FRAGMENTS OF DEBATES OF IOWA CONSTITUTIONAL CONVENTION

SHAMBAUGH

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10M-OCT-44

FRAGMENTS OF THE DEBATES

OF THE

IOWA

CONSTITUTIONAL CONVENTIONS

OF 1844 AND 1846

ALONG WITH

PRESS COMMENTS AND OTHER MATERIALS

ON THE

CONSTITUTIONS OF 1844 AND 1846

COMPILED AND EDITED
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PREFACE.

APART from a bare journal of proceedings, the early constitution-makers of Iowa—I mean the members of the Constitutional Conventions of 1844 and 1846—did not keep and preserve official records of their deliberations. This has always been a matter of regret, especially to students of our Constitutional History and Constitutional Law.

Nor has there up to this day appeared a "Madison's Journal" of these Iowa Constitutional Conventions. Indeed it is not probable that any member kept a private journal of the debates.

And so the only reports of the debates of the Convention of 1844 and the Convention of 1846 thus far discovered are the fragments that appeared in the newspapers of the time. But these are priceless fragments.

In order to make the material more generally available to those interested in the history of Iowa, I have reprinted in this volume: (I) the fragments of the debates of the Constitutional Convention of 1844, as preserved in *The Iowa Standard* and *The Iowa Capital Reporter;* (II) some press comments and other materials relative to the Constitution of 1844, as found in *The Iowa Standard* and *The Iowa Capital Reporter;* (III) fragments of the debates of the Constitutional Convention of 1846, as preserved in *The Iowa Capital Reporter;* (IV) some press comments and other materials relative to the Constitution of 1846, as found in *The Iowa Capital Reporter*, *The Iowa Standard* and *The*

Bloomington Herald. The appendices contain data relative to the members of the two Conventions.

A word concerning the newspapers from which the materials are reprinted. *The Iowa Standard* was a weekly paper published at Iowa City, the Capital of the Territory. It was an organ of the Whig party. *The Iowa Capital Reporter* was likewise a weekly published at the Capital, but represented the Democratic party. *The Bloomington Herald* was a Whig weekly published at Bloomington (now Muscatine).

Thus it will be seen that the following pages contain the data relative to the Constitutions of 1844 and 1846 from both Whig and Democratic sources. It is a matter of regret that during the session of the Convention of 1846 *The Iowa Standard* had temporarily suspended publication. This accounts in part for the meager reports of the debates of the Convention of 1846.

In editing the material for this volume I have as far as possible followed the originals literally. Errors in spelling, sentence construction, punctuation, etc., have been reproduced in the reprint. I have even gone so far as to reprint typographical errors. Nor does this imply that such errors are important and should, therefore, be carefully preserved. It simply means that in a work of this kind the critical reader prefers as a rule to have the material reprinted literally and without editorial revision. For when one begins to tamper with historical documents one is apt to end in distorting them. It seems best therefore to let the reader make his own corrections and allowances.

University of Iowa,
January, 1900.

BENJ. F. SHAMBAUGH.

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I.

DEBATES

OF THE

CONSTITUTIONAL CONVENTION

OF

1844

Fragments from The Iowa Standard

ANNOUNCEMENT.

For information, we will state that it is our intention to furnish a synopsis of all business of importance that may be transacted in the Convention, together with a sketch of any debates that may arise. We will also, in cases where it is desired, publish one speech upon each side of any question—members writing out their own remarks.

—Reprinted from The Iowa Standard, Vol. IV. No. 41, Oct. 10th, 1844.

OUR REPORTS.

We have included in our paper of today as much of the proceedings of the Convention as it was possible to do, and carry out the design of giving a sketch of what was said upon questions of interest. Our reports are got up under considerable disadvantage, and necessarily present but a meagre exhibit of what is transpiring among seventy men, zealously occupied during six hours in the day in transacting business of so high importance as the formation of a Constitution. We have, nevertheless, endeavored to make as perfect a representation as possible;—if the reports come short of doing justice to any, we trust they will attribute it to any motive but a desire to misrepresent.

—Reprinted from The Iowa Standard, Vol. IV. No. 42, Oct. 17th, 1844.

PROCEEDINGS

OF

THE CONVENTION OF 1844.

MONDAY, OCT. 7, '44.

PURSUANT to law, the Convention to form a Constitution for the future State of Iowa, assembled in this city, on Monday the 7th of October.

It organized at two o'clock in the afternoon, by calling Gen. R. P. Lowe, of Muscatine county, to the chair, and appointing Jas. W. Woods, of Burlington, Secretary, *pro tempore.*

Rev. Mr. Snethen, by request of the Convention, opened it with prayer. The roll of the counties was then called, and 66 of the 73 members chosen, handed in their credentials, or otherwise reported themselves. Mr. Felkner, of Johnson, Mr. Cook, of Scott, Messrs. Campbell and Ross, of Washington, Mr. Hoag, of Henry, Mr. Morton, of Van Buren[1], and Mr. Whitmore, of Jefferson, were absent. After appointing two or three committees, the Convention adjourned.

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[1] Mr. Morton seems to have been permanently absent from the Convention. His name does not appear among the signers of the Constitution of 1844.

Tuesday, Oct. 8, '44.

The absent members from Washington appeared in their seats on Tuesday morning.

The only business transacted on Tuesday, was the election of officers, adoption of rules, and the consideration of a few preliminary motions. Hon. Shepherd Leffler, of Des Moines county, was unanimously elected President of the Convention.

Geo. S. Hampton, Esq.[1] of this city was then elected Secretary of the Convention, and Alex. D. Anderson, of Dubuque, Assistant Secretary. Warren Dodd, of Lee county, was elected Sergeant-at-Arms, and Ephraim McBride, of Van Buren, Door Keeper.

The report on rules made by the committee appointed for that purpose was then taken up, slightly amended, and adopted.

The Convention held an afternoon session, at which a proposition was brought forward by Mr. Hall, of Henry, to authorize the members to take papers. After discussion, it was negatived—27 for, 40 against. No other business of importance was transacted.

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[1] Mr. Hampton was not technically a member of the Convention. He was not elected as were the other members. His presence in the Convention was due, therefore, to a vote of the Convention. However, as Secretary of the Convention, his name appears among the signers of the Constitution. In this connection it may be observed that the Constitution was signed by 72 members and the Secretary. This fact has led to the supposition that the Constitution of 1844 was signed by every member elected to the Convention—that number being 73. This supposition, however, is false, since one of the signers (i. e. the Secretary) was not a member. The member whose name does not appear among the signers was Mr. Morton, of Van Buren.

Wednesday, Oct. 9, '44.

Messrs. Cook, Whitmore and Felkner appeared, presented their credentials and took their seats.

The President announced the following Standing Committees, appointed to prepare articles for the Constitution, by virtue of the rules adopted on yesterday:

1st. *On the Bill of Rights*—Messrs. Grant, Hepner, Delashmutt, Langworthy, Hawkins, Benedict, Blankenship.

2d. *Executive Department*—Messrs. Lucas, Lowe of Des Moines, Campbell, of Washington, Bailey, Shelleday, Galland, Evans.

3d. *Legislative Department*—Lowe of Muscatine, Chapman, Hooten, Toole, Hall, Mills, Murray.

4th. *Judicial Department*—Hall, Grant, Clark, Hempstead, Shelleday, Fletcher, Campbell of Scott.

5th. *On Suffrage and Citizenship*—Clark, Thompson, Cutler, Cook, Ross of Washington, Bulter, Olmstead.

6th. *Education and School Lands*—Bailey, Ross of Jefferson, Brookbank, Kirkpatrick, Randolph, Marsh, McCrory, Davidson, Mordan.

7th. *On Incorporations*—Hempstead, Harrison, Gower, Lowe of Muscatine, Hepner, Williams, O'Brien, Hale, Price.

8th. *State Boundaries*—Chapman, Lucas, Ferguson, Fletcher, McAtee, Toole, Ripley, Charleton, Salmon.

9th. *County Organization*—Hawkins, Thompson, Galbraith, Gehon, Wright, Bratton, Wychoff.

10th. *On Internal Improvements*—Langworthy, Robinson, Quinton, Strong, Kerr, Staley, Taylor.

11th. *On State Debts*—Peck, Bissell, Brown, Crawford, Hobson, McKean, Durham.

Mr. Clark offered a resolution (which was adopted,) that the following additional Standing Committees be appointed:

On the Militia System;

On Amendments to the Constitution;

On the Schedule.

Mr. Evans moved to reconsider the vote of yesterday, by which the Convention refused to take papers.

Mr. Lucas opposed it; the Convention had no right to take papers. It was a legislative act.

Mr. Hall lived in a back county, where no paper was printed, and he was too poor to pay for papers himself.

Mr. Hempstead's constituents desired papers to be sent; he promised to do so. It was the only way in which they could be satisfactorily informed concerning the acts of members.

Mr. Hawkins was opposed. The people were to decide upon the Constitution when it was formed. They would not be affected by the vote of any individual, for or against any particular principle. All the papers in the Territory were requested to publish the Constitution until the election in April.

Motion was lost; yeas 29, nays 38.

Mr. Sells offered a resolution that the Convention be opened by prayer every morning. Laid on the table.

Mr. Gower offered a resolution for the appointment of a committee to prepare an article upon the subject of Prisons. Laid over, and the Convention adjourned.

[EDITORIAL.]

NOT being able to insert this week the reports of the proceedings of the Convention on Tuesday and Wednesday, we will mention the heads of the business acted upon on those days. Mr. Hall's Dorr amendment was proposed in the Convention, and defeated — only 14 voting for it. Mr. O'Brien proposed that foreigners 3 years resident, and who had declared their intentions, should be admitted to vote for representatives and county officers; which was defeated—yeas 29, nays 39. The amendments to the Bill of

Rights having been gone through with, it was ordered to be engrossed, and a copy may be found in our paper today. The term of office of the Governor was fixed at two years, and the Secretary of State made elective by the people. The report of the Committee on State Debts, imposing restrictions, and making it necessary to submit to the people projects that would cause indebtedness, was considered, and ordered to be read a third time. Residence before being admitted to vote, was fixed at six months—voting to be by ballot, The Committee on the Legislative Department has reported in favor of biennial Legislatures —members to be paid $2 a day for 30 days, and $1 afterwards. Mr. Hall, from the Committee upon the petition asking that the rights of citizenship be granted to colored persons, made a report against such a grant.

THURSDAY, OCT. 10, 1844.

Mr. Chapman introduced a resolution for the establishment of Courts in each county of the State, to be composed of the justices of the townships, which courts shall transact all county and probate business, to hold sessions at stated periods, without additional compensation. Also, that all roads laid out by special act of the Legislature shall be at the expense of the State.

On motion of Mr. Lucas, a committee on Revenue was ordered.

Mr. Chapman, from the Committee on State Boundaries; Mr. Peck, from Committee on State Debts; and Mr. Grant, from Committee on Bill of Rights; severally made reports, which will be noticed hereafter.

The Convention took up Mr. Sells' motion to have daily prayer.

Mr. Chapman spoke in favor of the resolution, stating

that no outlay would be occasioned, as the ministers would gladly attend and render the service without compensation.

Mr. Gehon said it would not be economical, for the Convention sat at an expense of $200 to $300 per day, and time was money.

Mr. Hall moved an amendment to the resolution, that the exercise of prayer commence half hour before the hour for Convention to meet.

Mr. Chapman said if passed with such a provision as that, the resolution would be an insult to those who believed in the superintendence of Almighty God, and desired his aid to be invoked in behalf of the Convention.

Mr. Kirkpatrick opposed the resolution, because the religion of Christ was a religion of peace and persuasion, and acknowledged no compulsion, save moral. To pass a resolution to have prayers was compelling men to listen to what they were opposed to, and violated one of the inalienable rights of men.

Remarks of Mr. Kirkpatrick, *on the resolution requiring the Convention to be opened with prayer.*

Mr. Kirkpatrick remarked, by way of illustration, that the members of this Convention had come here from every part of the Territory, and had brought with them their natural rights. We had equally a right to the atmosphere we breathe, and to the sun's rays that fall upon us. In a word, we had a right to life, liberty, and the pursuit of happiness; a right to worship God in our own way; but there was another right arising from the nature of the social compact. In order that we might proceed with decorum, there must, in the nature of the case, be rules adopted for the government of the Convention, and by the adoption of these rules, we create this second right, which is termed the adventitious right. This right is only

exercised in its legitimate sphere. Then it is used to govern the social compact in all business which shall come before them, and in actions or transactions between man and man; but can never be used to enforce a moral precept, when the action is performed in reference to the Great Supreme. The action performed in obedience to a moral precept, in order to be valid, must, in the nature of the case, be voluntary, otherwise it is not virtuous. Prayer is a moral precept.

Now we cannot enforce a moral precept by this adventitious right, from the fact, that to do so, would be first, to render the action not valid, because it is brought about by the adventitious coercion of proceedings; and secondly, because by enforcing this moral duty, we violate or infringe our natural rights. These rights are inalienable, and we have not yielded them to the social compact.—And shall we make this moral duty one of the rules of this Convention? If by the action of this compact, we can enforce this moral obligation, then we have a right, upon the same principle, to enforce other religious duties, and to make every member of this Convention go upon his knees five times a day; but there would be no volition on the part of individuals; consequently they would be no more pious by it.

Now, sir, this Convention, (as a figure by way of illustration,) if we have a right to enforce moral duties here, we have a right by the authority of our social compact, as a State, to enforce the observance of religous duties, and to make every man in the State fall upon his knees fifty times a day; and if we violate this general principle, we may retrograde, step by step, until we get back to the policy and customs of our forefathers, on the eastern side of the Atlantic, where tyrants wield despotic sway, and liberty never had a name.[1]

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[1] These remarks appear in The Iowa Standard of Oct. 31, 1844, first page.

Mr. Sells did not expect the resolution to meet with opposition, and should regret to have it said of Iowa that she had so far travelled out of Christendom as to deny the duty of prayer.

Mr. Lucas regretted that there should be contention on this subject, and could not believe that any disbelieved in a superintending Providence. If ever an assemblage needed the aid of Almighty Power, it was one to organize a system of Government. He was surprised at the expression of his friend from Dubuque [Mr. Gehon] that we had not time to spend a few moments in prayer for divine direction. Mr. L. referred to precedents of similar practice in other assemblages.

Mr. Kirkpatrick said if precedent was to be followed, we should go back to aristocracy. This was a day of improvement. Let those who believed so much in prayer, pray at home. Public prayer was too ostentatious.

Mr. Hooten was opposed to Mr. Hall's amendment, and wanted to meet the question on its true merits. If a majority were for the prayers, have them; but hoped those who were in favor would not press it at the expense of the feeling of others.

Mr. Hall said he did not offer his amendment through levity, but because he believed it right. In the morning, if some were absent, the Sergeant-at-Arms might be sent after them, they be compelled to attend upon what they were opposed to. If any refused to come, it would be told to their constituents, and political capital made of it. We were to have prayers not for the benefit they would do us, but to make the world think we were better than we were. He was opposed to that. Let those who prayed, enter into their closets. Prayers were introduced at political mass-meetings which ended in rows and riots. If prayer was had in accordance with his amendment, the President could invite some one for that purpose, and there would be no interference.

Mr. Kirkpatrick said if the Convention had a right to pass the resolution, they had a right to establish a religion. It had no right to bring the members on their knees every morning. If it had, it might do it noon and night; and had a right to require the people of the Territory to do the same. We do not require the others not to pray, but they require us to.

Mr. Chapman disclaimed all idea of force. The resolution was but a means of testing whether we should have religious services or not.

Mr. Bailey said whenever politics and religion were mingled, excitement was created. When the motion was made to open the Convention with prayer the first day, he had no objection. But to do it every day would cost $200 or $300. Why not be economical in this as well as in other things. Gentlemen who voted against taking papers, voted for this resolution. Were the people more interested to know the acts of the Convention, or to know that it was opened by prayer? Their constitutents did not expect such a thing to be introduced. Absent members might be brought in and compelled to hear what they were opposed to. This was contrary to the inalienable rights of man. If members did not feel disposed to come, it took away their happiness, contrary to the Declaration of Independence and the principle laid down by Thomas Jefferson, the Apostle of Liberty. If individuals wish prayer, there were meetings in town almost every night; let them go there and not take up the time of the Convention. Precedent exerted too much influence—operated upon the Convention that formed the Constitution of the United States. If we were to follow it always, we should hang for witchcraft, and punish for religious opinions. People were becoming more liberal in sentiment. No man could say that he ever opposed another on account of religion; he respected men who were sincerely religious; but he wanted to have his own opinions.

Mr. Cutler desired the yeas and nays on the question. He had not lived a great while, but long enough not to be afraid of meeting such a question openly. He was opposed to the resolution.

Mr. Thompson said, when he looked at the system on which the Christian religion was propagated, and saw the excitement that existed in the Convention, he felt satisfied, that although those in favor of opening the Convention with prayer, might be a majority, they ought not to urge the point; and he hoped that the measure would be withdrawn.

Mr. Fletcher said, that having made the motion by which the Convention was opened with prayer on the first day, and voted to take up this resolution, he felt bound to say something. He regretted the opposition that he saw, and he was unwilling that it should go forth to the world that Iowa refused to acknowledge a God. He believed it was becoming in the patriot to appeal to the Almighty for aid and guidance. He was not a professor, and probably would not be acknowledged as an evangelical Christian, but he acknowledged the God of his fathers, and was willing to supplicate His blessing. He hoped the resolution would pass.

Mr. Hall rose to set his remarks right. The drift of the arguments of those who favored the resolution was to accuse those who opposed it of denying the existence of a God. Opposition was no evidence of disbelief. He believed, with the gentleman of Muscatine, in the God of his fathers. But he thought there were places where the Almighty could not be approached in a proper spirit—and this was one. Precedent was invoked, but he did not believe in following it here. Effect abroad was what was desired—not good here. They did not tell us we were sinners, and call upon us to repent. If any gentlemen needed religious instruction, he would vote to give it to

them. It was wrong and hypocritical to send such a thing abroad for effect. Men on all sides caught this up for effect. At the great Dorr meeting in R. I., a clergyman was procured, who prayed for the release of Dorr, the election of Polk and Dallas and the success of Democratic principles. If the Almighty was a Democrat, he would perhaps grant the prayer; if not a Democrat, he would not grant it. Mr. H. desired to know what was to be prayed for? He would pray as did the man in New Orleans, that God would "lay low and keep dark," and let us do the business of the Convention. He objected to prayers not out of disrespect to religion, but because he thought them inappropriate. It would be going a step too far, and would be a mockery. The amendment he had offered would give those who desired to pray the free use of the hall for half an hour in the morning; the President was authorized to invite a minister, and would attend to preserve order.

Mr. Evans said he never knew prayer to be any disparagement. He thought the example of the Convention that formed the Constitution of the U. S. a good one to be followed. He did not believe so much in "progression" as to exclude prayer, and had no fears of its leading to monarchy. When he was a boy, all kinds of meetings except political, were opened with prayer.

Mr. Grant.—Did they open town meetings with prayer?

Mr. Evans.—No; but trainings were so opened. Time enough had been already consumed in the discussion to have had prayers for a fortnight. He would be in favor of providing a room for those who did not wish to hear prayers.

Mr. Hepner said he would like to see the Convention be consistent. The committee that reported a Bill of Rights, had provided that no law should be enacted to establish a religion. None had opposed that, nor did he presume any body would oppose it. There was a rule of the Convention which required all the members to be in attendance when

it was in session. Suppose some of the members attend somewhere else on religious service in the morning, the Sergeant-at-arms might be sent for them, and they be compelled to attend here. That would be an interference with the free exercise of religion. Mr. H. also spoke of the probability that the services would, in the end, have to be paid for, and cited the instances of rent having to be paid for the use of the Temporary State House, and the $5,000 loan from the Dubuque Bank, in support of that opinion.—He objected to the resolution to have prayers upon the principle of pay, and upon the principle of inconsistency, and should vote for the amendment.

Mr. Shelleday said he did not feel as if he would represent correctly the moral and religious feelings of his constituents, if he remained silent. He could not conceive that gentlemen were serious when they opposed the having of prayers upon the ground of expense. Except in case of Congress, he believed no charge was made. He thought we should pay some respect to precedent. He said it was a matter of record that the most dissolute members of Congress were the most zealous supporters of the practice of having daily prayers. They said that they would come into the House with violent feelings, and prepared to make the most outrageous remarks, but the exercise of prayer subdued them, and they could not let out as they intended.

Mr. Sells said he had not heard any reasons to induce him to surrender his resolution. The arguments in opposition were inconsistent. Some were afraid of losing religious liberty, and some of the expense; some were anxious about their natural rights, and some wanted God to "lay low,"—get out of the way altogether. He thought that if the majority desired prayers, it was their right to have them.

Mr. Quinton thought his constituents as moral as those of the gentleman from Mahaska, (Mr. Shelleday). He believed that the Bible furnished a rule for faith and practice, but did not believe praying would change the purposes of Deity, nor the views of members of the Convention. In the name of Heaven, don't force men to hear prayers. He believed in religion, but did not want to force members to hear what they did not believe in. He was in favor of those who wanted to pray, meeting half an hour before the Convention, and doing it.

Mr. Lowe, of Muscatine, said he had not intended to have said anything in this discussion, he did not think its continuation would be profitable; but he had concluded to say one word. He considered that the amendment did not fairly meet the question—it was skulking it—it was a direct attempt to defeat the resolution, and was unworthy of the gentleman who introduced it. It was in the line of safe precedents to pass this resolution as it originally stood, and a refusal to pass it would be an imputation upon the House—one that he hoped would not be permitted. He said that religion had taken a deep hold in this country, and the time would soon come when men of proper moral and religious sentiments would alone hold the offices of this country. The exercise of prayer would have an effect to calm excitement, and contribute to moderation, and for that reason he was in favor of it. The gentleman from Des Moines (Mr. Hepner,) was generally correct, but he and others were wrong in the present instance. He assumed that the Sergeant-at-Arms might be sent to bring in absent members. It was not so. Members were required to be present at hours when the Convention was doing business. The Convention was not opened to do business until after the prayer. The prayer itself opened the Convention. There was no proper organization till afterwards, and members could not be compelled to attend till afterwards. Members of Congress were not compelled to attend on the prayers. The plea of compulsion was frivolous. He was willing to follow the example of the fathers of the country, but he did

not support prayer solely on the ground of precedent—it would tend to give dignity and character to the Convention, in all time to come. Mr. L. could not believe that those who talked about blending Church and State, were serious in what they said. It seemed too trifling. Members of Congress were not afraid of blending Church and State, nor did the members of the Convention that formed the Constitution of the United States believe so. He hoped the gentleman from Henry (Mr. Hall) would withdraw his amendment, and permit the vote to be taken on the original resolution, and if the friends of prayer were defeated, they would submit.

Mr. Durham now offered a resolution to postpone the further consideration of the subject until Monday next; but the resolution was cut off by a motion from Mr. Langworthy that the Convention adjourn; which prevailed.

Friday, Oct. 11, 1844.

Mr. Cutler introduced a resolution that provision be made so that in all elections in the State of Iowa, the will of the majority shall control. Laid over.

Mr. Hawkins introduced a resolution for the preservation of the manuscript journals of the Convention. Agreed to.

Mr. Galbraith offered a resolution that no person be permitted to speak on any question more than once, nor more than one hour, unless by permission of a majority. Laid on the table.

Mr. Langworthy, from Committee on Internal Improvements; Mr. Lucas, from Committee on the Executive Department; Mr. Clarke, from the Committee on Suffrage; Mr. Bailey, from the Committee on Education and School Lands; Mr. Hempstead, in behalf of the majority of the

Committee on Corporations; and the same gentleman, from the minority of the last named Committee; severally made reports, which are noticed hereafter.

The President announced the following additional Standing Committees:

On Militia System.—Messrs. Gehon, Cook, Gower, Hooten, Ross of Jefferson, Evans, Ripley.

On Amendments of the Constitution.—Messrs. Quinton, Taylor, Felkner, Whitmore, Price, Williams, Charleton.

On the Schedule.—Messrs. Lowe of Des Moines, Galland, Crawford, Campbell of Scott, Hepner, Delashmutt, Galbraith.

On State Revenue.—Messrs. Fletcher, Lucas, Langworthy, Hawkins, Randolph, Shelleday, Wright, Marsh, Ross of Washington.

The Convention resumed the consideration of the resolution of Mr. Sells, providing for daily prayer; and refused to postpone the subject to Monday.

Mr. Hall withdrew his amendment, viz.: to commence the exercise of prayer half an hour before the meeting of the Convention.

Mr. Galbraith moved the indefinite postponement of the resolution. Carried; yeas 44, nays 26, as follows:

Yeas—Messrs. Bailey, Benedict, Bissell, Bratton, Brown, Butler, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Ferguson, Galbraith, Galland, Gehon, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooten, *Kirkpatrick*, Langworthy, Lowe of Des Moines, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ross of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wyckoff, President.

Nays — *Blankenship*, *Brookbank*, Campbell of Scott, *Campbell* of Washington, *Chapman*, *Cook*, *Delashmutt*, Felkner, Fletcher, Gower, *Hawkins*, *Hobson*, *Kerr*, *Lowe* of Muscatine, Lucas, *McCrory*, *McKean*, *Randolph*, Ripley,

Robinson, *Ross* of Washington, *Sells Shelleday, Toole, Williams,* Wright.

[Whigs in *Italic,* Locos in Roman.]

The Convention adjourned till 2 o'clock, P. M.

Afternoon Session.

The Convention took up for consideration the report of the Committee on Boundaries for the State of Iowa. The draft of the Committee provided that the State should be bounded by the river Des Moines to Sullivan's line; by that line to the "Old N. W. corner of Missouri," thence due west to the Missouri river, thence to the Big Sioux or Calumet river, up the same of the first branch falling into it on the east side, and up that branch to a point where it is intersected by the boundary established in the Treaty of 1830, with the Sac and Foxes, and other Indians, from thence to the St. Peters river, opposite the mouth of the Blue Earth, and down the St. Peters to the Mississippi, and down the Mississippi to the place of beginning, opposite the mouth of the Des Moines.

Mr. Gower moved to amend by taking the 45th parallel as the Northern boundary.

Mr. Chapman opposed this proposition, because it would make the State too large, and would disturb a compromise made in the committee, and give room for the introduction of sectional influences.

Mr. Lucas opposed it because it would take in a large range of broken and comparatively valueless country, which had no natural connection with us, bringing within the State more than 120,000 square miles. It would also include the country of the Sioux Indians, the title to which would hardly ever be extinguished. The laws of the United States only could be in force there: the laws of the State of Iowa could not reach there, and it would become a resort

for desperadoes. Extending our boundary so far, would operate to our prejudice in Congress. You go up the Missouri 100 miles above the Council Bluffs, and take in country enough to make a new State.

Mr. Gower explained, that he offered the amendment because the boundaries reported by the Committee were indefinite. It was impossible to tell whether the rivers existed as stated. He was in favor of the 45th parallel, because that was certain.

Mr. Langworthy was desirous of securing an ample territory, and wished a tract of country above the St. Peters. He had examined the country above that river, and it excelled any of the settled parts of the Territory. All included would make none too much for a great and powerful State.

Mr. Hall remarked upon the uncertainty attached to the boundaries reported by the Committee.

Mr. Quinton sustained the report of the Committee and expressed himself perfectly satisfied. The question being now taken on Mr. Gower's amendment, it was lost.

Mr. Hall then proposed the 42½ parallel as the boundary. He said if gentlemen could demonstrate to him that the Calumet river was within 50 miles of where it was laid down to be, he would not offer the amendment. The amendment drew a line, including about the same as that of the Committee. He should regret exceedingly to fix a boundary, and find it incorrect. As an example, take one of the maps formed after the Treaty with the Sacs and Foxes; some of the rivers were placed 150 miles out of the way.

Mr. Lucas explained, that he thought the map relied upon (Judson's) to be generally correct.

Mr. Peck moved the 44th parallel. He had been told that Judson's map was copied from old maps made before it. If natural boundaries could be formed, he should prefer them.

Mr. Fletcher desired to include all possible of the Mississippi and Missouri rivers. He would have a large territory.

Mr. Hall urged that in carrying the line up the Missouri above 42½ degrees, it would form an inconvenient territory. The river took a western direction, and encircled a district of country which would be disadvantageous to include in the State.

Messrs. Chapman and Lucas expressed their willingness to concur in the proposition of Mr. Hall.

The vote being taken, Mr. Hall's amendment was agreed to.

Mr. Langworthy desired to amend, by having the line to run from the mouth of the Blue Earth river, to the Mississippi, opposite to the mouth of the Little Sac river. That would take in a country that Iowa wanted.

Mr. Chapman opposed. It included a large section of country not wanted, and was a kind of creeping up on the North which was not in good faith to the South. There were other desirable tracts that might be included, as well as that the gentleman proposed to cross the Saint Peters for.

Mr. Lowe, of Muscatine, voted for the amendment of Mr. Hall. He would prefer a line running from 42½ degrees on the Missouri river, direct to the mouth of the Little Sac. The Falls of St. Anthony would be a valuable acquisition to the State of Iowa; would add wealth and power. We could not have too much water power. It was also said to be valuable for mineral resources.

Mr. Lucas suggested a line to run from the mouth of Calumet river to the mouth of the Little Sac.

The members desiring opportunity to examine the subject, the further discussion was postponed.

The Convention then took up the report of the Committee on the Bill of Rights. The first section of the report declares that "All men are by nature free and independent."

Mr. Hall proposed to strike out "by nature."

Mr. Bailey thought that would not quite do; and referred to the institution of slavery, as a point of inconsistency.

Mr. Hall withdrew his proposition.

The 4th article having been read, which declares that "No religious test shall be required," etc., and that no person, for religious opinion, shall be disqualified for the performance of any duty, "public or private."

Mr. Galbraith moved to insert after the word 'public,' "or be rendered incompetent to give testimony in any court of law or equity."

Mr. Lowe, of Muscatine, said he was unable to understand the meaning of the language used in the report; but he was in favor of the law remaining on that subject as it was at present; that Atheists should not be admitted to give testimony.

Mr. Grant thought the language in the report perfectly plain. It was meant to cover *everything*.

Mr. Hall was in the same predicament as the gentleman from Muscatine, (Mr. Lowe); he could not understand the language used by the Committee. If it was meant to exclude Atheists, let us talk it right out. He was in favor of admitting them to testify, and leaving their credibility with the jury.

The question was taken, and the amendment prevailed.

Mr. Harrison desired to amend the 5th article, so that all laws should be published 30 days before taking effect.

Mr. Hall proposed laws of a penal nature.

Upon the suggestion of Mr. Chapman that he would move a proposition of that character in the Legislative Department, the subject was dropped; and soon after the Convention adjourned.

Saturday, Oct. 12, 1844.

Mr. Hobson presented a petition from sundry citizens of the Territory, asking that persons of color be permitted to vote.

Mr. Fletcher moved to lay the petition on the table. Lost.

Mr. Chapman moved its reference to the Committee on Suffrage and Citizenship. Lost.

Mr. Hall moved that it be referred to a select committee of three. Agreed to, and Messrs. Hall, Hawkins and Quinton appointed.

Mr. Quinton asked to be excused, upon the ground of being committed against the prayer of the petition.

Mr. Hawkins and others opposed, and after considerable discussion, Mr. Quinton was excused, and Mr. Hobson appointed.

Mr. Hepner proposed adding to the committee, the whole remaining delegation from Henry county.

Mr. Chapman suggested that the petition be referred to a Committee of the Whole Convention, when in session upon the subject of Suffrage and Citizenship. There would be ample opportunity in the Committee of the Whole for discussion. What was the use of sending reports to agitate the country? The question would simply be upon changing one word in the report of a Standing Committee—whether the permission to vote should be to white male citizens, or to male citizens, without qualification. It was a question of expediency for the Convention to decide. The journals of the Convention would go to the country, and there was no use in printing reports to send abroad to excite discussion. We wanted to settle the matter without excitement.

Mr. Hawkins moved to reconsider the vote referring the petition to a select committee.

Mr. Bailey was opposed to the proposed change. He said he did not intend, when up previously, to charge the gentleman from Henry (Mr. Hawkins) with being an Abolitionist, but after what Mr. H. had said, he thought it likely he was. Mr. B. was in favor of free discussion upon every subject, and he thought the motion of the gentleman from Wapello, (Mr. Chapman) was calculated to smother the subject in question. What was the object of referring to a select committee? The object of a report was to inform the Convention, not to go abroad. He was not afraid for it to go to the people. He believed in their intelligence and capability of self-government. He had confidence in the people of Van Buren county, and was willing to feed their intellects with the same food that he feasted upon. He was in favor of the right of petition—petition upon every subject, and let us examine and discuss. He was opposed to Abolition. There were but few Abolitionists in the Territory; but however meagre their numbers, they had rights, and let them be heard. The committee should be made up of men entertaining different opinions.

Mr. Ferguson called for the Previous Question and the call was sustained.

The Previous Question, which was on the motion of Mr. Hawkins, was put and carried.

Mr. Hall, now moved to refer the petition to a select committee of 13. He said, he believed it was our duty to treat the subject with some candor and discretion. It should have been left with the select committee, it would have been better for the Convention. It was folly to shut our eyes to facts. There was a large number of citizens, as worthy as any other, in favor of the prayer of the petition. They should not be met with an excitement on the part of the majority. Meet them with reason, and if we refuse to grant what they asked, give them a reason for it. We are standing in an important position, and should meet

this question properly at the start. He called upon the Convention to do so. We should appoint a Committee composed of members from all parts of the Territory, and have a report. The petitioners had a right to a reply, and we should meet the question like men, not like children. Let our decision go to the world—embody the reasons and let them go to the world also. This should be our feeling, discarding all narrow prejudice. To meet this question in a proper spirit would do much good; it would convince the petitioners that they are not persecuted and turned out of doors.

Mr. Lowe, of Des Moines, proposed amending Mr. Hall's motion, so as to refer the petition to a Committee of the Whole Convention, to be considered when the report of the Committee on Suffrage and Citizenship, should be under consideration.

Mr. Lucas was opposed to this, and concurred in the proposition of Mr. Hall. He said the subject should be met with candor. To refer the petition to the Whole Convention was not what was due to the petitioners. The subject was causing excitement throughout the country, and in Congress, and it should be met with reason. Refer it to a select committee, and the report will go to the world. He was not an Abolitionist, but he believed Slavery to be a moral and political evil, and was in favor of meeting the subject with candor.

Mr. Lowe, of Muscatine, preferred the committee of the whole Convention; he thought it would consider the subject as fairly as a committee of thirteen. The Convention had not met for the purpose of sending reports to the world upon vexed questions.

Mr. Chapman thought the committee of the whole would give a better chance for consideration than a select committee. He was not aware of any disposition to give the question the go-by. If gentlemen were inclined to facilitate

business, they ought to accept the proposition of the gentleman from Des Moines, (Mr. Lowe).

Mr. Hall desired a select committee for one reason, because he presumed its report would be adverse to the prayer of the petition, and that would settle the whole matter without further trouble.

Mr. Hawkins thought the committee of the whole the proper place.

The question was now taken upon the amendment of Mr. Lowe, of Des Moines, and it was lost, 19 voting in its favor, 51 against it.

The main question, on referring the petition to a committee of 13, was next put and carried.

The Hall, from the committee appointed to draft an article upon the Judicial Department; and Mr. Lowe, of Muscatine, from the Committee upon the subject of the Legislative Department, made reports.

Mr. Grant, (one of the committee) disclaimed any participation in fixing the salary of the Judges, or in the plan of taxing suits.

Mr. Hall replied, that hardly any two agreed to all parts of the report. It was the result of compromise, and was the best that could be made.

Adjourned till 2 o'clock.

Afternoon Session.

The Convention, in Committee of the Whole, resumed the consideration of the State Boundary question.

Mr. R. P. Lowe moved to amend the draft, so that the line should run directly from the mouth of the Calumet river to the Mississippi, opposite to the mouth of the Little Sac.

Mr. Chapman opposed the proposition for want of certainty.

Mr. Hall was willing to extend the line upon the Mississippi, so as to include the mouth of the St. Peters river, and St. Anthony's falls, and would be willing to agree to the Big Sioux, (Calumet) if any gentleman could assure him, that the mouth of that river was not above 42½ degrees.

Mr. Lucas read from an Indian Treaty, in explanation of the position of the Little Sac.

Mr. Chapman said it increased the uncertainty.

The question on Mr. Lowe's proposition was taken, and it was lost.

Mr. Clarke moved to strike out the words "Old Indian Boundary line, or line run by John C. Sullivan in the year 1816," as descriptive of a part of what was claimed as the southern boundary of the State of Iowa, and substitute therefor the words "Northern boundary of the State of Missouri."

Mr. Lucas said he was decidedly opposed to the amendment. It was as much as to say we give up to Missouri to take what line she chooses for her North Boundary. The Sullivan line was the true line. It was the line that divided the Surveyor Generals' districts, and was the line referred to in every treaty with the Indians;—Our citizens had purchased their land going up to that line, and it was our duty to maintain it as the Southern line of the State of Iowa. He was not afraid of the opposition of the Representatives of Missouri, and would not stoop to curry their favour. They would oppose our admission any how, if a Slave State did not come in with us. A committee of Congress had fully considered this subject of our Southern Boundary, and their report was that taking the evidence on the subject, the line of Iowa would go further south, than the Sullivan line.

Mr. Clark said he did not agree that the change proposed would prejudice our claim. He thought that if we claimed

the Sullivan line by name, it would create controversy. He had conversed with a number of the members of Congress from Missouri, and they were anxious to admit us.

Mr. Hall wanted to hear from the members from Van Buren. If they were willing to leave the question open, he did not know but he ought to be. He thought it bad policy. We should make a kind of confession, that would be against us.

Mr. Lucas made an explanation of the circumstances of Missouri running her Northern line. He did not feel willing to yield a particle to Missouri. He believed the claim of Missouri originated in land speculations.

Mr. Peck said he had some knowledge of the origin of the Missouri claim. It did not originate with the State of Missouri, but with a portion of settlers upon the half Breed tract, who thought by changing the lines they would be able to get titles to their land. He thought it was policy so to arrange the matter as not to meet the united opposition of the Representatives of Missouri.

Mr. Chapman said he was willing to let the question of omission turn upon the maintenance of the Sullivan line. Our right was even further South; but settlements had been made with a view to that as our Southern Boundary. Our claim had been sustained by the unanimous opinion of the members of Congress, with the exception of the members from Missouri. They had said that the Sullivan line was the true line. How would they view it, should we surrender it—as we virtually should do if we said we would take the Northern line of Missouri. Mr. C. would vote against the Constitution, if Congress should fix us at the line claimed by Missouri.

Mr. Bailey said he was glad the proposition of Mr. Clarke had been made, as it elicited facts and opinions; but he tho't more weight was given to it than deserved. He could not see that it admitted the claim of Missouri to be

just; and he thought it could not be, that after the report of Mr. Lee, and after all that had been done on the subject, it could be thought that such a surrender was made. He doubted whether this matter would make any difference in Van Buren county. He had understood from good authority that if Iowa did not agitate the boundary question any more, Missouri would not.

Mr. Hall said that what had been said convinced him that we should not adopt the proposition of the gentleman from Des Moines. He would give it as his opinion, that we would never get admitted as a State, till the boundary question was settled. We should never sacrifice right to expediency. We should rely upon the justice of our cause. If Sullivan's line was ours, take it and adhere to it. Use no ambiguous terms, but say Sullivan's line at once.

Mr. Hawkins thought it would be unwise to adopt the amendment. Iowa was given jurisdiction to the Sullivan line, when organized as a Territory. We claimed there. If we gave it up in our Constitution, no member of Congress would get up and say nay. It would be concluded that we had abandoned it because we had got tired of the controversy. If we maintained our claim, and Missouri objected, Congress would settle the matter before it admitted us. It would be better to do so; it would prevent trouble hereafter.

Mr. Bailey stated that he had been informed that Missouri had already assessed to a considerable extent Davis county, and that much anxiety was felt to have the question of boundary settled.

Dr. Davidson said he was conversant with all the circumstances, and so sure as we came in with an open boundary, we would lose it. He said the land office in St. Louis, where the Missouri lands were sold, was careful never to transcend Sullivan's line. They knew better. At the time of the dispute arising, and when surveys were

going on in the disputed tract, the Surveyor General at Cincinnati ordered the surveys to be suspended till he could investigate the subject. When he had done so, he ordered the Surveyors to cross the Des Moines and complete the Surveys. He was for maintaining the Sullivan line, and would shoulder his gun to do so, as he had done once before.

The question was now taken upon Mr. Clarke's amendment, and it was lost.

Mr. R. P. Lowe, proposed to amend by striking out all after Calumet river, and insert, a line running directly from the mouth of the Calumet to the Mississippi, opposite the mouth of the Little Sac or Wahtap river (above St. Anthony's Falls). Which was agreed to.

Mr. Lowe, of Des Moines, moved to substitute for the words Little Sac, &c., the words "where the parallel of 45 degrees, 30 minutes, crosses said river," (Mississippi) which prevailed.

The President announced the following as the select committee upon the petition, asking that colored persons be permitted to vote:

Messrs. Hall, Hawkins, Lowe of Des Moines, Lowe of Muscatine, Langworthy, Hobson, Bailey, Thompson, Lucas, Grant, Shelleday, Chapman, Taylor.

Mr. Galbraith offered a resolution instructing the committee to inquire in the expediency of excluding from the State all persons of color, or admitting them under severe restrictions.

Mr. Lucas said this would be violating the Constitution of the United States. Missouri was nearly kept out of the Union by inserting such a provision in her Constitution.

Mr. Galbraith said it merely asked for the opinion of the Committee.

The resolution was agreed to, and the Convention adjourned.

Monday, Oct. 14, 1844.

Mr. Hoag appeared, presented his credentials and took his seat.

Mr. Hawkins, from the Committee on County Organization, read a report.

Mr. Fletcher gave notice that he would submit a minority report from the Judiciary Committee.

Mr. Randolph moved to reconsider the vote on Saturday, whereby the 20th degree of longitude on the Missouri was adopted as a point in the boundary of the State. Carried.

Mr. Campbell, of Washington, moved to insert in the Preamble of the Constitution, as reported by the Committee on Boundaries, the following words, "grateful to the Supreme Ruler of the Universe for the blessings hitherto enjoyed as a people, and acknowledging our dependence upon Him for the continuation of those blessings;" which was agreed to.

Mr. Langworthy moved that the above report be now referred to a select committee; which was agreed to.

The Convention now went into committee of the whole, for the consideration of the Bill of Rights.

Mr. Fletcher moved to strike out a portion of the 8th article, touching suits in Justices Courts; which was agreed to.

Mr. Hempstead moved to add to Art. 13, a provision forbidding a standing army in time of peace; which was agreed to.

Mr. Hall moved to amend the 15th Article, by adding the following words, "and no person shall be convicted of treason, when the act is clearly done in accordance with the will of a majority of the citizens of the State."

Mr. H. stated that he offered the above amendment to meet precisely such a case as he understood to exist in the case of Mr. Dorr, of Rhode Island.

Mr. Grant said he would vote as far as any man to sustain Mr. Dorr; but it would be time enough when we had such a Constitution as Rhode Island had, to make provisions as the gentleman proposed. Such a provision would give room for cavil in defending persons who might be accused. He was opposed to the amendment.

Mr. Hall said he would not be willing to leave the Article as it stood. It read treason should consist in "levying war against the State," giving "aid and comfort" to its enemies &c. It was not possible for us to say what circumstances might arise. Suppose a citizen should have to give aid and comfort to the enemies of the State; that person would be subjected to all the penalties of treason. Suppose a majority should levy war against some of the institutions of the State; persons would be tried and convicted. Such a case now existed in Rhode Island, and a person was in prison, suffering punishment. He should talk this matter out on a proper occasion.

Mr. Peck suggested that such a provision as Mr. Hall proposed would be unnecessary in our Constitution, as it would contain a provision for its own amendment, which the Rhode Island Constitution did not.

Mr. Fletcher inquired if in any case of trial for treason, the proposed provision could not be plead, and what means could be adopted to arrive at facts.

Mr. Hall said, we should reason within the line of probability. No person would be convicted for asking that the Constitution be amended. The argument had no force. A case might arise where a man who acted, not in accordance with law, but in accordance with the will of the majority, might be swung up. The gentleman from Muscatine, (Mr. Fletcher) wanted to know how this would be ascertained. It would be ascertained by a jury; and if they found he acted in accordance with the will of a majority, they would be bound to acquit him, although he had not

acted in accordance with the laws of the State, or the decisions of the Judicial tribunals.

Mr. Lowe, of Muscatine, regretted that Mr. Hall's amendment had been offered. It was very inexpedient and unwise to lug in what had no connection with the duties of the Convention, to create discussion. The gentleman (Mr. Hall) said, "talk it out"—and that seemed to be his course, to lug in things that have nothing to do here, and tell us to "talk it out;" and Mr. L. was afraid he would prove troublesome to the Convention before it was over, with his disposition to "talk it out." He had not answered the question of Mr. Fletcher. It would be impossible to ascertain whether the accused was guilty or not. Would have to summon every citizen of the State into Court, not to testify to facts, but to tell his opinion. If it was not done so, a vote would have to be taken, and proceedings suspended for it. He never knew anything so preposterous to come from a legal gentleman. His would be no trial by a jury and Court, but by all the people. The proposition was an attempt to stamp a partizen dogma upon the Constitution. He was pledged to oppose any such attempts. Mr. Dorr, of his own mere motion, had passed over the State, beating up for volunteers to revolutionize the government. He had been tried and convicted, and rightfully convicted. It was a truly novel proceeding, that the gentleman was proposing here, for trying future Dorrs.

Mr. Hall said the gentleman from Muscatine (Mr. Lowe) said Dorr was justly convicted. He took issue with him there; he locked horns with the gentleman. He wished to prohibit in the State of Iowa any such convictions. The principle was odious, and the time would come when it would be universally thought so. It was unworthy of freemen, and only worthy of the Autocrat of Russia.

Mr. Lowe, of Muscatine, said that no citizen in the future State of Iowa would ever be placed in the same situation

as were the citizens of Rhode Island. The Charter of that State contained no provision for its own amendment. That fact was what was made the color of justification for the revolutionary attempt in that State. If the right proposed was granted, might as well have no Constitution. The majority might sanction a violation of it whenever they chose. A Constitution was intended to be binding upon a majority as well as a minority. The gentleman's amendment would make it of no binding force upon the majority. If this was to prevail, a Constitution would be a rope of sand that any mad-man might break; it would not be worth a straw, and we had better go home.

Mr. Chapman opposed the proposition of Mr. Hall, on account of its tendency to sanction violence and force.

Mr. Fletcher said he was pledged to have engrafted on the Constitution true Democratic Jeffersonian principles; but he did not believe the principles of the gentleman from Henry accorded with that. They were false principles. Mr. F. wished to do everything in order, and according to law.

Mr. Bailey opposed the amendment. The Convention had nothing to do with Dorr.

Mr. Lucas was opposed to the proposition. It was uncalled for, and there was no reasonable way of ascertaining the will of the majority. He was of opinion however, that the Rhode Island case was sanctioned by precedent.

At this juncture Mr. Hall withdrew his proposition—stating that he should offer it again in the Convention.

Mr. Davidson moved an addition to the 20th Article, (which forbids "laws impairing the obligation of contract,") in order to make it more comprehensible to the common people. The meaning would be the same, but they could understand it better.

Mr. Grant thought it better to let it be as it was, as decisions had been had upon these words, and their legal char-

acter was ascertained. They forbid every kind of Legislative interference with contracts.

Mr. Davidson withdrew his amendment, but immediately after Mr. Hempstead and Mr. Galbraith each proposed amendments of similar character; but they failed to take effect on the Convention.

Mr. Taylor proposed the following, as an additional Article: "Neither Slavery or involuntary servitude unless for the punishment of crimes, shall ever be tolerated in this State;" which was agreed to.

