way of New London "to

Smith's Mills" at the present site of Lowell in Henry County.

Portions of the Territorial road from Iowa City to Prairie du Chien were relocated. The construction of certain roads in the vicinity of Burlington was authorized. Four laws provided for Territorial roads in Lee County. Changes were made in the roads of Linn, Jefferson, Clayton, Delaware, Louisa, and Muscatine counties. Other legislation pertained to roads in the counties of Dubuque, Washington, and Van Buren.

To further facilitate transportation a law was passed which required county boards of commissioners to establish the rates of ferriage on every ferry within the several counties. Eight statutes authorized the operation of ferries on the Mississippi River — four in Jackson County, one in Clinton County, one in Lee County, one in Muscatine County, and one in Scott County. Another measure authorized the operation of "a ferry across the Des Moines river opposite Watertown."

Divorce was a subject of frequent debate in the Fourth Legislative Assembly, for in Territorial days divorces were often granted by legislative action. The Assembly which deliberated in Butler's temporary capitol at Iowa City in the winter of 1841-42 passed ten laws dealing with this sub-

ject. One of these was a general measure which provided that when a husband was about to abandon, or had abandoned, his wife, with the intention of leaving the Territory, he might be restrained by the issuance of "a *capias*" by the clerk of the district court and be required to give bail to appear at the next term of court, at which time the case would be adjudicated.

The other nine divorce acts were in the nature of special legislation dissolving the marriage contracts of the persons named in the laws. These enactments were brief and very similar in character. One, for example, provided that "the bonds of matrimony now existing between John E. Ely and Minerva Ely, be and the same are hereby dissolved from and after the passage of this act."

In considering a bill for the divorce of Nicey Hull from C. C. Hull there was some parliamentary sparring in the Council, and Francis Springer was evidently much perturbed. He moved, in a somewhat facetious manner, to amend the bill to provide that "from and after the passage of this act, parties may become divorced from the bonds of matrimony by filing, in the office of the Clerk of the District Court, in any county in the Territory, a paper signed by themselves declaratory of their mutual consent to the dissolution of the marriage contract subsisting between them, without the

intervention of a court of Chancery or an application to the Legislative Assembly. And when either party to a marriage contract may be desirous of becoming divorced, the marriage contract shall be rescinded by filing, as aforesaid, a statement expressive of his or her desire to become divorced, with their seals thereunto affixed and attested by two justices of the peace."

That Mr. Springer was not serious in this matter is shown by the fact that he called for the yeas and nays on the amendment, and then voted against it. The amendment was lost by a vote of 12 to 1 — the President of the Council alone having voted for it.

Ten private corporations were established by the Fourth Legislative Assembly. Four of these were designed 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. One measure amended the law "relative to the incorporation of Religious Societies". Two manufacturing companies were incorporated: the Washington Manufacturing Company and the Cedar Rapids Manufacturing Company. And three measures provided for the organization of insurance companies: the Bloomington Insur-

ance Company, the Dubuque Insurance Company, and the Farmington Insurance Company.

One hundred years ago cities and towns were incorporated by special charters. The Fourth Legislative Assembly passed six measures of this type. 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 previously been incorporated, were granted new charters, and laws were passed to incorporate the towns of Mount Pleasant and Keosauqua.

In 1842 Iowa was utilizing natural resources in the development of industry. Accordingly, six measures were passed by the Fourth Legislative Assembly granting permission to construct dams for the development of water power. Four of these were to be located on the Skunk River, one on the Wapsipinicon River, and one on the Des Moines.

Two measures changed the names of towns. Vandenburg in Clinton County became De Witt. The other act changed the name of Rising Sun in Van Buren County to Pittsburgh. Later the name Rising Sun was adopted by a town in Polk County.