Mr. Blankenship proposed an additional section prohibiting the laying of a poll-tax; but before the question was taken, the committee rose and reported the Bill to the Convention, and the Convention adjourned.

Afternoon Session.

The Convention resumed the consideration of the Bill of Rights, as reported from the Committee of the whole.

Mr. Lowe, of Muscatine, moved to amend the 4th article, by striking out all after the words "public trust;" (including the amendment of Mr. Galbraith,) and inserting "and no person shall be denied the enjoyment of any civil right, merely on account of his religious opinions. There shall be no establishment of one religious sect, in preference to another."

Mr. Lowe stated as the reason of proposing the amendment, that he desired to have witnesses left by the Constitution on the same footing as they now were by law. The courts excluded all persons who disbelieved in a Supreme Being, because there was nothing that such a person could swear by. An oath called upon the Deity to witness the truth of what was said, and to withdraw his favor from the person if it was untrue. Atheists consequently could not take an oath. If admitted they would have to be placed

on a different footing from all others, and permitted to testify without being sworn. Loose persons, interested for a friend, and who did not care much to tell a lie, when not under oath, might come into court as witnesses, and call themselves Atheists, and be permittted to tell what they were a mind to without being sworn. They could not even be sworn as to being Atheists. This would be unsafe. Atheists themselves could not complain at being excluded, because it was no particular right which they possessed to testify. The same provision, said Mr. L., as the one he proposed, had just been adopted in the new Constitution of N. Jersey.

Mr. Galbraith inquired if, at present all who did not believe in a future state of rewards and punishments were not excluded from giving testimony.

Mr. Lowe replied that only Atheists were excluded.

Mr. Hempstead thought the gentleman from Muscatine was mistaken. The common law was that no person should be admitted to testify who did not believe in a future state of rewards and punishments. In a case in Connecticut, a person who was a Universalist was excluded, and the Supreme Court of the State supported the decision; and in Starkie it was laid down as the law. Let us do away, said Mr. H., with this inquiring into a man's religious opinions. He desired to keep it out of the Constitution. It was the fear of the penalties of perjury that restrained men from stating what was not true—not future punishment.

Mr. Hepner thought that no Judge but a henpecked one would inquire into a man's religious belief. The gentleman from Muscatine was behind the age. The provision in the Bill of Rights was correct as it stood.

Mr. Cook was in favor of the amendment of the gentleman from Muscatine. He said the regulation of this matter belonged to the Legislature, and he desired to leave it

there. In New York, Universalists were admitted to testify. A decision had been had directly on that point, and that was declared to be the law.—Where a person believed in no responsibility to a Supreme Being, it would be an idle mockery to swear him.

Mr. Quinton opposed the amendment of Mr. Lowe.

Mr. Kirkpatrick opposed the amendment. He thought it religious legislation, and an infringement of the natural rights of man. If a man was an Atheist, he could say, when called upon to testify, "I have been converted—I believe in a God now;" and in that way the matter would be got around.

Mr. Hawkins supported Mr. Lowe's amendment, and cited the Constitutions of Kentucky and Tennessee as instances of the exclusion of persons disbelieving in a God. He said much was said about natural rights; but it was no natural right to testify. Those who claimed to admit Atheists started out with the principle that there was to be no distinction; but they straightly made a distinction, by swearing A, who believed in a God, to tell the truth, and admitting B, who denied a God, without any kind of qualification.

Mr. Grant said that to think upon the subject of religion as he chose had been declared one of the natural rights of man. The Pilgrims brought that doctrine over with them. Without that right, society would not be worth much; but men were always disposed to deprive each other of it. The right asked for had been excluded to the civil offices of the land, but ask gentlemen to go a step further, and they say no. Atheists might hold any kind of offices, be Executive or Supreme Judge, but must not be witnesses. It was the business of the Convention to correct this glaring inconsistency which existed in other Constitutions. Mr. Grant cited the opinion of Chief Justice Spencer of N. Y., and other instances, to the effect that persons destitute of

belief in a Supreme Being and future rewards and punishments were not competent witnesses, also, counter instances, of decisions to admit, and against inquiring into religious belief. Mr. G. said he hoped this Convention would take high ground upon this subject and silence all these disputes of lawyers and doubts of judges—these inquiries into men's belief, and exclusions for opinion's sake.

After some further remarks by other gentlemen, the question was taken on Mr. Lowe's amendment, and it was lost—yeas 10, nays 60.

Mr. Salmon proposed as an additional article to the Bill of Rights, that "Foreigners who are residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native citizens of the United States;" which was unanimously agreed to.

Mr. Hall moved to amend the 6th Article, by striking out the words "and was published with good motives, and for justifiable ends," which occurred between the words "is true," and "the party shall be acquitted;" so that in trials for libel, proving the truth of what was spoken or written would operate as an acquittal.

Mr. Peck thought the propriety of this change was rather questionable. Persons might have committed offences and have been punished therefor, but reformed, become heads of families, and respectable; when reviving the circumstances of their offence would be deserving of punishment.

Mr. Hall said if such a case should occur, it would be the person's misfortune, and one of the consequences of crime.

The question being taken, Mr. Hall's amendment prevailed—yeas 39, nays 29.

Mr. Galbraith moved to amend the 20th Article by adding at the end, that the Legislature should never pass any stay law, or law changing the remedy upon contracts existing at the time they were entered into;—which was lost.

Mr. Ross, of Washington, moved to add to the Bill the following provisions: No person to be transported out of the State for crimes committed in the State—No title of nobility to be granted—No prohibition to be made of free emigration to and from the State;—which were severally lost.

Mr. Blankenship proposed an additional Article, as follows: Whereas a tax by the poll is grievous and oppressive, &c. therefore no such tax shall ever be laid in the State of Iowa; but all taxing shall be by actual valuation.

Mr. Chapman thought the subject of a poll tax should be left to the Legislature. He was not favorable to a poll tax, but it might be proper to lay one at sometime.

Mr. Hempstead did not believe a poll tax to be grievous. Every person who lived in a Government was bound to support it. He was protected by it, and participated in its benefits, and should share in its burthens.

Mr. Lucas thought it was grievous to compel a man who had no property to pay a tax. Persons were required to work the roads and perform military duty, which services were equivalent to all the benefits received. No principle of taxation was so equitable as a tax upon property.

The question was now taken upon the proposition of Mr. Blankenship, and it was lost—Yeas 27, nays 39.

The Convention adjourned.

Tuesday, Oct. 15, 1844.

Mr. Gehon, from the Committee on the Militia System; and Mr. Quinton, from the Committee on Amendments, made reports.

Mr. Hall, from the select Committee on the subject of persons of color being permitted to exercise the rights of citizenship, made a report adverse to such permission.

Mr. Hawkins moved that the Convention concur in the report; when

Mr. Chapman moved that the report lie on the table and be printed; which was agreed to.

The Convention resumed the consideration of the report of the Committee on the Bill of Rights.

Mr. Hall, renewed with some alterations the motion which he had brought forward in Committee of the Whole, and afterwards withdrawn. He proposed it to be added to the end of the 15th Article, in the following words:

"And no person shall be convicted of treason when the act committed and charged as treason has been done in accordance with the people expressed by a vote prior to the commission of the act."

The question was taken without discussion, by yeas and nays, and resulted as follows:

Yeas—Messrs. Bailey, Charleton, Cutler, Evans, Ferguson, Galbraith, Gehon, Hall, Hale, Langworthy, Olmstead, Quinton, Whitmore and the President—14.

Nays—Messrs. Benedict, Bissell, Blankenship, Brown, Brookbank, Butler, Campbell of Scott, Campbell of Washington, Chapman, Cook, Crawford, Davidson, Delashmutt, Durham, Fletcher, Galland, Gower, Grant, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooten, Kerr, Kirkpatrick, Lowe of Des Moines, Lowe of Muscatine, Lucas, Marsh, Morden, McAtee, McCrory, McKean, Murray, O'Brien, Peck, Price, Randolph, Ripley, Ross of Jefferson, Ross of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Williams, Wright Wyckoff—54.

So the amendment was defeated.

The Bill of Rights was then ordered to a third reading.

The Convention then took up Mr. Cutler's resolution, that the will of the majority should rule in the State of Iowa.

Mr. Hepner desired to know what was the object of the mover of the resolution.

Mr. Cutler said it was that no officer should be elected unless a majority of the citizens voted for him. His constituents wished that such a rule should be adopted.

The question was taken on the resolution, and it was lost; yeas 27, nays 41.

The Convention took up the report of the Committee on Suffrage and Citizenship.

Mr. Gehon moved to amend the report in respect to the mode of voting, so that all elections should be held *viva voce*; which, after some litttle discussion, was put to the Convention, and disagreed to; yeas 24, nays 44.

Mr. Galbraith then moved to strike out the 16th section of the report, which declares that "all elections shall be by ballot."

The Convention refused to strike out the section; yeas 20, nays 49.

Mr. O'Brien moved to add to the 1st section, the following:

"That all foreigners who have resided in the State for three years, and who have declared their intentions to become citizens of the United States, shall be permitted to vote for Representatives and County officers."

Mr. Chapman wanted some explanation concerning the above amendment.

Mr. Peck said it should be borne in mind that this amendment would have the effect to make persons who were not citizens of the United States, electors of President and Vice President. The Constitution declared that persons who were electors of the most numerous branch of the State Legislatures, should vote for President and Vice President. This amendment would be inconsistent with the Constitution, insomuch as the persons proposed to be provided for were not citizens of the United States.

Mr. O'Brien said he did not intend the provision to extend any further than voting for State Representatives and County officers. In the county that he represented, persons not naturalized had been subjected to the payment of a poll tax, and upon that ground the right had been asked for.

Mr. Kirkpatrick thought it would be admitting persons to privileges of citizenship, who had never renounced their allegiance to a foreign power.

Mr. Langworthy said, when a person declared his intentions he renounced his allegiance to any other power.

Mr. Chapman said the gentleman from Dubuque was incorrect: A person declaring his intentions made no renunciation of allegiance to another country, nor did he take an oath of allegiance to this.

Mr. O'Brien thought the objections offered to his amendment were trifling. The State of Illinois admitted foreigners to vote after six months residence. He thought one oath was as good as two.

Mr. Lucas stated that the words used in the Constitution of Illinois, were "white male inhabitants," and the same words were used in the Constitutions of Ohio and Indiana; but different constructions had been placed upon them. In Illinois unnaturalized persons were admitted. It was a question of expediency, whether unnaturalized persons were to be admitted to vote.

Mr. Davidson was opposed to the proposition of Mr. O'Brien. The question was whether we would allow anything different from what the Constitution of the U. States allowed. He was disposed to be liberal; but it was well to be governed by the Constitution in transacting the business of the Convention. We had no right to adopt any such provision till the laws of the General Government had been altered. He thought that persons who came among us

ought to be content with the rights and privileges that they received by law.

Mr. Gehon thought it was the privilege of the State to admit such persons to vote as she might choose, for officers and members of Congress.

Mr. Hawkins differed with gentlemen in reference to the oath. First, a declaration was made of intention to renounce allegiance to any other government, and become a citizen of this. In the second instance, they swear that they do renounce their foreign allegiance, and that they will support the Constitution of the United States.

Mr. Durham said he should have to vote against the proposition of Mr. O'Brien on account of its conflict with the regulations of the General Government.

Mr. Hall said the same principle operated here, as in the proposed case of the admission of Negroes; whether injury would be produced to the citizens of the State. He thought it would be no injury to admit foreigners as was proposed. He was in favor of extending the principles of liberty wherever possible.

Mr. Fletcher said he should be obliged to vote against the proposition, on account of its conflict with the naturalization laws.

Mr. Peck would be compelled to vote against the proposition. He could not vote upon the merits of the question, as it stood. The Constitution and laws of the United States superseded the right of the States to make laws upon this subject.

The question was now taken by yeas and nays, upon Mr. O'Brien's proposition, and it was lost. The vote was as follows:

Yeas—Messrs. Bailey, Benedict, Bissell, Brown, Butler, Crawford, Cutler, Evans, Galbraith, Gehon, Gower, Hall, Hale, Hempstead, Langworthy, McAtee, Obrien, Olmstead, Price, Quinton, Ripley, Ross of Jefferson, Salmon, Staley,

Taylor, Whitmore, Wright, Wyckoff, and the President —29.

Nays—Messrs. Blankenship, Brookbank, Campbell of Scott, Campbell of Washington, Chapman, Clarke, Cook, Davidson, Delashmutt, Durham, Fletcher, Ferguson, Galland, Grant, Harrison, Hawkins, Hepner, Hobson, Hooten, Kerr, Kirkpatrick, Lowe of Des Moines, Lowe of Muscatine, Lucas, Marsh, Morden, McCrory, McKean, Murray, Peck, Randolph, Robinson, Ross of Washington, Sells, Shelleday, Strong, Thompson, Toole, Williams—39.

Mr. Cutler proposed to reduce the time of residence before being allowed to vote, to three months; but the Convention would not agree to it.

Mr. Wyckoff proposed that foreigners who had resided two years in the State, and declared their intentions, should be permitted to vote for county and township officers; but it was not agreed to.

The report was then ordered to be engrossed and read a third time.

IMPROVEMENT AND DEBTS.

The Convention took up the reports—one from the Committee on Internal Improvements, the other from the Committee on State Debts and Liabilities.

Mr. Hepner moved that the first report be laid on the table; which was agreed to.

Mr. Campbell, of Scott, moved to amend the second report, by striking out all that occurs beween the word "singly," at the commencement, to the words "effect until at," &c. towards the close of the report; and insert "not necessary to defray the expenses of the government, unless the Legislature shall have authorized and the Governor approved the same, for some single object, and the same not to go into."

Mr. Chapman desired to know the object of giving the Governor the power proposed in the amendment. It was equal to the Legislature and the people both, in fact. If the Legislature proposed a plan, he might destroy at once what the Legislature had done, and the people themselves could do no more.

Mr. Peck was opposed to the change proposed by the gentleman from Scott. It would give the Legislature the right to create debts, and borrow to pay it, and to borrow money to pay the interest on what they had borrowed.

Mr. Quinton said he should vote against the proposition. He was pledged against allowing any such opportunity to create indebtedness. The Legislature might authorize any amount, if the people would vote for it.

Mr. Chapman said he came pledged to vote against letting the Legislature create indebtedness, without the people sanctioned it. That was the true Democratic principle. Gentlemen had introduced propositions for taking the will of the people in cases in which he could not go for it. But he was not afraid to trust the people with the question of indebtedness. They had seen enough of the proceedings in other States, not to involve themselves in unreasonable liabilities. It was a wise provision to let the people decide upon questions of this character.

Mr. Lucas said that was an important provision of the bill that required the Legislature to provide ways and means for the payment of any liabilities that might be created. It would let the people see how the debt was to be paid. He was opposed to making the term of a debt 35 years, as provided in the report of the Committee. It was more than a generation—and he was opposed to creating a debt for posterity to pay. Nineteen years was about the lifetime of a majority. The existence of a debt should be limited to 20 years.

Mr. Quinton, like the gentleman from Wapello, (Mr.

Chapman) had great confidence in the people. The people were right—but political gamblers and speculators would get up schemes that would dazzle and deceive them into running in debt.

Mr. Hall said when he first saw in the report of the Committee the proposition to submit questions to the people, he thought it a splendid spectacle—to let the voice of the people decide. It excited his imagination—the idea seemed magnificent. But when he reflected upon it he became opposed to the policy. He had confidence in the people—but it was a step that struck at the representative form of our government. It was taking from the Legislature what had been its right, and its province. If this policy was not stopped, the day would come when the Legislature would only assemble to offer projects to the people. Dare those who pointed to Illinois, Ohio, &c., as instances of the embarassments brought on by the Legislature, say that the laws passed did not receive the approbation of the people? Like persons alarmed, we were fleeing, not from danger, but into it. He asked gentlemen to consider this. He took the position before the people that the Legistature should not create a debt without providing means to pay it. He was one that believed not quite so much in the first thought of the people, as in their sober *second* thought. If the Legislature passed a law that made taxes oppressive, the people would not elect them or any others to do the same thing again. That was the proper remedy. He would not throw this matter into the field of speculation and excitement, where gamblers and designing men might have the opportunity of deceiving the people to their ruin. Mr. H. said Ohio had spent as much for interest, as if the completion of her improvements had been postponed 14 years, would have given her the improvements without a cent of debt.

After a few more remarks from Mr. Lucas upon the subject, the Convention adjourned.

AFTERNOON SESSION.

The question was taken upon the proposition of Mr. Campbell, to amend the report of the committee on the State liabilities, and it was decided in the negative; whereupon,

The report was ordered to its third reading.

EXECUTIVE DEPARTMENT.

The Convention next took up the report of the Committee on the Executive Department, on its second reading.

Mr. Chapman moved to amend the 1st section, by striking out the provision for a Lieut. Governor, which motion he enforced upon the principle of economy, and the non-necessity of the Office.

The Convention refused to strike it out.

Mr. Taylor moved that the term of the Governor be 2 years, instead of 4, as provided by the report.

The motion was lost; yeas 24, nays 34.

Mr. Peck moved to strike out the 5th section, which restricted the Governor and Lieut. Governor, from holding office two terms in succession; which was agreed to.

Mr. Hempstead moved to amend the 23d. section, so that the Secretary of State should be elected by the people, instead of by joint ballot of the Legislature.

Mr. Hepner said the Secretary of State was certainly an Executive officer, and as such, ought to be appointed by the Governor and confirmed by the Senate, instead of being elected either by the people, or by the Legislature on joint ballot.

Mr. Hempstead stated that his object was to have all officers possible elected by the people, and he conceived that they should elect the Secretary of State, as well as the Governor.

Mr. Lucas said the Secretary of State was strictly speaking an Executive officer; he acted as private Secretary of the Governor, and performed many of the duties of his office, in his absence. He had charge of the seal of State, &c. He was also intimately connected with the Legislature, took charge of and preserved the public acts, &c., &c.; and under these circumstances, he thought joint ballot of the Legislature the most proper method of electing him.

Mr. Hooten instanced Mississippi, which he said had the most Democratic Constitution in the Union, for an example of electing Secretary of State by the people.

The question on Mr. Hempstead's motion was taken by yeas and nays and carried; yeas 58, [including Messrs. Hepner and Lucas,] nays 8.

Mr. Peck proposed making the Secretary of State, Superintendent of Public Instruction.

This proposition was earnestly opposed by Messrs. Hall, Bailey, Lucas, Chapman and Shelleday, in remarks upon the importance of a good and efficient School System to the State of Iowa, and the necessity of having the Superintendent of Instruction entirely unconnected with any other office, and at liberty to devote his whole time and energies to the subject.

Messrs. Peck and Hooten thought the Secretary of State could perform the duties satisfactorily, and referred to New York and Pennsylvania, as examples of similar arrangement.

The question being taken, Mr. Peck's proposition was defeated; yeas 11, nays 55.

Mr. Langworthy now moved to strike out the word "four," wherever it occurred in the bill, and insert "two," as the term for which the Governor should hold his office. Mr. L. did this, he said, to test whether any officer in the State of Iowa was to hold his office more than two years. It was not progression to keep our officers in without re-

election longer than the older States. He wanted the whole government to be changed once in two years.

The question was taken by yeas and nays, and decided in the affirmative, as follows:

Yeas—Messrs. Bailey, Benedict, Bissel, Blankenship, Brown, Butler, Campbell of Washington, Chapman, Crawford, Cutler, Davidson, Delashmutt, Durham, Fletcher, Ferguson, Galbraith, Gehon, Gower, Hall, Hawkins, Hempstead, Hobson, Kirkpatrick, Langworthy, Marsh, Morden, McAtee, Murray, O'Brien, Quinton, Randolph, Ripley, Ross of Jefferson, Ross of Washington, Staley, Strong, Taylor, Toole, Whitmore, Williams, Wright, Wyckoff,—42.

Nays—Campbell of Scott, Charleton, Clarke, Cook, Evans, Galland, Grant, Hale, Harrison, Hepner, Hooten, Kerr, Lowe of Des Moines, Lowe of Muscatine, Lucas, McCrory, McKean, Peck, Price, Robinson, Salmon, Sells, Shelleday, Thompson, and the President—25.

The report was then ordered to its engrossment and third reading; after which the Convention adjourned.

Wednesday, Oct. 16, 1844.

Mr. Fletcher, from the minority of the Judiciary Committee, made a report, providing for electing Judges by the people.

The report on Education and School Lands was recommitted to the committee that reported it, and Mr. Hall added as Chairman of the committee with a view to some changes in the report.

INTERNAL IMPROVEMENTS.

The report of the Committee on Internal Improvements, laid upon the table on yesterday, was called up and one or two slight amendments made to it.

Mr. Hall said he wanted the yeas and nays on it, to have a test vote upon the opinion of members as to whether the State in any manner should borrow money, except to repel invasion. He was opposed to it. He would authorize no works for which means were not provided in advance.

Mr. R. P. Lowe was entirely opposed to the report, and to its adoption. It was anti-Democratic. It virtually said the people were not able to do their own business. Yesterday the gentleman from Henry (Mr. Hall) was the advocate of the people's governing themselves, and made the most liberal professions of confidence in their capacity. Mr. L. did not believe in this blowing hot one day and cold the next. It should be left to the people to say whether they will borrow money to carry out any particular improvement. It was not just to require those who might be in the State at any particular time, to pay the whole cost of a great improvement. The work would last for all time to come. The future population would reap the benefit, and it was no more than just that they should bear a portion of the expense.

Mr. Langworthy thought it would not be safe to take Democracy from the gentleman from Muscatine (Mr. Lowe). This system of borrowing to make improvement would breed speculation and log rolling. Mississippi borrowed millions by the vote of the people, and now she was so oppressed by the burthen of it, that repudiation seemed the only remedy. Railroads would be projected in every direction, and the people would sustain the plan, because every man would think he was to have a road at his own door. The vote would be a test one. A gentleman who voted for the other report, would move to reconsider the report.

The Previous Question was called for, but the Convention refused to sustain the call.

Mr. Hepner said that the gentleman who urged this report, presumed a great deal upon the ignorance of the

Convention. The Convention yesterday had voted to lay it on the table and adopt the report on State Debts in its stead. If it was desired to get at the matter again, the proper course was to offer this report as a substitute for the other. The principle was voted upon yesterday.

Mr. Hall spoke of the matter having been passed over too hastily; said the Chairman of the committee that made the other report had called the Previous Question. There were rights of the minority, and it was Democratic to pay some respect to them.

Mr. Cook was glad the gentleman from Henry, (Mr. Hall) had taken the course he had, and that the yeas and nays were called. In forming the Constitution, the people yielded up certain rights in order the better to secure others. It was now proposed to call upon them to yield up the right to create a debt. The rights that they could properly be called to yield up were only such as were strictly necessary to carry on the Government. If the surrender of the right to create a debt was not necessary to carrying on the Government, then they should not be called upon to surrender it. For his part, he thought the people could safely be trusted with that right. It was altogether a question of policy, whether improvements, or any particular improvement, should or should not be made.

After some further propositions for amendment, &c., the whole subject was laid on the table.

RESOLUTIONS.

Mr. Chapman offered a resolution for printing 700 copies of the report upon admitting colored persons to citizenship; also a resolution instructing the committee on Education and School Lands to inquire into the expediency of securing inviolate to the School Fund the 500,000 acres of land granted to new States.

The first was laid over, the last adopted. We will here say, however, that on the next day, (Thursday) the Convention refused its sanction to the first resolution.

COUNTY ORGANIZATION.

The Convention next took up the report of the Committee on County Organization, and consumed the remainder of the day in its consideration. As the proceedings were by no means important or interesting, we forego a detail of them. The Convention adjourned without disposing of the report, and on Thursday morning it was referred to a select committee of nine.

THURSDAY, OCT. 17, 1844.

The Convention went into Committee of the Whole, for the consideration of the report of the committee on the Legislative Department.

The report fixed the 1st Monday in January for the meeting of the Legislature (with a view, we believe, of avoiding the expense of adjournments for the holidays).

Mr. Shelleday proposed to amend by inserting 1st Monday in December.

After considerable debate, the Convention refused to make the change.

GENERAL ELECTION.

Mr. Lucas proposed filling a blank in the 3d section with the first Monday in October as the day of the General Election. Mr. L. said the 1st Monday in August was the time of harvest, and was very inconvenient. October was a time of comparative leisure.

Mr. Bailey opposed October on account of its being a time of sickness. In Van Buren county, last year, when the election was in October, 300 less votes were polled than the year before in August. Besides October was seeding time, &c.

Mr. Quinton opposed October for the same reasons as Mr. Bailey, and stated similar facts with reference to the diminution of the vote in Keokuk county. He was a farmer and knew that October was a busy time.

After considerable additional debate, the 1st Monday in October was agreed to as the time of holding the Election.

REPRESENTATIVES AND SENATORS.

Mr. Langworthy proposed to amend the 4th section, which provided for two years' residence, in order to qualify a person to be a member of the House of Representatives, and insert instead, that he should be a qualified elector.

Mr. Lowe, of Muscatine, said a person then might get elected who had not been long enough in the country to become acquainted with the Statutes.

Mr. Langworthy said he wanted to test whether the Convention had so much confidence in the capacity of the people to govern themselves. He thought them capable of deciding with reference to their Representatives.

Mr. Quinton said he agreed with the gentleman from Muscatine. Some restriction was necessary. A man who had not been in the country six months gave him a pretty close tussel for a seat in the Convention.

Mr. Harrison opposed the proposition to amend.

Mr. Bailey supported it.

Mr. Hall supported the amendment. When John Randolph was questioned in Congress upon the subject of his age, he replied "Ask my constituents." Mr. H. thought the people would send persons who were qualified to represent them. Placing such a limitation in the Constitution might take from them their first choice. They might desire to send a person who had not been in the country two years.

Mr. Grant said when he heard persons making such large professions of love for the people, he was reminded of a certain individual, in Gil Blas, who got rich by giving alms. If he put the same construction as the gentleman, on the capacity of the people to govern themselves, he would say, not make a Constitution at all. It would be an imputation that the majority of the people could not determine any matter correctly. He would not say that a Representative should be a voter at all, or 21 years of age; but let the people send a Negro if they chose, or a certain animal with long ears. It was true that some 30 years ago John Randolph did say [here Mr. G. introduced a very respectable imitation of the tone of that celebrated individual's voice,] "Ask my constituents;" but that was no argument against a restriction. We came here to make rules and restrictions, for the purpose of the better guarding the public rights.

Mr. Hall said that a person who had a right to vote, should have a right to hold office. Such persons instructed, and their voice was given by the Representative, if he believed in the right of instruction. But yet that person was not entitled to give the voice himself. There was something inconsistent in this.

Mr. Hooten thought the restriction not so very anti-Democratic. Such a restriction was needed to prevent certain kinds of political management.

Mr. Lucas opposed the amendment.

Mr. Hempstead now proposed one year as the limitation; which was carried, defeating Mr. Langworthy's proposition.

Mr. Langworthy proposed that Senators hold office for 2 years, instead of 4, as proposed in the report.

Mr. Lucas said that would destroy the object of that branch of the Legislature, which was that there should always be some who had the experience of former sessions.

Mr. Langworthy said he wished to strike at that principle. This was an age of progression. If half held over, it would take the majority twice as long to get their measures carried.

The question being taken, the Committee refused to make the alteration.

THE VETO.

The 17th section of the report having been read, which provided that a majority, by yeas and nays, should have the power to pass a bill objected to by the Governor,

Mr. Peck proposed to amend, so that two-thirds of the members present, should be necessary to the passage of such bills.

Mr. Hall moved to strike the 17th section from the report. He said he was opposed to the Governor having the veto power at all.

On motion of Mr. Grant, the Committee rose, and the Convention adjourned.

Afternoon Session.

The Convention returned into Committee of the whole, and the first thing in order, being the proposition of Mr. Peck, to amend the 17th section; the question was taken, and the amendment agreed to.

Mr. Hall now renewed his motion to strike out the section.

Mr. H. said in making this Constitution he wished to throw off the tramels of fashion and precedent. He had so pledged himself to his constituents. This veto power was a tramel, and an unnecessary restraint on the freedom of legislation. The law of progress required that it should

be abolished. The section, as amended, said that the Governor might restrain a bill from becoming a law, unless voted for by two-thirds of the Legislature. This was a strong power, and the question was whether it was needed in the State of Iowa. Wherever the veto power had been used, it was for the benefit of partizans; yes, he asserted it, it had been used exclusively for the benefit of partizans. In States where the veto power has not existed, they have got along well; where it has existed, it has been a sort of Pandora's box, letting loose violence, excitement and collision. It was claimed to be needed to restrain violations of the Constitution; the Supreme Court could do that. In New York and in Pennsylvania the veto power had been abused, and carried to great excess. It had there fallen in disrepute, and was sinking.

Mr. Clarke, [interrupting Mr. Hall,] said it was the same in the new Constitution of Pennsylvania, as in the old.

Mr. Hooten said it had done great good there. Gov. Snyder vetoed 40 Banks at one time.

Mr. Hall. Yes, and that very act of excessive application, struck the power breathless and lifeless; and it was not till 1837 or '38, that it was revived by Gov. Porter, and his vetoes had been complained of by all parties. There were one hundred Banks in Pennsylvania at this time, notwithstanding the veto power. This was called a conservative power; it was not conservative, but it was destructive and oppressive; and he prophesied that it would be done away with. The day was coming when it would be no longer exercised in this country. It was an arbitrary privilege given to one man to say that an act passed by a majority of the Representatives of the people should not go into effect. He was entirely opposed to it; and he challenged any man to give a good reason for retaining it.

Mr. Bailey thought the veto power was a valuable one; it was the people's power. He denied that it was an abso-

lute power of forbidding. If the Governor vetoed a law one year, and the Legislature passed the same law the next year, however tyrannical he might be, he would not have the nerve to veto it a second time. The vetoes of Gen. Jackson had been sustained by the people, and were productive of important good. John Tyler's vetoes even were approved. The Governor was more the representative of the people, than the Representatives themselves. The Representatives were chosen by sections, and represented local interests, and they might continue to pass bad laws. But the Governor had no local feelings. Yesterday the gentleman was in favor of leaving everything as it was, and was afraid the form of representative government would be subverted. To-day he loses his respect for precedent. Mr. B thought the people had more to fear from the Representatives, than from the Governor with the veto power. There was danger that the Representatives would absorb all power. They were stronger than the Executive. If the veto power had been exerted in Illinois, Ohio, &c, they would not have been so much in debt. He did not know whether those Constitutions contained that power. Mr. B. said, that when men deserted their principles, they did not carry their party with them. The country did not afford hardly more than one instance in which an individual deserting his principles, had carried any great numbers with him.

Mr. Peck said the veto was not positive power of forbidding, but a qualified negative, to prevent hasty and ill-advised legislation. The feeling had taken strong hold upon the people of this country that there was too much legislation. The veto was a conservative power, that did not absolutely forbid legislation, but suspended action, and referred a question to the people: perhaps for the first time: for them to consider it. It was a Democratic feature of any Constitution. He thought its exercise had been sustained by the people, and had been conservative of their best interests. The power might be objectionable if the Governor was elected for 20 years; but where it was only for 2 years, he thought there could be no reasonable objection.

Mr. Lucas said, the gentleman from Henry, (Mr. Hall) had thrown out a challenge for reasons, why the section should not be stricken out, and he accepted the challenge. We were engaged in making a Constitution to protect the rights of the people. The veto was one of the instruments that had been used to defend the people's rights. Where did we find any account of its being used? It was in the Republic of Rome? The Republic was divided into two classes: the patricians and the plebians. The Senate or Legislature belonged to the patrician order, and often passed laws that oppressed the people or the plebians. This caused the appointment of the Tribunes of the People, who had the power of vetoing, or forbidding the acts of the Senate. In organizing the Government of the United States, the question arose whether there should be an Executive. A committee was appointed, and after a full consideration, they created the Executive office, and conferred upon it the restraining power. The Executive was the only officer in the Government who was completely the representative of the people in their aggregate capacity. Gen. Washington vetoed bills, not for constitutional reasons, but for reasons of expediency. He vetoed a bill apportioning Representatives among the States, because it conferred a Representative upon fractions. The veto power had been exercised most salutarily. It might have been exercised imprudently at times, but that was not a good argument against the power. He wanted his friend over the way to be consistent—come right up to his principles and be consistent. The gentleman had said he wanted to separate the powers of government: but now he proposed

to make the Judiciary supervise the Legislature, and be the judges of law. He was not consistent there.

Mr. Hall said he had heard nothing from all the gentlemen who had spoken, to change his opinions. Two of the gentlemen had accused him of inconsistency.—That depended upon what kind of a yard-stick gentlemen measured conduct with. It was desired to introduce the veto power into the constitution of this State because it was a party favorite in general politics. The gentleman from Johnson accused him of inconsistency in reference to the Supreme Court deciding upon laws. The Court had been the decider of law always—it was the rightful judge of the constitutionality of laws. The Judiciary was sworn to decide, and do justice. If a Governor was to be as wise as Solomon and as pure as an angel, he would be willing for him to have the veto power, to decide against 50 or 100 men. But the Governor was fallible, like other men, and he would not set him up a petty monarch in our midst. The veto power was derived from Rome. There it was the defence of the people against the aristocracy. But here it was reversed, and the veto was exercised against the people, through their representatives, telling them that they should not pass the laws that they wanted, under the pretence that they were to exercise a sober second thought.

Gentlemen supposed that the Legislature might be corrupt—he would suppose on the other hand, that the Governor might be corrupt, and his supposition was as good as theirs. Some gentlemen were afraid of the tyranny of the representatives—he would suppose that the Governor would be the tyrant; or he would suppose that the Governor would combine with the Legislature, and they would all be corrupt and tyrannical together. A number of persons were not so liable to corruption and combination as a single individual;—just as members increased the probability of corruption decreased. The Legislature was safer to be trusted.

This discussion, Mr. H. said had turned on national considerations; and gentlemen were unwilling to forego the pleasure of calling themselves Democrats, by denying themselves the pleasure of inserting the veto power in the constitution of Iowa. Gentlemen should not let their political feelings carry them so far. There was no necessity of the veto power here. He called upon the Convention to test this question of necessity, and see whether any such power was needed in this State. The people had no particular feeling in favor of the veto power.—They had got the feeling as far as they possessed it, from the candidates themselves. They discussed it; the one party attacked it, and the other had to defend. There were as good Democrats in his county as ever crossed the Mississippi, and they never said veto to him once. It would be a blind adhesion to principles that had no business in this Convention, that would insert the veto power in this constitution. He repudiated such adhesions. He stood in this Convention free of allegiance to national parties. There was something due to a minority—a respectable minority—and where no overruling necessity existed, it was our duty to concede for harmony, and good feeling. There was no need of the power in this Territory. Then do not let us press it unnecessarily.

Mr. Hooten said, with all his eloquence, the gentleman from Henry had not introduced a single argument to convince him that the veto power was not a good one.—If it had been more largely exercised in Pennsylvania than it had been, they would have been much better off.

Mr. Bailey said the gentleman had said a great deal, but had produced no argument that affected his mind. He thought it not improbable that the gentleman opposed the veto because he came from a Whig county.

The question on striking out the 17th section was now put to the Committee, and decided in the negative.

On motion of Mr. Lucas, a provision giving extra compensation to the presiding officers of the two houses of the Legislature was stricken out.

On motion of Mr. Shelleday, 50 days was fixed upon as the period during which the Legislature should sit and receive the full compensation of $2 per day.

On motion of Mr. Harrison, the highest number to which the House of Representatives might be extended was reduced from 100, (as in the Report,) to 72.

On motion of Mr. McKean, the total white inhabitants, instead of the white male inhabitants above 21, (as in the Report,) was made the basis of representation.

The Committee now rose, and the Convention adjourned.

Friday, Oct. 18th, 1844.

Upon the motion of Mr. Grant, a committee of Revision was ordered, to collect, prepare and digest the various reports of a constitution, preparatory to their third reading. Messrs. Grant, Cook, Lowe of Des Moines, Lowe of Muscatine, Lucas, Hemstead & Bailey were appointed to that duty.

On motion of Mr. Langworthy, the Committee of the whole was discharged from the further consideration of the Report on the Legislative Department, and the amendments were considered by the Convention.

AMENDMENTS CONSIDERED.

Mr. Grant proposed the 3d Tuesday of October as the day of general election, instead of the first Monday, as fixed in Committee.

After considerable discussion, Mr. Grant's proposition

was agreed to; yeas 42, nays 24. The question upon agreeing to the amendments to the 17th section, in reference to the Veto power, was decided in the affirmative, by yeas and nays as follows:

Yeas—Messrs. Bailey, Benedict, Bissel, Bratton, Brown, Butler, Campbell of Scott, Charleton, Clark, Cutler, Davidson, Durham, Evans, Fletcher, Ferguson, Galbraith, Gehon, Gower, Grant, Hale, Harrison, Hempstead, Hepner, Hooten, Langworthy, Lowe of Des Moines, Lucas, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff, President—49.

Nays—Messrs. Blankenship, Brookbank, Chapman, Cook, Crawford, Delashmutt, Garland, Hall, Hawkins, Hobson, Kerr, Kirkpatrick, Lowe of Muscatine, McCrory, Randolph, Sells, Shelleday, Toole, Williams—19.

Propositions to amend the preceding section in respect to the exercise of the Veto power, were severally made by Messrs. Galbraith, Bissel and Cook, and all voted down by large majorities. [Want of space forbids our detailing the proceedings upon the several motions.]

Mr. Chapman proposed to insert in the Report, as a 29th section, the following:

"No county or counties shall be liable for the expense of laying out or establishing any road or roads authorized by special act of the Legislature."

After some debate, Mr. Hall proposed, in lieu of the above, the following:

"The Legislature shall provide by a general law, for a method by which State roads may be laid out and established, without the intervention of a special law for that purpose."

A very active discussion was kept up during the remainder of the morning, upon the relative merits of the above

propositions; during which, the evil effects of road legislation in past times were feelingly portrayed, and much confidence expressed by most of the speakers, that Mr. Chapman's proposition would prove a remedy. Pending the above discussion, the Convention adjourned.

Afternoon Session.

After some further debate, the question was taken on Mr. Hall's proposition, and it was not agreed to.

The question was then taken on the proposition of Mr. Chapman, and it was agreed to; yeas 42, nays 22.

Mr. Langworthy offered the following as an additional section to the bill:

"The Legislature shall, at as early a day as practicable, pass laws to prevent the settlement of blacks and mulattoes in this State."

The proposition was agreed to; yeas 32, nays 21.

Mr. Gower proposed as an additional section, a provision against gerrymandering, which was agreed to.

Mr. Hall offered an additional section, providing that in all elections by the Legislature, the vote should be viva voce; which was agreed to.

Several other propositions to amend were made; but they failed, and the report was ordered to its engrossment and third reading.

MILITIA.

The Convention took up the Report of the Committee on the Militia system.

Mr. Hepner proposed to amend the Report, so that the Legislature might exempt persons from military duty in time of peace, upon the payment of an equivalent; but his proposition was not agreed to.

Mr. Hall moved to amend, so that the Legislature should not exempt any person except on account of public services.

Mr. H. lived in a county where two thirds of the population were of a class that had been exempted, and he had seen the evil of it.

Mr. Hawkins opposed the proposition of Mr. Hall. In time of peace he would exempt persons having religious scruples against bearing arms; but in time of war he would put all upon an equal footing.

After further discussion, Mr. Hall withdrew his proposition and offered as a substitute, what appears as the second section of the Report, [see another column,] which was agreed to by the Convention, and the Report ordered to its engrossment and 3d reading. Adjourned.

Saturday, Oct. 19, 1844.

[Some proceedings were had by the Convention upon the Report of the Committee on Amendments to the Constitution, which we have laid over, in order to get in without division, the remainder of what was done, touching Banking incorporations.]

BANKS.

The Convention took up the Report of the majority of the Committee on Incorporations. [The majority of the Committee had went for a Bank and branches, with restrictions; the minority reported against any Banks whatever.] The first clause of the majority report having been read, which was in the following words: "One Bank may be established in this State with branches, not to exceed one for every six counties."

Mr. Hempstead moved that it be stricken out, and the report of the minority be inserted in lieu thereof, which was as follows: "No Bank or banking corporation of discount or circulation shall ever be established in this State."

Mr. Hempstead said he was opposed to all Banks, upon principle. He was elected by his constituents, to go against the measure proposed in the majority report.

It was easy to demonstrate, that no principle ever devised by mortal man was so successful to swindle the people. He alluded to Banks of circulation. Deposit Banks were of a different character. They did no harm. There were three kinds of Banks; Banks of deposit, Banks of discount, and Banks of circulation. To this last kind he objected. They were founded in wrong, and founded in error. They were established with an authorization to loan their credit. Why should they be authorized to do this? They were permitted to issue their promises to three times the amount paid in, in gold and silver. This issue was altogether fictitious. They did not loan their money—their gold and silver—but they loaned their paper, and they charged an interest of 5 or 6 per cent upon their paper, which was entirely worthless. If an individual charged usury, he was punished; but bankers loan their credit, and charge interest for two or three times more than they really possess, and the law protects it. This was because they were rich, and were able to acquire an influence. This was one of the evils of banking. Another evil was, it added to the mass of the circulating medium. All additions to the circulating medium depreciated its value, and added to the value of property. Under the influence of expansions, property acquired a fictitious value; speculations were entered into, men bought property that they were not able to buy, and extravagance was engendered. When this fictitious circulation was withdrawn, ruin and distress were inflicted upon community. When we looked over

the United States we saw this exemplified. I care not, said Mr. H., if you incorporate a Bank upon the plan of the minority report. You have no security that abuses will not take place. The section provided that the Bank should not go into operation until one half of the stock was paid in, in gold and silver. How was this fact to be ascertained? He had read of a circumstance which took place in Massachusetts, which illustrated this matter. A number of Banks were incorporated, and a certain amount was required to be paid in, in gold and silver. Commissioners were appointed to examine them—to see if the specie had been paid in, according to the charter. Well, the Banks not having the specie paid in, the necessary amount was borrowed, and placed in one of the banks—this first Bank was examined, and reported all right. In the mean time, before the Commissioners could visit another, the specie was removed from the first, and transported there; and so on till all had been examined, and reported correct. Human wisdom Mr. H. said, was not able to devise any plan to restrain these corporations; they work together, and work in secret. The majority report provided that stockholders should be individually liable for the debts of the Bank. In the State of Michigan, a seemingly thorough system had been provided; the stockholders pledged real property; but the Banks failed, and no property was to be found. Banks created no capital in the country, they only used what was created. Miners, farmers, and others, created; the Banks only traded and speculated upon what had been created. Another objection to Banks was, they drove the real money—the specie—from the country. Mr. H. could recollect the time, when in this Territory, change could hardly be obtained for a one dollar bill—one of those worthless rags that came from Michigan. He was opposed to imposing such injustice upon the people of this Territory. When there was a gold and silver circulation there were no

fluctuations; everything moved on smoothly and harmoniously. If that principle was established in the constitution of this State, it would raise it far above the constitutions of all other States. It would be carrying out the principles of the great Democratic party of this country. We ought, said Mr. H., to exclude these corporations altogether from the State—say they should have no existence here; and such, he hoped, would be the determination of the Convention.

Mr. Cook stated that he could not vote for excluding Banks of discount and circulation from the State; but he would prefer the minority report to the other, in its present shape. He hoped however, that the majority report might be so amended as to meet his views, and for that reason would vote against striking out, and inserting the report of the minority.

Mr. Shelleday explained similarly to Mr. Cook.

Mr. Bailey, individually, was not in favor of Banks, but he was willing the question should be submitted to the people, for them to decide whether Banks should be created; and he was in favor of allowing an opportunity to amend the majority report.

Mr. Quinton said the whole concern of Banks, from big A, down, were a set of swindling machines, and now was the time for the people of Iowa to give an eternal quietus to the whole concern. The celebrated Philip of Macedon had said that no castle was so strong, but with a mule's burthen of gold he could make a breach in it. Money was power. It was out of the reach of human wisdom, Mr. Q. said to prevent the swindling of Banks. If they were excluded, we would have a sound constitutional currency. He believed it was not only called for by the Democracy, but the opposite party. Now was a time to get rid of the evil. To use a phrase, he would "do it up in a rag, and tie it with a string."

Mr. Fletcher believed in the doctrine of instructions, and did he believe he was instructed by his constituents to vote in a particular way, he would do so. He said in the canvass that he was willing to submit the question of Banks to the people; but he did not pledge himself to anything. If he had any political ambition, he would damn himself by the vote he was about to give; but he had no political ambition. He should vote for the striking out, and inserting the minority report.

Mr. Hempstead would say to the gentleman from Van Buren, that in adopting the present provision, the matter would be submitted to the people. They would pass upon the Constitution, and this provision at the same time. The Whigs said they were not for local Banks; at least, many had told him so in his county. He desired a United States Bank, and no local institution.

Mr. Ripley said he should vote for the minority report. He believed Banks had always been a curse to the country. Mr. R. related the circumstances of the Banks of Virginia having closed their vaults in 1836, when the general suspension took place, which act he conceived manifested a selfish spirit. Difficulty also existed in ascertaining the condition of their affairs. He believed Banks to be unconstitutional, and oppressive upon the laboring classes of community. He agreed with his friend on his right, (Mr. Quinton) that they were swindling institutions. Not long since he had a $10 bill—he thought he had ten dollars. He took it to a Burlington merchant to get silver; but the merchant informed him that money was not exchanged for silver without a discount. He was obliged to lose perhaps 50 cents on the bill. He had not ten dollars when he thought he had. If restrictions were made so that Banks could not swindle the people, he would go for them with all his heart. But as was said by the gentleman from Dubuque, there was no getting at them.

Mr. Bailey said he was not afraid to meet this or any other question in the face; but he wanted the matter of submitting to the people acted upon; then he would be at liberty to act as he pleased. He was an anti-Bank man, but he knew many Democrats who were in favor of Banks under proper restrictions; and he wished to see if the report could not be put in a shape to make it acceptable.

The Convention adjourned.

Afternoon Session.

[Mr. Hall opened the afternoon session with a lengthy speech of which we have several pages of notes; but want of space forces us to confine our report to some of the heads of Mr. H's remarks.]

He said Banking was a spoiled child; it had been nursed and petted till it had become corrupt. It was not the nature that was corrupt, but the manner in which it was managed. He believed the banking system to be useless in this country. He objected to banking, because it conferred privileges upon one class that other classes did not enjoy. He would put it upon the same footing as everything else; let every man issue his notes, and sell them for money if he could. Paper money in that way would pass only where a note of hand would. He believed when we left men upon a perfect equality, we took away the sting of banking. It was the peculiar privileges that made all the trouble. He should vote for the proposition of the gentleman from Dubuque, (Mr. Hempstead) because he believed no banking privilege should be permitted in the State of Iowa. This excepted, of course, banks of discount and deposit—banks which issue no notes for circulation. He was opposed to the plan in the majority report, of passing a law and sending it to the people, and have them vote on it. It would produce excitement and difficulty. He would say that acts of incorporation should go no further, than to give to an association the right of succession, so that when one of the members died, the association should not dissolve. We should break down the whole system of special privileges, and do all this business by general laws. It was now being adopted in New York, a State that had more Bank capital than any other in the Union. Sir Robert Peel had brought forward a proposition to introduce a similar system into England, and it should be adopted everywhere.

[In response to something that fell from Mr. Hall, Mr. Hempstead here went into a statement of what most readers have already heard something about, namely, the alleged means by which petitioners were obtained in behalf of the Bank of Dubuque.]

Mr. Hooten said he should vote against the motion to insert the minority report. He was not in favor of banking, and he agreed with most that had been said concerning the evils of it. But the people of Des Moines, many of them, were favorable to the establishment of Banks. There was a degree of pledge, at least a general understanding, that the representatives of that county would not support a prohibition; and in fulfillment of that understanding, he should vote against the proposition.

Mr. Peck said[1] that when he was a candidate for election to the Convention, he was a good deal inquired of as to what would be his course upon the subject of banking; and

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[1] Iowa City, Oct. 24, 1844.

Sir—In the "Standard" of this date, I am represented as saying, "that when a candidate for the Convention, and being interrogated as to my views, and as to what my course would be in relation to banking, I had invariably stated that I was in favor of a general system, by which the Banks would be restrained, and the public secured," &c.

In this, I am misunderstood. I said that when inquired of on this subject, I had invariably replied that I was in favor of providing in the constitution, that no Bank or other trading corporation should ever be established

he invariably stated that he was in favor of a general system, by which the Banks could be restrained and the people made secure. Such a system he believed his constituents desired. He stated this by way of explanation, and in order to preserve his consistency, he would have to vote against the amendment.

Mr. Gehon said he was sorry to hear that some of his democratic friends had come here with their hands tied. He was in hopes that they were foot-loose, and would join with the free men of the North in putting their feet upon the neck of this common enemy of mankind. But if they were instructed, he supposed they would have to vote against their principles; and the result would be, that this Democratic Convention would pass a Whig Constitution—as good a Constitution as any Whig or banker would want. The Legislature could make Banks with as liberal charters as any set of bankers would desire—as liberal as the Miners' Bank of Dubuque.

Mr. Lucas deprecated this appeal to party, and protested against these insinuations about want of Democracy. This Convention, Mr. L. said, was elected to form a Constitution, and we were not sent here as partizans. This was a question of expediency. It was, whether, while all the neighboring States had Banks, we would forbid them, and so tie up the hands of those who were to succeed us. For his part, he desired this question to be left to the people. He was a Democrat, and was generally opposed to Banks; but

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by the Legislature, unless the stockholders should be liable for the issues of the Incorporation as partners, and that the Legislature, should have the power of repeal.

Supposing that you will be willing to correct whatever may be incorrectly reported, I have respectfully to request you to publish this note.

Respectfully,

Wm. Crum, Esq. O. S. X. Peck.

—Reprinted from The Iowa Standard, Vol. 4, No. 44, Oct. 31, 1844.

he wanted to leave the question of their creation to the Legislature and the people. This he thought was Democracy. He should vote against the amendment, because it would not leave the people to manage their own affairs. It would be tying up their hands and forbidding them to exercise their judgment. The gentleman from Henry, (Mr. Hall) had talked about special privileges; he desired that none should be granted. Why, the gentleman himself was a member of the profession that enjoyed special privileges. Mr. L. said he would not have said a word, had it not been insinuated that any one who voted against this amendment was no Democrat.

Mr. Hall was surprised to find himself differing with the gentleman from Johnson. He thought if he would look around upon the history of the country, he would perceive the necessity that existed for making this a party question. It would be a party question, and the votes of the Convention would show it. Would the gentleman say, that because Illinois had ruined herself with Banks, that we should? It was no reason for us to have Banks because other States did? When we looked upon the splendid ruin in the State of Illinois, we should learn a lesson, and avoid them. He was in hopes there would be no division in the vote upon this subject; but he was sorry to see that some who had long been distinguished in their support of Democracy were going to stop short. He regretted this. The Democracy owed it to themselves, to vote against this proposition to have State Banks. It was due to their high character.

Mr. Peck could not agree with the gentleman from Dubuque, (Mr. Gehon,) that the restrictions of the majority report were as bad as the old system of banking, and that the only thing for Democrats to do was, to support the minority report. Nor could he agree with his friend from Henry, that this was to be a test vote, that was to prove who in this Convention were Democrats. He thought he

would be as much mistaken, as when, the other day, he attempted to make a test vote on another question. If he thought gentlemen were to be whipped in, in this way, he was mistaken. Mr. P. was not entirely in favor of the majority report, but he should oppose the present motion, in order that that report might be amended.

Mr. Gehon said that if banking was not the rock on which the two parties split in this country, he was mistaken up to this age of his life. He thought all Democrats were opposed to Banks; and if gentlemen were instructed, and could not vote their private views on this subject, he wanted them to place it upon that ground. If this was not to prove who in this Convention were Democrats, he did not know what would, and the Convention would be likely to rise, and we should not know at all.

Mr. Peck made some explanation of his views of old-fashioned and new-fashioned banking, as applicable to Democratic principles.

Mr. Bailey renewed his declaration of opposition to tieing up the hands of the people on the subject of Banks. If they burned their fingers, they would have nobody to blame but themselves. He did not think any charter could be submitted to him in his primary capacity which he would approve, but he would not vote for excluding such propositions being submitted to others; nor was he disposed to bind up the will of posterity upon a subject of this kind.

Mr. Hempstead thought Messrs. Lucas and Bailey did not understand the matter correctly. There was no design to bind posterity. The Constitution was open to alteration; or the people might refuse to accept it. There was no disposition on his part to whip gentlemen into the traces. He thought posterity would thank us for the restriction.

Mr. Lucas said he thought he did understand the matter. The provision read: "No bank or banking corporation of discount or circulation shall ever be established in this

State." Here was a positive prohibition. The gentleman said the people might reject the Constitution,—but that was not meeting the subject properly. To reject the Constitution, or to amend it, were the alternatives presented. He believed the people were capable of managing this matter for themselves. That was the true Democratic doctrine, and there was to his mind no mystery about it.

Mr. Lowe of Muscatine, said he hoped he should be pardoned for making a very few suggestions upon the proposition before the Convention. He did not propose to consider now, as some other gentlemen had done, the policy of the banking system. He had risen for a different purpose. He was pleased to see some gentlemen rise from their seats and inform the Convention of the views of their constituents upon this subject; and although returned from Democratic counties, yet it would seem their constituents would view with disfavor the proposed prohibition. He would be glad if other gentlemen would give their experience, and tell us how their constituents felt in reference to this matter. In this way, the common sense of the people at large upon this subject might be collected; and the estimation in which they viewed the banking system. Should it be found, in the judgment of the people, to be a common evil, and generally so pronounced and reprobated, there would be some reason for a constitutional prohibition. But if on the other hand, half the people, or a large and respectable proportion of them, should regard the banking system, properly regulated, a benefit, we could not, legitimately, and ought not, in fairness, to interdict its institution. Let gentlemen, then, afford us what light they are in possession of, touching the public sentiment upon this subject. Mr. L. said he took it, that no personal right should be recognized and secured by the constitution to the citizen, that was not deemed fundamental, and which did not command the undivided assent of all. So no evil, or supposed

evil, should be inhibited, that was not as universally condemned. And had such a condemnation he inquired, been pronounced against Banks? Would any gentleman feel safe in the statement, that any considerable number over a majority, demanded this constitutional prohibition of Banks? He imagined not. But on the other hand, he felt well assured, that the people desired no such prohibition, and that with such a provision they would never ratify the constitution. In this, as in all other questions of expediency, the people should be left to think and judge for themselves. And would it be right, having the power, to deny them the enjoyment of this privilege?

But the gentleman from Henry, (Mr. Hall,) had been pleased to say to his political brethren, that this was an important party question, and that they must walk up to the *scratch* or be *marked.* Now, sir, said Mr. L., I have no apprehension that this warning which the gentleman has administered to his political friends here, will frighten them from their propriety, for they have not forgotten the fact, that it was only yesterday, when the veto power was under consideration, that the gentleman himself bolted, and refused to go with his party here or elsewhere, on the subject of the veto; but on the other hand, took strong whig ground, and preached by the hour, against the exercise of that power. Was it in accordance with the doctrine of his party? Why, sir, I must say, I feel under obligations to the gentleman for his speech against the veto, and do not know but I should have crossed over and extended the hand of whig fellowship to the gentleman, had I not supposed it would have awakened some suspicion as to his democracy. In resisting the exercise of this power, he was very lavish in his praises of the good sense and intelligence of the people, and their capacity for self government. To-day, in advancing this proposition, he says in effect, that the people are not to be trusted, and would himself exercise a veto

with reference to Banks, which he would deny to the Governor.

Mr. L. had but one word to say to the gentleman from Dubuque,who pressed this proposition with great earnestness. He told us, that by the adoption of this proposition, the fact whether the people were for or against banks, would be tested, when they came to ratify the Constitution. But he would enquire whether those who should vote against the Constitution were to specify what parts of the instrument encountered their disapprobation? Some might vote against it on account of the veto power; some, because Atheists were permitted to testify without being sworn; and others, again, still for a different reason. And should the Constitution be rejected, how would a future Convention know its rejection was the consequence of the prohibition of banks? The truth was, this matter, like all other questions of the internal policy of a State, should be left, where all the other States of the Union have left it—to the sovereign will of a free and independent people. The converse of this course, Mr. L. would regard, as essentially anti-Republican.

Mr. Hawkins said he did not wish to trouble the Convention, but he could not restrain himself from saying a word or two at this juncture. Gentlemen, said Mr. H., who professed to be exclusive Democrats, were calling upon all who were Democrats to vote for this proposition to exclude Banks from the State of Iowa; it was the great question on which the parties were divided. No, said, another portion, it is not democratic—there is no democracy about it; and it has never been a party question: This placed us who are Whigs in an embarassing position. How were we to know which way to vote? How should we who professed to be the true Democrats, decide between the contending factions? Mr. H. said he had a rule that should govern him. He had been taught, when a boy, to pay great respect to old persons, men of experience; and now he found that the most

venerable gentleman in the Convention, who called himself a Democrat, and had been so for 50 or 60 years; said, submit this question to the people. He would go with the gentleman from Johnson, in preference to his colleague from Henry, who had not more than half his age and experience. One gentleman had yesterday pointed to the Constitution of Mississippi as the very model of Democracy. There everything was submitted to the people. Had that prohibited Banks, or prohibited the question from being submitted to the people?—or has any other Democratic State? No—not one could be pointed to. And were we to prohibit all Banks and tie up the people's hands, while other States were issuing paper and sending it among us,that we could exercise no control over? He would venture to say, that four-fifths of the people of Henry county were in favor of a judicious banking system, and if they were here, in place of his colleague and himself, would vote against this proposition.

Here, said Mr. H., was a majority report, (and Democrats always pretended to manifest great respect for majorities) and it was proposed to strike it all out and insert a minority report, that forbid all that the other provided for. This had set the whole Democracy in commotion. Here were the provisions—about two lines of each—one said, in very democratic phrase, no doubt, "No bank or banking corporation shall *ever* be established in this State;" the other said "One bank may be established in this State with branches not to exceed one for every six counties;" and out of these little scraps grew all the trouble to democracy. It was really amusing, and he could not help laughing at it. He did not know where it was all to end, or whether the democracy would ever again discover the true democratic scent. If they were so far lost that they could not recover themselves, he would advise them to follow the Whigs, who were true democrats, and intended to vote for

letting the people have a chance to say something about this matter.

Mr. Cutler said he would not detain the Convention one half minute. He would simply say that he should vote against the proposition, because in doing so he conceived that he should express the will of three-fourths of the people of Van Buren county. If that was treason to the Democratic party, make the most of it.

The question was now put to the Convention on Mr. Hempstead's proposition, and decided in the negative, as follows:

Yeas—Messrs. Benedict, Bratton, Clarke, Crawford, Evans, Fletcher, Galland, Gehon, Hall, Hempstead, Langworthy, McKean, O'Brien, Olmstead, Quinton, Ripley and Ross of Jefferson—17.

Nays — Messrs. Bailey, Bissell, Blankenship, Brown, Brookbank, Campbell of Scott, Campbell of Washington, Charleton, Chapman, Cook, Cutler, Davidson, Delashmutt, Felkner, Ferguson, Galbraith, Grant, Hale, Hawkins, Hepner, Hobson, Hooten, Kirkpatrick, Lowe of Des Moines, Lowe of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, Murray, Peck, Price, Randolph, Robinson, Ross of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President—51.

Monday, Oct. 21, 1844.

Mr. Fletcher, from the Committee on Revenue, made a report.

Leave of absence was granted to Messrs. Gehon and Lowe of Muscatine.

The Convention resumed the consideration of the report

of the Committee on Corporations, so far as it related to Banks, namely:

"Sec. 1. One bank may be established in this State with branches, not to exceed one for every six counties.

"Rule 1st. The bill establishing said bank and branches, before the same can become a law, shall be passed by a majority of the members elected to both houses of the legislative assembly, be approved by the governor, and at the next general election be submitted to the people for their approval or rejection; and if approved by a majority of the qualified electors within this State, the same shall become a law, at such time as the legislative assembly shall prescribe.

"Rule 2d. Such bank or branches shall not commence operations until half of the capital stock subscribed for, be actually paid, in gold or silver; which amount in no case shall be less than one hundred thousand dollars.

"Rule 3d. Such bank or branches shall not have power to issue any bank note or bill of a less denomination than ten dollars.

"Rule 4th. The remedy for collecting debts, shall be reciprocal for and against such bank and its branches.

"Rule 5th. The stockholders shall be liable respectively, for the debts of said bank and branches.

"Rule 6th. In case said bank or branches shall neglect or refuse to pay on demand, any bill, note, or obligation issued by the corporation according to the promise therein expressed, such neglect or refusal shall be a forfeiture of their charter, and put an end to their corporate powers and privileges.

"Rule 7th. The legislative assembly shall have power to alter, amend, or repeal such charter, whenever in their opinion, the public good may require it."

Mr. Chapman moved to strike out all of the first section, after the first rule.

Mr. C. said, the first rule (that charters be submitted to the people,) he would be willing to vote for; it was a salutary provision. But he was unwilling to vote for the other rules. This submission to the will of the people he considered the best method to secure a sound currency, if a sound currency was to be obtained from Banks. The vote of Saturday rendered it certain that the people of this State would not be restricted from the establishment of Banks. Mr. C. said he was no friend of State Banks, and never had been friendly to them; but he would not say, if a member of a Legislature, that he would not vote for Banks under proper restrictions. He would go for even greater restrictions than were contained in this report. He would say, with a venerable friend, that he was in favor of Bank reform. The people might not want to establish a Bank in five or more years; but when they did, they should have the right to do it. Those who were called upon to vote for the minority report seemed to quail under the responsibility that they would have been taking upon themselves to do so. Although their individual wishes might be in favor of the prohibition contained in that report, yet they felt the conviction that their constituents were opposed to any such prohibition; and they refused to put it in the Constitution. Mr. C. said he did not propose to strike out all these restrictions, because he was in principle altogether opposed to them, but because he desired to give freedom to legislation. The Legislature was the proper body to devise special restrictions. No plan of restrictions that could be inserted in a Constitution, would be sufficient to procure safety. Almost every gentleman in the Convention had some different plan in his mind, to control Banks; it would take a committee to arrange and digest them. One of these plans was unlimited liability of the stockholders. This he was opposed to, for the reason it would operate to prevent men of limited means, laborers, &c.,

from investing their surplus funds in that business. Only men of great means, who could control the whole management of the business, would invest in banking. This would contribute to the insecurity of the business. Mr. C. read some statistics, going to show that the stock of the Eastern Banks was to a great extent held by females, laborers, small dealers, &c. He said he believed it was demonstrated that the greater the extent to which the introduction of small capitalists among the stockholders was encouraged, the more secure were the Banks.

Mr. Hepner said the gentleman from Wapello, (Mr. Chapman) might think as he pleased of the restrictions; the committee deemed them all to be necessary. He thought if each was considered by itself, they would not be found so very unsatisfactory.

Mr. Bailey said he conceived banking generally to be injurious. As it existed in the United States it had proved so. In great commercial cities, some of the Banks had been sound and useful; but he presumed they were under good restrictions. The gentleman from Wapello had said he was in favor of placing restrictions upon Banks; but he wanted to put it off. That was the Whig policy—to put off the restrictions. The gentleman wanted the Legislature place the restrictions on the Banks. That method was not so durable as putting it in the Constitution. The restrictions were all acknowledged to be wholesome, and desired by the people, and he wished to place them in the Constitution. The gentleman and his friends probably thought that if the matter was delayed a while, their party might get the ascendancy, and in a time of excitement throw the doors open entirely. Mr. B. said a portion of the Democratic party was in favor of having a hard-money currency. He was one of that number. But a great portion of the party were in favor of Banks under suitable restrictions. He came here to legislate for the people, and intended to

consult their wishes. The gentleman from Wapello said he was in favor of Bank reform; what was the gentleman willing to do in helping on this reform? Here was a provision that the Legislature might alter, amend or repeal a charter, so that if abuse took place it might be stopped promptly. Why, if the gentleman was for reform, would he not agree to this? Another provision was, if they refused to pay their bills on demand, they should forfeit their charter. Why not support this?

Mr. Langworthy thought the restrictions were all very salutary, and in entire conformity to the monster Bank that was proposed to be created on this floor. They were nearly the same as were contained in the charter of the Miners' Bank of Dubuque. Here Mr. L. went through a comparison of the rules of the present proposition, and the different clauses in the charter of the Miners' Bank; the conclusion of which was that this was no better, except in the point of individual liability.

Mr. Peck thought the restrictions were not such as they ought to be; but he should not vote for striking them out. He would quote to the gentleman from Wapello an authority that he presumed would be pertinent with the gentleman and his party, upon the subject of individual liability. By an act of the Legislature of Massachusetts, 1835, it was provided that thereafter the Legislature might alter or repeal a Bank or Company charter, and the stockholder it was declared should be individually liable. He would cite to another authority that he presumed would also be considered pertinent authority with Whigs. Chief Justice Parker of the same State, according to the Massachusetts Reports, decided that the stockholders of manufacturing and other corporations, under some circumstances were individually liable for the debts of the corporation. Mr. P. would rather see all the other restrictions struck out than that of individual liability. But he desired to retain all.

The New York Reports contained authorities to the same effect as those of Massachusetts. Taking the political complexion of the State and Judiciary, he presumed the gentleman from Wapello would not complain of those authorities. If the restriction in question was struck out, it would be a death-blow to the entire plan, and we should have no restrictions at all.

Mr. Quinton made an explanation, that he had intended to vote for striking out all the restrictions; but he had changed his mind from hearing the arguments of the gentleman from Wapello, who said that if a member of the Legislature he would vote for even greater restrictions. This convinced him that the restrictions might as well be put in the Constitution. He was in favor of all the restrictions, and if the gentleman from Wapello was in favor of Bank reform, why not go for them, at this time?

Mr. Sells said he was in favor of striking out the restrictions, after the first rule, because that contained a provision to refer a charter to the people, and that he thought was sufficient. The people could then form their judgment of the sufficiency or non-sufficiency of the restrictions. Three-fourths of the people of Muscatine county were in favor of having a Bank or Banks, but they desired the matter to be submitted to a vote. The gentleman from Van Buren wanted the matter submitted to the people; but at the same moment he proposes to put a clog upon the people, and tell them how much or how little they should do. Mr. S. was in favor of restrictions, and strong ones, and could point out others than those on the report. But should we require the Legislature to impose all these restrictions that we might be able to suggest? It was asserted on this floor that this principle of Bank and anti-Bank divided the parties, and that the Democrats were the opposers of Banks. Mr. Sells here went into a historical and statistical enquiry into the claims of the Democracy to anti-Bankism, and brought forward the two Banks of the United States, and a great multitude of State institutions, as instances of the participation of the Democratic party in the creation and fostering of Banks. He thought they would not repudiate Gen. Washington from the ranks of Democracy, and pointed out the participation of Jefferson in the circumstances of the creation and extension of the first U. S. Bank. Mr. Jefferson in his written opinion delivered to Washington, said: "If the President's mind was so clearly balanced on the subject that he could not well decide—if the objections *pro* and *con* hang so even as nearly to balance the scales, respect for the opinions of Congress would require that he should yield his sanction to the measure." After this time, Mr. Jefferson approved the act establishing a branch of the U. States Bank at New Orleans, and otherwise lent his sanction to the institution. The Democrats of those days formed a vast majority of the supporters of the U. S. Bank. The measure then was decidedly democratic. But democratic principles seemed to have changed. The gentleman from Henry had appealed to the Democrats to come up to the mark on this question; it was the one which separated the parties. But if Mr. S. knew anything about it, the party was divided on this subject, while on that of the veto they were unanimous.

Mr. S. expressed his opposition to the principle of unconditional repeal, embodied in the report of the committee. It was founded in wrong and injustice. It was said out of doors that these restrictions were to be a modest prohibition of all Banks. This was unfair, uncandid dealing; it was an attempt to pull wool over the eyes of the people, who desired the opportunity of themselves deciding the question of introducing Banks into the State. He should vote for striking out the restrictions.

Mr. Hall claimed the charity of the Convention while he endeavored to explain his position. His desire had been

not to attack any branch of business, but to leave all upon the same footing—the man who made paper money, the man who split rails, and the man who sold goods. This was what he understood to be true Democracy, on the principle that he had asked gentlemen to sustain. But he had been left in a lean minority. The Convention had said that dealers in money should have privileges above others. This placed him in a peculiar position, and he would prefer not to vote upon the question now. The Legislature was not to be left at liberty to act upon the subject independently, but questions of creating Banks were to be left to the people. This was a deception and a gilded pretension that had no substance. The people were not to be entrusted unless they had responsible endorsers. The whole subject was not to be given to them—a small part was to be submitted for them to decide upon. This was an insult. If they were competent to decide upon one point they were competent to decide upon all. There was an inconsistency in this plan. It was like the rotten borough system of England, pretending to give a loaf but really giving no bread. The whole plan was an innovation upon our Republican form of government. If we must have special privileges granted, he would be for limiting them as much as possible; but he should oppose this plan of fixing restrictions. If this subject was to be submitted to the people, let them decide upon what were proper restrictions. In reply to previous speakers, Mr. A. said, when the Democrats found Banks had proved to be rotten, they dropped them, and would have nothing to do with them; and it was just when they proved themselves rotten and worthless, that the Whig party took them up, and they had nursed them ever since. Gentlemen talked about well regulated Banks; they might as well talk about white black birds. Some Banks, perhaps, had never failed, and they were called well-regulated; but they were only well regulated to

defraud and plunder the public. They were shaving shops from beginning to end, and as such ought to be denounced and put down. The evil could be done away by changing the general law of corporations; when you reduced all to an equality, you did away with the evil. It was said that females, orphans, &c. were stockholders, and participated in the dividends of Banks; but it was not told how many widows and orphans had been ruined. If they should come to this place, this town-plat would not be large enough to contain them. Where a widow had received one dollar in dividends, she had been swindled out of ten dollars. It is said, put restrictions on the Banks; but this very thing proved that they enjoyed special privileges. You might restrict them down from one point to another: but so long as you could restrict, the special privilege still remained.

Mr. Hawkins said the Whigs were charged, as a party, with being in favor of all the rotten Banks in the United States—it was asserted that they had fostered and cherished them, as soon as they were found to be worthless and rotten. They had done this in contradiction to the Democrats who had repudiated them. Now, what were Whigs?—were they not like other men? Why then should they cherish what was opposed to their interests—what was self-demonstrated to be rotten and worthless? He was a farmer—why should he, more than his neighbor, cherish what was an injury to him? There was a difference about this matter, no doubt; but it was because all men did not see alike, or understand their interests in the same way. He voted differently from his friend on the right, on this subject, but on other subjects, he often voted with him. On some subjects they thought alike, but on others they differed—and both all the while were equally honest. The Whigs were in favor of leaving this matter to the action of future Legislatures, and the people. When a proposition was made for a charter, let the details be decided by them, with

all the lights before them at that time. They, as a minority, opposed this plan of putting detailed restrictions in the constitution; but when a vote was taken, they would submit. They would not be slipping around, when the vote was to be taken, whipping in the disaffected. They had no plan or concert; but acted upon a settled principle. He did not even know, before his friend from Wapello made his motion, that he was intending to make such a motion; but he should vote for it, because he believed it was right. The State of Mississippi, which was the pattern of everything that was Democratic, had pursued a different course from the one proposed here. A State Bank with five branches was authorized, but no restrictions were placed upon it in the constitution. He was not a Bank man, and all who knew him would bear him out in that observation.—He was opposed to local Banks, and in favor of a good sound National Bank, that would supply all our wants; and he hoped to live to see a branch of such a Bank located in the city of Burlington. [Mr. Hawkins here went into a statement of circumstances connected with the electioneering campaign in Henry county, stating that Mr. Hall, his colleague, had once assumed, but afterwards abandoned, before the people, the ground of unlimited individual paper banking or issue, taken by him in his remarks before the Convention on Saturday. Mr. Hall made no reply, and so the matter passed off.]

Mr. Ripley said he felt clearly whipped by the vote of Saturday, but he was suprised to hear arguments in favor of the utility of Banks in the State of Iowa.—Mr. Ripley continued for some time to speak in opposition to the policy of Banks. When he concluded, the Convention adjourned.

AFTERNOON SESSION.

Mr. Grant took the floor immediately after dinner, and continued to speak for nearly or quite an hour, touching upon the various points that had been brought up in the discussion. He avowed himself a hard-money man, and opposed to all Banks.—He said in the west, the ground had been taken of prohibiting the creation of any State debt for Internal Improvements; if that was right, he thought it was right to prohibit Banks. He opposed the motion of Mr. Chapman. The people of this Territory were now opposed to Banks; but if they should change, he wanted such guards and restrictions as would prevent abuse and swindling. Mr. G. expressed it as his opinion that the Whigs desired to make a constitution as odious as possible, so as to defeat it before the people.

Mr. Lucas followed Mr. Grant. He said the Bank question was not a party question—experience showed that the country had been benefitted by Banks.—Banks had produced evil, but not all the evil in the country. $200,000,000 borrowed from Europe had been the source of most of the pecuniary disturbances. Mr. L. stated his experience in Bank matters in the State of Ohio, and read from some of his messages, when Governor, to show his opinions at that time. Those opinions he still retained. The Democratic platform was sound and well-regulated Banks—not opposition to all Banks. In conclusion, Mr. L. took the ground that the Legislature might repeal charters at its will; he repudiated the doctrine that one Legislature could pass an act that the next might not repeal.

Mr. Cook followed Mr. Lucas. He repelled the imputation of his colleague, that the Whigs desired to make the constitution odious. Even if they wished to do so, a majority of nearly three to one might effectually prevent it. He was opposed to going into a State government, and had

so declared on the stump; but he should honestly endeavor to make a constitution as acceptable to the people as possible. If the contrary was the fact, why should he—why should the Whigs oppose the introduction of things that they deem odious? Mr. C. reviewed the different rules as reported by the committee. Some of them he approved—they were very proper provisions to put in a Bank charter; but very much out of place in a constitution of government. If a Bank refused to pay her notes on demand, her charter was to be forfeited. That he did not oppose—they engaged to pay on demand, and should do so; but was this the only thing for which the gentlemen would forfeit a Bank charter? If so, they were much greater Bank men than Mr. C. There were many other things that ought to go into a charter, and which, if engaged in arranging one, he would put there. But he did not deem it necessary to put them in the constitution. As a Bank was not likely to be established soon, and as wisdom and light, like Democracy, were progressive, he preferred to leave the details to be arranged by the people, or their representatives, when it was determined to have a Bank. Lastly, the power was claimed to repeal all charters at pleasure. The gentleman from Johnson went so far as to say that one Legislature could not pass an act, that another might not repeal. Mr. C. referred to various authorities to disprove this position;—while he had the book in his hand, he would reply to the gentleman from Lee, (Mr. Peck.) That gentleman had stated that Massachusetts had a law giving to the Legislature the right to repeal all charters after its date. But he did not tell all. It said, where the charter contained nothing to the contrary, and there has been no charter since but what reserved from the Legislature that right. Was the doctrine, said Mr. C. to gain ground, that the Legislature might repeal at pleasure all manner of their acts?—that they could enter into no engagement, make no contract,

pass no charter, that a subsequent Legislature might not repeal? Was it to be assumed that a Legislature might do what an individual might not? From whence came the power and the authority of a Legislature to repudiate at will, when an individual was forbidden to do such things? He thought the doctrine was not to gain ground.

Mr. Fletcher said, compared with the vote given on Saturday, all other votes given in the Convention were unimportant and insignificant. Iowa was now free from Banks, except the Bank at Dubuque.—This Convention contained a large majority in favor of equal rights, and he had hoped gentlemen would have come to the rescue, and thrown themselves in the breach to save the State from the withering blight—the curse—of moneyed corporations.—But the vote had proved it otherwise. He believed that 20 years hence they would unavailingly regret the course they had pursued. He agreed in the position of Mr. Hall. That gentleman had vacillated on other occasions, but he hoped he would remain firm in the present instance. Mr. F. differed with his colleague, in the opinion that three-fourths of his constituents were in favor of Banks. It was said that no stock would be taken under the proposed restrictions. He thought it was not improbable. He would not take any. In the way the matter stood now, he held himself at liberty to vote for retaining the restrictions; holding himself at liberty also, to vote against them on their final passage.

Mr. Sells followed Mr. Fletcher, in some remarks, in which he charged, that Mr. F. had taken different ground in the Convention from what he occupied before the people. This, on Tuesday, was followed by a reply from Mr. Fletcher, and a rejoinder by Mr. Sells.

A division of the question upon striking out all after the first rule was called for, so as to have a vote upon each rule separately. A division was had, accordingly.

The question being taken upon striking out the 2d rule, it was lost; yeas 5, nays 63.

Motions were then made (but failed) to increase and reduce the size of notes, as provided in the 3d rule; after which, the Convention adjourned.

Tuesday, Oct. 22, 1844.

Mr. Bailey, from the select committee on the boundary, made a report:

The Convention resumed the consideration of the Bank report.

The question was taken on striking out the 3d rule, and lost; yeas 15, nays 52.

Also, the question on the 4th rule; lost.

Mr. Peck moved a slight amendment to the 5th rule, which was adopted.

The question was taken on striking out the 5th rule, and lost; yeas 17, nays 52. One Whig (Kirkpatrick) voted nay, and two were absent. Otherwise it was a strict party vote.

Mr. Gower moved an amendment to the 6th rule. Carried.

The question was taken on striking out the 6th rule, and lost.

Mr. Fletcher moved an additional rule, that no Bank should issue more notes than specie paid in; which, on Mr. Hall's motion, was amended so that they should not issue more than double in notes. The question was then taken on the additional rule, and it was lost; yeas 28, nays 30.

Mr. Wyckoff offered the following as an amendment to the 7th rule:

"But no bill for the unconditional repeal of such charter

shall become a law unless it shall have passed both branches of the General Assembly, be approved by the Governor, and submitted to the people at the next general election; and if approved by a majority of the qualified electors of the State, the same shall become a law, and the charter shall be considered repealed."

Mr. Wyckoff said, such a provision ought to be inserted to make the matter consistent. If the Legislature could not of itself grant a charter, but the people had to concur, it would be inconsistent to let the Legislature repeal a charter, without the same expression of concurrence by the people.

The question being taken on Mr. W's amendment, it was lost; yeas 29, nays 38, as follows:

Yeas—Messrs. Benedict, Blankenship, Bratton, Brookbank, Campbell of Washington, Charleton, Chapman, Cook, Delashmutt, Ferguson, Hawkins, Hempstead, Hoag, Hobson, Hooten, Kirkpatrick, Lucas, McAtee, McCrory, Quinton, Randolph, Ross of Washington, Sells, Shelleday, Strong, Toole, Williams, Wright, Wyckoff—29.

Nays—Messrs. Bailey, Brown, Butler, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hepner, Kerr, Langworthy, Marsh, McKean, Murray, O'Brien, Olmstead, Peck, Price, Ripley, Robinson, Ross of Jefferson, Salmon, Staley, Taylor, Thompson, Whitmore, and President—38.

The question was now taken on striking out the 7th rule, and it was lost; yeas 20, nays 49, as follows:

Yeas—Messrs. Blankenship, Brookbank, Campbell of Washington, Chapman, Cook, Delashmutt, Hawkins, Hoag, Hobson, Morden, McAtee, McCrory, McKean, Randolph, Ross of Washington, Sells, Shelleday, Toole, Williams, Wyckoff—20.

Nays—Messrs. Bailey, Bissell, Bratton, Brown, Butler,

Campbell of Scott, Charleton, Clark, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooten, Kerr, Kirkpatrick, Langworthy, Lowe of Des Moines, Lucas, Marsh, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, and President—49.

Mr. Peck offered the following as an 8th rule:

"Any violation of or non-compliance with the provisions and restrictions contained in this section, by the stockholders, commissioners, or officers, or persons connected with the creation of any such Bank or its management, in any of its accounts, exhibits, certificates of stock paid, or by embezzling its funds or property, shall be punished by fine and imprisonment in the Penitentiary, and shall subject the offender to the same disqualification as conviction for infamous crimes."

Mr. Lucas said he was opposed to enacting such a provision as that in the Constitution. It would be proper matter for a Legislature to provide, if they saw proper. If, said Mr. L., we expect to have a Bank, do not let us put in the Constitution such provisions as will drive everybody from attempting to engage in the business.

Mr. Peck said, as there seemed to be opposition felt to his amendment, he would withdraw it, and asked leave of the Convention to do so. But leave was refused.

The question was then taken on Mr. Peck's amendment, and carried; yeas 37, nays 33.

Mr. Chapman moved to add the following after the rules, as a second section to the report:

"That the Legislative Assembly may alter or amend any of the restrictions in the 1st section contained except the first rule, by submitting such alteration or amendment to a vote of the qualified electors, as in the first rule prescribed."

Mr. Chapman in a few words, explained the equity and reasonableness of his amendment.

Mr. Peck opposed the amendment.

Mr. Lucas supported the amendment. He said, it was admitted that the people were sovereign, and they had elected us to make a Constitution by which their sovereignty was to be guarded and expressed. In reference to Banks, we put in the Constitution certain restrictions by way of charge, and we say that a charter shall be granted by an act of the Legislature, sanctioned by a vote of the people. Why not say that the same mode should be followed to repeal?

When a charter was granted, individuals might have embarked their whole means in this undertaking; their whole interests might be involved; and the charter should not be taken away rashly. Let us be consistent in what we provide, and not act under the influence of excitement. If we will not have Banks, let us say so; but do not make restrictions of such a character that none can possibly be had. Let us meet this question fairly, and be consistent.

Mr. Quinton opposed the proposition of Mr. Chapman, denouncing it as unsound, &c.

Mr. Chapman inquired why everything that came from a Whig was unsound? It was but asked that the people should have the privilege of amending the restrictions, in case they did not like them. The restrictions were put in on the pretence of guarding the rights of the people; if the people chose to vary them, why should they not be permitted to do so? If it should be desired to vary from these restrictions, the form of amending the Constitution would have to be gone through, in order to do it. As the charters were to be submitted to the people, why not let the people also, at the same time, say, if they chose, that the restrictions might be varied from?

Mr. Quinton thought that the effect of the proposed sec-

tion would be to effect a repeal of the restrictions. The Legislature would pass a Bank charter, and at the same time pass a law to repeal the restrictions, and the people, he believed, under Bank influence, would sanction the repeal.

Mr. Lucas said, in order to be understood, he would explain the position that he took. A certain process was taken to enact a law; the Legislature originated it, the Governor gave it his approval, and lastly the people gave it their sanction. Certain rights were given by that law, and to take away these rights there ought to be the same process, and the same formalities.

Mr. Hall said no man had greater respect than himself for the views and experience of the gentleman from Johnson, (Mr. Lucas) but experience was not always founded in wisdom. Experience sometimes adhered too much to the rules of the past. He looked upon some things with a different view from that gentleman. Bank charters he considered special privileges. It was a privilege the people conceded, not a right that the individuals had. For this reason he would have a summary way of repeal in case of abuse. He saw something more than meal in the amendment of the gentleman from Wapello, (Mr. Chapman). The Legislature might submit a charter in violation of the rules, and a vote on it would repeal the rules, and then the charter would exist without any rules at all. Banking had always been a spoiled child, and was impudent and dishonest, and he was not going to put on a better smile to it than he did to any other interest. In conclusion, Mr. H. exhorted the minority to patience and equanimity. He knew their situation was disagreeable. They had to swallow a bitter pill, and there was no gilding on it; but it was their lot.

Mr. Delashmutt repelled Mr. Hall's proffers of sympathy. They were uncalled for and unneeded.

Mr. Lucas spoke in defence of the position that he had taken.

Mr. Cook said he wished to see the proposed section adopted. He desired to have the Constitution such that the people would accept it. He was apprehensive that if the rules were adopted in the manner they now stood, that the Constitution would be rejected. The sympathy of the gentleman from Henry he tho't had better be reserved for his own case.

After some further remarks, the question was taken upon Mr. Chapman's amendment, and it was lost; yeas 22, nays 45, as follows:

Yeas—Messrs. Blankenship, Brookbank, Campbell of Washington, Chapman, Cook, Delashmutt, Hawkins, Hoag, Hobson, Kerr, Kirkpatrick, Lucas, Morden, McCrory, McKean, Randolph, Ross of Washington, Sells, Shelleday, Toole, Williams, Wyckoff—22.

Nays—Messrs. Bailey, Benedict, Bissell, Bratton, Brown, Butler, Campbell of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooten, Langworthy, Lowe of Des Moines, Marsh, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, and President—47.

Convention adjourned.

Afternoon Session.

The Convention resumed the consideration of the Bank report.

Mr. Sells proposed as an amendment to the report, a plan for real estate security. Mr. S. said he did not consider the present provisions to be of the proper character to prevent fraud and loss.

The question being taken upon Mr. Sells' amendment, it was lost; yeas 20, nays 49.

Mr. Hepner proposed a prohibition against the State taking stock. If a Bank failed the State would be held responsible. Agreed to.

Other amendments were moved and lost.

Mr. Peck moved that the report be referred to a select committee of 5. Lost.

Mr. Cook proposed that nothing in the rules should prevent the Legislature from giving its assent to the location of a branch of a United States Bank in the State of Iowa. Lost.

Mr. Bailey wished to have the Penitentiary clause reconsidered.

Mr. Hempstead was opposed to its being reconsidered. If the whole concern—Banks, officers and all, could be sent to the Penitentiary, he would be very glad of it.

Mr. Chapman said the reason why he voted against the State taking stock, was, that he did not wish to see the State sent to the Penitentiary.

The vote on reconsideration was taken, and lost; yeas 26, nays 36.

Mr. Peck proposed to refer the report to a select committee of 7.

Mr. Lowe, of Des Moines, moved that the report, so far as it related to Banks, be indefinitely postponed.

Mr. L. said he had voted for striking out the majority report, in compliance with a kind of pledge to his constituents. But finding that we were not likely to have any thing that would save the public from fraud and loss, he was disposed to go for what would be sure to prevent all frauds, and adopt the entire hard-money system. He thought the public sentiment was not in favor of a Bank at this time; and if so, it was not worth while to make preparations for one.

Mr. Peck withdrew his motion to refer to a select committee.

Mr. Lucas admired the ingenuity of those opposed to all Banks. The gentleman from Des Moines, (Mr. Lowe) had got new light—the public sentiment was against Banks. Mr. L. confessed that he had got no light since the decisive vote of Saturday, by which 50 men had said their constituents were not opposed to all Banks. The gentleman proposed to say to the people that they were not competent to decide upon this matter—that they were not to be trusted. The report had been so amended and confused, that it was due to the Convention that it be referred. Our time had been consumed for two days, and the yeas and nays taken twenty or thirty times, and now it was all to vanish, and none could tell what became of it.

Mr. Chapman said he would vote for the indefinite postponement, as he believed that the proceedings of the last forty-eight hours showed that we were not prepared to make a Bank. He should not vote, however, with a view to having the Constitution left open, as he was opposed to that.

Mr. Hepner thought gentlemen were mistaken in their opinion, of the effect of striking out the report. The Convention would not adopt the minority report after once rejecting it. He, for one, could not. He thought if the Penitentiary clause was stricken out, the Convention would agree to the report. It was put in without consideration, and he was not clear but it would have the effect to send to the Penitentiary any Legislature that should pass a Bank charter. Some one here moved that so much of the report as related to Banking be recommitted to the committee on Corporations.

Mr. Cook opposed the recommitment. No good could be obtained by that. Time enough had been spent—it was time to take a decisive vote. He wanted to go at something else.

Mr. Bailey supported the recommitment. He had been acting all the while under restraint—he could not vote his sentiments. His constituents expected restrictions in the Constitution. He agreed to a great extent with the gentleman from Des Moines, (Mr. Lowe); his opinion was that a Whig would swallow anything, so it was called a Bank.

Mr. Hall said the reason of all the difficulty was, that we had proposed to let in that mad, untamable beast, banking, amongst us. Banking was an untamable viper, but we had proposed to make a pen for it, and chain it so that it could do no injury. It was unchainable; and the best policy was to cut its head off—have no special privileges. If we could not invent manacles to secure it, what could the people do with it? He should vote for indefinite postponement.

Mr. Hempstead opposed the recommitment. Neither Whigs nor Democrats wanted a Bank; why then should we provide for posterity? If they wanted a Bank let them amend the Constitution. Further, Mr. H. deemed Banks to be unconstitutional. Paper money was bills of credit. We should form the Constitution of Iowa in conformity to the Constitution of the United States.

Mr. Hepner thought, if the report was not committed, the Convention would do nothing.

The question being taken on the recommitment, it was lost; yeas 27, nays 38.

After some further delay, it was again moved to adjourn, and carried.

Wednesday, Oct. 23, 1844.

Mr. Bailey, from the committee on Education, &c., made a special report, amendatory of the former.

The Convention resumed the consideration of the report of the committee on Corporations—the question being upon

the motion of Mr. Lowe of Des Moines, to indefinitely postpone all that part which related to Banks.

The vote of yesterday, ordering the previous question on Mr. Lowe's motion, was reconsidered — whereupon, Mr. Hall moved that all that part of the report relating to Banks, be referred to a select committee of seven; which was agreed to.

The Convention next took up the report of the committee on the Judiciary Department, and went into Committee of the Whole.

Mr. Hempstead moved to reduce the associate Justices of the Supreme Court to two; which carried—whereupon,

Mr. Hempstead proposed to substitute for the 6th section of the report, which provided for the establishment of district courts, whose Judges were to be elected by joint ballot of the Legislature. The object of Mr. Hempstead's substitute was to have the Judges elected by the voters of the district.

Mr. Hempstead went on to say that he should assume that in a Republican or Democratic government, the people were sovereign, and all power resided in them. He thought this would not be denied. He said when the Legislature, or the Senate and Governor appointed officers, they acted as proxies of the people; and he assumed that if the people were capable of electing these proxies, they were capable of electing the officers themselves. They would be capable of judging in reference to the individuals seeking the office. A majority at least, were in favor of a wholesome administration of the government, and if they failed to make a judicious selection, they would be the sufferers. Political influence, it was said, would mingle in the election of Judges by the people. The same would be the case in elections by the Legislature. Judges were generally appointed by the Legislature on account of their political views. We were elected by the people to save to

them all the rights that they could rightfully and properly exercise. Gentlemen here, who had been in favor of submitting the question of Banks and such like abtruse questions to the people, would now carry out their principles by voting to give the election of Judges to the people. The power of impeachment was relied upon for the punishment of Judges who misbehaved; but that power was a dead letter upon the constitution. Judges were seldom or never punished for misdemeanors. The proper way for impeachments to be conducted, was at the ballot box. There, the people could execute the process themselves.

After Mr. Hempstead had taken his seat, it was suggested that his object could be better accomplished by moving his amendment at another place; whereupon Mr. H. withdrew his substitute for the present.

After the withdrawal of Mr. Hempstead's proposition, a very active discussion sprang up on two motions made for the purpose of striking the terms "common law" and also the term "equity" from the report. Those motions were really, as the reporter understood them, entirely harmless in their character; but having alarmed several gentlemen with the apprehension that the whole venerable fabric of the common law jurisprudence was to be swept from the State of Iowa at a blow, a series of eulogies of that system, of the most glowing character, followed, which exhausted the entire forenoon. The result was, however, that the exceptionable words were stricken out; after which, the Convention adjourned.

Afternoon Session.

Mr. Hempstead moved to strike out the 7th section, and insert a substitute; the object being as before, to elect the District Judges by the people.

Mr. Sells spoke in opposition to the motion of Mr. Hempstead, but had nearly concluded his remarks before we entered the Hall. When we entered, we understood him to be urging the probability that the political influences in which they would become involved by being the subjects of a canvass in a popular election, would be extremely likely to bias their action on the bench. A reference was also made to the State of Mississippi, we believe, as affording an instance of badly-administered laws, connected with popularly elected Judges.

Mr. Hempstead rejoined, that Judges would have no more political bias than when elected by joint ballot of the Legislature. Joint ballot was one of the most corrupt methods of election ever devised. In Illinois, in a particular instance, the Democrats had agreed to elect a Whig in one district, in consideration of getting a favorite individual appointed in another.

In Arkansas, a Judge who decided adverse to the action of the Legislature in the matter of the Real Estate Bank, was turned out of office by the Legislature. In Illinois, a Judge having decided against the constitutionality of admitting unnaturalized persons to vote, the Legislature turned in and remodelled almost the whole Judiciary, fairly legislating the obnoxious Judge out of office.

Mr. Bailey had no doubt of the capacity of the people to elect their Judges; but he thought there was great weight in the argument of the gentleman from Muscatine. There was real danger of Judges becoming corrupt through political influences. They were liable to form partialities and prejudices in the canvass, that would operate on the bench. The matter was discussed in Van Buren county, and the candidates on both sides, expressed a willingness to give the election of all officers to the people; but it was thought not to be best to elect the Judges. The people nad not asked for the election of the Judges, nor did they

want it: and Mr. B. did not see why the gentleman from Dubuque should make such a tremendous fuss for the purpose of giving to the people what they had not asked for.

Mr. Lucas said the question would seem to be, whether there was any officer in the government whose duties were so sacred that they could not be elected by the people. All officers were servants of the people, from the President down, and he repudiated the idea that the people were not capable of electing them. A Judge was not a more sacred officer than the Governor; the latter had the power of life and death, in his right to remit the sentence of the court. Judges were not more sacred than the Representatives. Mr. L. supposed the disposition of the Convention to be, to establish an independent Supreme Court; he thought it would be better to elect the Judges of that Court by joint ballot of the Legislature, for the reason that the people of the Territory were not sufficiently acquainted with those who would be qualified to fill the offices. He had some experience in relation to appointments, and he could say that the Executive was liable to be imposed upon by false representations of character and qualifications. It was the same in respect to the Legislature. In Ohio, he had known the Legislature to appoint individuals to be Judges in districts, not only without the solicitation, but against the remonstrance of the persons representing those districts. He conceived the best way to be to elect the District Judges by the people, and appoint the Supreme Judges by joint ballot of the Legislature.

Mr. Bailey said the argument of the gentleman from Johnson was inconsistent. He said all power was in the people, and they should elect Judges as well as Governor, &c.; but he was in favor of the Legislature appointing the Supreme Judges, because the people were not acquainted with persons proper to fill the office. Mr. B. said it was not necessary to have persons of greater learning for a

Supreme, than a District Judge; and if the people were qualified to make selection of a District Judge, they could select a Supreme Judge. If the argument of want of acquaintance was good in the case of a Supreme Judge, it would be good in the case of the Governor of the State. But one Governor was to be elected, and he might not be intimately known by any of the people except in his own neighborhood. Mr. B. had no objection to the people electing the Judges; but he did not think they desired the election—they had never asked to have it.

Mr. Quinton said there were some strong arguments in the remarks of the gentleman from Van Buren; but this was said to be an age of progress, and he believed he should support the proposition to elect the Judges. He could recollect the time when, if a man in a public speech, had declared himself in favor of electing a Justice of the Peace by the people, he would have been hissed down; but now, Justices were almost invariably elected, and he believed they exhibited as much impartiality and independence as any other judicial officer. In his opinion, the ends of justice would be better served by elections by the people, than by the Legislature.

The question was now taken upon Mr. Hempstead's proposition, and it was lost; yeas 22, nays 36.

Mr. Ross of Jefferson moved to reduce the term of office of the Judges from six years, as in the report, to four years; which was agreed to.

The terms of office of Probate Judge, Clerk of the District Court, and District Attorney, were then severally reduced from four years, as in the report, to two years.