Members of the Legislative Assembly one hun-

dred years ago were anxious to serve the best interests of their local communities and the Territory at large. Yet there is evidence that political party lines were closely drawn, and political bickering was not entirely unknown. The adherence to political lines is reflected in the letting of the contracts for printing. Throughout the legislative session the Democratic party had the greater voting strength. Accordingly, the printing contracts were given to the Democratic press, the *Iowa Capitol Reporter*. This caused bitter attacks by the Whig papers. But the editor of the *Reporter* calmly replied that in matters of legislation every one should "lay aside any feelings of animosity, or jealousy" and each should work for the best interests of all.

Another incident of interest in the proceedings of the Fourth Legislative Assembly was the report of a committee of the Council refuting charges against Chauncey Swan who was at that time Superintendent of Public Buildings at Iowa City, and was charged with having "exercised an undue influence over the freedom of elections" while discharging his duties. The committee found no evidence of such guilt and presented affidavits to refute the charges.

S. C. Hastings speaking for the committee said: "How great a crime it may be for Mr. Swan

to have possessed the confidence of his fellow citizens so far as to have had the influence that pertains to an honest and upright citizen, your committee are not prepared to say; but so far as Mr. Swan is charged with having brought the influence of the office which he holds to interfere with the freedom of elections, or the right of expression of opinion, this charge is proven to be untrue by the affidavits of Dr. Henry Murray, Stephen B. Gardner, John Homer and others".

The record of the Fourth Legislative Assembly was worthy of the able and loyal men who composed the legislature. At the close of an evening session on Thursday, February 17, 1842, the Assembly adjourned to meet again at "7 o'clock tomorrow morning". In the morning after a very brief session the Assembly adjourned *sine die*. The work of the Fourth Legislative Assembly had become a matter of history.

J. A. SWISHER

## Comment by the Editor

### *HISTORICAL DUTIES*

If history is more than an accumulation of information for the satisfaction of antiquarians, it must be associated with the time being. Knowledge of the past has little intrinsic value. Really, history is a kind of intellectual currency that can be exchanged for the goods of reasoned judgment to satisfy present needs. Ransacking the musty, haphazard, and partial records of obscure kings and common folks may be fascinating research but until the findings have been interpreted in the light of modern times they contribute nothing to the general welfare. To apply previous experience to the solution of present problems is not only the duty of historians but the measure of their social worth.

While contemporary opinion of the relative importance of current events may be distorted and unreliable, the viewpoint of the present nevertheless affords perspective for the contemplation of both the past and the future. As the years recede the pattern of history becomes more distinct and the figures in the tapestry of time assume their proper significance. It is equally apparent that



the direction of future affairs is determined by the exigencies of the present moment and the effect of experience. Fortunately each generation has a sense of place in the march of time. The humble pioneers realized that the sum of their striving was epoch-making. And so, almost instinctively, people are inclined to preserve the evidence of their way of life.

The living have an obligation to interpret their own conduct for the benefit of their successors. This involves not only the preservation of documentary material but the analysis and dissemination of information pertaining to contemporary aims. In times of crisis the function of the historian is complex and unusually important. The duty to be history-conscious is then all the more imperative, and so the organization of historical associations is encouraged and historical activities are expanded.

It is the purpose of the State Historical Society of Iowa to fulfill all the duties of collecting and preserving historical materials, of searching the older records for experience with which to illuminate the dark recesses of present quandaries, of interpreting the events of today which tomorrow will be history, and of publishing the works of scholars so that the accumulated wisdom of the past may be widely known and utilized.

While the country is at war interest is naturally centered upon the resulting conditions. That the military history of Iowa may be more accessible and better understood a volume on that subject will be published this year. Materials on all phases of the present war efforts are being collected in the library of the Society at Iowa City. Thousands of items clipped from the newspapers of the State are being sorted and filed so that a detailed record of activities in every community will be available. Timely stories, like the reaction of Iowans to the Japanese attack on Pearl Harbor, will be printed in the PALIMPSEST, and contributions to the history of war times will appear in the *Iowa Journal of History and Politics*. It is hoped that the knowledge of former achievements will fortify the determination to maintain our ideals in this crisis.

J. E. B.

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