Considerable opposition was made to the reduction of the Clerk's term; and one gentleman, (Mr. Cutler,) said, although he should vote for the reduction, on the principle of bringing officers to accountability to the people at short terms, he did it against his better judgment. He had had

some little experience, and knew that a man could not become a good Clerk in two years.

Messrs. Peck, Cook &c., certified the statement of Mr. Cutler, that two years was too short a term to become a good officer.

Mr. Hall now proposed a substitute for the 12th section of the report, which contained a plan for dividing the State into four judicial districts, and forming the Supreme Court with the District Judges. Mr. H's substitute proposed but three districts, and an independent Supreme Court.

Mr. Grant opposed fixing the districts at three, as we might be delayed in getting into the Union; and the population demand a larger number.

Mr. Hempstead desired a separate Supreme Court, and was willing to pay something for it. The present arrangement of the Courts in this Territory was not calculated to advance the ends of justice. The Judges were interested to sustain each other's decisions.

Mr. Cook was opposed to having an independent Supreme Court at this time, on grounds of economy. There was nothing, in fact, for a Supreme Court to do; the business was lessening. Mr. C. said the proportion of cases reversed, in the Supreme Court of this Territory, was about one half, and that, he thought a fair proportion.

Mr. Hall also argued against a Supreme Court.

Messrs. Peck and Lucas supported the plan of an independent Supreme Court. The State, they said, was to be organized—many new questions would arise—and it was important to have them properly settled. Every individual possessed great pride of opinion, even in ordinary matters; and in case of a Judge, there would be a strong desire to sustain a previous decision; and though the particular Judge that made a decision, was not to sit on the bench when it was tried in the Supreme Court, yet he would exert an influence in behalf of his own decision. For these reasons, mainly, those gentlemen opposed having the same Judges in the District and Supreme Courts.

The question was now taken on Mr. Hall's substitute, and it was adopted.

After some further proceedings of little interest, the Committee of the Whole rose, and the Convention adjourned.

Thursday, Oct. 24, 1844.

Mr. Langworthy offered a resolution to amend the rules, so that no person be permitted to speak more than once upon any question, and not more than fifteen minutes at one time; which was adopted.

Mr. Ross of Washington presented a petition, asking that persons of color be admitted to the rights of citizenship; which was laid on the table.

Mr. Lowe of Des Moines, from the committee on the Schedule, made a report.

The President announced Messrs. Hall, Galbraith, Bailey, Evans, Langworthy, Chapman and Randolph, as the Select Committee on the subject of Banking.

The Convention took the Judiciary Report as reported from the Committee of the Whole, and considered the amendments.

Opposition was made to agreeing to the vote of the Committee, establishing an independent Supreme Court. Mr. Cook could not give consent to establishing these offices at high salaries, which would be mere sinecures. The Convention agreed to the action of the committee; yeas 60, nays 11.

Mr. Lucas proposed a substitute for the 6th section, for the purpose of establishing a District Court, consisting of a

president Judge, and three associate Judges, all to be elected by the people. The Associates to be chosen by each county, and to constitute of themselves, a court for the transaction of county business. Mr. L. said this would present the question of electing the Judges. The associate system existed in Ohio, and worked well. Besides, if the president Judge of the district should be absent, the associates would constitute a court without him. He deemed it his duty to present the plan.

Mr. Hempstead desired the question of electing Judges, disembarrassed of everything else. The associate system he considered objectionable.

Mr. Bailey proposed to leave the manner of electing Judges to the Legislature; but it was voted down.

Mr. Chapman was opposed to having Associate Judges; he also opposed the present organization of the county courts; but the plan of the gentleman from Johnson would go to fix in the constitution a plan something similar to the present. He was in favor of the people electing the District Judges. The plan of electing Justices had worked well, and if a man had ambition to fill the office, he should possess the qualities to perform its duties satisfactorily. The main effort of the Judge, he concevied would be, to discharge his duty with honesty and faithfulness, and in that way, secure the approbation of his fellow citizens. Any other course would prostrate him in the eyes of community.

Mr. Sells opposed the proposition. He said if the Judge's term was about to expire, and a man of controlling influence, belonging to the same party as the Judge, should come into Court with a suit against a man of low standing on the other side, it was almost presuming against human nature, to suppose that the Judge would not incline to favor the first, over the last, in order to preserve his friendship and influence.

Mr. Kirkpatrick said, if the system of civil jurisprudence now in operation in the United States could be said to have ascended to the pinnacle of perfection, both in principle and policy, then we were wrong for introducing changes of the established customs. But so long as we were forced to acknowledge, that, notwithstanding our unparalleled system of equal rights and unequivocal justice, our system was still imperfect, no apology was necessary.

Mr. K. took the position, first, that the mode of appointing judges of courts, by the Legislature, was wrong both in principle and in policy, as it had a tendency to tramel, and change the nature of our elections, and tinge in some degree the most brilliant feature of a representative government. Above all things, we should strike from our system the mode of voting by proxy. By that system one of the long eared animals of his friend from Scott, might ride an honorable judge in the Representative hall. It was not only the beauty, but the most important feature of our government, that (as men were variously capacitated,) we could select to our liking, the man the best qualified to fill each office respectively. But if we had our representatives and judges thus tied together in their election, we might vote for a man who was unfit to make laws, simply because he pledged himself to vote for a favorite candidate for judge, and thus the very spirit and design of our elections, be, in a measure frustrated. A representative from one county might be elected by 500 majority, another from another county by but one majority, and in the Legislature they would have an equal vote for judge, and then the will of the majority be disregarded. But the most formidable argument brought against electing judges by the people, was, that the judges themselves would become corrupt, and endeavor to manufacture political capital by their decisions. This was no new objection; it was one that has been coexistent with the elective franchise; it was one that had been

and was still brought by British writers, against the whole elective and representative form of government. But the advocates of electing judges contended without hesitancy, that the bringing of all officers accountable at the ballot box, was the surest safeguard against the corruption which gentlemen feared would be fostered. The way was blazed out by the decision of courts in past times, those decisions were published to the world, and inside of those blazes they must travel, or otherwise be censured. Through the freedom of the press their decisions would easily be contrasted with former decisions, and corruption ferreted out. The circumstances of the judges being elected by the people, was surely the greatest safeguard against corruption. Besides, the people met the lawyers at the courts and were better qualified to judge of their ability than of the ability of a candidate for Governor, who perhaps, they had never seen. The people were more immediately interested with this department of government; here we applied to have our wrongs redressed, and our rights defended; here character and life and death were put at stake. We should choose our judges ourselves and bring them often to the ballot box.

Mr. Bissell was mortified to hear the declaration of the gentleman from Muscatine, (Mr. Sells). He regretted that any gentleman had so poor an opinion of human nature. He relied upon the experience of the gentleman from Johnson in this matter. Some said that electing the Judges was good in theory, but not in practice; he thought it would work well in practice, and he should vote for trying it.

Mr. Lucas withdrew his substitute for the 6th section, and Mr. Hempstead's amendment came before the Convention, and the discussion upon the same point was continued.

Mr. Hooten was in favor of electing Judges by the people. The question was argued a little in Des Moines county, and

no objections were expressed to the plan. Both parties assented to it.

Mr. Fletcher said he came pledged to go for the election of Judges by the people. The principle of the right of the people to elect all their officers, had been conceded; and now the question was resolved into one of expediency. Delegated authority was always liable to be abused; and as was said by the gentleman from Jackson the system of proxy voting marred the beauty and symmetry of our form of government. We elected Legislatures to make laws, Judges to administer them, and an Executive to enforce them. These departments should all be kept separate and independent. It was in this point, if anywhere, that the argument of the gentleman from Henry against the Veto power possessed force—separating the powers and functions of Governor from the duties of the Legislature, and preserving the independence of the different departments. —The argument that Judges who were elected would be liable to bias for and against individuals, would, if good, extend to requiring that the Judge should not even be a resident of the District in which he held Courts. He should also be guarded by an officer of the law, as were jurors, and not permitted to have intercourse with any.—He would have to be like a Northern ice-berg, cold and passionless.

Mr. Peck said, individually he felt convinced by the arguments of gentlemen, of the propriety of electing the Judges; but he would be obliged to vote against the measure, in order to represent the views of his constituents.

[The remainder of this day's proceedings will appear next week.]

THURSDAY, OCT. 24, 1844.

[Concluded from last week.]

Mr. McKean said he should vote against the amendment, and that vote would be in accordance with his views heretofore publicly expressed and generally understood among his constituents. He was in favor of the election of the Judges of the Supreme and District Courts by the Legislature.—He should not now give the reasons in favor of that measure; it is an old method, founded on wisdom and tested by experience; it is the method adopted in every State in the Union with but one solitary exception, and it becomes incumbent upon those who advocate a departure from the established rule to show good reason for the change. He only proposed to point out a few errors into which gentlemen had fallen in regard to this subject. The only argument offered in favor of electing the Judges by the people amounts to this, that the people possess the sovereign power, and should therefore elect *all* their officers. Now, there was one great error that runs through all their reasoning upon this subject; an error into which, he had observed, gentlemen on this floor had frequently fallen; that is to suppose, because the people possess the sovereign power of the State, that they must necessarily exercise that power directly themselves, or that they desired to do so. This reasoning, if carried out, would lead to results, fatal alike to the stability of the government and to the rights and liberties of the individual citizen. If, said Mr. McK., this doctrine be correct, why is it that we sit here deliberating from day to day, upon the subject of a Constitution?—why is it that we had before us so many lengthy reports?—and why did we expend so much care and labor to adjust the various departments of the Government, and to prescribe their respective powers and duties, and to provide suitable checks and balances to regulate those powers? If such

doctrine was to prevail we had better adjourn at once; go home, and leave the people to exercise all the powers of Government directly. Gentlemen had admitted that it is necessary, (or at least expedient,) that the Judges of the Supreme Court should not be elected directly by the people. Now, he contended, that if there is any reason why the Judges of the Supreme Court should not be elected in that manner, the reasoning applied with equal, if not greater, force to the election of Judges of the District Court. The Supreme Court was to have only appellate jurisdiction, while in the District Court a full and complete trial took place, all criminal cases came under its jurisdiction, and from its decisions there was no appeal that gave a new trial in the Court above. It had been asked, why the objections to the proposed method of electing the Judges did not apply to the election of Justices of the Peace; the distinction was obvious. Justices of the Peace had only a limited jurisdiction and from their decisions there was an appeal; and on the appeal a new and complete trial in the District Court. There was no parallel between the two cases. Gentlemen, said Mr. McK., had referred to the cases of Associate Judges being elected by the people, in some of the States. In the Constitutions of those States it was expressly provided, that the Associate Judges should not constitute a quorum for the trial of *criminal* and *equity* cases. The example, therefore furnished no argument in favor of the election of the District Judges. It was urged that elections by delegated power were inconsistent with our form of government. The amendment provided that the Judges should be elected by the qualified electors of their respective districts. It was not to be denied that the people had the right and the power of government; but the question arose who were the people? The answer was, the people of the whole State—and not a portion of the people of the State. The people of the State may delegate certain

powers to the people of a district—of a county—of a township—or to a particular society for particular purposes; still they were delegated powers, as much so as if exercised by any of the departments of the government, and the people of the district were only agents of the people of the State. The plan proposed does not, therefore, provide for the election of the Judges by the people, but by delegates. And would gentlemen pretend to say that the people of the district were alone interested in the Court? that they alone were to be affected by its decisions? It cannot be seriously asserted. Not only every individual in the State, but the property of non-residents might be affected by its decision. The great error consisted in supposing that the qualified electors were the people. They constituted only a portion of the people. In the Territory they amounted at present to about one-eighth of the entire population, so that at least seven-eighths of the people of the district would have no voice in the selection. If the arguments of gentlemen be good, there could be no reason why they should be so excluded. Was not every individual liable to be affected by the decision of that Court? Or was it only the qualified voter, whose property could be seized—whose rights could be modified—whose liberty could be curtailed—or, whose life could be endangered by its decision? Every individual had rights, independent of the community in which he lived, and it might frequently happen—it often did happen—that the interests of the qualified voters (males over twenty-one years of age) were in conflict with the interests of other individuals. Would it be just to give the selection of the Judge, who is to decide between them, to one of the parties? If the Judges were to be elected by the people, every individual in the State should have a voice in that election, which would be wholly impracticable. Did gentlemen ask, why the same objections did not arise in regard to the election of representatives? I answer that the object of the

Legislative Department is to embody public opinion into the forms of law. Its action is upon general subjects, affecting whole classes of people, while the judiciary decides individual cases, affecting individuals directly. The Legislature, though chosen only by the voters, represents the people who could make themselves heard by petition and remonstrance, or direct by instructions; the business of the Judiciary was to decide between the people and the individual. In order to make the Legislature better acquainted with the interests and wishes of the people, the power of choosing Representatives was delegated to small districts. But judicial decisions should never be influenced by local interests. There was no analogy between the objects or duties of the two departments, and there could be no reason why they should be elected in the same manner.

There was one other view of the subject he wished to present. It was proposed to give the Legislature the power to legislate upon certain important subjects, by submitting their acts to the qualified voters for approval, before taking effect as laws. Now, suppose that the Legislature, impressed with no very great sense of responsibility, should pass an act, violating the rights of an individual, and that act be approved by a majority of the voters, as would most probably happen in times of high party excitement, if the law were passed by a dominant party. Suppose further, that the constitutionality of that law were questioned, and a Judge to be elected: the candidate pledging himself to sustain the law would be elected; and where would be the remedy of the individual, whose rights were violated? We had adopted a bill of rights, the object of which was to secure and perpetuate the rights of the individual citizen.

The rights therein guaranteed were to remain forever inviolate. They were never to be curtailed by any modification of our form of Government or change in our Constitution. They were not to be infringed upon, either by

any department of the government, or by the people themselves. But there was an end to all security for those rights, if these propositions were adopted; the constitutional guarantee was of no force. He, said Mr. McK., was in favor of protecting the people in all their rights and privileges; but he wanted to effect that object in a different manner, than that proposed by some gentlemen. He would not effect that object by destroying all constitutional guards, and removing from the machinery of Government all the checks and balances that have been found to be salutary and wise. He would protect the people by securing the individual—protect the individual, and the people were all cared for.

Mr. Strong said he would state his reasons for the course that he should pursue.—He and the gentleman (Mr. McKean,) were elected from the same county; at home he had taken different grounds from his colleague, and the same constituents had elected them both. That, he thought, would show that the question of the Judges, had not turned the scale. He was in favor of electing the Judges by the people; he should not reply to the arguments of the gentlemen in opposition. His only object was to draw out the arguments of his opponents. He had sometimes observed on this floor, that the arguments of the opponents of a measure, made converts to it.

Mr. Harrison said some few remarks might be called for from him, as he should take a different course here upon this question from what he did before his constituents. He had then stated that he should oppose a proposition to elect the Judges by the people. It was proposed to appoint the Judges of the Supreme Court by joint ballot of the Legislature, and to elect the District Judges by the people. Both modes were objected to; if there were evils, they would probably about balance each other. He believed all conceded the abstract right of the people to

elect the Judges—he tho't it was worth while to make the experiment and see whether the principle would work well in practice. The question was one of expediency alone. Let us make the trial. He felt a confidence that the people would not select bad and improper persons to be their Judges. If his constituents blamed him for the vote he was about to give, they would blame him for thinking them more capable than they were.

The question was now taken upon Mr. Hempstead's proposition, and was decided in the affirmative, as follows:

Yeas—Messrs. Benedict, Bissell, Blankenship, Bratton, Charleton, Chapman, Crawford, Davidson, Delashmutt, Durham, Evans, Fletcher, Galbraith, Gehon, Gower, Hale, Harrison, Hempstead, Hooten, Kirkpatrick, Langworthy, Lucas, Marsh, McAtee, O'Brien, Olmstead, Price, Quinton, Ripley, Ross of Jefferson, Salmon, Shelleday, Staley, Strong, Thompson, Whitmore, Wright—37.

Nays—Messrs. Bailey, Brown, Brookbank, Butler, Campbell of Scott, Campbell of Washington, Clarke, Cook, Cutler, Felkner, Ferguson, Galland, Grant, Hall, Hawkins, Hepner, Hoag, Hobson, Kerr, Lowe of Des Moines, Morden, McCrory, McKean, Murray, Peck, Randolph, Robinson, Ross of Washington, Sells, Taylor, Toole, Williams, Wyckoff, and the President—34.

So the Convention decided that the District Judges should be elected by the people; whereupon it adjourned.

Afternoon Session.

Mr. Lucas renewed his proposition to have Associate Judges elected in the different counties to sit upon the bench with the District Judges. He thought the aid and advice they could render to the President Judge would be most salutary, and even necessary.

The question being taken, Mr. L's proposition was defeated; yeas 21, nays 49.

Mr. Evans now moved to so amend the report that the Supreme Judges should be elected by the people.

Mr. Bailey said he should vote for the proposition. He thought the people might as well elect the Supreme as the District Judges.

Mr. Chapman feared there was now a disposition to treat the matter lightly, and force in the election of the Supreme Judges, as a matter of retaliation for the Convention having decided that the people should elect the District Judges. He appealed to those who had voted for the election of the District Judges, to stand up to their position; or they would be placed in a very undesirable situation. He voted upon the principle for giving the election of the District Judges to the people. It was an experiment—but he had no fears of the result.

Mr. Hepner thought the gentleman from Van Buren was not going to act upon principle upon this subject. The friends of electing the District Judges had gained a great victory, and they should be satisfied. His feelings were with them although he voted against the proposition.

Mr. Evans said he expected to call down the eloquence of the House on his proposition. He was instructed by his constituents on that point. He was a Democrat and so was his constituents.—His principles were that the people should elect everything, from Constable to President. He had been in 17 States, and lived in a number, and he found where the Judges were elected by the people, the citizens were safe. Even the savages of N. Y. elected their Judges. [Here Mr. E. referred to the circumstance of trying the Chief, Red Jacket.] The Democrats of the North were in favor of giving the people all their rights. He believed the Democrats of the South were tolerably even in what they did; but the Democrats of the North were firm and always consistent.—The Whigs were united—they had principles, and they stuck to them. Whigs were Whigs

every where. Show him a Whig in the North and he would show you a Whig in the South. In conclusion, Mr. Evans gave the Whigs a bad character for devotion to equal rights, and expressed a hope that the Convention would adopt his motion.

Mr. Quinton said he had voted for the other proposition; but it was as an experiment, and he wanted to try that first.

Mr. Hempstead thought there was some mischief in this matter; he saw it in the countenance of the gentleman from Van Buren. He thought the next motion would be, (if the present were adopted,) to strike out the whole section. He did not doubt but that the gentleman who made the motion was perfectly sincere; but on the part of others there was a sinister design.

Mr. Hooten was not quite ready to go for the election of Supreme Judges by the people. As his friend (Hepner) said, he was a little behind the age.

Mr. Cutler thought there could not be too much of a good thing. He voted against the election of the District Judges; but he should vote for the present motion.

Mr. Gehon said he was in favor of electing all officers by the people. It was their right to put up and pull down.

Mr. Chapman renewed his appeal to those who voted for giving the people the election of the District Judges, not to put a club in the hands of those who opposed it with which they might destroy all that had been gained. Upon themselves would lay the responsibility of defeat.

Mr. Hawkins said he was one of those who voted against the first proposition.—The Convention had decided that he was wrong. Now should he wish to change his course and go with the majority, the friends of the first measure called upon those who supported it, to vote against the present. They would make him wrong all the time. If there were good reasons for the peoples' electing the District Judges, there were good reasons for their electing

the Supreme Judges. But he was opposed to both, and he should vote his sentiments.

The question was now taken upon Mr. Evans' motion, and it was lost; yeas 20, nays 50.

After some further proceedings, the report was ordered to be engrossed for a third reading.

The Convention next took up the report of the Committee on State Revenue.

The first section of the report was in the following words:

"Such part of the revenue of this state as may be obtained by direct taxation, shall be raised by a tax upon all lands, tenements, goods, chattels, rights, credits, judgments, stocks, monies, and all other property within the state, (excepting always, the property of the United States, and the public buildings, and other property belonging to this State,) upon which any interest or profit may accrue; and also by a pole tax, and by a tax or license upon professions, faculties, and such other branches of business, as shall be necessary to render the burden of taxation just and equal upon all."

The remainder of the afternoon, and the whole forenoon of Friday was consumed in efforts to alter, amend and strike out this first section, (including a pretty ample discussion of the points and principles involved.) The result was, that the section without material alteration, was ordered by a special vote, to be engrossed for a third reading. On Monday morning, however, Mr. Ross of Jefferson offered to the Convention a resolution instructing the Committee of revision to strike the section from the report. The Convention *adopted* the resolution—49 to 22. This effectually put an end to the whole matter; and for that reason, we have omitted all proceedings upon the section, both today and tomorrow. The Journal of the Convention, when published will show how members voted upon any particular point.

Friday, Oct. 25, 1844.

Mr. Gehon offered the following: "Resolved that the Legislature shall never entertain petitions to allow negroes the right of suffrage."

Mr. Hepner thought the gentleman from Dubuque would not accomplish his object in that way, as the resolution would merely go upon the Journals, and not be put in the Constitution.

Mr. Lucas said he was sorry to see resolutions introduced here about negroes.—The question of suffrage was to be fixed by the Constitution, and there was no occasion for introducing such propositions into the Convention. He regretted that gentlemen would bring them forward.

Mr. Gehon said the practice of presenting negro petitions to the Legislature was an evil, and he wanted to keep it out of the State of Iowa. In the Legislature of this Territory, and in Congress, a great deal of time was consumed, and much excitement caused by this kind of petitioning. It had come nearer severing the Union than any other thing. He would not undertake to say that negroes were better or worse than the white man. But he was not disposed to recognize them here as equals, and he did not want them to sit at his table. He would not say but what the negro was entitled to as much freedom as the white man, he presumed he was, but he did not want the State he lived in agitated with petitions to give negroes the right of voting. He considered it an evil, and wanted to choke it off.

The resolution was laid on the table.

Mr. Hall, from the select committee, on the subject of banking, reported in lieu of the several rules, contained in the report of the committee on corporations, the following, to come in as the 4th section of the provisions upon the subject of Incorporations:

Sec. 4. The General Assembly shall create no Bank or

banking institution, or corporation with Banking privileges in this State, unless the charter with all its provisions shall be submitted to a vote of the people at a general election for State officers, and receive a majority of all the votes of the qualified electors of the State.

The Convention resumed the consideration of the report of the committee on Revenue.

Mr. Sells moved to amend the 3d section, so that the Auditor and Treasurer of State be elected by the people, instead of by the General Assembly, as provided in the report; which was agreed to.

The report, as far as related to Revenue, was then ordered to be engrossed for a third reading.

The Convention took up that part of the Report of the Revenue committee which recommended a scale of salaries for the State officers.

The committee recommended that the Governor be paid $1000 per annum; Secretary of state, $500; Treasurer, $400; Auditor, $700; Superintendent of Public instruction, $700; Judges of the Supreme and District Courts, $800.

The salary of the Governor being first taken up, Mr. Sells proposed $600, Mr. Quinton $800, and Mr. Gehon $1200.

Mr. Fletcher said the Committee had taken into consideration whether the Governor would be required to reside at the seat of government, or not. They presumed he would; and considering all the circumstances of removal, &c. they thought $1000 would be little enough.

Mr. Hooten thought the salary was about right at $1000. The Governor was rather than else considered as public property, would have to entertain a good deal of company, &c., and should have a pretty liberal salary.

Mr. Davidson said he was one of those that liked to go up very much, but he could not agree to do it here. He could not support his friend's (Gehon) motion.—He came

here to go for low salaries. He did not like $1000, but $1200 was worse.

Convention adjourned.

Afternoon Session.

The Convention resumed the consideration of the subject of salaries.

Mr. McCrory moved $950 as the salary of the Governor.

Mr. Hall moved $750.

The above, with the motions of the morning, were all put to the Convention, and rejected.

Mr. Gower now moved a reconsideration of the vote by which Mr. Quinton's motion for $800 was rejected, and the reconsideration carried.

Mr. Gehon moved that the report be indefinitely postponed. Lost.

The question was now taken on the motion of Mr. Quinton to strike out $1000 and insert $800; and it was agreed to; yeas 42, nays 27.

So the Convention established $800 as the salary of the Governor.

Mr. Gower moved that the salary of the Secretary of State be $400, instead of $500, as reported by the committee; but the motion failed; yeas 33, nays 38.

Mr. Bissell moved to strike out $400, as salary of the Treasurer, and insert $300; which was agreed to; yeas 37, nays 33.

Mr. Taylor moved to strike out $700, as the salary of the Auditor, and insert $600.

Mr. Grant moved to strike out $700, which would leave the salary blank.

Mr. Lucas said he hoped gentlemen would pause before they reduced salaries so low that competent men could not afford to accept them, and devote their whole attention to

them. One gentleman (Mr. Hall) said a lawyer could attend to the duties of Secretary of State, and practice besides. This was not the right view of the case; it was of the greatest importance to have good officers at the commencement and have them devote their time and attention to placing the business of the State on a proper footing. The Auditor was the most important office in the State. He had charge of the entire financial department—made out estimates of the expenses of Government—corresponded with all the collectors of the revenue in the different counties —passed upon all accounts to be paid, &c. If he committed an error, it would cost perhaps ten times as much as the amount of his salary to correct it. A responsible man was needed to fill the office. The Auditor being to be elected by the people, if he should go among them to electioneer much, it would cost about as much as his salary would come to.—Mr. L. was a member of the committee that made the report;—this subject was well considered, and it was thought that the sums had been fixed as low as would be reasonable.

Mr. Chapman said he desired to pay a fair price for services rendered, but he was not willing to a single dollar for dignity. He did not want to have men paid to live as gentlemen, with no services to perform. In the city of Washington men were appointed to be heads of Departments, who did not know how to perform hardly a single duty of their offices, but had to go to their Clerks for instruction in their duties. He did not want anything of that kind here. What were the duties of Auditor, that they could not be performed for a salary of $500 or $600? A farmer toiled from the rising of the sun, to its going down, and at the end of the year had not made perhaps $100;—there were hundreds of men qualified for that office who labored the whole year for less than half of $700. In this country we were all poor, and have to do with but little.

Mr. Strong said he came with a desire for economy, and felt disposed to go for as low salaries as any man; but he thought gentlemen were disposed to reduce them too low. They seemed to forget that something was to be paid for qualification. We paid a carpenter $2.00 per day because he had skill and did work in a handsome manner; we paid a lawyer $3 to $5 for a few words of advice, because he had fitted himself to give that advice; and so with other things. He was not willing to put the salaries below a fair price. He had no capital to make, and he wanted to do what was right about the matter.

Mr. Ross of Jefferson said he did not see why we couldent get official services as low here, as they did on the Eastern side of the Mississippi. The Auditor of Indiana was paid only $400, and he lived at the seat of government.

The question was taken on Mr. Grant's motion to strike out, and it was agreed to; yeas 52, nays 19.

The question was now taken on Mr. Taylor's motion to fill the blank with $600, lost; yeas 23, nays 47.

Mr. Kerr moved to fill the blank with $500.

Mr. Shelleday said he was a little awkwardly placed in reference to this matter. He was a member of the committee, and the amount of the salaries was fixed by a kind of compromise; so he found himself voting against some of his own agreements. He desired to put the salaries at a fair price, and pay as much as would secure the services of competent and faithful officers. He knew something about the Auditor of Indiana. If you looked into the laws you would find every year a act or resolution authorizing pay for extra services, or extra Clerk-hire, in his office. He had seen the same thing in other States. If there was not sufficient allowed the officer, he would make it out in some way by a charge for extra services.

Mr. Chapman commented upon the subject of Clerk-hire —and renewed the expression of his desire that the officers

should not receive a compensation that would be disproportioned to their duties, and render them a kind of gentlemen pensioners upon the government.

Mr. Hempstead said, that to accommodate the gentleman from Wapello, who seemed so fearful that some gentleman would get the offices of the State, he felt disposed to make a motion that no gentleman, or man of respectability should be appointed to any office under the Government of the State of Iowa. He thought, as was observed by the gentleman from Lee, on another occasion, that we were running this thing of economy into the ground. The public offices of the State were places that required talents of the best order, and men of responsible characters, to fill them. To procure such, it was absolutely necessary that a compensation should be paid that would justify men of proper qualifications in leaving their pursuits or occupations, whatever they might be, and removing to the seat of Government to do the public business. Men might be got, it was no doubt true, to take the offices at almost any salary, but if you did not pay them enough by law to compensate them, they would plunder to make it up. There was no economy in niggardliness.

Mr. Quinton thought $400 was enough for the Auditor of the State of Iowa. The services that he could render would not be worth more than that sum. We should establish economy here in the action of this Convention, and it would run through all the transactions of the State. The salary given to the Auditor of Indiana was $1,000. This he conceived was no more for Indiana than $400 would be for Iowa.

Mr. Ross, of Jefferson, said the salary of the Auditor of Indiana was fixed by the Constitution at $400 for 20 years.

Mr. Hempstead said he would correct some of the mistakes of the gentleman from Keokuk, (Mr. Quinton). He had stated that the Auditor of Indiana received $1000.

Mr. H. would read from the American Almanac for 1844. The Auditor of Indiana was there put down, at a salary of $1500; the Auditor of Illinois received $1850. We should pay something like the same compensation for the same services. We should not do the injustice to require men to perform services, and pay them nothing for it. The Auditor of this State, would have to spend his whole time in the public service, and the Auditor of Indiana or Illinois did no more. When the duties were such that they could not perform them personally they employed Clerks, and so it would be here. When the Constitution of Indiana fixed the salary of her Auditor at $400, money was of far higher value than it was now.

Mr. Quinton said the gentleman from Dubuque had waked up the wrong passenger. He should continue to advocate economy in the State offices, whether it was displeasing to some gentlemen or not. He had read from the Revised Statutes of Indiana for 1838, when he said the Auditor of Indiana received $1,000. He presumed that up to that time he had received but $400.

Mr. Harrison said, we were in a youthful condition, and were poor, and we could not afford to pay such salaries as the great and wealthy State of Ohio, and other old States. The duties of the office would not be near so great as in those States. He wanted the officers to share something in the hardships and privations of the citizens. He would not have them gentlemen of leisure, walking about the streets, talking with their friends, &c., with plenty of money in their pockets. An honest man would perform the duties of Auditor as well for $300 as $1000. If he was not honest we did not want him.

Mr. Fletcher, (Chairman of the Committee on Revenue,) said the committee thought they had reduced the sums fixed as the salaries of the offices, to the lowest possible amount, and not pass the verge of respectability. He felt afraid

that he should be accused of courting popularity, but the Convention had taken that imputation off his shoulders. The object was to secure men of the best business talents in the State to fill the offices of the State. No doubt every school master and counterhopper would feel competent to do the duties of the Auditor; but would less than $700 secure a man of good business talents? The gentleman from Wapello, who seemed to be the champion of economy on this occasion, voted to have an independent Supreme Court, of three Judges, who would have duties to perform for perhaps one month in the year. To be consistent, he should vote them a salary of about $150, and let the Judges go and do something else the balance of the year.

Mr. Chapman said he wished to pay all that was necessary to secure the services, and no more. The duties of the Auditor would be very light, and need not occupy his whole attention. Mr. C. if competent, could do in three months all the Auditor would have to do in the whole year.

Mr. Lucas said he would show the gentleman that he could not do the Auditor's duties so quickly as he supposed. The Auditor's duty was to collect the plats of all lands sold in the State, and record them in books to be kept for that purpose; he had to open and keep regular books of account of all the business of the State; his duty was to receive the tax-lists of the counties and record them; he had to render exhibits to the Legislature, when they called for them; he had to receive and examine into all accounts presented against the State, for settlement; and to perform various other duties. The gentleman from Wapello, he thought, could not do all this in three months, unless he was an unusually active scribe.

Mr. Hall said the supposition that we should pay such large salaries to our officers, was based upon a misunderstanding of the importance of our little State. We were just commencing to totter, and not to walk. The duties of

the officers would not compare with those of the great States of Ohio, &c., with their millions of dollars of revenue, interest on public debt to be paid, &c. Their duties would not be so great as supposed. A population of 100,000 would not need to pay $700 for having their accounts kept. In reference to the tax returns from the counties mentioned by the gentleman from Johnson, the Auditor had only to receive the books and file them away.

Mr. Ripley said, gentlemen had endeavored to settle what should be paid to the Auditor, by a comparison with other occupations, to which were paid so much a day. But they had not thrown any light upon his mind. He was still in the dark. He felt something like a young justice just going into office, who asked the old one how he did in cases when the testimony on both sides was so nearly even that he could not make up his mind. The old justice replied that then he decided conscientiously. He was like the justice; the speeches and great eloquence of gentlemen had not given him any light, and he should have to decide conscientiously.

Mr. Bissell supported the reduction of the salary, and referred to the State of Vermont, which paid the Auditor $1.50 per day during the session of the Legislature, and $150 per annum. He did not want to support government officers at high salaries, to ride about in their coaches and sport gold spectacles. Mr. B., in this latter, did not allude to the gentleman from Dubuque. He did not want them paid for giving wine parties, and electioneering the Legislature. They should walk from their residence to their offices, as other citizens.

The question was now taken on the motion of Mr. Kerr, to fill the blank with $500, and it was agreed to; yeas 46, nays 25.

So the salary of the Auditor was fixed at $500.

Mr. Cook moved to omit entirely from that place; the

subject of the salary of the Superintendent of Public Instruction, which was agreed to.

Motions were made to raise and reduce the salaries of the Supreme Judges from what was fixed in the report of the committee, but failed.

Mr. Hawkins suggested that there was an inequality in the salaries given to the Treasurer and those to the other officers. The Treasurer was subject to great responsibility —would have to give bonds in a very heavy sum—would have to make good all counterfeit money that he might take, &c.

Mr. Grant now moved the Previous Question, and the report was ordered to be engrossed for a third reading; whereupon the Convention adjourned.

Saturday, Oct. 26, 1844.

Mr. Gower presented resolutions for the appointment of committees to draft an address to the people of the Territory, along with the Constitution; also, a memorial to Congress, to accompany the Constitution; which were laid upon the table.

The Convention took up the report of the Committee on the Schedule.

The 8th section of the report having been read, (which provided for the representation of the counties in the Legislature.)

Mr. Chapman moved to amend it by giving an additional representative to the counties of Appanoose and Kishkekosh jointly.

Mr. Galbraith supported his colleague's motion. The district in which those counties were situated had more population than the county of Jefferson, which had assigned

to it one Representative the most. The district would still present a surplus of 400, after being granted the additional Representative asked for.

Mr. Lowe, of Des Moines, said he was not opposed to granting the additional Representative asked for, if the Convention was willing. The only question was, about raising the members over the maximum fixed by the committee (which was 38 to the House).

After some remarks by Mr. Quinton, in support of Mr. Chapman's amendment,

Mr. Hall moved to recommit the 8th section to the committee on the Schedule, with instructions to reduce the whole number of Senators and Representatives to 40.

The Convention adjourned.

Afternoon Session.

The question being upon the motion of Mr. Hall, to recommit the 8th section,

Mr. Hepner opposed the recommitment, he said the subject was a difficult one—the committee had spent a good deal of time in making the adjustment and it probably could not be materially bettered. The number 40 would suit the county of Henry precisely; so other counties might be suited with some other number that they might propose; but it was not possible to please all precisely.

Mr. Hall said he did not think of Henry county. He meant the reduction made so as to lessen the expenses of the State. He had rather see 30 than 50 in the Legislature. Lee county had 5 representatives, with a population of 10,000. This was unnecessarily large, and equalled the representation of counties of 100,000 inhabitants in the old States.

Mr. Peck said the people were in favor of having a full representation. It was necessary in order to represent

small districts fairly without producing inequalities. There was a mistake about the population of Lee county, it was at least 2,000 more than returned by the census. One township of 150 voters was not returned at all. Fort Madison and the adjacent settlements were returned at 1100, which was a gross error. The population was double that. He would go for another representative being given to Appanoose and Kishkekosh, and also to other districts if it was shown to be just. Full representation Mr. P. thought was really conducive to economy and was much more satisfactory.

The question was now taken on Mr. Hall's motion, and it was disagreed to.

The question was next taken on Mr. Chapman's motion, and it was agreed to.

Mr. Quinton moved to give an additional Representative to Keokuk and Mahaska. The population of Keokuk was 1890; that of Mahaska had not been returned, but he was informed by the Delegate from that county, whose son had assessed it, that the population was 3000. The county of Davis exhibited a fraction of 400, which if reckoned with Keokuk and Mahaska would entitle them to an additional Representative. That district of country was enlarging with unexampled rapidity, and was justly entitled to a heavier representation.

The question being taken on Mr. Quinton's motion, it was lost; yeas 26, nays 40.

Mr. Langworthy moved to amend the 8th section so as to give Dubuque county two members of the House, instead of one, as provided in the report. The population of that county had not been correctly returned. It was actually between 5000 and 6000.

Mr. L's motion was defeated.

Mr. Hobson moved to amend the 9th section by adding as follows:

"Iowa City, in Johnson county, shall be the seat of Government till the year 1865, and until removed by law."

The question was taken upon the above by yeas and nays, and it was decided in the affirmative, as follows:

Yeas—Messrs. Benedict, Bissell, Brookbank, Campbell of Scott, Campbell of Washington, Clarke, Cook, Crawford, Evans, Felkner, Fletcher, Gehon, Gower, Grant, Harrison, Hempstead, Hoag, Hobson, Hooten, Kirkpatrick, Langworthy, Lowe of Des Moines, Lucas, Marsh, Morden, McCrory, McKean, O'Brien, Olmstead, Peck, Price, Randolph, Robinson, Ross of Washington, Salmon, Sells, Strong, Taylor, Toole, Williams, Wyckoff—41.

Nays—Messrs. Bailey, Blankenship, Bratton, Brown, Butler, Chapman, Davidson, Delashmutt Ferguson, Galbraith, Galland, Hall, Hale, Hawkins, Hepner, Kerr, McAtee, Murray, Quinton, Ripley, Ross of Jefferson, Shelleday, Staley, Thompson, Whitmore, Wright, and President —27.

So the seat of Government was continued at Iowa City for 21 years.

Mr. Grant moved to add to the 9th section, that the first Legislature, after the adoption of the Constitution, should assemble as above, on the first Monday in November; which was agreed to.

The report was ordered to be engrossed for a third reading.

The Convention took up the report of the select committee on the boundary.

The select committee had amended the Northern boundary so that leaving the Missouri river at a point where a due West line from the "Old North West corner of Missouri" i ıtersected the same, it should run in a direct line to the St. Peters river opposite where the Waton-wan river, (according to Nicollett's map,) enters it; from thence down the St. Peters to the Mississippi, and so on.

Mr. Langworthy moved to amend the report so that the boundary should run up the Mississippi to where the 45th parallel of North latitude crossed the same, thence West along said parallel to the intersection of the 96th parallel of longitude, and thence in a direct line South to the Missouri river; and so on.

Mr. L. said, the amendment he proposed would make the line extend up the Mississippi sufficiently high to take in the Falls of St. Anthony. The size of the State would not be any too large. It would be less than Illinois, less than Virginia, and vastly less than Missouri. Iowa would contain less than 60,000 square miles. Illinois contained 62,000, Virginia 72,000, and Missouri still more. He had been advised by the Delegate in favor of taking astronomical lines, as being much safer and better than rivers and other marks. How were we to know where these rivers were situated by Nicollett's, or any other map? Astronomical lines could be defined with certainty. Mr. L. was not actuated by local feelings—he desired to secure territory that would be invaluable. The water power there was almost incalculable. It would run machinery of every description, and before many years it would be one of the most important spots in the Western country. If running up the Mississippi, as he proposed, would make the State too large, a piece could be taken off the Western line.

The question being taken on Mr. Langworthy's proposition, it was lost; yeas 29, nays 33.

Mr. Chapman moved that the report be engrossed for a third reading; pending which, the Convention adjourned.

Monday, Oct. 28, 1844.

The Report of the Committee on State Boundaries was ordered to be engrossed for a third reading—Yeas 37, nays 30.

The Convention took up the Report of the Committee on Education and School Lands.

Mr. Hooten moved to fill the blank in the first section with 4 years as the term of office of the Superintendent of Public Instruction. Yeas 28, nays 37. Lost.

Mr. Taylor moved to fill the blank with 2 years; which was agreed to.

Mr. Campbell of Scott, proposed that the Superintendent should be elected by the qualified voters; which was lost.

Mr. Shelleday proposed that there be added to what was already named in the Report as reserved for School purposes, 3-5ths of the 5 per cent. net proceeds of all public lands sold in the State.

Mr. Lucas said he thought it better to let the 5 per cent. fund remain for purposes of Internal Improvement. It would be the only means that could be applied to objects of internal improvement, unless money was obtained by direct taxation. He indulged hopes that a branch of the National Road would be extended to the State of Iowa, and the 5 per cent. fund was the only original basis of constructing that road. To obtain a branch of the road, Iowa would have to devote her share of the 5 per cent. to that object.

Mr. Quinton said the argument of the gentleman from Johnson had not convinced him of the propriety of leaving the 5 per cent. to be directed in the way he spoke of. He was in favor of the amendment.

Mr. Chapman supported the amendment. He thought it very improbable that a branch of the National Road would ever be extended to this State.

Mr. Quinton moved that the whole 5 per cent. be embraced in the School Fund.

Mr. Hawkins said he thought it would be better to retain 2-5ths of the 5 per cent. for making improvements in the State.—If the whole of the 5 per cent. fund was given to schools, there would be no means of improving a road or bridging a river, other than taxing.

Mr. Davidson was in favor of the amendment. He preferred making a bridge over ignorance, to anything else.

The question being taken on Mr. Quinton's proposition, it was lost.

Some doubt having been suggested as to whether Iowa would obtain a 5 per cent. fund, Mr. Langworthy proposed as a substitute for Mr. Shelleday's motion, the following—"Also, such per cent. as may be granted by Congress on the sale of lands in this State;" which was agreed to.

Mr. Taylor proposed that the Superintendent's salary should be $700. This was opposed by Mr. Cook, on account of the want of certainty in the services that the Superintendent would perform. His duties would be fixed by the Legislature, and that body should fix his compensation.

Mr. Durham offered a substitute for Mr. Taylor's motion, that the Superintendent should receive such compensation as should be fixed by law; which was agreed to.

Mr. Hepner now offered a substitute for the first section, that the Lieutenant Governor should be *exofficio* Superintendent of Public Instruction for the next six years.

Mr. Bailey opposed this. He was in favor of making the office elective by the people; that would bring the subject to their notice, and cause them to feel an interest in it, that they otherwise would not. The salary, he thought should be fixed at a respectable sum, so that a whim of the Legislature should not be able to reduce it. The duties would be of greater importance for the first few years, than afterwards.

Mr. Hooten concurred in the views of the gentleman from Van Buren. If the Lieut. Governor was charged with the duties of Superintendent, the office would be in a great measure covered up from view, and its importance lost sight of.

Mr. Hempstead thought the proposition a good one. Associating the Superintendency of Public Instruction with the Lieut. Governor, would give the office dignity and importance.

Mr. Lucas said the Lieut. Governor might be called upon to exercise the functions of Governor; during the sessions of the Legislature he had to preside over the Senate, and at that very time the Superintendent of Public Instruction might need to be most active in attending to his peculiar duties. The amendment was calculated to throw the whole subject into confusion. There were so many inconsistent amendments and propositions on different subjects that he had almost given up the hope of making a Constitution that would be acceptable to any body when they came to see it.

Mr. Peck said there was in the Convention a great degree of unanimity in behalf of education, and there was also a unanimity for economy, and but few offices. He thought there was nothing incompatible in the offices of Lieut. Governor and Superintendent of Public Instruction.

Mr. Chapman was astonished at gentlemen talking about economy in this matter. There should be no such word as economy when we approach the subject of education. All that should be done was to secure a proper administration of the funds. Gentlemen would, with a stroke of the pen cut off the head of the Superintendent and amalgamate the office with one of a political character. The Lieutenant Governor would have his attention occupied with the regulation of politics, with a view of re-election. Talk about dignity!—there was no dignity in such a union. He wanted

to have the office of Superintendent of Public Instruction independent of all others, and its occupant such a man as would devote his whole energies to the subject of education: letting politics, presiding over the Senate, and *exofficio* Governor go where they should.

The question being taken upon Mr. Hepner's substitute, it was lost; yeas 16, nays 51.

Mr. Fletcher offered another substitute, that the Superintendent should be elected by the people, hold office for two years and receive a salary of $700.

Mr. Galbraith proposed $800, and Mr. Hempstead $960. Both of these propositions, together with Mr. Fletcher's substitute, were disagreed to by the Convention; and the report was ordered to be engrossed for a third reading.

The Convention took up the report of the committee on Corporations, with the additional 4th section, reported by the select committee on Banking.

The following are the sections of the above report:

"Sec. 2. The assent of two-thirds of the members elected to each house of the legislature, shall be requisite to the passage of every law, for granting, continuing, altering, amending, or renewing any act of incorporation.

"Sec. 3. No act of incorporation shall continue in force for a longer period than twenty years, without the re-enactment of the legislature, unless it be an incorporation for public improvement.

"Sec. 4. The general Assembly shall create no Bank or banking institution, or corporation with Banking privileges in this State, unless the charter with all its provisions shall be submitted to a vote of the people at a general election for State officers, and receive a majority of all the votes of the qualified electors of the State.

"Sec. 5. The personal and real property of the individual members of all corporations hereafter created, shall at all times be liable for the debts due by any such corporation.

"Sec. 6. The legislative assembly shall have power to repeal all acts of incorporations by them granted."

Mr. Galbraith moved that the whole be now ordered to be engrossed for a third reading, and called the Previous Question.

Mr. Cook demanded the yeas and nays on that.

Mr. Wyckoff desired to know if a division of the report could not be had; there were some things in it he could vote for, but some that he could not.

The chair replied that a division could be had.

Pending the call for the Previous Question, Messrs. Hempstead, Wyckoff and Cook, all put in amendments; but before the vote upon the call was taken, the Convention adjourned.

Afternoon Session.

The Convention refused to sustain the call for the Previous Question, on ordering the engrossment of the corporation report; and the business of proposing and voting upon amendments went on regularly.

Mr. Wyckoff moved to add to the 6th section, the following:

"Whenever it shall be made to appear that such incorporate body has neglected to comply with all the provisions of its charter."

Mr. W. said, as the matter stood now, all acts of incorporation must be enacted by two-thirds of the whole Legislature voting in their favor; and in case of Banks, the charter afterwards be submitted to the people; but a simple majority of what members might happen to be present at the time, could repeal a charter; and that in all cases without a vote of the people. That was one step beyond what he considered Democracy, and he could not support it. He was a Democrat; but he could not vote for such a pro-

vision as that. The Democrats might think that in offering the amendment, he was trespassing upon their rights, and they might repudiate him, but he deemed it his duty to propose it.

Mr. Hempstead thought the power to repeal might be safely left with the Legislature. It would not be so suicidal as to repeal a charter when the public interest did not require the repeal. The Legislature of the Territory had never repealed an act of incorporation, although corporations had notoriously violated their charters in this Territory. Mr. H. did not doubt the right of the Legislature to repeal any act of incorporation by them granted, without the power being conferred by the Constitution; although he was aware that decisions had been made to the contrary. In Pennsylvania the Legislature possessed the right to repeal all Bank charters.

The question being taken on Mr. Wyckoff's amendment, it was lost; yeas 25, nays 43.

Mr. Galbraith moved to amend the first line of first section, by striking out "two-thirds," and inserting "a majority;" which was agreed to; yeas 41, nays 27.

Mr. Hempstead moved to strike out the 4th section, and insert, "No Bank of circulation shall be established in this State;" which was lost; yeas 16, nays 52.

Mr. Cook offered a substitute for the 4th section, differing in the respect of not requiring but a majority of the votes cast, to accept a charter, and also permitting the Legislature to prescribe the time of taking the vote. The substitute was lost; yeas 21, nays 44.

Mr. Cook now moved to strike out the 5th and 6th sections of the report.

Mr. Chapman proposed to amend the 5th section, so that the liability of stock-holders should not extend beyond the amount of stock by them subscribed; which was lost; yeas 20, nays 46.

The question was then taken separately upon striking out the 5th and 6th sections. For striking out the 5th, yeas 18, nays 48; lost. For striking out the 6th, yeas 21, nays 46; lost.

Mr. Cook offered the following, to come in as sec. 7th:

"Nothing herein contained shall be so construed as to apply to any corporation other than corporations with banking privileges."

Mr. C. said he thought the Convention had gone as far as it would feel disposed to go, when it had extended these restrictions to corporations for banking purposes, and that they would not extend the war to all sorts of corporations. He had set still with all possible patience, while his amendments were voted down, one after another; but he could not sit still and see the war against corporations extended to all corporations designed to associate labor and capital in our future State. He took it, from the votes, that it was determined there should be no public improvements of any kind made by the State. He called upon gentlemen from the South to say if they did not want improvements made there; did they not want slack water navigation on the Des Moines? Some of them had already told him that they did. It would be a great benefit to that section of country to have it done. The State would not do it—one, two, or three individuals would not do it. Under these proposed restrictions we could not safely associate, nor could we get capitalists at the East to subscribe anything to a public improvement here. Our policy was to invite capital to come among us. A company might sometime think of running a Railroad from the upper part of this Territory to Keokuk, so as to avoid the two Rapids of the Mississippi. None could deny but what this would be desirable and beneficial; but it would be impossible to have the stock taken under the provisions now before the Convention. No individual would consent to subscribe in a company of

500 or 600, or 1000 men, where their acts were to render his property all liable to be taken from him. A charter was granted by the Legislature of this Territory for an improvement in Scott county, which would have been of incalculable benefit to the surrounding country; but nothing had been done. A repealing clause was put to it, and nobody would take the stock. He undertook to say, that if a charter, such as was granted by the Legislature of Massachusetts, to the Western Railroad, or to the Merrimac Manufacturing Company, had been given to the Company in Scott county, the stock would have been subscribed, and the work in progress. If this doctrine of individual liability and repeal of charters at will was to prevail, there would be no companies for improvement formed in this State. He would give up the whole matter of Banks, and let that go, if the subject of incorporations could be so arranged that we might have improvements made. He hoped that party feelings would not so far prevail, as to cause the Convention to forget the interests of the State.

Mr. Bailey said there were numerous improvements made on the Des Moines river, without any charter, or any law whatever about it. Individuals associated themselves together without any law, and went on and erected dams, built mills, &c., and one individual had gone East this spring to get spinning frames to spin wool.

Mr. Cook inquired if any individual had slack-watered the Des Moines?

Mr. Bailey replied that there had not. He said it was singular to him that the gentleman wanted to take from the people privileges, and not permit them to take them back when they pleased. The Legislature, he thought, would not be likely to take away the rights of a Company, unless they had done something to deserve it. The bias of the Legislature would be the other way, in favor of the rich monopoly.

Mr. Peck said the individual members of a corporation ought to be liable. When these companies made a profit, they divided it among themselves, but when they were unfortunate they wanted to divide it with the community. The Convention had already decided upon these points and he presumed it had not changed. He referred to the law of Massachusetts; there all members of Corporations were liable, unless otherwise provided. In Rhode Island, also, individuals were liable. A gentleman had offered in Lee county, if he could have a certain water power, to erect a factory that would employ 300 hands. He had the money ready to do it. Mr. P. thought there was no danger but what improvements would be made by individuals.

Mr. Lucas said, corporations sometimes extended their debts ten times further than their capital paid in. Suppose a Company with a capital of $100,000 should buy property to the amount of $500,000, and after a while fail, and no recourse upon the stockholders beyond the amount of their subscription, there would be so much loss to the community, that it could not obtain. If individual liability was inserted in the charter, it would make the stockholders watchful. It ought to be in all charters.

Mr. Hempstead said, that although the gentleman from Scott (Mr. Cook,) had begged for the corporations to be permitted to exercise their exclusive privileges, he hoped the Convention would not be influenced by it. Such grants were contrary to the genius of our institutions. Other States were providing against their being made without proper caution. The new Constitution of New Jersey required two-thirds to assent to a charter. The Convention had struck out the two-thirds in these restrictions, and now if the right of repeal, and the individual liability were taken away, things would go on in the old manner. In England men did not want acts of incorporation to do business. If men had capital they put it together and did business with-

out special privileges. He wanted it so here. Money was power; and granting acts of incorporation was concentrating money. What was the condition of the laborer in factories in Massachusetts ?—it was the condition of serfs and slaves. They went to their dinners at the tap of the bell, and they returned at the tap of the bell. They were not like free American citizens, but were more like Southern slaves. He had endeavored, with others, to keep Banks out of the State of Iowa; he had stood as in the pass of Themopylae; but he had not been able to succeed. He now hoped that some check would be placed upon corporations.

Mr. Hoag said, this subject was of much importance to the State. The Convention seemed to confound Manufacturing Corporations with Banks, and to be about to place them upon the same footing. It was important that this should not be done. Manufacturing might, perhaps, be carried on to some extent under these restrictions; but where a great number were required to be associated together individual liability would not seem to be a reasonable policy. He admitted that corporate powers had been abused, but that was the case in everything; and it was no just argument against granting incorporations. If a corporation ran in debt there was the property it had bought, and the creditor could take it. Manufactories were of unquestionable advantage to a country, and it was to its interest to encourage them. This was an excellent wool-growing country, and woolen manufactories would be desirable to work up the wool. A company with a capital of $100,000 that should establish a factory, would require the wool of 25,000 sheep; there would be also a large consumption of farm produce, of various kinds; all contributing to the prosperity of the country. He did not see why any should be so tenacious of discouraging the introduction of capital. Capital was greatly needed here to bring into use the advantages of the country. He

would say a word now to the gentleman from Dubuque, (Mr. Hempstead) about the slavery he talked of. He presumed that gentleman did not know as much about the condition of people in manufactories as he did. He had been engaged in manufacturing business for 12 years, before coming to this Territory. He was acquainted with the Merrimac and other companies, and he knew nothing about the slavery that was spoken of. The owners of the factories were generally Whigs, and the operatives were very usually Democrats. They were never required to stay away from the polls on the day of election, nor turned out of employment for not voting as their employers wished; he had never known an instance of it. He challenged the gentleman from Dubuque, to produce an instance in the U. S. in which corporal punishment had been inflicted on an operative in a factory. Where there were hundreds of hands working together, there must be some regulations, and set hours to work. They worked by the week or piece, as they pleased, usually; and the operatives often made more than the owners. Common hands who were stronger and careful, would in a comparatively short time, be able to buy small farms, or otherwise go into business for themselves. They did not leave the factory with the mark of the branding-iron on their cheeks, nor of the whip on their back. Was this like the slavery the gentleman had referred to?

The question was now taken upon Mr. Cook's proposition, and it was lost; yeas 22, nays 46.

Mr. Davidson proposed to add as a 7th section, that the property of the people of the State should never be used by any incorporated company, without the consent of the owner; which was agreed to.

Mr. Galbraith moved to amend the 4th section, by adding to it the words "cast for and against it;" (so that a majority of the votes cast, and not a majority of all the

votes in the State, should be requisite to accept a charter,) which was agreed to.

Mr. Cook moved to strike out of the 5th section, the words "at all times," and add to the end, the words "after the property of the corporation shall have been exhausted."

Mr. C. inquired if gentlemen were prepared to say that when a corporation owed a debt, an individual's property might be taken at any time for that debt? If they were, they were prepared to do almost anything. A company in this State might owe a debt, and a stockholder that happened to be in Illinois, New York, or any where else, might be taken for it. He thought if the individual was rendered liable, after the corporation property was exhausted, that was enough.

Mr. Hepner said the gentleman from Scott had set up a terrible lamentation, but he did not see that there was any thing in the case to complain of. It was not probable that any body would be taken away from home, for the debts of a corporation. A company's debts were usually owed around in the neighborhood where it was doing business. If a man whom the company owed should get a judgment against it, he should not be put to the trouble of hunting up corporate property, but should be permitted to take the property of a stockholder in the company where it was handier. This was the way it ought to be.

Mr. Peck thought the gentleman from Scott was unnecessarily frightened; suits would be brought against the President, Directors, and Company, and no individual could be sued without having a *scire facias* for the whole, and bringing them up to answer in the suit with him. He would have his defense from individual responsibility as in other cases.

Mr. Hawkins said that might be in existence now, or hereafter must conform precisely to the Constitution. The corporators were by that to be made personally liable, and

an act of the Legislature could not make it otherwise. If the Legislature should undertake to say that suit might be brought against the President, Directors and Company, it would be unconstitutional. The creditor could sue whom he pleased; and there was no *scire facias* about it.

Mr. Hempstead (Chairman of the Committee on Incorporations,) said it was the intention of the committee, that where persons had claims against a corporation, they might make their selection, and sue the corporation or individual stockholders, whichever they pleased. In drawing up the report, he had occasion to examine the law of Massachusetts and Connecticut upon that subject, and this section was almost an exact copy of one in the statute of the former State. The plan of the gentleman from Scott, would make a nullity of individual liability. A creditor of a company might look for corporation property, and not find; it would be put out of sight; and when he sued the individual stockholders, the corporation would come into court and say, we have got property that you did not see. In this way the creditor would be put to trouble and expense that he would not be, if permitted to sue the individual directly. If an individual was damaged by suit being brought against him, the corporation would no doubt remunerate him.

Mr. Grant said, as the Chairman of the committee had stated the object of the provision in the section, he would state its object, as he understood it. The object was, that the property of partners in a corporate company should be liable in the same way as in an ordinary commercial copartnership. There, the individual property of a member of the firm could not be taken until the property of the firm had been first exhausted. He would inquire of his colleague, (Mr. Cook,) if he knew of any process in law by which the property of an individual member of a partnership could be taken, till the partnership property was first exhausted ?

Mr. Cook. Yes.

Mr. Grant. Well, if you did it, I would slap an injunction in equity on you quicker than you could say, "Jack Robinson."

The question was now taken on Mr. Cook's amendment, and it was lost, as follows:

Yeas—Messrs. Blankenship, Brookbank, Campbell of Scott, Campbell of Washington, Chapman, Cook, Delashmutt, Durham, Felkner, Ferguson, Grant, Hawkins, Hoag, Hobson, Kerr, Langworthy, Lucas, McAtee, McCrory, McKean, Quinton, Randolph, Ross of Washington, Sells, Shelleday, Strong, Taylor, Toole, Williams—29.

Nays—Messrs. Bailey, Benedict, Bissel, Bratton, Brown, Butler, Clarke, Crawford, Cutler, Davidson, Evans, Fletcher, Galbraith, Galland, Gower, Hale, Harrison, Hempstead, Hepner, Hooten, Lowe of Des Moines, Marsh, Morden, Murray, O'Brien, Olmstead, Peck, Ripley, Robinson, Ross of Jefferson, Salmon, Staley, Thompson, Whitmore, Wright, Wyckoff and President—37.

Mr. Grant moved to add to the report, as section 7, that the State should not become interested in any banking or other corporation; which was lost; yeas 31, nays 31.

After some further proceedings, by way of proposing amendments, the Convention adjourned.

Tuesday, Oct. 29, 1844.

Mr. Lucas offered a resolution proposing therein seven articles to be added to the Bill of Rights.

Mr. Grant from the Revision Committee, made a report suggesting a number of changes in the phraseology, &c., of the various Reports of a Constitution.

Mr. Quinton moved to reconsider the vote of yesterday

by which the Convention refused to adopt an amendment to the report on Corporations, forbidding the State to take stock in any corporation—which was agreed to; and the amendment having been somewhat amended, was adopted —yeas 44, nays 21.

The Report on Corporations being under consideration, Mr. Chapman proposed the following as an additional section:

"The provisions herein contained shall not be construed to apply to public corporations."

Mr. Hepner wanted to know what was meant by public corporations.

Mr. Chapman said as he understood the provisions of the Report, they would apply to counties and townships, &c., and the goods and chattles of individual citizens might be taken for their debts. These organizations were described as "bodies politic and corporate," and they would have to be considered as corporations and subjected to the same rules, restrictions, and liabilities as private corporations. It was this consequence he wished to avoid.

The question being taken, Mr. Chapman's amendment was rejected—yeas 29, nays 39.

Mr. Peck now proposed a substitute for the whole Report, not varying materially from the original, except that it provided that the property of individual stockholders should not be taken till the corporation property should be exhausted.

This substitute the Convention rejected—yeas 6, nays 59.

The Report was then ordered to be engrossed for a third reading.

The Convention took up the report of the Select Committee on County Organization.

The Report provided that a Sheriff should not hold office more than two terms in succession. Mr. Sells proposed two years in six; which was lost.

Mr. Bailey proposed to strike out the restriction altogether. He thought the people should not be restrained from re-electing their Sheriff as much as they were a mind to. It was wrong in principle, to impose such a restraint.

Mr. Bailey's motion was not agreed to.

Mr. Lucas moved to add to the report that there should be elected one County Auditor, who should be *ex officio* superintendent of Public Schools.

Mr. Hooten approved of the county auditor; but he thought that it was best to leave the appointment of county superintendent of schools to the Legislature.

Mr. Lucas's motion was not agreed to.

Mr. McCrory moved to limit the Sheriff's office to two years in four—lost.

Mr. Ferguson moved to reconsider the vote by which the Convention refused to strike out altogether the limitation on the office of Sheriff.

Mr. Bailey said he thought the Convention had not considered this matter sufficiently. The restrictions on the Sheriff was inconsistent with the professions of the gentlemen, that the people were capable of self-government. They had said that the people could elect their judges, and everything else; but they would be so far bamboozled by a Sheriff in four years that they could not decide upon his merits. This he thought was not right. The people could tell whether they were well served by a Sheriff, and if they were, they should be left alone to re-elect him at their pleasure. The office was something like that of Clerk of the Court; it must take some time for a man to get the run of it so as to do the duties well. If the Sheriff proved a defrauder, then there was a provision for keeping him out.

Mr. Kirkpatrick said that it was just as much a violation of the elective franchise to refuse the people the election of a man they desire to elect as it was to refuse them to elect at all. He should call the yeas and nays. He wanted to see

those gentlemen who in other instances had treated us with such high-sounding words about self-government, come up to the mark in this case.

Mr. Hooten said he had no want of confidence in the capacity of the people, but he thought that the patronage and influence of the Sheriff might become such as to interfere with the freedom of elections.

Mr. McKean said the principle of removing all restrictions would hold good if elections were by a majority; but we had adopted the plurality principle, and a minority might elect a man and keep him in office. He was in favor of a qualification for all officers. Extend the elective franchise as far as possible, but require a qualification for the officers.

The question being taken on the motion to reconsider, it was lost—yeas 25, nays 40.

Mr. Lucas proposed to amend the 3d section, so that two Justices of the Peace should be elected in each township, whose jurisdiction should extend to cases of $100, and by consent of parties, to $500.

Mr. Quinton proposed $200 instead of $500—lost.

Mr. Langworthy opposed the proposition of Mr. Lucas. He thought it would be better for some gentlemen to move to insert the statute of some particular State at once, and that would save the trouble of any legislation hereafter. If we went on after this fashion, crowding everything into the Constitution, there would be no newspaper in the State large enough to contain it.

Mr. Lucas said it was unfortunate that his amendment should give dissatisfaction to any gentlemen. He believed that it was almost the first or second that he had offered to anything. But he should not be deterred from performing what he considered his duty. Justices of the Peace were more important than almost any other officer provided for in the Constitution. The people were more immediately interested in the Justices of the Peace than any other officer.

Giving them jurisdiction up to $500, where the parties consented, would contribute to lessen the number of suits crowded into court and diminish the cost to the people.

The question being taken, Mr. L.'s amendment was agreed to.—Yeas 49, nays 18.

An effort was made to take from the table the Report of the committee on Internal Improvements, (forbidding them, unless the money was present in the Treasury,) but only eighteen voted in its favor.

Mr. Kirkpatrick offered a resolution for a committee to ascertain the expenses of the Convention.

Mr. Hepner did not wish to include in the inquiry the *per diem* of the members, but leave that to be fixed by a future Legislature, or by Congress. Mr. H. moved to so amend the resolution; but it was not agreed to.

The resolution was then adopted, and Messrs. Kirkpatrick, Hepner and Hawkins appointed.

Mr. Galbraith moved to instruct the Committee to inquire and report to the Convention the cost of printing in pamphlet form———number of copies of the Constitution, for distribution through the Territory.

Mr. Hooten moved to fill the blank with 3,000.

Mr. Wyckoff opposed the resolution. The Constitution was to be published in all the papers in the Territory, until next April, and he conceived that printing it in pamphlet form was unnecessary.

Mr. Galbraith said, if it was not printed in pamphlet, for general distribution, he was convinced that not one-half of the people would ever see the Constitution. In the new counties, particularly, but very few papers were taken.

Mr. Gower proposed to fill the blank in the resolution with 5,000. This, together with Mr. Hooten's motion, was disagreed to; and after some further conversation, the resolution was adopted, as originally proposed.

Convention adjourned.

Afternoon Session.

In the morning, the Convention had taken up the Report of the Committee of Revision, and agreed to all the recommendations of the Committee, except that to strike from the Article on the Legislative Department; the section making it obligatory upon the Legislature to pass laws to exclude from the State blacks and mulattoes. This recommendation, Mr. Langworthy moved that the Convention disagree to. Pending Mr. L.'s motion, the subject was laid aside for other business, and now came up regularly again.

Mr. Langworthy said, if there was anything that his constituents instructed him upon, it was to get something put into the Constitution by which negroes might be excluded from the State. They said—Slave, or no negro. He was not afraid but what we would get into the Union with that provision in the Constitution; but if other gentlemen were afraid, they could modify it a little and it would be all right. We were upon the borders of a slave state, and if we had not something to keep them out, we should have all the broken-down negroes of Missouri overrunning us.

Mr. Lucas said he had reflected upon this matter calmly and seriously, and he had come to the conclusion that the section proposed to be stricken out was in direct contravention of the Constitution of the United States. The States regulated the rights of citizenship, each for itself, and the Federal Constitution guaranteed to the citizens of each State the rights of citizens of the several States. If evil should arise by emigration of blacks, as had been anticipated, the Legislature could make the necessary provision against it. This Convention should say nothing about it.

Mr. Bailey thought it was necessary to have something settled about it; the people of Iowa did not want negroes swarming among them.

Mr. Grant said he voted for inserting the section, when it was originally offered by the gentleman from Dubuque, and he would state why, as one of the Committee of Revision, he now recommended to strike it out. The gentleman from Johnson had put into his hands the debates on the admission of Missouri into the Union, which he had read with care;—he had also read Story's opinion of the section in the Federal Constitution, that was referred to; and he had become convinced that we had no right to put such a clause in our Constitution. He had come to this conclusion with a great deal of reluctance, for he was as anxious as anyone to keep negroes out of the State. He agreed that the spirit was abroad to keep out negroes, and the Legislature would undoubtedly take measures to that effect; but he had no doubt that if we went to Congress with that clause in our Constitution, it would endanger our admission into the Union.

Mr. Langworthy moved to amend the section, by inserting after the words "black and mulattoes," the words "not citizens of other States," which was agreed to.

The question was then taken on striking out the section altogether, and it was carried.—Yeas 35, nays 32.

The Convention now took up the various Reports of a Constitution on their third reading. The following were read a third time and passed: On State Boundaries—On Suffrage and Citizenship—On the Judiciary (yeas 56, nays 12)—On the Militia—On Education and School Lands—On Amendments to the Constitution—On the Schedule.

On motion of Mr. Hepner, the Report on State Debts was amended, by striking out 35 years as the time during which a debt might run, before being finally liquidated, and inserting 20 years. The Report was then read the third time and passed.—Yeas 57, nays 12.

On motion, Messrs. Hawkins, Lucas, Taylor and Chapman were appointed a Committee to compare the Enrolled Constitution with the Engrossed Reports.

Mr. Chapman proposed the following, to be inserted in the Constitution:

"This State shall from time to time be divided by the Legislature into such number of Congressional districts as shall correspond with the number of members of the House of Representatives of the United States to which the State may from time to time be entitled."

Without any action on the above, the Convention adjourned.

Wednesday, Oct. 30, 1844.

On motion, Messrs. Lucas, Lowe of Des Moines, and Chapman were appointed a committee to draft an Ordinance (in reference to grants of land, &c.) to be submitted to Congress, with the Constitution.

Mr. Shelleday offered a resolution, for the appointment of a Committee to inquire into the probable cost, &c. of printing the journal of the Convention.

Some little opposition was expressed to the above, upon the ground that the money could be better expended in printing the Constitution for circulation. Others hoped there was no disposition to suppress the journal.

The resolution was adopted, and Messrs. Shelleday, Langworthy and Bissell appointed.

Mr. Kirkpatrick, from Committee, reported that in the event of the Constitution not exceeding 16 pages, in pamphlet, 5000 copies could be had for not more than $100.

Mr. Galbraith proposed the printing of 15,000—Mr. Thompson, of 12,000; which latter number the Convention ordered to be printed.

Mr. Lowe of Des Moines, from the Committee on the Schedule, reported an Address to Congress, to accompany

the Constitution; which was read twice, and ordered to its third reading.

The Convention took up the proposition submitted by Mr. Chapman, on yesterday, relative to districting the State for members of Congress.

Mr. Hepner wanted to know the object of the proposition—where it was to be put. Was it to go in the Constitution, or not? It seemed to be a kind of young *mandamus* act.

Mr. Chapman said the proposition had no affinity with the mandamus act. It presented a question that ought to be settled here—it ought to be settled in the constitution. The proposition was misrepresented out of doors, and here it was styled a mandamus, with a view of making it odious. He was aware that the decision would be against it; but that would not deter him from supporting the principle. It had been settled nearly everywhere in the United States that Representatives to Congress should be elected by single districts; reason approved of that method, and he desired to see it adopted here. The State was districted and apportioned for members of the Legislature, and there was equal reason why it should be done for Congress. Local considerations were felt, and local wants were to be attended to, in the one case as in the other. The people would undoubtedly wish, when the State was entitled to more than one representative in Congress, to make the choice by separate districts. When a portion or section of the State was sufficiently numerous to entitle them to a Representative, they should have the selection of the person, so that they might take him who would best suit them.

Mr. Hooten said, he at first felt favorable to the proposition; but on reflection he had come to a different opinion. In the State of Pennsylvania, where he was born and raised, he had seen the process of gerrymandering carried on, and the State cut up into strips and disjointed parcels, for political purposes, and he believed the other was the best.

Mr. McKean said he was favorable to the principle of electing by Districts—it was the most just and satisfactory method; but the Constitution of the United States had given the regulation of the subject to the State Legislatures, and anything in the Constitution of the State would not be binding.

Mr. Grant moved that the proposition be indefinitely postponed, which motion prevailed—Yeas 43, nays 23.

The Convention took up Mr. Lucas's resolution, to make additions to the Bill of Rights. The proposition embraced seven sections—1st. That laws should never be suspended, unless by legislative authority. 2d. No person to be transported out of the State for an offence committed within it. 3d. No person to be imprisoned except for offences against the penal laws. 4th. Capital punishment never to be executed in public, and to be abolished at the discretion of the General Assembly. 5th. No hereditary honors, &c., to be granted, nor law passed granting exclusive privileges. 6th. Foreign corporations not to hold land within the State, except by permission of the General Assembly. 7th. Every person residing in the State to have the right to hold 80 acres of land, with the improvements, or a house and lot in town, free from execution.

Mr. Lucas said this was probably the last proposition that he should ever present to a deliberative body—he had presented it through a conscientious sense of duty;—many of the propositions he deemed to be very important, and such as ought to be incorporated in the Bill of Rights. Mr. L. now took up the sections in their order, and gave the reasons in their support. In relation to the last, Mr. L. said he deemed that the most important of all; it was to secure to the poor man a little spot of ground where he could build him a cottage and have a home for himself and family, free from the fear of being turned out of doors. Put this provision in the Constitution, and it would add in-

calculably to the growth and settlement of the State. This Constitution would go abroad to the world, and the poor man would thank his God that there was one place where he could get him a spot of land and build him a cottage without dread of its being torn from him.

Mr. Chapman urged the propriety of adopting the 3d section of the proposition, as in his opinion there was reason to believe that the section already in the Bill of Rights would not reach to every case in which persons might be imprisoned for other than offences against the penal laws. Cases sounding in fraud, but where no fraud had ever been committed, might lead to imprisonment.

Mr. Grant said, if this was the gentleman from Johnson's last political legacy, he, for one, refused to receive it. It contained more folly and absurdity than was embraced in any other proposition submitted to the Convention. Every one of the sections was either already provided for in the Bill of Rights as it stood, or was unjust and improper in itself. He congratulated the gentleman upon his prospect of retiracy, and freedom from political agitations, but he should utterly reject his last will and testament. Mr. G. then took up and commented upon the sections in detail, as had been done by Mr. Lucas, giving reasons why they were not called for, or should not be adopted. The last he considered the most obnoxious of all. Instead of protecting the poor, it was directly calculated to foster a landed aristocracy. There was no estimating the amount of improvements that might be put upon 80 acres of land. He would very candidly tell the Convention that he had an 80 upon which was near $10,000 of improvements; he might make it worth a million. This tieing up a man's property from his creditors was objectionable in every point of view, and could benefit nobody, unless it was a man who wished to be dishonest. It was returning towards the European system of entailments, (which system we had once freed

ourselves from,) where enormous estates of thousands of acres were tied up from the reach of law. If 80 acres were secured now, next it might be 160, then 320, and then a whole section. The land might next be entailed to the children, and so on.

After a motion by Mr. Hempstead to strike out the 3d section of Mr. Lucas's proposition, as being provided for by the 18th section of the Bill of Rights, the Convention adjourned.

AFTERNOON SESSION.

The question was taken upon the motion of Mr. Hempstead, made before the adjournment in the morning, and it was carried.

Mr. Davidson moved that the entire sections be indefinitely postponed.

Mr. Williams moved to amend the 7th section so that the land or lot to be exempted should not exceed in value $300.

Mr. Felkner proposed a substitute for Mr. Williams amendment, by striking out all relating to exemption of land and lots, and inserting an exemption of $100 worth of property, to be selected by the individual.

Mr. Felkner's motion, and also that of Mr. Williams, failed.

Mr. Felkner moved to so amend the 4th section as to make it read, "Capital punishment shall never be executed in this State." Lost—Yeas 19, nays 49.

The question was now taken on Mr. Davidson's motion to indefinitely postpone the whole subject, and it was agreed to—Yeas 40, nays 30.

Mr. Cook proposed the following, to be added to the Bill of Rights:

"That no law ought to be passed, which will bring convict labor into competition with the free labor of the mechanics of this State."

Mr. C. moved that the rule be suspended, so as to permit the proposed article to be put upon its 3d reading and passage immediately; but the Convention refused—Yeas 22, nays 45—which was equivalent to rejecting the proposition.

Mr. Peck moved that the Bill of Rights be taken from the table, and the 6th section (concerning libel,) be altered so as to read, that in prosecutions for libel the truth of the matter charged might be given in evidence, and should it appear to the jury to have been published with good motives and for justifiable ends, the accused to be acquitted; which motion was agreed to, and the alteration made —yeas 34, nays 32.

Mr. Grant, from the Revision Committee, reported in favor of striking out the first section [printed as sec. 2 in the proceedings of Monday,] of the Report on Corporations; also in favor inserting a section to except public corporations from the action of the provisions; both of which was agreed to.

The Report on the Bill of Rights, Report on the Legislative Department, and Report on the Executive Department, were each read a third time and passed.

Mr. Lucas, from Committee, reported to the Convention a draft for an Ordinance.

Mr. Peck moved to amend the draft, by adding to the requests one for a township of land to complete the Penitentiary; Mr. Thompson to add, for a quarter section in each township, for the purpose of establishing township libraries;—each of which were agreed to, and the draft ordered to be engrossed for a third reading.

Convention adjourned.

Thursday, Oct. 31, 1844.

Mr. Kirkpatrick offered the following:

"Resolved, That the Delegates in this Convention have each $3 per day for their attendance, and $3 for every 20 miles travel in coming to and returning from this place; that the Secretary be paid $5 per day, the Assistant Secretary $4 per day, and the Sergeant-at-Arms and Door-Keeper each $3 per day."

Mr. Wyckoff moved to allow the Assistant Secretary $5 per day. Lost.

Mr. Lowe, of Des Moines, said he was opposed to passing the resolution in its present shape. We had nothing with which to pay ourselves, if we passed the resolution. Besides, we had fixed the pay of members of the State Legislature at $2, and our services ought not to be worth more than theirs. He had rather the pay of the Delegates should be left for a future Legislature to fix. Perphaps it would be well to fix the pay of the officers.

Mr. Lucas said, he thought we might as well fix the pay of the Delegates, as to leave it to a future Legislature. The law creating the Convention authorized us to fix our own pay, and we should have no false delicacy about doing it. We had come here and spent our time, and worked faithfully to serve our constituents, and he thought we had earned $3 per day. Past Legislatures had received $3 per day, and the people expected that members of the Convention would be paid the same.

Mr. Kirkpatrick said, if $3 per day was too big a dose for any gentleman, he was not obliged to take it. He could take as much as his stomach would bear, and leave the rest.

Mr. Cook said, he thought we were the people themselves, and that we were not bound by any act of the Legislature in fixing our pay, or anything else. We had fixed

the pay of members of the Legislature at $2 per day, and he did not see with what kind of face we could vote to give ourselves $3.

Mr. C. moved to strike out of the resolution all relating to the per diem and mileage of Delegates.

Mr. Hepner said, the Convention had appointed a Committee to ascertain the expenses of the session, but the Committee could not perform its duty without some such proceeding as this resolution, to ascertain what was to be allowed to members for their per diem and mileage, and how much to the officers. It was thought, also, by some of the members, that if they had certificates of what would be due to them, signed by the President and countersigned by the Secretary, they could make use of them for present convenience—could perhaps pay their board with them, &c. If we were going to get cash in hand, the position of the gentleman from Scott (Mr. Cook,) would be correct, and it would not be proper to pay ourselves more than we had fixed for the pay of members of the State Legislature. But there was no telling when we were to get our pay; perhaps we would lay out of it 10 years. He was first of the opinion of his colleague, (Mr. Lowe,) not to say anything about the pay of members; but he since formed a contrary opinion, and he now thought it was best to settle the matter here.

Mr. Quinton expressed views similar to those of Mr. Hepner.

The question was taken on the motion of Mr. Cook, and lost.

Mr. Cook now moved to strike out $3, and insert $2. He was opposed to legislating money into his own pocket. It was said there was no knowing when we were to get our pay—so there was no knowing when the members of the first State Legislature would get their pay. There would be no money in the Treasury, and they would have

first to pass a Revenue law, and then wait till the money was collected. Should Congress divert the legislative appropriation, as had been asked for, they would probably allow to the members of the Convention the same that past Legislatures had had; but if the pay was to come out of the State Treasury, he was opposed to fixing it at $3.

Mr. Hooten said he could not see the difference between taking $3 a day from the United States, or from the State. He thought the paper certificates would be worth little or nothing, and he should not scruple to take the $3 a day from either source, when it came.

Mr. Kirkpatrick said he was going for the $3 a day in order to make a little political capital. Taking the trouble and making the sacrifices necessary to come here, and getting pay for but about 20 days, $3 was none too much; and if his constituents were not satisfied, he did not want them to send him any where again, for he did not want to go for less than $3.

Mr. Lowe, of Muscatine, called for the yeas and nays, in order, he said, to let the gentleman from Jackson make his political capital.

Messrs. Chapman and Bailey each supported fixing the pay at $3 per day.

The question was now taken on the motion of Mr. Cook.

Mr. Clarke asked to be excused from voting.—Granted.

The motion was lost—Yeas 24, nays 41.

Mr. Peck proposed a substitute for the resolution—that the President and Secretary give to the members certificates of the number of day's attendance and mile's travel. Lost—Yeas 15, nays 54.

Mr. Campbell, of Scott, moved to amend the resolution so that the Secretary and Assistant should have each $3.50 per day.

Mr. Hempstead opposed the motion to amend. He said if ever men had earned what was proposed to be given

them, the Clerks had. They had been forced to work night and day in order to keep up with their duties. He thought, also, that the members had well earned $3.

Messrs. Kirkpatrick and Lucas opposed the motion of Mr. Campbell.

The question was taken on the motion of Mr. Campbell, and it was lost—Yeas 8, nays 58.

The question being on the adoption of the resolution, a division was called for, and a vote taken on the pay of members and the pay of officers separately. For the first branch of the resolution, yeas 39, nays 39—carried. Second branch, yeas 61, nays 5—carried.

The Report on Incorporations was now taken up on its 3d reading and passage.

Mr. Cook moved that the Report be referred to a select committee, with instructions to so amend the 6th section, as to limit the Legislature's power of repeal to charters by which banking privileges were granted.

After some little remark, the question was taken on Mr. C's motion, and it was lost—Yeas 24, nays 41.

Mr. Hobson moved that the Report be indefinitely postponed, which was decided in the negative, as follows:

Yeas—Messrs. Blankenship, Brookbank, Campbell of Washington, Chapman, Cook, Delashmutt, Fletcher, Hoag, Hobson, Kerr, Lowe of Muscatine, Lucas, McCrory, McKean, Randolph, Ross of Washington, Sells, Shelleday, Strong, Toole, Williams—21.

Nays—Messrs. Bailey, Benedict, Bissell, Bratton, Brown, Butler, Campbell of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Ferguson, Galbraith, Galland, Grant, Hale, Harrison, Hempstead, Hepner, Hooten, Kirkpatrick, Langworthy, Lowe of Des Moines, Marsh, Morden, McAtee, Murray, O'Brien, Olmstead, Peck, Quinton, Ripley, Robinson, Ross of Jefferson, Salmon, Staley, Thompson, Whitmore, Wright, Wyckoff, and President—44.

Mr. Shelleday said he had not troubled the Convention much upon the subject of this Report, but he must now say that he was conscentiously of opinion that it was calculated to be destructive of the best interests of the State. He was unqualifiedly opposed to the principles of the Report, excepting upon the subject of Banks. He presumed there would be no compromise; but if the Report was to pass in this way, it would secure his feeble opposition to the Constitution. He came here to compromise, and in that way to make a Constitution that he could vote for. He knew it was said that the Whigs came here determined to go against the Constitution, and to make it odious, so that it would be defeated. He, for one, would say that it was not so—he cleared his skirts of any such intention. He asked gentlemen of the other party to consider this matter seriously; the 20 Whigs in the Convention represented a large proportion of the people of this Territory; The Democratic majority was not so very large, and this measure might cause the defeat of the Constitution. He knew many Democrats who would vote against the Constitution on the same principles as himself. He came to this county because he thought it would be a great manufacturing country, but this Report would prevent almost any enterprise of that description.

The question was now taken on the final passage of the Report, and it was passed—Yeas 45, nays 22.

The Report on County Organization—the Ordinance—and the Memorial to Congress—were each read a third time and passed.

Mr. Shelleday, from Committee, reported a recommendation for the printing of 480 copies of the Journal of the Convention.

Mr. Clarke proposed a substitute for the report of the Committee, providing that the Journal should be printed if it could be paid for out of the fund appropriated by Congress for the Legislature.

Mr. C. entertained little doubt but what Congress would divert the appropriation to paying the expenses of the Convention.

The substitute was supported by Mr. Peck, and earnestly opposed by Messrs. Langworthy, Lucas, Cook and Bailey, who all claimed the certain printing of the Journal as absolutely necessary to a full information of the public, and also to place individual members of the Convention in a correct light before their constituents.

Mr. Clarke withdrew his substitute, and the recommendation to print 480 copies of the Journal was agreed to without further opposition.

The Convention adjourned.

Afternoon Session.

Mr. Peck in the Chair.

Mr. Harrison offered a resolution that the President of the Convention be allowed $3 per day extra pay, which was adopted.

Mr. Hawkins, from the Committee on Enrollments, reported the whole Constitution to the Convention, as correctly enrolled, and asked the attestation of the members and Secretary thereto; which was accordingly given.

Mr. Kirkpatrick, from the Committee on Expenditures, reported a bill of items, for the incidental and other expenditures arising out of the session, with the exception of the account of the Secretary for stationary.

The items are as follows:

Jesse Williams, for incidental printing,	$ 262 50
For fitting up the room of the Convention,	138 20
Extra Clerks,	13 50
Per diem of members,	5,616 00
Mileage, " "	1,746 00
Extra pay to the President,	78 00
Secretary of the Convention,	130 00
Assistant Secretary,	104 00
Sergeant at Arms,	78 00
Door Keeper,	78 00
	$8,244 20

Which report was agreed to.

Mr. Shelleday offered a resolution that the thanks of the Convention be tendered to the President for his able and impartial conduct in the Chair; which was adopted.

The Convention then adjourned till 6 o'clock, to-morrow morning.

Friday, Nov. 1, 1844.

The following resolutions were offered and adopted, namely:

A resolution to pay F. M. Irish $6 for two days services as Sergeant-at-Arms pro tem.

A resolution to pay Jas. W. Woods $10 for two days services as Secretary pro tem.

A resolution giving the President and Secretary the power to settle for printing the Constitution.

Also, a resolution authorizing the Secretary to superintend the printing and distributing of the Journals, and giving him for his services $100.

Mr. Hawkins moved that the Convention adjourn *sine die.*

The President then addressed the Convention in a few parting observations, congratulating the members upon the work they had accomplished, and expressing his belief that it would receive the approval of the people; which concluded, he declared the Convention adjourned without day.

Fragments from

The Iowa Capital Reporter

PROCEEDINGS

OF

THE CONVENTION OF 1844.

Tuesday, October 8th, 2 p. m.

Mr. Hall offered the following resolution:

Resolved, That each member of the Convention have the privilege of taking twenty copies of the newspapers published in this city, and that the expense of the same be charged to the contingent expenses of this Convention.

Mr. Thompson moved to amend the resolution by striking out twenty and inserting ten.

Mr. Grant was opposed to the original resolution, and would oppose it if amended. He thought it was copying from that sink of pollution, the general Congress—it was useless and corrupt. We come here with economy on our lips, and he was unwilling to act in favor of any measure that savored of useless expenditure. This he believed to be one, and of all others, the least deserving of favor. The Legislature of this Territory, he said, had been in the habit of subscribing for a large number of papers to furnish their constituents; and for his part, he believed it to be an injury to the papers at the capital, inasmuch as it prevented them from obtaining a good and permanent circulation throughout the Territory. People would not subscribe and pay for newspapers when they could be furnished at the most inter-

esting portion of the year, gratis. Mr. G. had no doubt, if this resolution passed the Convention, the editors would furnish the papers, as he had discovered upon their part, a very great disposition to accommodate, but for his part, he thought it asking too much; they would in all probability be kept out of their claims for years. He should vote against the resolution.

Mr. Hemptead was in favor of the original resolution. His constituents expected it, and would not be satisfied without it. It was a proposition that was right. The people wished early information, and were waiting anxiously to hear the proceedings. He thought it was pitiful economy that denied the people means of information upon a subject that they had sent us to perform for themselves, there was a special necessity for this information at this time, that the constituent might be informed preparatory to his voting for or against the constitution.

Mr. Hawkins said that he should oppose the resolution. He was in favor of economy—every member of this Convention had pledged himself in favor of economy. Again, the distribution of papers was foolish and useless—it done no good. The first number would be sent to A, the second number to B; thus the information would be given out in broken doses, and he never heard of any good from broken doses, unless it produced salivation.

The desires of the people upon this subject, arose from the fact that they supposed the papers would be paid for as heretofore, by the general government. They did not know that they would have to be taxed to pay for them. They were ignorant upon this subject. The Legislatures of the Territory had expended thousands more than had been appropriated, and the people did not know it. He said that this would be a bad precedent, and ought not to be sanctioned; he would not disappoint his constituents with his motives of economy.

Mr. Hall said he was aware that this resolution would tread upon the feet of members who were tenaceous of economy, who always had it on their lips, however it might be in the heart, yet he regretted that the first victim that it sacrificed should be a proposition to enlighten the people upon the most important and interesting subject that had ever been before them.—It was the same species of economy that prevented the miserly parent from purchasing a spelling book for his child, or refused to patronize a school. It was a tariff to protect economy against intelligence. The people desired this and would never complain if they were gratified.—His colleague had said the people were ignorant of the source that was to pay for these papers—he denied that they were so—they knew as well as the gentleman did, and it was unkind in that gentleman to accuse them of ignorance.

[The motion was lost.]

Thursday Morning, Oct. 10.

Mr. Chapman moved to take from the table a resolution offered on yesterday by Mr. Sells, in reference to opening the Convention with prayer. It was taken up. Yeas 37, —Nays 32.

Mr. Hall offered the following amendment:

Resolved, That the exercises created by this resolution shall commence at least one half hour before the assembling of the Convention at its regular hour of adjournment, and be concluded before the regular time of the meeting of the Convention.

Mr. Chapman said he thought that the adoption of the amendment of the gentleman from Henry would be an insult to the Clergy, and to that portion of the Convention

who believed in the superintendence of a Supreme Being. He thought the character which it would give us abroad to adopt this amendment, should influence us—that it would have a bad moral tendency, and that if the amendment was adopted he should have to vote against the original resolution.

Mr. Kirkpatrick wished to be heard—he voted to take the resolution from the table—he like the gentleman from Wapello, believed in a superintending Providence, and would go farther—that that providence guided and controlled our actions; but he differed with the gentleman from Wapello; he was a firm believer in Christianity, but did not wish to enforce prayer upon the Convention; he wanted it to rely on its divine origin for the enforcement of its tenets; prayer would be equally efficacious if in private; that if gentlemen wanted prayer let them pray in their closets; he believed secret prayer would have more influence than the prayer of the Pharisee; that the resolution was calculated to enforce an abstract right, which could not be enforced without interfering with natural rights.

Mr. Sells hoped that the amendment of the gentleman from Henry would not prevail. He did not intend to elicit discussion; it had been customary to have prayer on such occasions; he regretted that we had so far traveled out of the Union and were so lost to a sense of moral duty, as to deny our dependence on a superintending Providence; that such a course would cause vice and immorality, and prevent good; if the amendment prevailed, he should vote against the resolution.

Mr. Lucas was astonished at the amendment of the gentleman from Henry. Dr. Franklin had made a motion in the Convention that formed the Constitution of the United States, to open the same with prayer—it had been followed everywhere as a custom, and it would give us a bad name abroad if we rejected this resolution. He said it was due

to the religious community, and to our own character. He believed in the superintending care of Providence, and believed His promises would be fulfilled.

Mr. Hooten said he was opposed to the amendment of the gentleman from Henry; he had rather meet the resolution on its true merits. The gentleman from Johnson reminded him of an anecdote of Franklin when a boy, who enquired of his father why it would not be better to say grace over the whole barrel of pork at once. Gentlemen opposed the resolution for furnishing papers, on account of expense; and on grounds of economy, to be consistent, should oppose this. Our constituents counted more on being informed of what we were doing than they did whether we were every morning engaged in prayers.

Mr. Hall said he did not offer the amendment out of any levity or disrespect to religion. He venerated religion, but he believed that the amendment was right. If there was really good in prayer, the amendment gave ample opportunity to those who chose to attend to it, and would not inflict upon those who did not wish to hear prayer—an unnecessary, and, as he thought, improper annoyance.

Gentlemen claimed to pass this resolution on the ground that it would add character to the Convention at a distance; not from a supposed necessity that the members required religious interference—not from an impression that any direct good would arise from it, but it was for dress, for show, to delude the prejudices of sections. He was opposed to any attempt on the part of the Convention to palm themselves off to be better than they really were, and above all other things, to assume a garb of religion for the purpose of giving themselves character. He denounced the position as hypocritical, and an imputation on religion itself. He alluded to political meetings, and the solemn mockery of opening them with an appeal to Heaven, and closing them with a drunken row or low debauch. He alluded to the

case of the Rhode Island meeting in favor of Dorr, and the prayer upon the occasion. The Reverend gentleman on that occasion prayed most fervently for the release of Dorr —for the election of Polk and Dallas, and the triumph of Democratic principles. He said that he approved of the doctrine of that prayer, yet its efficacy and the facts connected with it, would imply that Deity was a Democrat; for unless he was, no such prayer could receive approbation from that source. He thought religion, such as reigns alone in the heart of man, suffered much from all such prostitutions.

Mr. Bailey wished to say a few words in justification of himself. He thought the discussion was taking a religious course. This, he stated, was always an exciting subject, and when brought to bear on matters of this kind, productive of unpleasant consequences. When this Convention resolved to have its session opened with prayer, he cheerfully acquiesced—but when it was proposed to take up the time of the people for twenty or thirty minutes each day, he felt himself bound to enter his objections to such a course. He said he witnessed those present who on yesterday had opposed, by their votes and their speeches, the sending of the newspapers of this city, to enlighten the people on the important transactions of this Convention, who were now seeking to incur a greater expense for prayer in this hall. The Convention, in his opinion, was created specially for the transaction of business—the business for which they were sent—and not for religious purposes. If this resolution passed, it would in his opinion, become the duty of the sergeant-at-arms to bring members to this hall for the purpose of attending prayer. This, in his opinion, would be abridging the individual rights of members. If gentlemen did not choose to come voluntarily, it would be wrong in his view, to enforce attendance. People love liberty, and were daily becoming more and

more sensitive upon this subject of individual rights and privileges. He said if members wished prayer, there were prayer meetings in town almost every evening, and that they had the privilege of attending that sacred duty at their own pleasure, without taking up the time of the people in this hall. He thought the precedents referred to by gentlemen should not be made to apply on this subject. If we had always adhered to precedents, we should never have advanced to our present state of glorious civil and religious liberty. We are a progressing people, and were, he was happy to believe, becoming more enlightened upon the matter of individual rights daily. He regretted to see religion brought to bear upon temporal and political enterprize—which he conceived as often as otherwise, to be through the worst and most selfish motives. He had recently seen it stated in the papers, that Clay Clubs and other political and party carousals, had, as he believed, invoked the aid of religion for political and party purposes. He did not wish his remarks to apply to one of the great political parties more than the other, but merely to show that, in his opinion, religion was frequently made the cloak under which demagogues too frequently attempted to elevate themselves into political favor.

Mr. Fletcher said that having himself made a motion on Monday last, that prayer should be offered at the opening of the Convention, he felt it his duty to state the motives which would govern him on voting upon the amendment under consideration and upon the passage of the resolution. He was opposed to the adoption of the amendment and in favor of the resolution, he could not admit that the friends of the resolution wished to get up a religious controversy. Mr. F. said that he regretted that the resolution had been offered as it had met the disapprobation of so large a portion of the Convention; but as it had become a matter of record, if the mover did not see fit to withdraw it he would

vote for it. He was unwilling that it should go forth to the world that Iowa had refused to acknowledge a God, he contended that such would be the light in which the moral sense of the community would view the rejection of the resolution. Mr. F. said he made no pretentions to extra piety—he had no religion to boast of, said that he had faith in the God of his fathers and that he held it to be his duty and privilege on all proper occasions to acknowledge his allegiance to him and to supplicate the blessing, and he deemed it not only right but highly proper that the people of Iowa in Convention assembled should acknowledge their allegiance to Almighty God and implore his guidance and blessing. He held that the influence of so doing would be salutary on the members of the Convention, and beneficial in its effects on the morals of the community.

Mr. Evans thought more time had been occupied by this debate than would give us prayers for two weeks. He had no objection as to the prayer at the Dorr meeting referred to by Mr. Hall, he thought it a good democratic prayer. He should vote for the resolution. It was customary in the country, in which he was brought up, to have assemblies of this kind opened by prayer. He hoped the resolution would pass.

Mr. Hepner thought it extremely difficult for men to make their actions conform to their professions. The resolution introduced violated the Bill of rights, as just reported, and if it should be adopted, it would be in the power of the Convention to have a call of the house and force the attendance of members, whether they were disposed to have prayer or not, he was in favor of a free exercise of religious services, and he hoped the first act of this house would not be in opposition to the Declaration of Rights.

Mr. Shelleday did not feel as if he would represent correctly, the moral feelings of his constituents by remaining silent. He wished to meet the resolution fairly and openly.

Gentlemen were not sincere in their opposition—he believed it was a uniform practice to have such assemblies opened by prayer, and cited the example of Congress. He said it would be recollected, that in a debate in Congress, the most profligate and wicked were made to feel serious when the chaplain made a prayer, and they sunk down under a sense of their own wickedness, of which they were made sensible. He was sorry any gentleman considered himself independent of God and the efficacy of prayer. He should support the resolution, as he wanted it to [go] forth to the world that there was one green spot in the future State of Iowa.

Mr. Lowe of Muscatine, said he had not intended to have said anything in this discussion; but he had concluded to say one word. He said he considered that the amendment did not fairly meet the question—it was skulking—it was a direct attempt to defeat the resolution, and was unworthy of the gentleman who introduced it. It was in the line of safe precedents to pass this resolution as it originally stood, and a refusal to pass it would be an imputation upon the House—one that he hoped would not be permitted. He said that religion had taken a deep hold in this country, and the time would soon come when men of proper moral and religious sentiments would alone hold the offices of this country.

Mr. Quinton professed to believe in the doctrine of the bible; he should sustain the amendment; he conceded to all, the right of enjoying religious liberty as they may think best; he did not think prayers would have the effect to change the purpose of any delegates. In the name of sense and reason, do not compel members to come and hear prayers, whether they will or not; leave us where we should be, free to hear prayers when and where we may prefer.

DEBATE ON STATE BOUNDARIES.

SATURDAY, OCT. 12.

The report of the committee on Boundaries being under consideration, Mr. Clarke moved to strike out from said report all that part which adopts Sullivan's line as the southern boundary of Iowa, and in lieu thereof to insert the words "northern boundary line of the State of Missouri."

Mr. C. said he presumed it to be unnecessary to occupy much of the time of the Convention, in explaining the object of his amendment, as the amendment bore that upon its face. If the language proposed to be stricken out was retained, it would force upon Congress, in connection with our admission, the settlement of the disputed boundary question with Missouri, and this he did not want to see. Any other time, he thought, would be more propitious for the adjustment of the difficulty. What he most feared was, that Congress would not give the subject that careful and full investigation which was necessary to the establishment of our claim: but for the sake of getting rid of the dispute, and preventing collision in future between the States of Missouri and Iowa, would decide the question upon grounds other than those involved in the merits of the controversy. A decision, under such circumstances, might possibly be against Iowa, and this was what he was most anxious to prevent. It would not be asserted that even the Congress of the United States itself would encroach upon the territorial limits of a State, but it was clear that they had the power to add to those limits. In this case, Missouri sets up a claim—a groundless one he admitted, but still it was a claim—to a portion of country on her northern boundary, over which Iowa has ever exercised jurisdiction. Was there not danger, that, as in the case of Michigan, Congress, having absolute control over the boundaries of Iowa, might be induced to accede to the claim of Missouri, and as

a *salvo* to us extend our territorial limits on the north? By adopting the amendment proposed, the question of boundary would be left precisely where it now stands, and could be decided judicially or otherwise hereafter upon its own merits. When thus decided, Mr. C. had no fears for the result, but he was not without apprehension, should the question be forced upon Congress when we come before that body for admission. It might both lose us the territory in dispute, and retard our admission into the Union.

Mr. Lucas was decidedly and unequivocally opposed to the amendment of his friend from Des Moines, (Mr. Clarke.) It was in his opinion, as much as to declare by our constitution that we gave up our own right to the disputed tract. The Sullivan line was the true line—it was the line of demarcation between the Surveyor General's district land-offices and was the line referred to in all the Indian treaties, etc.

Mr. Clarke denied that by adopting his amendment the Convention would surrender, or in any way prejudice the claim set up by Iowa to the Sullivan line as her southern boundary. The language of the amendment was the same as that employed in the law organizing the Territory, by virtue of which, Iowa has ever exercised jurisdiction over the strip of country in dispute. It would, therefore, be giving up nothing, but the question would be left just as it stands at present, to be settled in such way as might be hereafter agreed upon by the parties. He repelled the charge of truckling to Missouri, and maintained that the adoption of his amendment was necessary to avoid endangering the just claim of Iowa to the country in dispute. Congress could only settle the question finally in one way, and that was by giving the country in dispute to Missouri. The adoption of the Sullivan line by that body as the southern boundary of Iowa, would not prejudice the claim of Missouri, if well founded, and the subject would still remain open to dispute.

Mr. Peck said that he should vote for the amendment of the gentleman from Des Moines, and if for no other reasons, the facts stated by the venerable gentleman from Johnson and the gentleman from Wapello would be sufficient with him.

We are told that the Sullivan line is the true line, we are also told that the Congress of the United States has repeatedly recognized this line as the true one, and that the state of Missouri until within a few years past has never set up any claim to this new line; that they have always recognized the Sullivan line.

These facts then establish the fact that the Sullivan line is the *northern boundary line* of the State of Missouri. The position of the gentleman from Des Moines, therefore, assumes the same line as the one asserted *in terms* by the report of the committee.

The reason stated by the mover of this amendment, was truly stated and the object clearly elucidated, and this reason, the fact that if we assert the Sullivan line in *haec verba* will insure the united opposition of the whole representation from the State of Missouri, which would *inevitably force a decision* of the question in Congress, and would operate to either keep us out of the Union or admit us into the Union by giving the disputed tract of country to the State of Missouri. For it must be admitted, that although Congress may give additional territory to a State they cannot take it away.

Again, if we assume the northern boundary of the State of Missouri as our southern line we shall pass through Congress without opposition, and this will leave the question open for future settlement. If settled in Congress, we shall be able to meet the question on something like equal terms, and if in the Supreme Court of the United States, then with the facts which the gentleman who oppose this amendment say exist of record, we shall be certain of success in that tribunal. Then as a question of policy, and ardently desiring the Sullivan line as our southern boundary, I shall support the motion of the gentleman from Des Moines, as the means best calculated to produce that result.

As to appeasing the State of Missouri, the idea is out of the question; no one will be disposed to do anything of that kind. It is a broad question of expediency.

Mr. Hall said that he should be glad to hear from the members from Van Buren. He should hesitate before he cast his vote contrary to their views upon that subject. They were more deeply interested, and had a right to have their feelings consulted.

Mr. Peck knew something of the history of the legislation of Congress on the subject of the northern line of the half breed tract. The law for the resurvey of the northern line of that tract did not originate in Missouri as the venerable gentleman from Johnson supposed but it originated on that tract, with the view of removing it south some six or eight miles, and thus secure pre-emptions to a part of that tract to the settlers.

They petitioned Congress to that effect and the law was passed, but the next session the counsels of speculators in that tract residing in St. Louis, New York, and Albany, prevailed and the law passed ordering a resurvey was repealed, the gentleman was therefore mistaken as to the origin of the legislation on that subject.

Mr. Hall said he was not satisfied either with the argument or spirit of the views of the gentleman from Lee, (Mr. Peck.) That gentleman appeared to think that we should truckle to Missouri and should humble ourselves by withholding our true intention.

(Here Mr. Peck arose and said that he did not wish to truckle to Missouri, and would be as far from it as any other gentleman.)

Mr. H. continued and said that he did not intend to im-

pute the language to that gentleman, but he thought the spirit of his remarks would justify him in what he had said. The gentleman from Lee had said that if we adopted Sullivan's line in the Constitution, we should receive in Congress violent opposition from the Representatives of Missouri, but if we left the question open, that opposition would be avoided.

Now said Mr. H. I ask the question what is there in this latter proposition, more than the former, to justify Missouri, unless it yields the very cause of their opposition to the former, Missouri opposes our admission with the Sullivan line.—That is the line we want. Now can we avoid the opposition of Missouri without yielding our line. Surely gentlemen underrate the intelligence and sagacity of the people of Missouri. They must think we yield to their wishes and we must make them think so before they will be satisfied, and for his part he was for assuming no false colors. If it is right to go to Sullivan's line said Mr. H., let us go and stand there until driven away by a superior power. He would never consent that that right should be sacrificed to policy. "That man was double armed who has his quarrel just."

Mr. Bailey, was pleased that the proposition of the gentleman from Desmoines (Mr. Clarke) had been made as it had elicited many facts touching this *subject* of our southern boundary. He was of opinion however that it was of but little importance whether it was adopted or not. He thought the matter elicited more feeling, and discussion than it deserved. He said he could not see that the amendment admitted in any manner the claims of Missouri to the district in dispute. He had understood from good authority that if Iowa would not agitate the subject any more, Missouri would not.

Mr. Chapman was willing to let the question of admission, situated as our Southern boundary was at present, terminate

upon the maintenance of the Sullivan line. He stated that our just rights would give us a line still farther South—but settlements, both in Iowa and Missouri, had been made with a view to the latter line as our Southern boundary, and he was opposed to manifesting by our acts or our Constitution that we entertained any doubts on the subject. Our claims said he, had been sustained by the unanimous opinion of Congress with the exception of the members from Missouri. He thought the adoption of the amendment under consideration would be considered a virtual surrender of our just rights, the right of Sullivan's line as our Southern boundary, and for his part he was entirely unwilling, even at the risk of getting into the Union, to surrender our just and well established Southern line. He went into a lengthy argument to show that Congress had the legal and Constitutional right to decide the dispute in question as the boundary; and he thought the proper time for settling it, was when we are admitted into the Union.

Mr. Fletcher said that he was of the opinion, that if the resolution of the gentleman from Des Moines was adopted, and our Constitution sent to Congress defining our Southern boundary to be the Northern boundary of Missouri, Congress would not admit us with a boundary thus defined. Gentleman might rest assured that Congress would provide, in some way, for the settlement of this question of conflicting jurisdiction between us and the State of Missouri, before we were admitted into the Union. It was desirable and important that the question should be settled; we have already had one blank cartridge war about the dispute; and to admit us as proposed by the amendment offered by the gentleman from Des Moines would bring us into immediate conflict with the authorities of Missouri. Mr. F. thought it not unlikely that the dispute would be settled at our expense but he thought it right, aud best for us to claim our right, to make our case and if we succeeded well; if not, it would

be an after consideration whether Iowa would accept of a boundary established arbitrarily in opposition to right and justice to accommodate the State of Missouri.

REMARKS OF MR. HALL

In Convention, on the Report of the Committee on Incorporations.

Mr. Hall said he would like to know why the Convention was acting upon a particular branch of business? Why attempt to exclude it? Was it because the exercise of that particular business was pernicious, and at war with the rights and interests of society? Was the evil in business itself or the abuse practiced by those engaged in it? If not in the business itself, then we should correct the abuse and let it stand or fall upon its own legitimate merits. If he understood this question the proposition embraces the entire scope of Banking. It was a question between equal rights and *special privileges*. In the first place we propose to exclude it from the *whole* people.—In the second place give it back to the *few*. This presupposes that the business itself is mischievous and immoral, and the general welfare requires its suppression—the other that a mischievous and immoral principle can be safely confided to a *choice few* and prove beneficial to all. Now said Mr. Hall if the business is incomprehensible with the interest of society it should be excluded altogether, we should only lessen an evil by circumscribing and restricting its operations—we cannot make it right. Now, said Mr. Hall, from the best view and observation that he had been able to take of this subject, the evil is not in the exercise of the business itself —not in the case of credit when left to the legitimate laws of trade—when placed upon the same footing with all other

branches of business. A man has just as good a right to sell his note as his house, and the owner of a horse has just as good a right to sell his horse for a note as for money, and any law or rule that interferes with this right, is palpably unjust. Credit is a right, which a man earns and is a part of his property, as much as veracity or honesty is a part of his character. There we should leave every man to enjoy their privileges equally. Those who earn and obtain the *most*, should be permitted to enjoy the most without diminution or interruption. Credit left to the ordinary laws of trade would necessarily be confined to actual business transactions, no more would be done than the wants of the country would require—*reality* would be the basis upon which every transaction would rest, and scrutiny and caution would be every man's protection against imposition and fraud. Equality would prevent any great disparity in the real value of business paper, and discounts of *paper for paper* would be unheard of. In view of these principles how stands the modern system of banking. In the first place laws prohibit the exercise of business altogether. In the second place special privileges are granted to a few to monopolise the business to the exclusion of all others. In consequence of this legal favor, this limited privilege: the credit of those who enjoy the privileges is immediately advanced beyond that of all others, which enables them to sell their credit at a large profit. Thus the man who is really entitled to an equal credit, with the Bank, is compelled to sell his credit to the Bank, and pay a difference in discount before he can use it in his ordinary business. By this means we transfer the credit of the business men to the Bank and substitutes that of the Bank, to the people or the country. The price paid for this substitution of Bank paper for individual paper is a dead loss to the community. The very paper issued by the Bank is borrowed upon the notes discounted, and their

security is really the assurance for the solvency of the Bank or the redemption of its issues. Thus the real security given by the Bank to the people, (viewed in the most favorable light,) is no better than the one given to the Bank by the citizens. If the Bank can credit the citizen well, the basis is credit upon that of the citizen, ought not the citizen to credit the citizen and will they not do so as far as that credit can be safely trusted. But it is said that the Bank has a capital in addition to the paper discounted, very true, but the individual citizen has a capital also upon which he relies to meet his obligations, and is the only source of confidence.

One of the effects of special banking privileges is that it forces the citizen to exchange his credit with the Bank before he can use it, and pay the difference, this difference is added to his capital in trade and must be met by an increased price charged against those with whom he deals. The effect is invariably that the producing class foot the Bill. It is said it adds capital to the country, and makes money plenty. It has the same effect as debasing coin, it makes more specie but really of less value. When the issues of the paper circulation passes the point where individual credit necessarily must reach, it becomes fictitious—it becomes a representative without a constituent, consequently no representative at all—'tis a fiction, a delusion, a fraud.

Gentlemen talk wisely and largely about restriction—give us well restricted Banks is the cry. They apply the word improperly—they assume a point or pinnacle for Bank privileges that has nothing but fraud, swindling and rascality as associates, and then talk of restrictions, restrict it down to a place where it cannot basely commit these frauds and there it will be well regulated, safe and sure. They first *restrict them up, and then restrict them down*—gentlemen may talk as they will, and reason as they do,

restriction in the sense they use it, only means a limit to a special privilege—equality requires no restriction—The privilege of being equal is the only privilege that this State should ever sanction.

The credit of Banks, is confidence and that confidence produced by special favors granted by law. 'Tis the legal sanction, the stamp of approbation created by the charter that gives the credit, not the intrinsic merit of the Bank; take that away and like Sampson, shave off his locks they become weak like other men. This then is the fatal error; the State makes itself a party to the fraud by giving it a charter as a cloak to hide its deformity and delude the people. With the glistning alurement of money a sa bait for cupidity and avarice, clothed with such *restrictive* laws by the government, their every step, and move, but "leads to bewilder and dazzles to blind." The victim of fraud is turned away without pity, cause, passion or relief. We tolerate the principle from habit, not because it is just or right, should a proposition be presented to grant such privileges to any other branch of business it would be frowned down, nay hissed out of the house, but this we readily embrace with eager delight. Yet the man who has money to loose has no more claim to special privileges than the man who digs potatoes or splits rails, if either—the latter are entitled to the power.

The let alone policy was surely a safe one. The example of the past sheds no light to guide us to a true and safe harbor. It merely stands as a lamp, a beacon to warn of danger, not to conduct to safety. The people will ever find that "a Bank of earth is the best Bank, and the best share, a Plough share."

REMARKS OF MR. FLETCHER,

On an amendment made to the Report of the Judiciary Committee, relative to the election of Judges by the people.

Mr. Fletcher said he had intended to say something in support of the amendment offered by the gentleman from Dubuque, inasmuch as he was instructed by his constituents to support the principle which it contains, but he considered that the question had been fairly argued by the gentleman who had spoken upon the subject. The gentleman from Wapello, he said, had advanced most of the arguments which he had prepared to offer to the consideration of the Convention, and had presented them in a better and more forcible manner than he could have done, he would, however, ask the indulgence of the Convention a few moments while he offered a few considerations on some points, relative to the question, which had not been particularly noticed.

Mr. F. said that he believed that the correctness of the principle for which the friends of the amendment contended, was conceded; it was conceded that the people were the source and fountain of power, and that they had the right to elect their officers themselves, directly or to delegate the power to elect them in any way and manner they chose. The question, at issue then, was whether it was expedient for the people to delegate to the Legislature the power to elect their judges. He said that delegated power was often abused; that it was at all times liable to abuse; that the true policy was for the people to delegate power only when convenience or necessity requires it, and in cases when some decided advantage could be gained by so doing. He contended that neither economy nor convenience were consulted by delegating to the Legislature the authority to appoint our judicial officers.

The denial that any advantage had been shown, by the

friends of delegated power as being the legitimate result of the mode of appointment, which they propose; he said, they assume the position, that the people do not wish to elect their judges, that they prefer to delegate this authority to the legislature. This, he said, was a matter of fact, which could be correctly ascertained, only, by referring the question directly to the people. The question, he said, had been discussed before the people in some portions of the Territory; and the result has been, that the people have expressed a preference to retain in their own hand the right to elect their own judges. Mr. F. said he considered the decision of the people in this case to be right: he believed that it would be injudicious for the people to delegate this power to the legislature. The gentleman from Johnson had cited this Convention to instances where the legislature of a State had frequently abused this power, by appointing judges to a district, who were odious to the people. Mr. F. said he considered this power safer in the hands of the people than in the hands of the legislature; he said it had been found not a very difficult matter to corrupt the legislature, but it was not an easy matter to corrupt a whole community. The Convention, he said, had decided that the powers of the government of the State of Iowa, should be divided into three distinct departments; the executive, legislative and judicial, and the policy of the Convention should be to make a proper distribution of the powers of the government among those several departments, so as to constitute each, the immediate, and co-equal representative of the people. The Convention had thus constituted the executive and legislative departments; and to preserve the symetry, and carry out the true theory of our representative government; the judicial department should be constituted in like manner. He said that gentlemen opposed to this theory, argue that the judges, thus elected by the people, would be compelled, and would abuse their power

for electioneering purposes. The gentleman from Wapello (Mr. Chapman,) who had just occupied the floor, had, he said, shown conclusively, that so far from having this effect, it would have an effect directly the reverse; he had shown that to make a judge directly depending upon the people for office, and for continuance in office, was to impose on him a most salutary restraint against any deviation from the path of duty; that the argument against the election of judges, applied with equal, and even more force against the election of justices of the peace. He said, that, if the position taken by the gentlemen opposed to the election of judges by the people be correct, then it was clearly the duty of the Convention to provide for the appointment of all the judicial officers of the State, by a power as remote from the people as possible, the judges, during the term of court, should be guarded by an officer of the law, as jurors are guarded—they ought not to be allowed to live in the district where they preside—they should be kept aloof from their fellow citizens—they should be cut off from the common sympathies and charities of life—they should live in solitude and seclusion—all this, he said, might be, and ought to be, if the position that judges are so easily contaminated be correct; however important it might have been considered in former ages to throw around the temple of justice, and the altar of religion, a mantle of artificial and conventional sanctity, such appendages at the present day, had no other effect than to corrupt the one, and desecrate the other. Mr. F. said that it was true that judges were influenced in their official conduct, on the bench, by considerations of personal friendships and enmities; he did not consider the evil remedied by the mode of appointment, advanced by the gentleman; place the judges, he said, independent of the people, and give them a salary which would enable them to move in the circle with the wealthy and aristocratic classes of community, and what guaranty, he

asked, would be given, that the judges would not, in their decisions, consult the interests of those with whom all their sympathies were associated, and on whose influence they depended to secure their continuance in office. It was the opinion of statesmen that the judiciary had a strong tendency to aristocracy and the assumption of arbitrary power.

Mr. F. said, that, next to the principle of truth and integrity which ought to, and which did govern the conduct of every honest man; the consideration that his official conduct would be duly appreciated by the community whom he served, was the thorough motive which could be brought to bear upon the mind of an honorable man, holding public office. He held that the surest guaranty, which could be had for the fidelity and good conduct of all public officers, was to make them directly responsible to the people.

REMARKS OF MR. FLETCHER

On Mr. Chapman's resolution to strike out all but the first section of the report of the committee on incorporations.

Mr. Fletcher said, that before he recorded his vote on the amendment, he wished to follow the example of several gentlemen and define his position. Much of the discussion upon the subject to-day, had reference to the vote passed yesterday, upon the adoption of the report of the minority, prohibiting the chartering of all banks of discount: his colleague had expressed his opinion that three-fourths of the citizens of Muscatine county were in favor of banking; he differed with his colleague, in opinion, upon this subject.

Mr. Fletcher said he considered that the very liberal provisions, which had been agreed upon by the committee, to amend the constitution, warranted any gentlemen, who were opposed to banking, in voting for the prohibition con-

tained in the minority report. Through the provision in the constitution, to amend the same, the people, if they choose, could have a bank created in as short a time, as a bank could go into operation, as provided for by the report under consideration, he considered the question decided yesterday, of more consequence than any other which had come before the convention; he regretted the result of the vote taken yesterday.—One of the great objections to banking, is, that it is difficult to get rid of the evils which it entails upon community; it had been found much easier to create banks, than it was to control them, when once established. We had but one bank in the Territory now, and he thought the experiment—whether a community could not sustain itself without banks—worth trying. Mr. F. said that the Convention, by prohibiting bank corporations, would establish a precedent which would, in its influence on public sentiment, be permanent and salutary.

Mr. F. said that he had flattered himself that he should find, in a majority of this Convention, the friends of equal rights; he had hoped that there would be one spot found in North America, where the Whig doctrine of bank monopolies and special privileges did not exist, he had hoped that this Convention, would provide, that the industrious citizens of other States, and other countries, who had been robbed of their substance by the direct, or indirect operation of banks, might, in Iowa, find a refuge and a home, where they could enjoy the fruits of their own labor in peace, without being compelled to support a privileged class, or order of men.

Mr. F. said that he voted in a very lean minority;—he would not impune the motive of any gentleman who voted with the majority on the question of prohibiting banking in the State of Iowa, he did not allow himself to call in question the motives which governed members in their vote; he could not, for a moment, believe that any gentleman was influenced in the least by considerations of the immediate or remote consequences which their vote might have upon their popularity.

Mr. F. said he believed the time was not far distant, when gentlemen would take a different view of this subject—when they would look back with unavailing regret, that, when called upon by the friends of equal rights, to come to the rescue, that they lacked the nerve to throw themselves into the breach, and save the State from the withering, and blighting curse of bank monopolies.

Mr. F., said that, considering the position in which he now stood in relation to this subject, he should consider it his duty to vote for all amendments, which he should consider salutary—reserving to himself, the right to vote against the whole measure on its final passage.

SPEECH OF THE HON. STEPHEN HEMPSTEAD.

Delivered in Convention, on the Banking System.[1]

Mr. Hempstead said that he was opposed to banks of discount and circulation, and would briefly state to the convention, his reasons for that opposition, nor in his opinion

[1] The Hawkeye, and if we mistake not, some other of the Whig papers in the Territory, shortly after the adjournment of the Convention for the formation of a Constitution, manifested an itching to criticise and ridicule Mr. Hempstead, of Dubuque, relative to his remarks as reported in the Standard of this city, on the subject of Banking. In order that we might be able to give the sentiments of that gentleman, we requested of him a correct copy of his speech made at the time the Banking clause was under consideration, and we this week present to the public a copy as corrected by himself, and hope that it will receive the candid consideration of our readers. The Hawkeye may, if it sees proper, print it on satin for the use of its whig friends and patrons.

The speech was accidentally mislaid or it would have appeared before the present time.

—From *The Iowa Capital Reporter*, Vol. IV., No. 5, March 8th, 1845.

was it difficult to demonstrate that the system of banking as carried on in the United States at the present time was the most cunning scheme ever devised by mortal man for the purpose of swindling the people, plundering them of their substance and filling the land with misery, dishonesty, and crime.

The system of banking which was generally practiced in the States and Territories of the American Union, combined from several functions, that is to say, to loan money, to receive money on deposit, to discount notes and bills of exchange, and to manufacture paper money for circulation, and for exercise of those privileges, companies of private individuals were incorporated by the Legislatures of the different States and Territories. As the amendment only proposed to prohibit the establishment of banks of circulation and discount in that State he would therefore confine his remarks to those two banking powers, merely observing that banks of deposit could do no great harm as the legitimate object of their establishment being only for the safe keeping, and transfer, of coin and bullion. Such was the bank of Venice and of more recent times of Amsterdam and Hamburg.

Of banks of discount he would say that they were established for the purpose of discounting notes and bills of exchange, or in other words were invested with the privilege by the sovereign authority of the country to live and fatten upon the distresses and misfortunes of their fellow men—to take advantage of their necessities by extorting from those who applied for their favors exorbitant interest or discount, and finally to entrap the unsuspecting in their queer laid net, that they may the more effectually accomplish the object of their institution. But to see the full effect of this privilege, it is necessary to consider it in connection with the power to manufacture paper money for circulation, a power that is founded in the wrong, exercised

in wrong, and at war with the best interests of society. What gentleman here would contend that it was a rightful exercise of the sovereign power of the people, to authorize by law a company of public or private individuals to loan their credit to twice or three times the amount of their actual means of payment, or in other words to issue two or three paper dollars for every dollar they may have in specie. Why should they be authorized to do this, or where is the reason or propriety of the grant of this extraordinary privilege? Mr. H. insisted that no good or valid reason could be given why the state or government should thus heap, with a lavish hand, her bounties or exclusive privileges on a few individuals—it was contrary to the spirit and genius of Republican institutions. But this was not all, for those banks thus established were also authorized to charge 6 or 7 per cent. interest upon the paper which they may loan. It will be remembered that it is not the gold and silver or actual money, which they loan but their credit in the shape of promissory notes or bank bills, upon which they charge interest or discount at the rates before stated. To make the matter plain, he would say that a bank with a capital of $100,000 is authorized to issue its notes to twice the amount actually paid in: it issues its notes to the amount of $200,000 and receive interest or discount on that sum. Was it not clear that the capital and credit, or faith, that such bank could redeem and pay two dollars with one thus combined in a tangible form in the shape of bank notes, and it receives interest on the whole amount? This, therefore, enables the bank to obtain usurious interest on their actual capital. If an individual charged usury, in some of the States he was punished by the loss of the whole debt, but bankers loaned their credit and took interest for two or three times more than they really possessed. This was because they were rich, and able to acquire an influence.

Another evil was that banks of circulation or issue added

to the mass of circulating medium, thereby increasing the quantity without adding to its value.—Money being the measure of value, as well as an instrument of exchange—it would therefore follow as a necessary consequence, that, although the volume of circulating medium be enlarged by an adulteration of the matters of which it is composed, or the emission, something else in its place; yet the quantity of pure money (gold and silver) remains the same, and just as much as it had been increased in quantity it had diminished in quality, and would measure no more value than it did before the infusion of alloy or other valueless matter into the mass. Mr. H. said that what he wished to show by this was, that by the issue of paper money or bank notes, a change in the relative proportion between money and other commodities, by an artificial increase of quantity without an increase of value, would produce a change of price, and that in this way we might readily discover the foundation of the frequent fluctuations which had occasioned so much bankruptcy and distress in the United States.

Under bank expansions or great issues of paper money, property acquires a fictitious value—speculations were entered into and men became gamblers at the shrine of fortune, and victims of that fickle Godess. After an "expansion," said Mr. H., comes a "contraction," and those banks which had created all the mischief, withdraw their credit and a new scheme is then exhibited—the property which was considered worth thousands yesterday is valueless to-day—ruin and bankruptcy is inflicted upon the community, and the hammer of the Sheriff and Auctioneer, are heard in the village and city throughout the land.

I care not, said Mr. H., if you incorporate a bank upon the plan of your majority report, you have no security that abuses will not take place. The second rule provided that "such bank or branches shall not commence operation until half the capital stock subscribed for be actually paid in gold

and silver, which amount in no case shall be "less than one hundred thousand dollars." How was this fact to be ascertained? It must be by commissioners or persons appointed for that purpose.—Mr. H. had read of an occurrence in Massachusetts which would show how easily such commissioner could be deceived.—A number of banks had been incorporated by the legislature of that State, and a certain amount was required to be paid in specie before they were authorized to commence business, and to ascertain that fact, Commissioners were appointed to examine and report to the Secretary of State. These banks not having the specie paid in, the necessary amount was borrowed and placed in the bank first to be examined; when the Commissioners came they saw that the necessary amount was there, and made out their report accordingly, and the same money was transferred from that bank to each of the others, and examined by the Commissioners who were thus deceived, and in consequence made a favorable report which enabled each of these banks to go into operation. This could be done in the establishment of banks and branches in this State as well as Massachusetts.

The majority report also provided that the stockholders should be individually liable for the debts of the bank. To show that this restriction could be easily evaded, it was only necessary to refer to the State of Michigan, where a seemingly thorough system of banking had been established, where the stockholders were required to pledge real estate for the payment of the debts contracted by banking corporations; nearly all of them failed but the real estate was not to be found, or if discovered was of no value; consequently hundred of thousands of individuals were deceived and many ruined by such plausible and apparent security. Such restrictions not unfrequently tend to deceive honest and unsuspecting men—men who know nothing of the complicated machinery of banking and swindling, until they

find themselves despoiled of their property, their wives and children driven from their happy homes upon an uncharitable world, and themselves the inmates of a prison.

Human wisdom, said Mr. H., could not devise a plan that would keep banking corporations within the bounds of honesty and fair dealing—they would overstep any of the barriers that the Legislature or the Constitution might place around them.

Another objection to banking corporations was that they created no real capital in the country, but only used what had been created by miners, farmers, and the laboring portion of the community, or in other words that they were not the producers of anything valuable to mankind but traded and speculated upon the money which had been produced by others. Mr. H. had always understood it to be a sound maxim of political economy, that the wealth of a country consisted in its industry, and that speculators and bankers were the drones of the hive.

Another objection was that the circulation of bank paper drive the real money, the specie from the country. Mr. H. could recollect the time when in this Territory change could hardly be obtained for a one dollar bill, the specie had been driven from circulation by the worthless rags of Michigan and other States; instead of the substance we had but the shadow in the place of gold and silver we had but "promises to pay." The people of this country had already suffered too severely by paper money, they had learned a serious lesson in infancy which he hoped would not be forgotten in manhood.—When gold and silver were the circulating medium the people were not visited with fluctuations of trade and commerce. If that principle was established in the constitution of this State, it would be carrying out one of the great fundamental rules of the democracy of our country.

We ought, said Mr. H., to exclude banking corporations

entirely from the State—say in our Constitution that they shall have no existence here, and such he hoped, would be the determination of the convention.

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 5, March 8th, 1845.

In making the motion to *indefinitely postpone* the minority report [Committee on Incorporations], the Doct [Lowe] distinctly stated the object which he had in view by so doing.

He said he would move the indefinite postponement of the report of the majority committee for the purpose of moving the adoption of the report of the minority. He said the Convention had labored for nearly two days, endeavoring to adopt some restrictions which would render it safe and proper to allow, in this Constitution, for the establishment of a bank.—This effort on the part of the Convention has entirely failed, and instead of an agreement of opinion as to what would render such an institution safe and harmless to the community, we have had amendment upon amendment, and an expression of opinion upon this subject, so various, that there is great danger after all, that we may not accomplish our object. He said he had supported the majority report, which provided that a state bank may be established with restrictions; this he did in accordance with a promise made to some of the people of his county, but he was himself a hard money man without qualification; about this there could be no caviling, it was a circulating medium that needed no restrictions, it could not defraud, it was plain and comprehensible, there was no complicated machinery about it which might get out of gear, it was something reliable at all times and under all circumstances. And as he had but little hope that the Con-

vention would be able to agree upon such restrictions as would make a bank safe, he would now go for adopting the hard money report, to prevent banks altogether.

It is not contended by any one that it would be necessary to have a bank for a series of years, and this being the fact, and the Constitution being alterable every six years, the people can, without expense to themselves, change it so as to admit of a bank before it is needed.

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 42, Oct. 26th, 1844.

II.

PRESS COMMENTS

AND

OTHER MATERIALS

RELATIVE TO

THE CONSTITUTION OF 1844

CONVENTION.

We are gratified to state that the Territorial Agent is actively engaged in preparing accommodations for the Convention to form a Constitution, appointed to assemble on Monday week. The Southern room of the 2d floor of the Capitol has been plastered, &c., and the necessary furniture is either procured or in preparation. A carpet the Convention will probably have to dispense with, as there are no available funds with which to purchase one, and credit cannot be procured. We presume, however, the character of the Constitution will not suffer from this deficiency.

The law authorising a Convention makes it the duty of the Secretary to prepare a room, &c., for the use of the Convention; but nothing has been done by that officer. The Agent visited him at Burlington, upon that subject, but could procure no aid, beyond the furnishing of a small quantity of stationery.

Reprinted from The Iowa Standard, Vol. IV., No. 39, Sept. 22, 1844.

WE ARE SUSTAINED.

It is well known that we opposed the election of Ex-Governor Lucas as a member of the Convention, upon the ground of his want of legal residence. Party spirit prevailed, however, and he was elected. His selection for the Presidency of the body was considered almost certain. But a candid view of the subject resulted in his rejection, and a man of little more than half his years has been chosen.

We have not the slightest doubt that had Governor Lucas been free from the reproach of his late office-seeking attempt in Ohio, he would now have been President of the Convention. While his friends in the Convention were willing to sustain him in his seat in case of contest, they were entirely unwilling so far to forget what was due to the dignity of the body, as to elevate him to the chair.

—Reprinted from The Iowa Standard, Vol. IV., No. 41, Oct. 10, 1844.

THE CONSTITUTION.

We lay before our readers this week, in extenso, the Constitution adopted by the Convention, assembled for that purpose, and which is now placed before the people, to be by them adopted or rejected. What will be its fate, we shall not attempt to predict. Nor shall we at this time canvass at length its merits and its faults. We shall deem it our duty, as it is our privilege, to fully express our opinions concerning every point of importance involved in the instrument; but we defer that expression to a more convenient season. We will, however, say, that while it embraces a great deal that is good and proper, (and it would be indeed strange if a document so long contained nothing to be approved,) it involves so much that is truly objectionable, that it cannot receive our individual support. The Constitution is a whole, and as such must be accepted or rejected. The process of amendment is too tedious and too uncertain to make it wise to look to that as a means of remedying essential defects. For these reasons, we can see no alternative for those, who, like ourselves, look upon it as striking, in various particulars, alike at the form of Republican Government, the purity and wholesomeness of judicial tribunals, and the just rights of the individual citizen, but to cast their vote against it.

We object to the proposed Constitution, first, that it mingles unwisely, and in opposition to reason, the Legislative, Popular, and Executive power. It makes the Legislature, instead of a body to enact laws, a body to *propose* laws. It makes the Governor, instead of an officer to execute laws, a judicial functionary, charged to sit in judgment upon their expediency. It grants to a power that is expressly made incompetent to create a law, full and plenary power to declare it abolished and destroyed.

We object to the proposed Constitution, secondly, that it casts unwisely and gratuitously into the immediate arena of party conflict, the selections of persons to adjudge the legal rights of the community.

We object, thirdly, that it breaks down and makes a nullity of the sanatory rules of Courts of Justice, in respect of witnesses—in that it permits those to testify who lack the natural and necessary predicate of faith and truth; that it admits them virtually without that qualification which is continued as necessary to the remainder of community; and that it permits no appeal to the jury to take cognizance of the difference in the two classes of testimony.

We object to the proposed Constitution, fourthly, that it in effect destroys the right (by destroying the security,) of community to associate for the advancement of their neighborhood interests. It burthens all charters designed to combine labor and capital for the effectuation of improvements, with conditions that no sane individual will assent to. At the same time that it leaves individual capital and individual effort free to do its utmost to harass or plunder the public, it takes away from the public the power and the privilege of combining for their mutual defence.

We object, fifthly, that it infringes an unquestionable law of social and political equity, in that it permits one party to a conventional arrangement to put an end to the

contract at his pleasure, and in defiance of the will and the rights of the other.

We object, sixthly, that such officers as Secretary of State, Auditor of State, and State Treasurer, are made elective by the people, when, from the nature of the qualifications required, and of the duties to be performed, those officers should clearly be selected by the Executive head of the Government.

We object, seventhly, that many of the salaries proposed to be given, are such that, ordinarily, only men of inferior qualifications can be found to accept the offices.

There are minor objections, that we shall notice hereafter.

Those objections which we have already referred to, if sound, are certainly sufficient to stamp the proposed Constitution with disfavor in the eyes of all impartial men. They are objections which the power of amendment cannot reach; and with us, they are fatal to the instrument itself.

—Reprinted from The Iowa Standard, Vol. IV., No. 46, November 14, 1844.

OPINIONS OF THE PRESS AT LARGE.

We have before us the opinions of nearly the whole body of the Press of the Territory, concerning the proposed Constitution. For the benefit of our readers, we will collate them.

The Reporter, of this city, says: "It contains many things to approve, and in some things there may be trifling matters to condemn." The Reporter then objects to the Lieutenant Governor being allowed to mingle in the debates of the Senate; it also thinks "the propriety of allowing the casting vote to the Lieut. Governor is, at best, problematical." "In regard to the biennial sessions of the Legislature," the Reporter says, "we are no believer in the maxim.

Our creed is a short session once in each year." That portion relating to Incorporations it unqualifiedly approves. In reference to the Judiciary, it remarks, "the organization of the Courts meets our entire approbation." It also declares a preference for electing District Judges by the people, rather than by the Legislature; but intimates that appointments by the Executive, subject to approval by the Senate, it considers best of all. It concludes—"With these views we are determined to give it our decided support, and wish to see its unanimous adoption by the people."

The Dubuque Transcript makes particular objection to the election of Judges by the people, and also to the provisions upon the subject of incorporations. The former alone, it thinks, is sufficient to condemn it. The Transcript also takes exception to the Convention having transmitted the Constitution directly to Congress, asking admission as a State, before it was submitted to the people.

The Davenport Gazette states that it used its "influence to facilitate the admission of Iowa into the Union, with the intention of supporting the above instrument [Constitution,] even at the sacrifice of some of our cherished principles." It then goes on to take special exception to the provisions upon the subject of corporations, and says; "We cannot then, from the train of disastrous consequences that must flow from the incorporation of such an article into the Constitution, we cannot give our vote for it."

The Bloomington Herald approves the provision concerning libel; but thinks the provisions against excessive bail are not sufficient. Concerning salaries, the Herald says:

"The salaries of all the State officers are, as we conceive, too small by seventy-five per cent. at least, with the exception of the Judges, and theirs is too small by at least one

hundred per cent. What, let us enquire, will be the probable result of a government like this? We shall venture the prediction that if the constitution be accepted both by the people and by Congress, five years from the date of our admission will find our offices filled with men totally unfit and unworthy the station they occupy! We are not led to this supposition from a lack of confidence in the judgment of the people to select worthy officers for the various stations, or the lack of good materials from which to select, but from the fact that worthy and competent men will not consent to perform the duties of the various offices for the poor pittance allowed them by the constitution. We know that the cry of 'Economy' is a favorite one with demagogues, who seek to make capital for future elections, and popular with those who prefer living under a bad government rather than a good one, if the latter dips a penny or two deeper in the purse; but as we have no political favors to ask, no blinded constituents to satisfy, we can boldly assert that we want a government founded on no such parsimonious principles."

The Herald concludes its remarks by saying: "It [the proposed Constitution,] has too many faults to be summed up in one sheet;" and does not inform us whether it means to support it or not.

The Hawkeye says—"With many exceedingly good points, it has others so radically wrong both in principle and operation, that like the scorbutic taint in the human system, it infects and vitiates the whole scope of its provisions." "The proviso for amendments," the Hawkeye continues, "never should be an apology for adopting a defective system, on which, with its approval, the work of repairs and betterments should immediately commence." It first objects to the plan of the draft, as combining improperly constitutional and legislative provisions; it objects to

the admission of Atheists to testify; it opposes "the schedule of salaries as niggardly and insufficient;" it objects to the Lieut. Governor's mixing in the debates of the Senate; it sets its "face uncompromisingly against the whole construction of the Judiciary," including the election of Judges by the people; it denounces "the Corporation restrictions as most dangerous precedents of innovation upon the reserved rights of the people, and as aiming at our prosperity as a State." The Hawkeye, we presume, will oppose the adoption of the instrument, although it does not say so in explicit terms.

The Territorial Gazette [whose Editor was one of the Delegates,] says—"This Constitution will commend itself to the approbation of the people, and will be sustained by them, by an overwhelming vote, at the ballot box in April next. We have seen and heard enough to enable us to say this with the most entire confidence. Attacked it may be, and has been, but it cannot be overthrown. A party vote cannot be got against it, and those who are already striving to effect such a result may as well cease their pigmy efforts. Whigs as well as democrats approve of its main features, and will vote to sustain it. Indeed, there will be no organized opposition to its adoption." [This is of course very modest coming from a member of the Convention, and directed to the people, who are to sit upon the character of his acts, as embodied in the Constitution. But the language is easily accounted for, when it is considered that the Gazette acts as Whipper-in of the other Locofoco prints, some of which have already manifested a very doubtful disposition upon the subject.]

The Lee County Democrat says—"We have the Constitution before us, and from the cursory glance we have given it, our opinion is, that with some slight modifications,

it is such a one, as should meet the approbation of the citizens of Iowa."

—Reprinted from The Iowa Standard, Vol. IV., No. 46, November 14, 1844.

ITS STYLE.

If the proposed Constitution is to be adopted as the fundamental law of the State of Iowa, we regret that greater attention was not paid to propriety and accuracy of style, as well as to consistency of provision. Much of the matter of the instrument is expressed in very confused and bungling language, and in some instances we remark that the intention is rendered almost or quite doubtful. In one place it is provided that "in all elections by the General Assembly the members thereof shall vote *viva voce;*" and in another we find that in case of the people failing to elect a Governor or Lieut. Governor, "The *Legislature* shall, by joint *ballot*, choose," &c. "The General Assembly," &c., is designated as the title of the law-making body; and yet we find "Legislature" and "Legislative Assembly" occurring at frequent intervals in various parts of the instrument, and sometimes in the very same section with the proper title.

—Reprinted from The Iowa Standard, Vol. IV., No. 46, November 14, 1844.

THE CONSTITUTION.

We dislike to find fault—it is a thing that we are constitutionally indisposed to; and that must be our excuse to our readers for delaying so long a full expression of our views in opposition to the many objectionable features of the proposed Constitution. We have stated the leading particulars in which we object to it. Our reasons we intend to give between this time and the first of April.

We will at this time let our readers see what are some

of the objections raised by others—for, we will here remark, it is in reality a much more important part of an editor's duty to exhibit the opinions of others than to express his own.

In an article, some weeks back, wherein was noted the opinions expressed by the different presses of the Territory, in reference to the proposed Constitution, the Dubuque Express (Locofoco,) was omitted—it not having come to hand. We now take from that paper of the 22d ult. the substance of an article, replying to the Burlington Gazette —which latter, it will be recollected, supports the proposed Constitution. The Express says:

"We differ very greatly from the Gazette—both as regards the expediency of a State Government, and the salaries of state officers. We voted against a Convention, because, upon mature reflection, we esteemed that it was bad policy to cut loose from the Government under circumstances so peculiar as present * * * * We were opposed to the assembling of a Convention, because we believed sincerely that it was a wrong step—impolitic—unwise, and *might* be attended by the most disagreeable consequences. We have frequently asked some of the most prominent advocates of this important measure, the question—What benefits will accrue to the people of Iowa by assuming a State Government, and incurring the expenses necessary to carry on the same? The reply, almost invariably, is something like this:—O, sir, consider the glory—the grandeur—the sublimity of an out-and-out State Sovereignty!!!!!—the inexpressible pleasure of choosing our own rulers!!!—only think, sir, of that;—and more than that, sir, consider that we are to receive from 'papa' also, Five Hundred Thousand Acres of choice Land!!!—only think of that, sir! 'Pun honor, sir, there is nothing like being free and independent. We don't measure our patriotism by dollars and cents,—not we?

Such was in substance, the answer we usually received to our interrogatory.—Now, here is the side of the picture upon which we look, and by which we were influenced to vote against the assembling of a Convention. It is known to all, we presume, that the expenses of our Territorial Government are defrayed by the United States—our Governor, Secretary of State, Judges, Legislators and our courts of justice cost us nothing—the parent government pays them all. Is this not an item worthy of the laboring man's consideration? The introduction of nearly $100,000 annually into our Territory by the U. S.—being about $1 for every man, woman, and child in the country—should not be hastily thrown aside; but on the contrary, should be allowed to flow in as long as possible. We complain that our taxes are already heavy and almost unbearable. Will this taxation become lighter by drawing on the robes of State sovereignty? Common sense forbids us to suppose that it will. But will not those expenses be greatly increased by the contemplated assumption of sovereign power? Undoubtedly they will—and that, too, without any means, apart from what we now possess, to meet them. We have, so far, lived happy and contented under the parent government—every want necessary to our well-being and good government as a Territory has been supplied by a kind and parental hand; if danger approaches, we have nothing to fear, because the same potent arm that protects us in peace, will protect us in war. As to the bonus of 500,000 acres of land—that, we suspect, will be given whether we become a State in ten or twenty years hence;—there is, we believe, an express provision for that. But the idea which seems to dazzle most, and which seems to have completely obscured the vision of our brother of the Gazette, is the fact, that we will have a voice in the councils of the nation, and shall thereby acquire character and dignity.—But he does not attempt to conceal the fact, that some twenty or

thirty thousand dollars will be added to our expenses—which are already heavy enough, as every one can testify. But this, we suppose, is a part of the *character* and *dignity* which is to crown the farce. But we feel very certain the editor has greatly underestimated the cost of a State government, and instead of putting it at $20,000, we believe that $40,000 will be much nearer the mark;—and if we may add to this the amount necessary to defray the expenses of our courts of justice, (which the Gazette has altogether omitted to mention) the conviction naturally forces itself upon us, that the expense of our State government will fall very little, if anything, short of $50,000. Now, if our fellow-citizens believe that they can pay $50,000 annually without inflicting upon themselves serious injury, they will of course, adopt the constitution; but if, on the contrary, they conclude that it is better to receive $80,000 than to pay out $50,000 they will certainly continue their present form of government.

The constitution, though a very good one, has some objectionable features. In the first place, the salaries of officers are altogether too small—particularly the per diem of the members of the Legislature.—We believe, that in order to procure men who are well qualified to make and administer laws, we should give such salaries as would ensure them a good and comfortable living while in office. A poor man cannot go to the legislature, because $2.00 per day will not justify him in leaving his domestic affairs, and spending his time at the capital. This is a matter, however, which it is unnecessary for us to discuss, as every man of common sense cannot fail to see the truth of what we say. The Gazette, we perceive, is in favor of a State government; and really, the argument which he uses in support of his views, reminds us of the mode by which the whigs endeavor to justify the present high Tariff—they contend that the heavier an article is taxed, the cheaper it

is to the consumer. Now, the people of Iowa are, so far as we know, contented and happy; but the Gazette intimates that their happiness and comfort might be materially augmented by heavy taxation. Verily, the idea, though not exactly original, has at least the merit of being *funny*.

The editor concludes by remarking, that "since a Convention has been held, and a constitution framed, we shall vote for the adoption of the Constitution; nevertheless we sincerely believe it to be at war with our best interests."

We quote the following from the Bloomington Herald, the remarks of that paper, previously given having terminated without a full expression of the course that it intended to pursue:

"We, this week, give the conclusion of the Constitution, the Ordinance and the Memorial adopted by the Convention. During the two weeks of our suspension, we have had an opportunity of learning the views of our contemporaries on the subject but have been unable to gather anything to shake us in our first impression that admission under the Constitution would be a curse to us as a people. Many good and true Democrats there are who differ with us on the subject, some of whom say that inasmuch as it is the offspring of a Democratic body, we should as a party, sustain it. With them we differ. In the language of the Hon. Levi Woodbury we can with truth say, 'we go where Democratic principles go, and when they disappear we mean to halt;'—and conceiving that Democratic principles have been departed from in the formation of the Constitution, we have called a halt, so far as it is concerned, and shall oppose its adoption, let demagogues of our party say what they may."

—Reprinted from The Iowa Standard, Vol. IV., No. 50, Dec. 12, 1844.

CONVENTION.

On Monday last, the Convention organized temporarily, by the choice of R. P. Lowe, Esq., of Muscatine, President pro tem. On Tuesday, Shepherd Leffler, Esq., of Des Moines, was unanimously elected President, George S. Hampton, Esq., of Johnson, was elected Sec't., and Alexander Anderson of Dubuque As't. Secretary.

The Convention seems happily constituted for the purposes for which it was called and proceeds in the business of the session with rare diligence and dispatch.—There appears to be a general disposition to avoid all useless and unnecessary expenses, and to finish the business of the session in the least possible time, consistent with the proper investigation and care. From the demonstration which we have already witnessed, we believe that the labor of a very few weeks will produce an excellent Constitution. * *

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 40, Oct. 12, 1844.

CONVENTION.

The Convention progresses, according to the best of our understanding, with an unusual degree of vigor, for a legislative and deliberative body. The work of framing a constitution is far advanced and in a short time, no doubt, the Convention will complete its labor.

There is a disposition to make an economical government, and in some respects we fear the State will be the loser. * * * * * *

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 41, Oct. 19, 1844.

SESSIONS OF THE LEGISLATURE.

It is contemplated by some members of the convention to restrict sessions of the Legislature to once in two years, and to elect an executive for four years.

The wisdom of this measure is difficult to discover. In the first place four years is decidedly too long a time for the people to divest themselves of executive authority without a renewed choice of agents.—It would seem more democratic that the immediate agents of the people, the legislative bodies, should assemble once in each year and be restricted to a short session. Occasions for legislation are of no unfrequent occurrence, and the true dictate of wisdom might point out that course, which would keep the government most immediately in the hands of the people, where their restraining influence could be felt, as the surest safeguard against corruption. In a word, we have believed that form of government to be most complete, which brings the power of the agent before the scrutiny of the principal, in the most frequent revolutions consistent with stability, and such being our opinion, we would as a private citizen, approve of a position assembling the Legislature once in each year, prohibiting a long session.

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 40, Oct. 12, 1844.

ABOLITIONISM.

A petition was presented to the Convention requesting a constitutional provision which would secure to the blacks resident in Iowa, all the rights and privileges of citizenship.

This petition was referred to a select committee, whose report is published in another column. It might have been a question, whether the subject was worthy a discussion or report, but as this has produced much excitement heretofore, no doubt a judicious measure was pursued.

We believe, to have granted the subject of the petition, would not have elevated the blacks in the least, but would have reduced the Anglo Saxon race to a bare competition with the new partners in the government. We hope that this black subject will now rest in Iowa forever.

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 41, Oct. 19, 1844.

JUDICIAL SYSTEM.

We publish in this number that part of the Constitution of Iowa which relates to the judiciary department.

In relation to making the Supreme court independent of the District court organization, we think that the people will generally approve of this provision. It would seem to be proper in case of writs of error from inferior jurisdiction, that the same judge sitting in a Supreme court should not have an interest to sustain a decision, made by himself, while sitting in an inferior jurisdiction.

In regard to making the Supreme judges' election by the legislature and the inferior judges by the people, although it is a departure from the ancient practice, it may meet the approbation of the public.

The limitation to a term of office in the judicial department we think a decided improvement upon ancient usages.

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 42, Oct. 26, 1844.

CONSTITUTION.

* * It contains many things to approve, and in some things, there may be trifling matters to condemn. It is hardly expected that a perfect instrument could at once be framed; and as the fundamental law is always subject to the control and amendment of the people, we must look to that

further action which the exigencies of the times and experience dictate, for that gradual advancement which civilization and moral improvement ensures.

In the executive division, we are unable to discover but one defect. We see no reason why the Lieut. Governor should be permitted to interfere in any manner with the sacred character of debate amongst the representatives of the people. This field should ever be sacred from the approach of executive influence. To our view, it savors of the regions of absurdity, to authorize the Lieut. Governor to participate in debate and withhold from him the right of suffrage. We are unacquainted with the propriety in legislation which authorizes one to discuss, and another to determine. Besides the reasons which we have given against the right of the Lieut. Governor to participate in debate, there is one very powerful objection. It is no unreasonable supposition, that the Lieut. Governor may, upon the legal contingency, become elevated to the executive head. Reason would hardly be convinced, that one fresh from the excitement, warmth, and perhaps rancor of debate, would have additional qualifications to judiciously weigh and determine an important matter for executive approval, which he had defended or opposed, with the fierce partisan warfare of debate.—The propriety of allowing the casting vote to the Lieut. Governor, in the constitution, is at best, problematical. The idea is borrowed from the constitution of the United States, where the Senate must always, if full, consist of an equal number to sustain the balance of the States, is copied into some constitutions where the Senate is of the same character; but under our constitution the wisdom, at best is doubtful.

In regard to biennial sessions of the Legislature: we are no believer in the maxim. Our creed is a short session once in each year. So far as our experience has served us, the people require to consult by their representatives for

the general good, as often as we propose; and their interest seems to imperiously demand it.—That biennial sessions will reduce expense we do not believe, and must be permitted to argue that it will be the means of increasing it. If we are not mistaken the unusual time elapsing from one session to another will serve but a pretext to prolong a session to unnecessary length, and experience may prove the necessity of called sessions so as to remove the evil.

We think two years is a longer interval than the people should divest themselves of their representative authority, without the power to resume it, particularly in the most numerous branch. An election for two years in the Executive and Senate is well enough, and perhaps, the best proposition; but, an election in the Senate for four years, in our view, is decidedly an error. We have one general belief and opinion, told in few words. The people should delegate authority sparingly, resume it, and invest it again in the most frequent intervals, consistent with the stability of government. The sturdy English patriots contended ages, for annual sessions of Parliament and annual elections; most of the States of the Union have adopted the annual system, and we see little occasion for an experiment.

As it regards the judiciary, the organization of the Courts meets our entire approbation. It is believed a decided improvement, when the judiciary is not numerous to have a Supreme Court independent of the District or inferior Court. There is little reason in referring a legal point for reconsideration to a Supreme judge who has already determined it in the Court below, and who has a pride of character to sustain the former position.—The manner of appointing judges, experience will test. We doubt whether the representatives of the people are, in general, possessed of more purity and uprightness than their constituents. It requires no spirit of prophecy to suppose that circumstances may arise before a legislative body

where political partisanship and a few private considerations may operate upon the representative will, instead of a profound discrimination of legal ability or respect for the administration of the law. In our opinion the election of District judges is better left with the people than with the legislature: because, if the office is elective at all, the choice should be made by the constituent body rather than by the representative. We believe in an executive appointment of the superior judiciary officers, and in an election of the associate judges (if any) by the people. The judges of the United States Court are appointed by the President, confirmed by the Senate, and see no probability of improving upon the system. Responsibility can be fastend upon an executive but never upon a legislative body. We believe in the full sovereignty of the people, but when they have determined the structure of their government and enacted the laws, a vigorous execution requires an executive head and unity of administration.

The constitution contains many sound provisions which will, we doubt not, exclude most of the prominent curses which have overrun the new States. Amongst these, the limitation upon corporations stands first and foremost. These soulless monsters have tyrannized enough; and we rejoice that Iowa, in the outset, has bound the hydra hand and foot, for all purposes of mischief, and left its friends, if they are disposed to test its virtues properly restrained by law, an ample field for the experiment.

There is another provision which is calculated to restrain foul combinations and intreagues, and is one of the most important in the instrument. We mean that provision which prohibits associating matters in the same legislative bill which have no necessary connection. In future, this will defeat the whole system of log-rolling, and leave the purity of the executive veto free and untrammelled.

The provision in relation to the State indebtedness, can-

not be spoken of in too high terms; and we see in this, the first serious attempt on the part of Iowa, to escape that abyss which has engulphed many of our sisters in the confederacy.

To the immense mass of merit which our proposed constitution possesses, we have deemed little comment necessary.—It is recommended by its comprehensiveness and brevity; and those provisions which we have considered as defective, may deceive our expectations, and answer in full, the wishes of the public.—If there are errors, they are easily amended, and the constitution as it is, is far better than a necessity to exist in colonial vassalage. With these views, we are determined to give it our decided support, and wish to see its unanimous adoption by the people.

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 43, Nov. 9, 1844.

STATE BOUNDARY.

Should Congress approve, (as no doubt they will) our proposed boundary, Iowa, in point of extent and richness of territory will be unequalled by any State in the Union. The boundary selected by the Convention is the most natural which can be devised; and gives us the majestic Mississippi for an entire eastern barrier, and carries our empire north to the St. Peters, and far west to the dark, rapid waters of the Missouri.

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 43, Nov. 9, 1844.

THE CONSTITUTION.

We believe that this instrument meets the nearly unanimous support of the territorial press of both political parties —We have regretted to discover the unqualified disappro-

bation of the Bloomington Herald. The grounds of this opposition, as yet, we are at a loss to discover. It pronounces it anti-democratic, but to our conviction it fails to make out the argument. The leading democratic journals throughout the country express a different opinion, and eulogize it highly. Among others the Ohio Statesman and Indiana State Sentinel have published it entire with high encomiums upon its merits, pronouncing it superior to any in the confederacy, and the Globe has spread it at length in its columns.

If the tendency of this instrument is really anti-democratic, and we can be made to understand it in that light, we will oppose it with all our energies. One objection advanced by the Herald is the extreme low salaries provided for executive and judicial officers. We cannot conceive this provision to have any political tendency at all, either democratic or anti-democratic. If our recollection serves us, another objection advanced by the Herald is the proposed election of judges by the people: this provision surely cannot be anti-democratic, but one step further advanced in democracy than most of the State Constitutions have ventured. If our friend of the Herald will take the trouble to examine the Constitutions of the States, we will venture to predict, that, he will become satisfied that the Constitution of Iowa is by far the most democratic of all, and very little anti-democratic in its tendency. If we understand aright the grand objection made by the Whigs in the Convention to its principal features, was that it, save the executive veto, was too agrarian, to levelling, and too democratic for corporation monopolists, and other despoilers of public wealth, and by no means that its tendency was anti-democratic.

* * * * * * * * * * *

In general we have discovered that the opposition of an individual to the constitution began and ended in an opposition to a State government at all. Consequently some find fault with one provision. Some with another, until every section in the instrument is alternately applauded and condemned. A large proportion of the whig party are intent to keep Iowa out of the Union, so that her two Senators shall not ensure the vote of the United States Senate to Mr. Polk at the next session: and the friends of the constitution may rely, that these whigs, for that reason, will do their utmost to prevent its adoption.

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 47, Dec. 28, 1844.

THE CONSTITUTION.

To our article of last week, relative to our proposed Constitution, the Standard makes serious objections, principally to the statement made by us that it met "nearly the unanimous support of the press of both political parties." By this statement we did not intend to be understood as saying, that the conductors of the different papers in this Territory gave to that instrument their unqualified support. The most of them like ourselves, have some unimportant objections to the expediency of some particular provisions; but the great and cherished principles of equal rights and equal privileges upon which it is based, and which is so liberally extended and enforced, has met not only the approbation of the Territorial press, but of the democratic press throughout the Union. We do not regard those papers who may entertain slight objections, based upon expediency and not upon principle, as opposed to its being the supreme law of Iowa. They, like ourselves, have frankly avowed their objections, and as frankly given to its general features, as far as principle is involved, their cordial support.

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 48, Jan. 4, 1845.

THE CONSTITUTION.

We gather the impression from the Hawkeye of last week, that it founds it greatest objection to the Constitution upon the article in relation to corporations. * *

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 52, Feb. 1, 1845.

CONGRESSIONAL BOUNDARY.

It seems that Congress in its wisdom has made a material alteration in the boundaries of Iowa from those proposed by the Constitution. From the amendment as it finally passed the House, which appears in another article, it is seen that the question of boundaries, as it regards the adoption of the constitution, is involved in doubt and obscurity, if not in positive contradiction.

The boundary of the State of Iowa is a matter of universal concern, of great importance, and well worthy serious deliberation. The one proposed by the convention is undoubtedly the most natural, and would Congress adopt it, it would include the most magnificent if not the largest State in the Union. This is the boundary which we would prefer, but then the question arises can we get it? Of this we have ever had a serious doubt.

There is a question connected with the boundary proposed by the convention which would afford a very proper subject for speculation. Suppose the great and rich vallies of the Mississippi and of the Missouri inhabited by a dense population, and the comparatively barren country that divided the waters which flow into each sustaining but a sparse population, and the representatives of all to meet in the legislative council, would not a Mississippi and a Missouri interest render a session anything but harmonious, perhaps positively discordant? Would it not be better that a State should be formed upon the Mississippi, another upon the Missouri, where the interests of each would be perfectly within its own control? We ask these questions merely by way of suggestion: and expect to profit by the wisdom and research of others.

* * * * * * * * * *

We are decidedly in favor of coming into the Union at all events and under the present constitution. Afterwards, at the next session, Congress may increase our boundaries to the limits prescribed by the Constitution: or if we are unable to procure such favorable action, we say let us avail ourselves of the benefit of the Union under the best conditions we are able to obtain.

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 6, March 15, 1845.

CONSTITUTION AND BOUNDARY.

* * * As it regards the Congressional boundary: we are of the opinion that a general acceptance, in contemplation of law, will amount to an acceptance of the Congressional boundary. However it cannot be disguised that the final action of Congress on the measure partakes somewhat of the spirit of Iowa legislation, and renders any absolute determination upon its meaning impossible.

* * * * * * * * * * *

So far as the Congressional boundary relates to the future development of the State of Iowa, it is really a very grave question, whether it is not a more satisfactory boundary than that proposed by the convention. National pride and exaltation might dictate to us a large extent of country, by which rule, we might claim to the shores of the Pacific: but as a separate community, amongst ourselves, would our prosperity advance in a similar proportion? We confess that we have had a decided partiality for the boundary

proposed by the Convention; but subsequent information has convinced us, that it was not of that importance which we had supposed. We have since learned that the section of country around the head waters of the streams, which flow into the two great rivers, is at best, a barren waste and unfit for settlement or cultivation. Consequently it becomes a matter of grave consideration whether a State wholly in the valley of the Mississippi and its tributaries, does not possess advantages over a State which would stretch from river to river, with a desert prairie in its heart. The Congressional boundary as nearly as can be with a direct line, divides the waters which flow eastward to the Mississippi from those which flow westward to the Missouri: thus obviating the difficulty which we have suggested.

There is another consideration which we cannot overlook. We view the question as already decided by the national legislature, "that we cannot obtain an additional foot of land." If this is really so we gain nothing by delay, and the sooner we enter the Union the better for us and for the further prosperity of our State.—We are one of those who believe that Congress will neither be coaxed nor compelled to retract a step it has once taken, and that breath spent in such an enterprise is but labor thrown away. It is perceived that the boundary given us by Congress is that proposed by the Geologist of the United States; and as Congress places implicit reliance upon the reports and suggestions of this officer, we see no evidence of a disposition to listen to us.

It is known to most of our readers, that Florida, so far as the action of Congress is necessary has now become a State. It has long been the practice to admit a slave-holding and non-slaveholding State side by side, and if we should reject the present Constitution, refuse to come into the Union at this time, and Wisconsin should apply before we are finally admitted, perhaps, we might remain in

Colonial servitude longer than we wish. This might not be a desirable condition, inasmuch as Congress has not made any further appropriation for our legislative expenses, and probably never will.

We have never insisted that our Constitution was perfect; but we insist, that it possesses every essential feature of a good Republican system of government, and we have no doubt but it will increase the happiness and prosperity of the people.

There are some provisions, which, hereafter, may require amendment, but to reject the Constitution, for any fancied defect, would be an act of positive folly or something worse. To throw the expenses of another Convention and another Constitution upon our infant resources would be an act, at once, unnecessary and suicidal.

The customary avocations of the writer of this article has prevented him from giving the subject the consideration which it demands, and these remarks, hastily written and without reflection, will hardly appear of particular importance.

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 8, March 29, 1845.

LETTER OF AUGUSTUS C. DODGE TO HIS CONSTITUENTS.

WASHINGTON CITY, March 4, 1845.

Fellow-Citizens: The bill for the admission of Iowa and Florida into the Union has become a law. Florida is now the *twenty-seventh* State of the Union. Her admission is complete. So far as Congressional action is concerned, Iowa is a sovereign State. It remains, however, for you, on the first Monday of April next, to consummate her sovereignty, and say whether she shall take her place as the *twenty-eighth* member of the National Confederacy.

And but for the alterations made by Congress in the boundaries proposed by the Convention which framed the Constitution, I should not have deemed it necessary to briefly address you.

In the act of our admission, the northern boundary of Missouri is made our southern line. This leaves our border dispute with Missouri as heretofore—Congress esteeming the Supreme Court of the United States the proper tribunal to decide that controversy. The western and northern lines adopted by the convention have also been changed by Congress, and the boundaries contained in the Constitution are reduced. Notwithstanding this alteration, our eastern line, following the course of the Mississippi, is three hundred and twenty-five miles in length; our southern line, due west from Fort Madison, is one hundred and sixty-two miles; our western is two hundred and thirty-five miles; our northern, one hundred and thirty-four miles; and within these boundaries are contained forty-four thousand three hundred square miles; on twenty-seven three hundred and fifty-two thousand acres of the most fertile land in the Union. The State of Iowa according to the boundaries proposed by Congress, is larger than the States of New Hampshire, Vermont, Massachusetts, R. Island, Connecticut, New Jersey, and Delaware, combined; larger than the great States of Pennsylvania, Tennessee, Kentucky, North Carolina, Indiana, or Ohio; and nearly as large as the Empire State of New York. The country lying immediately on the Missouri river; and of which Congress have deprived us, is said to be fertile; but a large extent of land forming the dividing ridge of the waters running into the Mississippi and Missouri rivers, called the 'Hills of the Prairie,' and which has also been excluded from our new State, is barren and sterile. The State of Iowa embraces within its boundaries the rivers Des Moines, Skunk, Iowa, Cedar, Wabizipinikan, Makoketa, Turkey, Upper Iowa, and

Hokak, all of which running through the State, furnish, together with their innumerable tributaries, facilities for navigation and manufactures unequalled by the rivers of any State in the Union. It is not necessary that I should here remind you of the immense mineral wealth or unequalled richness of the soil of Iowa—they have become a proverb, and their fame is widespread. In a word, no State surpasses Iowa in natural advantages.

The boundaries adopted by Congress were those suggested by the late Mr. Nicollett, United States Geologist, and who had accurately and scientifically examined the whole country lying between the Mississippi and Missouri rivers. In connection with the boundaries of five new States, to be formed south and north of the Missouri, Mr. N. says; "According to this division, the State of Iowa should be bounded by the Mississippi on the east, by a parallel of latitude passing through the mouth of the Mankato or Blue Earth river, by a certain meridian line running between the seventeenth and eighteenth degrees of longitude on the west, and by the northern boundary of Missouri to the south. It would give to the State a depot on the St. Peter's river, whilst the Des Moines and Iowa rivers, running through its more central southern parts, would make the whole Territory, excepting the small portion drained by the tributaries of the St. Peter's river, assume the character of an extended valley, with nearly all its streams flowing in one general direction, to contribute their share to the mighty Mississippi. As the population would be composed of emigrants from all parts of the civilized world, by not extending the boundary so as to estrange one portion of the people from the other, on account of a difference of origin or a different course of trade, they would be brought to live contentedly under the same laws and usages; whilst the uniform direction of the waters, together with the similarity of climate, soil, re-

sources, and avenues to market, are well calculated to give to the inhabitants of this State, a homogeneity of character and interest highly conducive to their well being, both morally and politically."

Before you decide the important question presented for your consideration on the first Monday of April next, it is due to you that I should state by what influences the boundaries proposed by the convention were reduced. This was effected by the votes of the members of both Houses of Congress, from the North, from the East, *and from the West*, irrespective of party divisions. The amendment to reduce was proposed by Mr. Duncan, (Democrat,) of Ohio, and followed by Mr. Vinton, (Whig,) who, in a most lucid and cogent manner, represented the injury which the creation of large States would inflict in a political point of view on the Western country. He forcibly exhibited the great wrong done the West in times past by Congress, in dividing out its territory into overgrown States, thereby enabling the Atlantic portion of the Union to retain the supremacy in the United States Senate. He showed that it was the true interest of the people of the valley of the Mississippi, that the new States should be of reasonable dimensions; and he appealed to Western members to check that legislation which had heretofore deprived the Western country of its due representation in the Senate.—I advert particularly to the remarks of Mr. Vinton, because their irresistible force was admitted by all, except the delegation from the South, and had the effect of procuring the adoption of Duncan's amendment, reducing the boundaries proposed by the convention.

It is not improper that I should advise you that, during the whole of the discussion relating to our boundaries, I deemed it my duty, as your representative, to endeavor to sustain those contained in the Constitution.

The House of Representatives had, a few days preceding the discussion referred to, passed a law for the re-annexation of Texas, by which five new slave States may be added to the Union. This furnished an additional reason why my protest in behalf of the Convention boundaries was disregarded, inasmuch as our fellow-citizens from the non-slaveholding States were desirous, by moderate divisions, of the remaining free territory of the Union, to give to the free States a counterbalancing influence. This reason is one of such power, added to others to which I have alluded, that, forming my opinion from extensive inquiry and observation, I must in all candor inform you that, whatever your decision on the first Monday of April next may be, we will not be able hereafter under any circumstances, to obtain *one square mile more* for our new State than is contained within the boundaries adopted by the act of Congress admitting Iowa into the Union.

In haste, and with high regard, your fellow-citizen,

AUGUSTUS C. DODGE.

—Reprinted from the Iowa Capital Reporter, Vol. IV., No. 8, March 29, 1845.

DOCTORS WILL DISAGREE.

THE Whig Governor, in his message, attributes the rejection of the constitution to the conditions imposed by Congress for our admission. The Standard, the mouthpiece of the party in this City, says that it was defeated on account of its own defects. The Hawk Eye admitted, before the election, that if the constitution should be defeated, it would be attributed to the conditions of Congress, and after the election, boasted of the rejection of those conditions. The Dubuque Transcript occupied the same position as the Hawk Eye. These little family jars must be very disagreeable.—Settle it amongst yourselves, Gentlemen.

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 14, May 10, 1845.

FROM THE BALTIMORE AMERICAN.

THE law of Congress providing for the admission of Iowa into the Union gives some dissatisfaction to the people of that Territory, because it makes certain alterations in the boundary lines as proposed by the territorial authorities. The size of the new State is reduced by law somewhat from the original dimensions. Yet Iowa, as now constituted, is capable of sustaining fifteen millions of inhabitants.

The people of the West are accustomed to things on a gigantic scale. Their rivers, forests, prairies, cataracts and caverns are of the sublime order; their lakes are inland seas; they measure pork by the cord, and mass meetings by the acre. It is quite natural, therefore, that they should wish every one of their States to be in dimensions an empire.

Iowa is a giantess in swaddling clothes; she uses the cradle in which Hercules was rocked. The Titan who covered, as he lay extended, nine roods, was a pigmy to her —less than a Lilliputian to a Gulliver. Yet is she disposed to complain that she is stinted of her fair proportions. * *

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 13, May 3, 1845.

THE CONSTITUTION.—PRESENT ASPECT OF AFFAIRS.

THE difference in the vote, for and against the Constitution will be very small—probably not to exceed two or three hundred either way, unless the western and northern counties, not heard from, prove to have voted very differently from general expectation. While the result is shrouded in the mist of uncertainty, whatever it may prove to be, it is very certain that the vote in several counties is such as to astound the friends of the constitution and surprise everybody, both friend and foe.

It behooves us, therefore, to cast about and inquire into the causes that have conspired to bring about so very different a result from that which was anticipated.—We know that the leaders and wire-pullers of the whig party were deadly hostile to the constitution on account of the democratic simplicity of its features and purely republican provisions; and that if it lay within the scope of possibility, they were determined to defeat it. But they were greatly in the minority; and furthermore, the masses of that party, many of whom are really democratic at heart, were not all so blind to the welfare of their country, nor so reckless of the momentous consequences that hung upon the issue, as blindly to obey the behests of those leaders merely for party purposes. In short, a goodly portion of them were originally desirous of coming into the Union with that constitution—if not approving of its every provision, they knew it to be the expressed will, through their representatives, of a large majority of the people, and were content to abide by it. It is clear, therefore, that mere party opposition, without the concurrence of extraneous circumstances, could not have accomplished its defeat. But those very circumstances or events, which alone could have exerted such an influence, did transpire and that, too, in the only manner and order of sequence, by which such an effect could possibly have been produced.

What, then, let us ask, were those circumstances that have produced such a sudden revulsion in public opinion? for it was not one isolated event merely, but a concatenation of circumstances, having its commencement with the first step that was taken for the formation of a State government, and ending only at the ballot box or polls. It was not merely the act of Congress by which something less than half of the Territory of our proposed State was curtailed. No; the first link in the chain, was the misconception, on the part of the people and their delegates, of their

real position, and of the difficulties in the way of accomplishing the desired end.—It was not anticipated that Congress would deny them the possession of any contiguous unoccupied territory which they might wish to incorporate in their State. All the region which had been generally designated as Iowa, was regarded as of right belonging to the State of Iowa, when the people chose to become a State. With this view, not for a moment supposing any part would be denied them, they included in their boundaries a region of country extending from river to river, embracing as much territory as the great Empire and Key Stone States combined. Next, forgetting that great haste is often the father of the poorest speed, they determined to submit their constitution to Congress before having it passed upon by the people. Had it been submitted to the people first, and then to Congress, whatever amendments or conditions had been made to it by the latter, would have been acted upon by the former separately, and with time for reflection and due deliberation. But it was submitted to Congress, and the time was fixed early in the spring succeeding, at which the people were to vote upon it. From this time forth, the great body of the people, came habitually as it were, to regard the whole of this territory as their right, and never dreamed of its curtailment. Neither was the question ever taken into consideration, except it may be in a very few instances, as to whether they were any better, or as well off, with the whole, as with the half. Very little was known at home respecting the progress of their application in Congress; and in fact it elicited very little, if any debate. It went through the appropriate committees of the two houses without any alteration to the proposed boundaries; and public opinion settled down that it would be admitted, together with Florida, and that on the first Monday in April, the people would be called upon to vote, merely upon the

adoption of the Constitution, with perhaps a few unimportant amendments. The bill admitting the State was passed about one month previous to the day on which it was to come back to the people, in a sparsely settled country, and at a distance of two thousand miles from the seat of General government. The news of its passage, and of the amendment defining and altering the boundaries, reached some of the principal points in the Territory, only two or three weeks previous to the time for taking the vote; and the effect which that news, thus suddenly and unexpectedly sprung upon the people, must have had upon their minds, and the revulsion which it produced in their feelings, may be imagined from the fact that a portion of the democratic press, the advocates of the Constitution, felt impelled, on the spur of the moment, to protest against the provisions of the bill, and to earnestly exhort the people to reject them. To this cause, perhaps, more than to any other, may be attributed the heavy vote against the Constitution in Des Moines county. The papers here referred to, as soon as they had time dispassionately to canvass the subject, and discover their error, promptly retracted their steps. But the poison which was infused into the public mind was not so easily eradicated, especially as the time was verging so closely upon the day of voting.

The facility for communication throughout the Territory being very inadequate a great portion of our citizens were not in possession of the news until within a few days of the time for taking the vote; and when they did get it, it was, in perhaps a majority of cases, imperfect, tortured and exaggerated. They knew generally, that Congress had altered their boundaries, but we venture to say that a dozen different opinions were entertained with regard to the new boundaries prescribed. Many thought that our northern boundary extended but a few miles north of Dubuque, while all the territory which is in dispute between Iowa and

Missouri was cut off and given to the latter.—Where the news was correctly received, the time was not sufficient for the people to reflect calmly upon the new aspect of affairs and properly digest the subject. A vague impression pervaded the public mind that the action of Congress in the premises involved flagrant injustice to Iowa. The whig presses, despairing in their attempts to defeat the adoption of our admirable Constitution, by making its intrinsic merits the only issue, seized with avidity upon the means which this state of things offered to them, and dexterously turned them to advantage in the accomplishment of their designs. Inflammatory appeals were made to the people to reject indignantly the conditions of Congress, which were stigmatized as unjust and tyrannical in the extreme. What effect these appeals and the accompanying misrepresentations produced in certain sections, may be judged of, from the fact, that, in at least one portion of the Territory, as we have been creditably informed, the opinion was prevalent that the bill had reduced us to a diminutive Rhode Island pattern of a state, by divesting us of a great portion of the new purchase.

In addition to the above causes, one which has contributed in no small degree to the unexpected result in some sections, and thus jeoparded our Constitution, was a lack of energetic and concerted action on the part of its friends and advocates.—This was owing to their full confidence of its carrying by an overwhelming majority; and, being taken by surpirse with the amendments—thrown off their guard as they were—the time was to short, for preparing to meet the emergency in the proper manner.

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It only remains for us to draw a few conclusions from the foregoing facts, supposing the vote of the people recently taken, shall prove to be against the adoption of the Constitution. But as the result is uncertain, and as, if the

reverse shall prove to be the case, it would be throwing away ammunition, we shall not be very elaborate in our argument; but will merely state the influences, relying upon those facts to support them.

They are—first; that the vote in the case supposed, cannot be regarded as the sense of the people upon the merits of the Constitution; but a rejection of the boundaries prescribed by Congress: Second, as to the vote upon the boundary, that it is not the calm, deliberate and unbiased voice of the people, upon a full investigation and understanding of the subject, but the result of partial and erroneous information—the excitement and confusion consequent upon the question being presented to them for the first time at so late a day, and the undue advantage taken of the peculiar state of things by the enemies of the Constitution. We do not entertain the least doubt, that, should a full vote of the people be taken upon the same question in one or two weeks from this time, there would be at least a thousand *more* votes for the affirmative, and as many *less* for the negative. Third, that a very large majority of the people in the whole settled portion of Iowa Territory, having voted in favor of organizing themselves into a State government, it will be incumbent upon their representatives, if their recent vote has definitely settled the question, to adopt prompt and vigorous measures for the purpose of consummating that expressed will.

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—*Reprinted from The Iowa Capital Reporter, Vol. IV., No. 11, April 19, 1845.*

FROM THE IOWA STANDARD.

"THE Whigs, as a party, are the friends of a State Government, and desire the admittance of Iowa into the Union. And we defy the Reporter to produce a single iota of evidence to prove the contrary."

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 14, May 10, 1845.

SPEECH OF MR. LEFFLER, OF THE COUNCIL.

Upon the bill to submit to the people the draft of a Constitution formed by the late Convention—May 21, 1845.

MR. PRESIDENT—

I cannot permit the vote to be taken upon the passage of this bill, without asking the indulgence of the Council to make a few remarks. The details of the bill I presume, are now settled, and settled satisfactorily to the Council, and the only remaining question is as to the policy of its passage. This is an important measure—the most important measure of the session, and I cannot disguise the fact that I feel a deep interest in its fate. The vote upon the constitution at the late election, cannot be regarded as a fair expression of public sentiment. The question was presented in such a manner, under the act of Congress providing for our admission into the Union, that it was almost impossible for the people to understand it. A great variety of opinions were entertained, as to what effect a vote for the constitution, would have on the amendments made by Congress. Some entertained the opinion, that if we adopted the constitution we necessarily adopted the amendments made by Congress. Others entertained the opinion that the constitution might be adopted, and the amendments rejected afterwards; while others, not having

an opportunity to examine the act of admission for themselves, could not form any opinion upon the subject, and consequently declined the privilege of casting their votes either for or against the constitution. In this confusion the constitution was voted down; and voted down, too, under circumstances that were sufficient to induce the belief that a majority of the people were anxious to adopt it, could they have done so without committing themselves in favor of the new boundary proposed by Congress. The object of the bill now under consideration is to present the constitution to the people again, as it came from the hands of the late convention—relieved of all those doubts, difficulties and embarrassments. In this way the people will have an opportunity to express their sentiments upon the merits of the constitution, and if the question can be presented in this way, there can be no reasonable doubt of the result.

I entertain the opinion, Mr. President, that there are a majority of the people of this Territory in favor of organizing a state government. This is not a new question. Public opinion has settled down in favor of a state government, after long and thorough discussion. As early as 1838, the first session that I was a member of the other house, the propriety of forming a state government was brought under our consideration by the Executive. The whole subject was referred to a standing committee, and the majority reported in favor of state government. The minority reported against it, and these conflicting reports gave rise to a very animated discussion. Among others, I felt it to be my duty to resist the attempt to form a state government, believing that it could not be properly supported without oppressing the people. Our country was then too new and wild—our cultivation was limited, not producing enough to supply the home consumption. Heavy requisitions were constantly made upon our people in payment for public lands, and our population was small,

perhaps not more than one third of its present amount. In short we were passing through all the hardships and difficulties incident to the settlement of new countries. These reasons induced the Legislature at that time to decide against the formation of a state government. Our condition within the last six years, has, however undergone a material change. The whole face of the country now wears a different aspect, and our resources now, though partially developed as yet, are rapidly increasing every year. The flood of emigration, which, for the last five years has set towards this country, has swelled our population to one hundred thousand souls and upwards, which for energy, enterprise and intelligence are not to be surpassed perhaps by the population of any country. The reasons then, which formerly operated against the formation of a state government, have become weaker and weaker, in proportion as our resources have increased, and the public mind has undergone a corresponding change. This change, too, has been produced, not by any adventitious circumstances, or temporary excitement, but as the result of a gradual and permanent change in the actual condition of the country. When the propriety of forming a state government, was submitted to the people at the last April election '44, upon the question of a convention or no convention, the call for a convention to form a state constitution was sustained by a very large and unusual majority. The aggregate vote cast at the election was but little above ten thousand, while the majority in favor of the call was nearly twenty-nine hundred. This result cannot be regarded in any other light, than as a very clear and unequivocal indication of public sentiment in favor of state government. At that election, then, there was a large majority of the people in favor of a state government. Has anything occurred since, to induce any reasonable man to believe that a majority of the people now entertain a different opinion? If any such

change has taken place sufficient to overcome that majority, I must be permitted to say that it has escaped my observation. It is reasonable then, I think, to conclude, under all these circumstances, that a majority of the people are now, and have been for the past year, in favor of a state government.

But sir, the people are not only in favor of a state government, but they are willing to organize that government upon the principles laid down in the constitution, as formed by the late convention. I do not pretend to say that all the provisions of that instrument are perfect—that it is the very best system of government that could be formed; but I do say, that if we should hold another convention, I do not believe that we could form a better one, while we might form one a great deal worse. It is safe and sound, liberal and practical; and while it will give to the citizen the greatest liberty and security, it will not be found oppressive in its operations. I do not, however, wish now to discuss the principles of that constitution. I wish simply to state the fact that the people of the Territory were satisfied with the provisions of the constitution, and that before the amendments of Congress were made, it was expected on all sides, that it would be adopted by a large majority. Why then, it may be asked, was it voted down at the last election? I answer simply because the question was presented in such a manner that the people were induced to believe, that if they adopted the constitution, they would, by the same vote, accept the new boundary proposed by Congress. Here was the great difficulty, and the only way to get out of it, in the opinion of a great many of our citizens, was to vote down the constitution, boundaries and all, and then afterwards to take another vote upon the constitution. This, as the question stood at the time of the election, was regarded by many as the only safe way to dispose of the amendment made by Congress.

The bill for our admission, as it first passed the House of Representatives, provided that the assent of the people should be given to the amendments proposed by Congress to the constitution, by a convention of delegates elected for that purpose. Had the act finally passed in this shape, there would have been no difficulty whatever, because the constitution could then have been ratified by the popular vote in April, and the amendments rejected afterwards by convention of delegates. In this way the constitution would have been disjoined from the amendments made by a Congress, and each would have stood on its own merits. Had the act of admission finally passed in this shape, the constitution would have been ratified at the last April election, and we should not have been called on now to pass this bill to refer it to the people.

After the act of admission had passed the House of Representatives, in this shape, it was reconsidered, and the clause providing for the ratification of the amendments by a convention of delegates, stricken out, and another provision, entirely different, substituted for it. This substitute provided that we might give our assent to the amendments made by Congress, in two ways—either in the "same way," and "at the same time" that we had provided for the ratification of the constitution, or by the act of the "state Legislature." The first mode, then, provided by the act of admission, for the ratification of the amendments, was a popular vote on the first Monday of April last, because that was the mode we had provided for the ratification of the constitution. This apparently united the fate of the constitution with the amendments—presented, in the estimation of many, one indivisible question, and gave ground for the opinion, that we could not vote any other way than either for both, or against both—that we must ratify the new boundary with the constitution, or reject both together. This was the great mistake. It was

this awkward and bungling legislation on the part of Congress, that defeated the constitution at the late election. They made a most important modification of our boundary, cutting us down to an extent which they had no reason to believe we could accept, and yet, instead of separating the questions and giving us a separate ballot for each, they joined them inseparably together, as was generally supposed, and forced the people either to accept the boundary or vote down the constitution. The constitution, then, was not defeated either because it was unpopular, or because a majority of the people were not in favor of a state government; but because the people could not accept it upon the conditions proposed by Congress.

The question now arises, what is the proper course for this Legislature to pursue under existing circumstances? There are only three ways that occur to my mind to dispose of this matter. We must either stand still and do nothing, or submit this subject to the people, on a call for another convention; or we must refer the constitution, as provided by the bill now under consideration, again to the people. The first proposition, I presume, will not meet with favor in any quarter. We have said and done too much already towards the formation of a state government, to abandon it now. We must move in some direction, or the public will be greatly disappointed. Then the only choice is, between referring the subject to the people again, upon the question of a convention or no convention, or upon the ratification of the constitution, as proposed by this bill. But why refer the matter to the people again upon the question of convention or no convention? Have they not already decided in favor of a state government, after five or six years discussion and reflection, by a very large majority? If we should submit the question in this manner, no reasonable doubt could be entertained of the result. The people would vote as they did at the last election, and

we should then hold another convention, at an expense of eight or ten thousand dollars, form another constitution, submit it to the people for their ratification, and after all this trouble and expense, we should land just where we now stand. We would have a constitution to submit to the people, and that we have already. If the people are dissatisfied with the provisions of the constitution let them vote it down. If they are unwilling to form a state government, they can effect their object as fully by voting against the constitution, as though they had another opportunity to vote against the call of a convention. If, on the other hand, a majority of the people really want a state government, they ought to have it, and have it as soon as they want, and if such is their wish, they will be gratified by the passage of this bill. I cannot then concur with the opinion expressed by His Excellency in his Message, that the question of state government should be referred to the people again, upon the call of another convention. It is useless, and worse than useless, to go through all these expensive and tedious preliminaries again. The people have already decided in favor of a state government, by a large majority, and there is no probability that they would reverse that decision.

But sir, it has been said that this Legislature has no power under the organic law, to refer the constitution to the people again—that the constitution has been voted down, and that the Legislature has no power to revive it. This objection has been urged with a great deal of zeal, and the people have been called upon to set their faces against such a shameless usurpation of authority on the part of the Legislature.

We do not propose to revive the constitution by an act of the Legislature, but simply to provide that an election may be held at a certain time, to enable the people themselves to revive it, if they see proper to do so. We merely

provide another opportunity for the people to express their opinion, and then leave the constitution in their hands, to be disposed of at their pleasure. Is there any great assumption of power in all this? Does this look like attempting to force the constitution upon the people whether they are willing to accept it or not? Most assuredly it does not. On the other hand, if we should refuse to refer the constitution to the people for another vote, after they have decided in favor of a state government by so large a majority, it might be said with some propriety, that we were attempting to prevent the formation of a state government. We are told in the Message, that this matter ought to be referred to the people again upon the question of convention or no convention. But where do we, as a legislature, get the power to do this, if we have not the power now to refer the constitution? Show me the authority for the one under the organic law, and I will show you the authority for the other, so closely analogous that a hair-splitting distinction cannot be made between the two cases. Whether the Legislature has or has not the power, is a matter of very little importance. No act of ours can give any vitality or validity to the constitution. Its binding force and obligation must arise from the vote of the people, and until their assent to it is given, it can have no authority, upon the broad and well established doctrine in free government, that the true source of political power is the consent of the governed. Then it makes no difference how, or by whom the constitution is drafted,—whether by a convention or a legislature—elected for that purpose, or not elected for that purpose—by fifty men or by one man—authorized or unauthorized. If the constitution should receive the sanction of those who are to be governed by it, that is, a majority of the people in a fair election, it must then be taken as the constitution, the fundamental law of the land. The assent of the people gives it validity, and nothing but their assent can give it validity.

But here the question will doubtless be asked, "Why should we refer the constitution to the people, unless with a view of its being adopted; and why should the people adopt it with the convention boundary, when Congress has already refused to give us that boundary?" This brings up the boundary question, upon which we have several propositions. One proposition is, to divide the Territory by a line running east and west through the forty-second degree of north latitude. This proposition, though it might be favored by the north, would not be satisfactory to the south, because the extent of Territory falling below the line, with the Missouri River for its western boundary, would be entirely too small, not being much larger than one half of the extent embraced by the congressional boundaries, which have been recently rejected. To run the line of division higher than the forty-second degree of north latitude would not be satisfactory to the North. In short I cannot conceive of any division line running east and west, which would be satisfactory to both parties, and unless both parties could be satisfied, I should be unwilling to see the division take place.

The next proposition is the boundary proposed by Congress, the unpopularity of which defeated the Constitution. This boundary it may be admitted would give us a handsome little State, on a small scale, with dry lines, but it is one which I would not accept; because we may do a great deal better, and there is no danger of doing worse. Congress will give us this, whenever we apply for it, but if we should take the congressional boundary now, we would most assuredly never get anything better. We would lose a large and valuable tract of country on the Missouri, and a large and valuable tract on the upper Mississippi and St. Peters, both of which, if retained, will add largely to the wealth and power of the State. We would lose, not only territory of the most valuable character, but the navigation of these streams, which, when the resources of the country bordering upon them are fully developed, will be important, beyond the possibility of any present calculation. We would have too, mere imaginary lines, existing only on the face of the map, instead of the great land-marks traced by the finger of nature. Cut off from Missouri, and yet running so close to it, the trade of the western portion of the State, would go to the Missouri and thus make us tributary to the power and influence of a foreign State. In addition to all this, we have always entertained the fond opinion that Iowa was to become eventually, one of the largest and most powerful States of the confederacy—but if we should accept these narrow strait-laced limits offered by Congress, we would be reduced at once and forever, to the condition of a fifteenth rate State, shorn of all our glories, and might well exclaim in the language of the disappointed cardinal, "a long farewell to all our greatness."

The only course then which we can properly pursue, is to submit the constitution to the people with the old boundaries as fixed by the convention. These boundaries were not only satisfactory when originally agreed on to all parties, north, south and west, but they will give us a splendid State, a State which at no distant day, will take a high and commanding position in this Union. But it may be said that we never can get these boundaries, that Congress never will agree to give us any more territory, than they have already offered? This may be true, but I would be very unwilling to act upon such a supposition, until its truth was established, beyond all manner of doubt. The next Congress may not sustain the decision of the last, a change may come over the "spirit of their dreams." At all events, the old boundaries are worth another application to Congress. I should insist on giving Congress another fight, and a harder and a longer and a stronger fight than we

gave them last winter, before we give up the contest, and surrender so important a boundary, a boundary which gave entire satisfaction to every man in the Territory. If after a fair trial, we cannot get the conventional boundaries, if we must cut down to obviate the objection in Congress of too much Territory, then the question arises where can we cut off from the conventional lines, with the least injury to the interests of the State hereafter? Where can we cut off a sufficient extent of Territory to obviate the objection of Congress, and yet not dissatisfy any portion of our people? I believe, if it should become necessary, that we might cut off seven or eight thousand square miles, in the northwestern corner of the State, as defined by the convention boundaries, without much injury to the prospects of the State, and without dissatisfying any portion of our present population. Say that a line should commence at the big bend of the St. Peters, thence in a straight direction to the north-west point of Lake Boyer, thence down Boyer river to its mouth. This would throw off some seven or eight thousand square miles, a country too which is less valuable, than any other portion of the Territory. The north would lose but very little, as the strip proposed to be cut off, for a long distance south from the bend of the St. Peters, would be very narrow. The north ought to be satisfied, because it would get the large and valuable scope of country between the congressional line on the north and the St. Peters. The south would be satisfied—because they could get the Pottawattomie country, and the navigation of the Missouri river. The convention boundaries give us sixty thousand square miles, and Congress was willing last winter to give us forty-four, and as I understand they were not particular as to the shape of the State, or how it should be laid out, provided its extent did not exceed the number of square miles last mentioned. I think then, that the proper plan is to insist on the conven-

tion boundaries first, and get them if we can. If we cannot, then after we have strained them up to the highest possible point, propose to split the difference, between what the convention asks and what Congress has proposed to give, and propose to accept some such line as I have just designated. I am inclined to believe that such a proposition would meet with a favorable consideration, and when they found they could not do any better, they would be willing to let us go into the Union, with an extent of about fifty or fifty-two thousand square miles. This is the best plan and the only plan that I can suggest, to secure an admission within a reasonable time, and without sacrificing the interest of the State hereafter. This plan I believe is feasible, and if it succeeds, I believe it will be satisfactory to every portion of the present population of the Territory. Let the constitution then go to the people. If they are in favor of a State Government and satisfied with the provisions of the constitution, give them an opportunity to adopt it. If they are not in favor of a State Government, it will not be much trouble or expense to vote down the constitution. If adopted, let it go to Congress again next winter. Give them another fight for the convention boundaries and if we cannot get them, then let us make the next best bargain that we can.

—Reprinted from the Iowa Capital Reporter, Vol. IV., No. 16, May 24, 1845.

FROM THE BURLINGTON GAZETTE.

Voice of Van Buren County.

THE Keosauqua Democrat of the 9th inst. contains the proceedings of a large meeting of the democrats of Van Buren, held for the purpose of giving an expression of their opinion and wishes in relation to the proper policy to be

pursued with regard to the constitution framed for our State government. James Shepherd, Esq., was appointed President, and J. H. Bonney, Esq., Vice President.

An able report was submitted by Uriah Biggs, Esq., which was adopted. At present we can only find room for the resolutions adopted on the occasion:

1. *Resolved*, That in the opinion of this meeting, it is expedient for the Legislature now in session, to provide for the expression of the opinion of the people of this Territory, relative to the constitution as reported by the Convention, without regard to boundaries or extent.

2. *Resolved*, That in the opinion of this meeting, it is expedient for the Legislature now in session, to propose to the people of this Territory, boundaries for the State of Iowa as follows:—The Mississippi river on the East, "Sullivan's line" on the South, the Missouri and Calumet rivers on the West, and the 43. degree of North latitude on the North.

3. *Resolved*, That we consider it indispensable to a proper expression of the people on this subject; that the same be submitted to them unconnected with other matters.

4. *Resolved*, That the Democrats of Van Buren Co. call upon the Democrats throughout the Territory to express their views, and wishes in relation to the constitution.

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—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 17, May 31, 1845.

ADDRESS TO THE PEOPLE OF IOWA.

FELLOW CITIZENS:—A convention of delegates representing the democracy of the various counties in the Territory having again submitted my name to your consideration

as a candidate for re-election to the Post of Delegate in Congress, it seems to be consistent with that frankness which should characterize the intercourse between the representative and his constituents that you should be made acquainted with the efforts made by me in your behalf since last I had occasion to address you two years since— * *

* * * * * * * * * * *

Besides several other bills of local importance to which it is too tedious for me to refer, there were two of a general character to which much of my time and attention was devoted—I allude to the one for our admission in connection with that of Florida; and to the supplemental bill which provided for the due execution of the laws of the United States within our State, and making us grants of lands, &c., both of which passed the two houses of Congress, but were rendered inoperative by the rejection of our constitution at the April election—a result which all candid minds must admit was produced by the unlooked for alteration and reduction in the boundaries of our contemplated state. Although we rejected the terms upon which Congress offered us admission, as was our right and duty to do if we thought them to be such as would not promote our growth and prosperity, I mention these acts of Congress for the purpose, among others, of saying that their passage was attended with no slight labor and difficulty. The past Congressional history of the country shows that there is much and bitter opposition to the admission of new members into the confederacy. A majority of the Committee on Territories, to whom the subject of the admission of Iowa and Florida was referred, was composed of members from the south or slave-holding portions of the Union. The Delegate from Florida, supported by the members from the South, brought forward a proposition for the prospective division of that State, although its whole territory was three thousand square miles less than that embraced within the

constitutional boundaries of Iowa. The object of this move being palpably to increase the number of the slave States and the weight of slave-holding representation in Congress, it of course met the warm opposition of the members from the non-slaveholding States; and, as a counter movement, they came forward with a similar proposition in regard to Iowa. After being fully, freely, and even angrily discussed, at various meetings of the committee, the result was that the proposition to divide Florida was carried, and that looking to a similar division of Iowa rejected, by a *strictly sectional vote.*

It was here that I discovered for the first time, and with feelings of the deepest mortification, a fixed determination on the part of the members from the free States, and especially those coming from the West, to disregard our wishes in regard to our State boundaries, and to impose upon us, as far as their action could do so, lines considerably curtailed and mutilated.—When the bill came into the House, where the relative strength of sectional parties was reversed, the action of the committee was reversed by a large majority; the clause looking to the division of Florida, as soon as she numbered a certain population, was then stricken out, and the boundaries of Iowa, in opposition to my earnest protest, were subjected to considerable curtailment. The arguments adduced and the influences brought to bear in effecting this result, were briefly reverted to by me in a letter which I addressed to you from Washington, immediately after the adjournment of Congress, and it is not necessary that I should now repeat them. It is proper to say, however, that I did not yield to any of those arguments and influences; but in every stage of the proceeding, maintained and defended the boundaries of the constitution the boundaries I then thought and still regard as the best that have been proposed. Inclination, as well as a sense of duty to those I represented, impelled me to this course;

and I here take occasion to say that every member of Congress and Senator who was present at the discussion in the House or in Committee, will bear evidence to the truth of this assertion. The only thing I regret is that my efforts were not more successful. I proposed no amendment which looked like a reduction of boundaries, and supported none. When, in Committee of the Whole, Mr. Duncan offered an amendment, which was adopted, purporting, as I understood, to give us the boundaries recommended by Mr. Nicollet, but which, in reality, fell short of those boundaries by about 5000 square miles, I called the attention of the House to the fact, and, having the map before me, I suggested to the mover of the resolution such a change in the phraseology of the amendment which had just been adopted, as would give us Nicollet boundary, and thereby carry into effect what I knew to be the intention of the House. The House, by a very large and decided vote, had manifested a fixed determination not to give us the lines asked for in our constitution, but to assign us those recommended by Mr. Nicollet. Perceiving this, I should have been wanting in duty had I knowingly permitted language to be employed in defining our boundary which would have given us some 5000 square miles less surface than it was evident it was intended we should have.

In the circular letter which I addressed you from Washington in March last, informing you of the changes made by Congress in our State lines, I expressed the opinion, based upon surrounding circumstances, that we would not be able hereafter to obtain more extended limits than those called for in our act of admission. This opinion I honestly entertained and, entertaining it, the candor which I felt was due from a representative to his constituents influenced me to avow it. My object in issuing that circular, was to enable the people to vote understandingly upon the constitution, as modified by the action of Congress; and the

statements contained in it, both of fact and opinion were made from the best data within my reach. I was aware that the public mind was likely to be involved in great confusion in relation to the changes made by Congress in the metes and bounds of the State, and being at a point where correct information as to the size of the State could be obtained, and having before me the best and most recently published maps of the country, I entertained the hope that it was in my power to lay before you some information on the subject which you were not already in possession of. In doing this I expressed the belief, which was shared in by all at Washington with whom I conversed on the subject, that more extended boundaries could not be obtained; but in thus expressing myself, I certainly did not suppose that I was doing an act which would in any wise interfere with my official conduct, should it be your pleasure to continue me in your service, or in the slightest degree disqualify me from making the most strenuous efforts to obtain hereafter such a boundary as would be satisfactory to you. Can it be presumed that the action of Congress is to be influenced by the opinion of a private individual in a matter of such great moment? It is idle, and worse than idle, to suppose so. Members of Congress, in determining this question, will be governed, it is to be hoped, by considerations worthy of legislators and statesmen, looking to the harmony and perpetuity of our glorious Union. I might have expressed a conviction the opposite of that contained in my circular; but had I done so can it be supposed such an avowal on my part would have induced Congress to decide this matter in our favor? The question furnishes its own answer.

If again sent to Washington as your Delegate, I will go there to carry out your views, opinions and wishes; on this subject, as on all others. The popular feeling has been so clearly and emphatically expressed in relation to the curtailment of our boundaries, as to leave none at a loss to know what it is; and did not my judgment, as it does, tell me that the boundaries called for by the constitution are those best calculated to make Iowa a prosperous and happy State, the duty which a representative owes to those he represents would impel me, were I again called into your service, to devote all my time, talents and energies, towards carrying into effect the voice of those for whom I acted.

I cannot close this communication without congratulating my fellow citizens upon the prospect now presented of our early incorporation into the Union. The emphatic expression of public sentiment given more than a year since in favor of a State government in the vote upon the convention, and the truly republican character of the excellent constitution now presented for adoption, forbid the entertainment of a reasonable doubt as to the result of the vote which is again to be taken in August. As a citizen of Iowa I felt proud of the many encomiums I heard passed upon the constitution during the past winter at Washington, by many of the most distinguished men in the country; and its adoption now, after being once voted down, will vindicate us from all improper imputations, and show to those abroad who prize that instrument that its principles are equally dear to us.

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Respectfully your fellow citizen,

A. C. DODGE.

Burlington, June 23, 1845.

—*Reprinted from The Iowa Capital Reporter, Vol. IV., No. 22, July 9, 1845.*

THE CONSTITUTION—CAUSES OF ITS DEFEAT.

* * For the present we will content ourselves with a general and brief notice of two or three of the principal causes which are known to have exerted a great influence upon the result, and either of which alone has in all probability, contributed to the diversion of a greater number of votes from its support, than that of the majority by which it was rejected. The majority is supposed to be only from one to two hundred.

First in the list, stands the pertinacious and wilful misrepresentations of the whig press relative to the boundaries. Let it not be said that in making this announcement we cast any reflection upon the people at large, or call in question their capacity and intelligence. The most enlightened communities are frequently liable to be deceived by the cunning artifices and specious misrepresentations of designing partizan leaders, occupying the advantageous irresponsible position of the assailing party. We have a striking instance of this in the ever memorable presidential campaign of 1840; with which the recent contest upon our proposed constitution will bear a close comparison in all its main features, as regards the position and course of the two opposing parties. * * * * * *

There can be no doubt but that the determined and untiring efforts of our opponents to make the people "believe a lie"—to create the impression that, by adopting the constitution now, they would accede to the boundaries heretofore prescribed by Congress—has been so far successful in the south and west, where the deepest interest was felt in large boundaries, as to create a diversion of at least three or four hundred against the constitution; and this, notwithstanding that its adoption would have been the most effectual means that could possibly have been resorted to with a view to obtaining their favorite boundaries. The

Burlington Gazette inform us, that in that town alone, fifty persons voted against the constitution under that false impression; and it is fair to presume that in the back country, where the means of information are not so good, this impression had a much greater influence. This of itself makes one hundred of the majority against it. The Iowa Democrat furnishes the same from Van Buren county. The majority there in its favor, is some fifty less than last spring, when the vote was understood to be directly upon the Congressional boundaries. Just prior to the election, the whig paper of that county was filled with such inflamatory appeals as the following—"*Strike against the Constitution—strike for the big boundaries.*" This was the main issue made by the enemies of the constitution, as we can prove, and it was the one upon which they relied for success. By means of it alone have they succeeded. The diversion created by it in the south and west, more than equals the majority against the constitution.

Another cause which has exerted its share of influence, though probably not to so great an extent, is the feeling which is known to exist in certain sections against the constitution, on account of the clause fixing the capital here for twenty-one years. We have heretofore exposed the manner in which the jealousies of the south-west have been excited on this account; and we shall not enlarge upon this branch of the subject, but pass to the third and last cause which we shall notice at this time.

In Dubuque, and perhaps in one or two other northern counties, but especially in Dubuque, it is well known that a strong feeling exists in favor of a division of the territory upon the 42d parallel of latitude. Though it was notorious that the whigs as a party had been most bitterly opposed to the republican provisions of the constitution, and that the leaders were determined to drill the forces in opposition, and throw their whole strength against it, yet the whig

paper at Dubuque declared that in that section it was not, and could not be made, a party question—meaning as has proved to be the fact, that it was not a party question so far as the Democracy was concerned, while the whig party, to a man, voted against it. It is true that a preference existed there, as in other northern counties, for the Congressional boundaries, and there was some dissatisfaction with its submission solely upon those of those constitution; but in Dubuque, the great adverse influence can only be regarded as resulting from this division project. Well, what was the result? While the vote for Delegate shows a democratic majority of 210 in that county, it gives a majority of 224 against the constitution, making a loss of 434 upon the constitution. The county of Jackson gives Dodge a majority of 157, and is about a tie upon the constitution. This makes a falling off of nearly 600; and the difference in Clayton and Delaware, both strongly democratic, are expected very materially to augment this number. Here then, is a loss of some 700 upon the constitution, from causes so far removed from, and having no connection with, its intrinsic merits; while it is only defeated by one or two, or at the outside, three hundred votes. All the gain that can be shown in its favor on account of any sectional interest, is a paltry thirty-seven in Johnson county.

In view of all these facts, who can have the face to say that a majority of the people of Iowa have given their voice against the provisions of the constitution? The whig press has intimated as much, and will no doubt claim it; but what man in his senses, will believe them?

We must not be represented as advocating the resubmission of the same constitution. The only true course is now to call another convention at such time as the people wish it. Though we regard that constitution, as a whole, as being an excellent one, superior in many respects, to that of any of the States, yet it is susceptible of improvement in some of its features. But the leading and distinguishing republican features of that instrument, having not been decided against by the people, should never be abandoned by the Democracy. * * * * *

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 29, Aug. 27, 1845.

A STATE GOVERNMENT—OUR POSITION.

* * We were not surprised to find in that most violent and reckless of the whig prints, the Standard of last week, a declaration in favor of remaining a territory, based upon the most short sighted, narrow, penurious, and degrading arguments; and this, notwithstanding that during the canvass, it roundly denied our charge that the whig press and leaders were secret enemies of admission into the Union. The true position of the Democracy—that of the uniform and consistent friends of a State government—which from the first they have occupied, should, and will, be maintained. * * * * * *

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 30, Sept. 3, 1845.

DIVISION OF THE TERRITORY.

We had hoped that since the demise of the bank organ at Dubuque, the suicidal project for dwarfing the dimensions of Iowa, which originated in that town, had been consigned to oblivion, or at least, that it would no longer find an avowed advocate in any press within our borders. But this hope, it appears, was doomed to disappointment. It was through the instrumentality of this chimerical project, mainly, that the federal party was enabled to wield so powerful an influence in the North against the late pro-

posed Constitution; while, at the same time they turned the tide against it in other sections, by falsely representing that, by its adoption, the people would accede to the small boundaries prescribed by Congress. This was the principal ground upon which the Transcript based its appeals to the people in opposition to the Constitution—openly repudiating any party issue upon the question of its adoption or rejection.

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—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 37, Oct. 22, 1845.

DIVISION OF THE TERRITORY AND NORTHERN INTERESTS.

[Extract from an article published in the *Territorial Gazette* in April 1845.]

"THE Missouri river should be our western boundary, and we are in favor of making another effort to induce Congress to recognize it as such; but we would not purchase the line at too great a price.—It is not necessary, in order to go to that river, that we should dismember any portion of the Territory, as at present organized, neither will our people be willing to do so. If, instead of the 42d degree of N. latitude, the people of the North will unite in asking for the 43d, little doubt can exist but that such a change can be effected at the next session of Congress.—The objection of those who spoke in favor of Duncan's amendment, was to the extent, and not the shape of our State. Such a line would give us a front on the Missouri greater by about one third than that proposed by our Dubuque fellow citizens, and would leave us the same number of square miles within a very small fraction, that are contained in the boundaries prescribed by Congress. Its adoption can easily be effected, if the upper counties will accede to the change."

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—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 43, Dec. 3, 1845.

THE OLD AND THE NEW CONSTITUTION.

UNDER the caption of an address "to the people of the central counties," the whig organ of this city[1] takes it upon itself to enlighten the people of Iowa as to the whys and wherefores connected with their rejection of the old constitution; deducing therefrom conclusions against the incorporation of certain features contained in the old, into the new constitution about to be formed. * * *

Let us see, then, what were the obnoxious provisions in that instrument which induced your course? You voted against the Constitution:

"Because it deprived the people of the right of dictating the laws necessary for the protection of themselves and their interests, and made their representatives responsible to the Executive, instead of the constituency by which they were elected."

* * * * * * * * *

"Because it deprived the people of the right of creating facilities for the transportation of their products to market, and made war upon labor, by prohibiting the construction of works of internal improvement, and the association of capital."

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"Because it took from the people the right they possess *individually*, and ought to enjoy *collectively*, to borrow

[1] The Iowa Standard.

money, if they desire it, for the improvement of the country, and the development of its natural resources."

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"Because it robbed the people of the right of protecting themselves against the aggressions of speculators of the adjoining States, by providing a safe, sound and convenient *State Currency*, which would be under the control of their representatives."

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The fifth objection is to that clause in the constitution which provides against the increase or diminution of the salaries of certain public officers by the Legislature, during the term of office for which they were elected.

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"Because it conferred upon the law-making department the exercise of power which legitimately belonged to the judicial department—the right to sit in judgment upon offenders against the laws which it had enacted, and to condemn and punish, without affording the accused the privilege of a trial, or of being heard in self defense."

The seventh objection alludes to what the writer is pleased to term an apprehended want of stability and integrity in the courts of justice from that clause in the old constitution which made the Judiciary elective by the people.

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"And because, by making elective all officers which, in other States, are appointed by the legislatures, it virtually converted the State into a political arena, and held out as a prize to political partizans all the honors and emoluments of the government."

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—Reprinted from The Iowa Capital Reporter, Vol. V., No. 3, Feb. 25, 1846.

BOUNDARIES OF IOWA—PROJECTED DIVISION ON THE 42D PARALLEL.

WE have noticed with much regret, that our friends of Dubuque and the extreme northern portion of the Territory are prosecuting their efforts for a division on the 42d parallel with renewed vigor. Memorials to Congress, having in view the alienation of all that portion of our Territory lying north of that line, and its erection into a new territory, have been industriously circulated in that section; and we understand that a formidable lobby delegation has been sent from Dubuque to Washington, who are making determined efforts for the accomplishment of the above named object.

The citizens south of that line, numbering at least eight to one in proportion to those residing north of the same, who are *unanimously* opposed, and will *never consent* to this ruinous dwarfing of our territorial limits, have not deemed it worth their while, at this time to send direct remonstrances to Congress against the consummation of this scheme. * * * * * * *

The matter is well understood on all hands. So far as our Dubuque friends are concerned, they are impelled by the motive of turning their local position to the best possible account; and we are not disposed to deny their right so to do. It is to be expected that all the ingenuity which they possess, (and it is certainly no mean portion,) will be called into requisition in order to effect their object. *

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So soon as the news of the curtailment of our boundaries reached the territory, the whig press, which had before despaired of defeating the constitution, cryed out in one acclaim against the injustice of the measure, and in impassioned appeals, called upon the people indignantly to reject the conditions of Congress. The democratic press

faltered; and one of the most efficient, (the Burlington Gazette,) declared that the honor and interest of the people required that they should reject those conditions. The consequence was that it was defeated by a majority of 900.

The resubmission of the constitution was immediately agitated by the democracy—the whig press denouncing such a measure as an usurpation of authority by the Legislature, and as an indignity to the people, who had rejected the instrument by so decided a vote. It was resubmitted as it came from the hands of the convention, with a proviso that its ratification by the people should not be deemed an acceptance of the boundaries prescribed by Congress. Thereupon the whig press and politicians, who were bitterly opposed to its provisions, at once openly and boldly declared that the resubmission was a scheme of the democratic party, to force the Congressional boundaries upon the people.

They represented that Congress had "*amended* the constitution" in respect to boundaries—that the Congressional conditions were inseperably connected with it, and if adopted, *those boundaries must of necessity be adopted with it.* For those whom they could not gull with this story, they invented another; which was, that even if such would not be the immediate effect, the final result would be the same; as when the constitution was once adopted, we would be in the Union, and entirely at the mercy of Congress, to give us such boundaries as it might choose.

Column upon column was published in each number of the whig prints during the canvass, to enforce the above views, and hundreds upon hundreds of extra copies circulated among the people. Though we frequently challenged them to a discussion upon the *merits* of the constitution, *they studiously avoided such discussion to the last. This* is the manner in which the second rejection was accomplished, though by only 400 votes. * * * * *

* * In reporting a bill which establishes the parallel of 43 and a half as our northern, and the Missouri as our western boundary, including about 5,000 square miles of territory, the committee on Territories have at least discovered a disposition to do us justice. That committee is composed of gentlemen for whom we entertain the highest respect; and as we have reason to believe that they acted understandingly, if 43½ is the ultimatum of Congress for our northern boundary, we are not prepared to say but that it will prove acceptable to the people. * *

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 13, May 6, 1846.

SPEECH OF MR. MORGAN,

OF DES MOINES, IN THE HOUSE OF REPRESENTATIVES, MAY 31, '45.

The Bill to submit to the people the Draft of a Constitution adopted by the late Convention being on its passage (Mr. Davis being in the Chair) Mr. Morgan, of Des Moines, (Speaker,) in reply to Mr. Munger, spoke as follows:

MR. SPEAKER:

It is with unfeigned reluctance that I enter upon the discussion of this question—a reluctance arising, not from any indifference as to the fate of this bill, but from a sense of the fact that I am unable to do it that justice which its importance demands. It is a question of the gravest character—one involving not only the interests of ourselves but the destinies of all who are to succeed us. It should therefore be met fairly and firmly—there should be neither shuffling on the part of those who are opposed to the proposition, nor halting on the part of those who are in favor

of it. It should be met and treated as it is in fact—a question of the greatest magnitude to all—one, sir, involving nothing less than a political revolution—an entire and consequently an important change in our form of government. Than this, there can arise no question more interesting to any people. Let us therefore meet it and treat it as patriots and statesmen who look to the future as well as to the present—let us meet it and treat it as honest public servants who look to the good government, the happiness, and the prosperity of the whole people, and not, sir, as demagogues and paltry politicians who look only to the evanescent and contemptible advantages of party.—Looking at the question in this light, and regarding this as the patriotic light in which it should be viewed, I cannot but regret that the gentleman from Henry (Mr. Munger,) in the course of a speech which was otherwise free from fault and distinguished for eloquence and ability, should have forgotten the lofty elevation of his place and consented for the moment to play the party hack upon this floor, and to mingle in this discussion the grossest personalities and the rankest political prejudices.

The argument of the gentleman from Henry seems to have been divided into three parts—each part consisting of "a blunder." This budget of "blunders," when opened and examined, appears to be labelled as follows: 1st. It was a "blunder" on the part of the Convention to forward the Constitution to Congress for ratification before it had been adopted by the people. 2d. That it is "a blunder" on the part of the Legislature to attempt, by any enactment of its own, to submit the Constitution to the people for their votes. 3rd. That the whole management of the question by the Delegate in Congress was one big "blunder" from beginning to end.

FORWARDING THE CONSTITUTION TO CONGRESS.

Now, sir, "a blunder" means, in the sense in which it is used by the gentleman, and in the sense commonly received, a ridiculous or absurd mistake. Let us see, then, how far the action of the Convention was ridiculous or absurd. The people, by an overwhelming majority, had just decided that they were in favor of a State Government. The members of the Convention, then, had good reason to suppose that the people wanted that government at the earliest day practicable. To have waited for the adoption of the Constitution, first, by the people, and afterwards submitted it to Congress for ratification, would have been, then, a postponement of the question which the Delegates did not, under the circumstances, feel authorized to make. Hence they felt it their duty, because the overwhelming vote amounted to an instruction, to forward the Constitution forthwith to Congress. That the result has been unfavorable, indeed fatal, to the Constitution, I am willing to admit. But, sir, this act of the Convention cannot justly be called a "blunder," because the members of that Convention never supposed for a moment, nor had they or any body else any reason to suppose that Congress would have even attempted, much less accomplished, so scandalous a mutilation of our boundaries. There was then no "blunder" on the part of the Convention in forwarding the Constitution, because they had no earthly reason to apprehend the result which has followed, and consequently there was nothing ridiculous or absurd in their management of the matter.

POWER OF THE LEGISLATURE TO SUBMIT THE QUESTION.

The second "blunder" in the gentleman's category of the "ridiculous" and "absurd" is, the effort now on foot in this House to submit the Constitution again to the people by legislative enactment and without the intervention of

another Convention. To sustain his position on this point, the gentleman, if not moved by the instinct of certain political principles, would at least seem to be driven by a dire necessity, to the old and standing resort of all who have in all ages of the world opposed the march of freedom as well as the alteration of all forms of government, excepting perhaps the alteration and obliteration of monarchies and despotism. He relies upon *precedent*, sir—and, with an air of apparent confidence, he trumps up this old bugbear and humbug—this alpha and omega of the lawyer's brief—and pleads it here in opposition to this measure. Now, sir, precedent will do very well in courts of law—but it has nothing to do with forms of government, or the proposed alteration of those forms.—There is no precedent in the world, which, as such, is strictly applicable to, or should be permitted control in the slightest respect, the proposed alteration or establishment of any form of government. Precedent, sir, belongs strictly and solely to matters of the law, and in this respect, when duly sanctified by time and justified by the every day practice of the world, it is entitled to deference so long as it continues agreeable to and consistent with the spirit of the age. But even in this sense, (its applicability to the science of law,) when it loses its power, because it loses its practicability, by the lapse of time, and is found to be grown into a hoary headed error, it is at once abandoned. Precedent, however, so far as it ever related to the establishment or the change of government, has long since been repudiated. It was repudiated, sir, by the founders and fathers of this Republic. In the great emergency which made rebellion against the laws of the country and the yoke of a foreign government both a duty and a virtue, it was found that the potency of precedent could not be brought to meet the crisis, and the consequence was that a new and bold step became necessary,—that step was taken—a new track was struck out—and a

new precedent, dispensing with and repudiating for all time to come all precedents relative to the creation or change of governments was adopted. So much, then, as to the effect and force of precedent, as connected with political revolutions. In addition to a blind adherence to this fallacy of precedent, the gentleman is also at war with the spirit of the age, which in all things and especially in political science, is eminently progressive. His argument is at war also with, and in direct contradiction of the doctrines held by the most distinguished writers on political economy. Among these I may mention Vattel and Smith, of the old world, and Jefferson and Madison, of our own land, between all of whom there is a perfect concurrence as to the right and power of the people, in any form and at any time a majority of them please, to alter, abolish, or establish, any form of government. This ground is so broad as to include and give the right to any and every nation of people upon the face of the earth. How peculiarly applicable, then, is it to a nation of freemen, the very genius of whose government is universally acknowledged to derive its existence from and to be based upon the consent of the governed? What is it then, sir, that gives, or that can give life and legality to a Constitution in this country? What, sir, but the voice and the votes of the people?—They, sir, are acknowledged and felt to be the original and the sovereign source of power, and whatever a majority of them agree to adopt, instantly and necessarily and irresistibly becomes the law of the land. My humble opinion is, then, that it matters but little—that it matters not at all—as to the time when, or the manner how, or the persons by whom, this Constitution is submitted to the people, so that they come in possession of it and vote upon it. If a majority of them vote for it, it is instantly breathed into being, and no power but the power which gave it life can take that life away. The only thing, in fact, which it

is necessary for us to do,—and that we certainly can do—is to provide that the officers of the law shall be compelled to open a poll and receive the votes of the people. This is all that we need do—this is all that we propose to do—and this we certainly have the right to do. Whatever remains beyond this, belongs to the people; and the votes of the people is all that is necessary to legalize their own conduct and make legal the adoption of the Constitution.

POPULARITY OF THE CONSTITUTION.

The gentleman from Mahaska (Mr. Shelledy,) who was the first to speak upon this question, dwelt at some length upon the merits of the Constitution, and favored us with a few invectives against certain provisions of that instrument. Now, sir, we are neither making a new Constitution nor amending an old one—we are merely providing a means for taking a vote upon a Constitution which has already been agreed upon and adopted by a convention of delegates elected by the people, and which, in the simple form that it came from the convention, and unembarrassed by extraneous circumstances, has never been before the people. As our object then is merely provisional and not creative, the provisions of the Constitution do not and cannot form any part of the question before the House. I am ready, however, and free to say, sir, that I believe that this Constitution, taken upon its merits, is highly popular with a very large majority of people. I believe, too, that the principles upon which it is based are the true and genuine principles of honest democratic government—and that, taken as a whole, it will stand the test of talents and of time as triumphantly as any Constitution in the world. This, sir, I am prepared to say—that this Constitution, which has been so much carped at and sneered at by its enemies—which has been made the butt of ridicule by all the half-fledged politicians among us—and against which

the whig prints of this Territory weekly fulminate their phillipics and slaver forth their venom—in the face of these reckless and vindictive assaults, I, as one of the friends of that instrument am prepared to say, that, taken as a charter of the people's rights and liberties, which are both clearly defined and safely guarded, and taken also as a system of republican and economical government, the Constitution agreed upon by the convention will compare favorably—aye, triumphantly, with any constitution in existence. This Constitution, sir, I repeat, is popular, and pre-eminently popular, with the people. Do gentlemen wish to know why it is popular with the people? I will tell them. It is popular, because the people see in it a safe and sure protection to all their interests, from their liberties down to their daily avocations and their worldly goods. This much they see guaranteed to them as individuals. They also see that as people they are protected against any fatal legislation—that they are protected against the possibility of the perpetration of any of the Bank Charter and Internal Improvement and State Debt frauds, which have in times past been sprung like deadfalls upon the people of other States through the action of purchased, perjured and corrupt public agents. These are some of the considerations, sir, which make the Constitution popular with the people. In addition to these, too, its very form of government, which is truly democratic, makes it popular. The duties which it imposes upon the citizens are light—and its provisions are simple and easily understood—in a word, sir, it contemplates emphatically a people's government, and, when adopted, will be by them most cordially supported. There is then every consideration to make the Constitution universally popular with the people—and being convinced, sir, both from reason and observation, that it does and must occupy this high degree of favor in the popular mind, I am anxious to see it submitted to them in such form as that

they can consistently vote upon it, and in such shape as that they can safely vote for it. I am fully persuaded that the people all over the Territory desire to give an expression of their opinion upon this subject. I can speak particularly of the southern portion of the Territory, and more particularly of my own constituency, who, I do know, are anxious that it should be submitted to them at the earliest day possible. They are ready to vote at any moment—ready to vote to-morrow if they could; and, sir, they are ready and anxious to vote for it, now that it is freed from the slander and embarrassment cast upon it by the Congressional amendments.

CAUSE OF THE DEFEAT OF THE CONSTITUTION.

The late vote against the Constitution was the result of circumstances over which the people had no control, and not on account of any opposition to the Constitution itself. It was the Congressional amendment, curtailing our boundaries, and not the provisions of the Constitution, which produced that result. The amendments made by Congress, besides dwarfing our boundaries, were framed in terms so utterly ambiguous that it was impossible for the best informed men in community to ascertain and determine what would be the effect of a vote in favor of the Constitution. In the first place, sir, we received intelligence that an amendment had passed the House curtailing our boundaries, and making it a condition precedent to our admission into the Union, that the new boundaries prescribed by Congress should be accepted and ratified by a convention of delegates elected by the people. This, although apparently confused in meaning at first blush, became, on reflection, a very clear proposition, inasmuch as it disjoined the questions, and left us an opportunity to vote upon the Constitution singly and adopt it, and left the matter of boundaries an open question for future action, or no action at all, as

we might have deemed advisable. But, sir, for some reason which has never been explained and which seems to be utterly inexplicable, this amendment was superseded by another which was couched in terms the most equivocal and ambiguous which it is possible for language to express. Various impressions immediately took possession of the public mind—a few, and a very few contended, that if the Constitution should be adopted by the people, an acceptance or ratification of the amendments would not necessarily follow—but it was contended on the other hand, and by a very large majority, that if the Constitution should be adopted we would be bound down to the narrow limits—that the General Government would hold us to the bargain—that it was impossible to vote for the Constitution without at the same time voting for the Congressional boundaries—that the questions were undoubtedly and irrevocably joined, and that there was therefore no opportunity offered us to vote upon them separately. These conflicting opinions, coming together as they did just upon the eve of the election, produced their natural result—a general and wide-spread confusion in the public mind—and, sir, it was in the midst of this confusion, and because of this confusion that the Constitution went down. That it sunk under the weight of these fatal, odious and outrageous amendments, no one will pretend to doubt. That such was the case is to me at least a not less painful than well known fact; for I was in the field of its struggles, and I can say with confidence, that I saw scores of the most devoted friends of the Constitution and of state government march to the ballot box and vote against the Constitution upon the simple and avowed ground that they believed that if they voted for it they would at the same time necessarily and unavoidably vote for the Congressional boundaries also. I presume the same to have been the fact to a greater or less extent throughout the Territory. This proves one thing, then,

sir,—that the people of the Territory, as much as they desired a state government, and as much as they approved the Constitution, were willing to sacrifice both rather than submit to the terms proposed by Congress, or sacrifice one inch of that soil to which they are, upon the simple score of justice, so well entitled. It was, then, sir, as I have before remarked, to the Congressional Amendments, and not to its own provisions, that the Constitution owes its defeat—or, more strictly speaking, the Constitution was defeated on account of the awkward, bungling and barbarous terms in which the amendments were expressed.

At this point, sir, I may properly remark, that, had the first amendment, which disjoined the questions, been permitted to stand, the Constitution could and would still have been adopted, and adopted triumphantly. It could have been saved, too, had the bill providing for our admission, when found to be hampered with amendments, been ordered, on the motion of some friend to the Territory, to be laid upon the table. The probability is, from the tone which seemed to pervade Congress at the time, that a proposition of this kind would have been readily assented to and we should thus have had the Constitution, and the Constitution alone, fairly before us. It could have been carried, too, had the bill, after it passed the House, been permitted to slumber in the hands of the committee to which it was referred in the Senate—a committee which was known in the political world as the "Whig Opium Committee"—an appellation which it received in consideration of the narcotics which it was in the habit of administering to all democratic measures committed to its keeping. We looked alternately to each and all of these chances, as the measure passed through its various stages in Congress, to afford us an opportunity to save the Constitution—but, sir, we looked and prayed in vain—and the result is known to the world. These considerations bring me to what the

gentleman from Henry denominates the "third blunder"—that is to say

THE MANAGEMENT OF THE QUESTION BY THE DELEGATE.

I am willing to admit, sir, that in at least a portion of the points just considered, the action of the Delegate may have been unfortunate, but not "treacherous," as the gentleman pleases to term it. But, sir, had the action of the Delegate been even more unfortunate, under the circumstances which surrounded him, I should not reproach him—nor, sir, shall I hear him reproached here or elsewhere in regard to this matter, without offering at least a word in his defence. I believe the truth, and the whole truth to be, not that he was over solicitous for an immediate organization of State Government at all hazards, and at all sacrifices, with the view of becoming the recipient of its highest honors, as has been more than hinted at by the gentleman from Henry, but that he was governed by higher and purer motives—by a laudable desire, sir, to carry out what he honestly believed to be the will of his constituents. That he was mistaken in supposing that the people here were so anxious for a State government that, rather than forego that high privilege, they would entertain the proposition to divide the Territory—that he was mistaken in this, provided such were his apprehensions, is too plainly manifested in the vote recently taken on the subject. His object, however, seems merely to have been—at least it so strikes me—to give the people an opportunity to express their opinion in regard to the matter. That that expression is adverse—decidedly adverse—to the proposition, I do not pretend to controvert, because the heavy vote of the people shows clearly that in his zealous efforts to serve his constituents the Delegate did more than was desired of him. This is an error, however, if it may be called an error, for which a public servant may be more fairly excused than justly censured.

We now come, sir, to the consideration of the Delegate's Circular, which has been so unceremoniously and so unnecessarily lugged into the debate. As it is before us, however, it must of course be met, and so far as I am concerned it shall be met with candour. That circular, then, sir, I do consider the most ill-advised paper that ever came to light. It has been from the start, and it continues to be a source of the most profound regret to the friends of the Constitution and the political friends of the Delegate. And it would be, I am free to admit, a legitimate object of attack for his political opponents, provided his opponents cared anything about the Constitution or the boundaries. But we know, sir, that they are obstinately opposed to the first, and if that falls of course the others fall with it. They care nothing about the boundaries, sir; then opposition to the whole project of state government is enough to assure us that they are of course opposed to any and all boundaries. Their tirades against the circular, then, which treats only of boundaries, is all mere gammon—a small specimen in the way of party clap trap—and the last example before us of a sinking party catching at straws. In fact, sir, in looking back at their course of opposition to state government—sometimes opposed to it on one ground, sometimes on another—now opposed to the Constitution—and then forgetting the Constitution, and falling pell-mell upon the boundaries—in looking at their various twistings around and about the matter we are forcibly reminded of the hypocritical piety which has sometimes been played off by the devil, and which we find turned into verse by some one of his many biographers:

> "When the devil was sick, the devil a monk would be;
> When the devil was well, the devil a monk was he."

It is so, sir, with the opponents of state government. For a time, their energies were put forth against the Constitution, as the vilest proposition that had ever been submitted to a free people. Suddenly, the tune was varied—the Constitution was not even mentioned by them—but all their batteries were opened upon the boundaries, and the circular of the Delegate—thus proving that their whole opposition is entirely partizan—that next to defeating the Delegate, their object is to escape that general sweep which would soon overtake them under a state government—and that consequently the matter of boundaries, so far as they care about them, is mere moonshine and humbug.

But, sir, as to the Circular. We, sir, who are the friends of the Constitution, and the political friends of the Delegate, are the only persons from whom complaint can justly come, so far as that Circular is concerned. We, sir, have some reason to regret its appearance—the opponents of the Constitution and of the Delegate have no such reasons, and therefore no right to denounce it. I admit, sir, that, at the first blush, it would seem to wear the appearance of an argument in favor of the dwarfed boundaries—it looks a little more that way than we would desire, sir—yet, I believe that a fair construction of its language would show that it is not and was not meant to be an argument to that effect.

On the other hand, sir, the circular contains, I am sorry to say, an assurance to the people, and per consequence an admission to Congress, that we can never obtain "one more square mile of Territory than is prescribed to us by the Congressional boundaries." Now, sir, we, who are so deeply solicitous on the subject of the original boundaries, are compelled to regret deeply this untimely and unfortunate declaration—unfortunate, sir, because, coming from the source it does, it is calculated to weaken our pretensions before Congress,—it is unfortunate, too, because it brings the opinions of the Delegate into public conflict with the opinions of his friends and into conflict with the proposed action of the Legislature. The misfortune to all, is, that we present to the world the singular spectacle of a general

conflict among ourselves—and the danger is, that this conflict may make an unfavorable impression upon the public mind, both at home and abroad, and jeopard the question when it shall be again laid before Congress. That this circular had its source in the best and purest motives—that it came fresh from the honest gushings of the heart, and from the best dictates of the judgment, there cannot be and should not be one solitary doubt; and, sir, all who are acquainted with the turbulence and excitement which sometimes attend the proceedings of Congress, and all who are acquainted with the character of the combinations which are sometimes formed upon the instant in the House of Representatives, will willingly concede, that, under the violent and sudden outburst of opposition which sprung up against us, and which no one could have reasonably anticipated, it was enough to appall the stoutest heart, and enough to force the conviction upon the mind, that to obtain the extended boundaries was indeed impossible. I think, therefore, sir, that the extraordinary circumstances which surrounded and embarrassed the Delegate throughout this whole contest may be fairly and justly pleaded in extenuation of what some may be disposed to denounce as "treacherous" and others to regard as unfortunate and injudicious. The Delegate is entitled to nothing more at my hands than justice—he is entitled to the same at the hands of every man in this House. I stop not to enquire whether others will render him that justice or not. I mean only to discharge my own duty as conscience dictates it should be done, and to "render unto Cæsar the things that are Cæsar's." If I have failed in the effort, it is because my mind does not reflect the feelings of my heart.

Now, sir, a word as to the feelings of the people on this subject and as to their opinions with regard to the prospect of obtaining the extended boundaries. It is evident enough, sir, from the tone of public sentiment, that the people of

this Territory still believe, that by another appeal to Congress—by another and strong representation of facts—and by a united and determined stand among ourselves, we can still obtain the large boundaries, and accomplish our admission into the Union under them. A large majority of the members of this Legislature, who are presumed to reflect the public sentiment, are of the same opinion.

In view of this state of public feeling, then, I will briefly advert to the reason why the people of this Territory should contend for the Convention boundaries—why they have the right to demand them—and why Congress will, at a second hearing, probably be induced to grant them. First, then, as to the reasons why

THE PEOPLE SHOULD CONTEND FOR THE LARGE BOUNDARIES.

The people of the Territory should contend for the extended boundaries because without them there would remain but few inducements to go into a state organization, whilst with them there would be every motive to take that step. Those boundaries form of themselves several hundred miles of steamboat navigation, and embrace within their limits some 60,000 square miles of the best farming lands in the world, together with inexhaustible mineral resources and all imaginable facilities for manufacturing purposes. We thus have before us, sir, at a single glance, the great interests to be secured to us provided we can obtain the original boundaries. Let us treat this question, then, in a spirit of patriotism commensurate with its importance to us and to posterity. Let us raise our thoughts and shape our acts above the party expedients of the day. Let us throw behind us all paltry considerations of party, and with them the insignificant capital which might be lugged in to effect the choice of a Delegate to Congress—let us cast behind us all petty considerations of this description,

and endeavor to elevate our minds to a level with the high interests at stake and to expand our views to a proper appreciation of the subject. Let us forget that we are acting for ourselves, and endeavor to realize the great fact that we are acting for posterity. This, sir, is a question not merely of to-day, but one which belongs more especially to the great future, and which is to effect, for weal or for woe, the destines of our successors for all time to come. Let us, then, cast our thoughts ahead—let us keep our minds, our hearts and our eyes, constantly directed towards the future —that great future, sir, which is to rise up in judgment upon our acts, and to weigh out to us that meed of praise which shall be due to our forethought and firmness, or that share of censure which shall be due to our stupidity and folly—that great future, sir, which will bear upon its every feature the impress of our deliberations, be it to adorn or to mar—that great future, sir, which is to see these plains as blooming as the rose and their generous bosoms teeming with luxuriant harvests, or a wide, deserted and desolate waste, as our present judgment may determine—and that great future, sir, which is to see our population as numberless as the sands of the sea, prosperous and happy, or a scattered and broken band of people, wearing upon their brows the deep and unerring signs of blasted hopes, as the wisdom of this House shall now decide. The whole responsibility of the decision of this question, then, whether for good or for evil, depends upon this Legislature—the whole matter, of both the boundaries and the Constitution, in my opinion, hangs upon the passage of the bill before us. The magnitude of the interest involved should, then, bring members to a full realization of the position they occupy, and awaken them to a sense of the fact that they hold in their hands the destinies of future generations. They should meet the crisis like men, who, feeling that they owe a duty, are determined to discharge it faithfully and fearlessly. And, sir,

while acting from impulses such as these, they should not forget that caution which is advisable to be observed in a matter of so much moment, as a single misstep on our part might endanger if not defeat the objects which we have in view.

As an illustration of this point, as well as in furtherance of the proposition with which I started out, suppose that we, as a legislature, should provide in the bill before us, for a dismemberment of the Territory, or that we, as a people, should agree to accept the Congressional boundaries—what, sir, would be the consequence to our power, our prosperity, and our prospects? Why, sir, we should be confined to a single stream in the way of navigation, and to a comparatively small district of country for settlement and subsistence. The immediate result of this would be to drive from among us many enterprising citizens, to discourage and dishearten those who would remain, and to put a sudden and everlasting stop to immigration. This would be the first result. The next resulting consequence would fall upon those who would succeed us. They would find themselves burdened with the expenses and the responsibility of a State Government, without any earthly means, independent of taxation, to sustain it, and their energies, even for individual enterprise, would be cramped and crippled by the narrow limits we should leave them. Rather than a lot like this, I would leave them no legacy at all in the way of government, but leave them free to battle for their own boundaries.

For the same reason, sir, I should be opposed to almost any division which it is possible to conceive of—certainly opposed to any division which would change materially the dimensions or the proportions of the present boundaries. I think that it is the true interest of the whole Territory, and the true interest of all parts of it, to contend for the boundaries prescribed by the Convention, and to oppose any

dwarfing of the lines at any extreme and at every point. I think that all propositions to trim down the boundaries even one hair's breadth on either extreme should be indignantly repelled by all who look to the true interests and the future greatness both of the people and of the State. We of the South are strong enough to protect ourselves, and we will exert it, sir, and effectively too, should any effort be made to put a barrier between us and the Missouri,—and I think, sir, that I can safely pledge my word to gentlemen from the north, that the people of the southern portion of the Territory will never take advantage of their strength or of any other circumstance to force a division at any point south of the St. Peters. For one at least, my voice shall always be raised against any and every proposition so unwise, so ungenerous, and so unjust.

To return, sir, to the advantages which would inure to us as a people under the extended boundaries. Those boundaries would afford us, as I have before observed, several hundred miles of steamboat navigation upon two of the noblest rivers in the world. They would also give us a district of country as large as almost any state in the Union, the whole of it pre-eminently fertile, and embracing every facility for carrying on agricultural pursuits upon the largest and most profitable scale. To these let us add the vast amount of manufacturing power which is bountifully distributed throughout the Territory,—and to this again let us add the great mines of the north whose riches are inexhaustible. Putting these together, have we not before us all the elements of prosperity and wealth—all the elements which it is possible for the mind to conceive of as essential and favorable to the building up of a great people and a great State? Now, sir, the question to be decided is, shall we abandon all these brilliant prospects without an effort to secure them? Shall we fritter them away in pitiful subdivisions of our soil?

Sir, it has been a favorite and rather fashionable argument with some, though it has not been urged upon this floor, that, under the extended boundaries, two great rival interests would spring up—one on the Mississippi and one upon the Missouri: that these interests would soon come into conflict: and that commercial jealousies and political struggles of an unpleasant character would soon result. Now, sir, this assumption, or apprehension, is not justified by experience. Our nearest neighbor—the State of Illinois—is not only surrounded but intersected by navigable waters, and we hear of no conflicts or clashing of interests there, neither commercial nor political, excepting such as grow out of the party contests of the times. In my humble opinion, sir, prejudices, heart-burnings and ill-blood would much more naturally arise, and be more certain to arise, under the boundaries which Congress has prescribed for us; as, in the event of their adoption, the border settlers of our own state would be thrown upon the Missouri for a market: the very force of circumstances, would estrange them from all duty and attachment to our state: their labor and their wealth would be drawn from us, and be made to flow steadily into the lap of a rival state, which would soon outstrip us by thus having the power to levy contributions upon our own people: the natural operation of interest, too, would soon incline the sympathies of our citizens toward the rival state, and in all enterprises of our own we should find them most unwilling co-laborers.

THE PEOPLE OF IOWA HAVE A RIGHT TO DEMAND THE LARGE BOUNDARIES.

The people of this Territory have a right to demand the extended boundaries, because they made their settlements here, with a view to obtaining them. They had the right to expect at the time they settled here, that they would obtain these large boundaries, because, in looking at the past

policy of the general government, they found that the people of other new states had readily obtained all the boundaries they asked for, and that in one instance at least a large and valuable scope of country had been added to one of them even many years after its admission into the Union. The early settlers of this Territory, then, had a right to expect that the general government would deal as justly, as fairly, as honorably, and as liberally towards them as it had dealt towards the people of the other new states—and they now have a right to demand to be put upon an equal footing, in the matters of territory and natural advantages, with the people of other western states. Sir, the general government owes to the people of Iowa all that they ask for in the matters of boundaries, because they have made the country what it is, and because they have paid millions of money into the public treasury for their lands. What, sir, would be the condition and the present population of Iowa had not its settlers understood from the start that they were to obtain these extended boundaries? Why, sir, with the exception of perhaps a few settlements immediately upon the banks of the Mississippi, the whole Territory would have remained to this hour a perfect wilderness! and for this reason, sir, that any other boundaries than those proposed would have cut the people off from all those agricultural and commercial advantages to which men naturally look when entering upon the settlement of a new country. The people, here, sir, have, under these circumstances, a right to protest against any alteration of these boundaries—they have a right to denounce any interference with them as an outrage upon their interests—they have a right to denounce and to resist the proposed interference of Congress as a daring and a glaring fraud, and a palpable and scandalous violation of an implied contract,—and they have the right and it is their duty to demand of Congress that this fraud and this outrage shall not be visited upon them!

REASONS URGED AGAINST OUR BOUNDARIES IN CONGRESS.

Mr. Speaker—Before entering upon a discussion of the reasons which will probably induce the next Congress to admit us with the original boundaries, I will advert for a moment to the objections urged against them at the last session.

It was urged by Mr. Vinton, of Ohio, and by all who were deceived into an adoption of his errors, that a subdivision of western territory was necessary in order to give the west its due weight in the United States Senate. To go upon such an hypothesis is to suppose the Senate a representative body, which it is not, but merely conservative in its powers. Had it been intended by the framers of our government that the Senate should be in any sense a representative of the popular will, it would of course have been provided that it should be made the representative of numbers—the same apportionment would have been provided which now regulates the number of members of the House—and the consequence would have been the great State of New York, which has but two, would now have forty members in the United States Senate and the little State of Delaware but one. But, sir, such was never designed to be the character of the Senate. It was intended more as the representative of the States, as such, than of the people, that the states might thus the more easily and the more certainly preserve their sovereignty and maintain their independence of the general government. It matters, then, but little what may be the population of a State, or the population of any section of the Union, so far as its representation in the Senate is concerned; for it is in the lower branch of Congress, the popular and democratic branch, that THE PEOPLE are represented, and it is here that they must and will be represented according to their numbers, and consequently they must and will have all the weight and influence and power to which they are, as a

people, entitled, reside where they may, be it east or west of the Alleghanies, east or west of the Mississippi. The proposition, then, is just as broad as it is long. If we cannot have the power in the Senate, we must have it in the House,—and if that power can be made to be felt at Washington and in Congress it occurs to me as a matter of but little moment which end of the capitol may become the theater of its action.—Then, sir, if we must and will have our due weight—and no earthly power can prevent it—the question arises, whether we shall sacrifice our own interests, and all the prospects which we anticipate for posterity—whether we shall bisect, dissect and dwarf our boundaries, for the sake of obtaining two more United States Senators from some other new state west of the Mississippi, when then the fact is perfectly clear—as clear as the sun at noonday—that, as a people, we shall, without this sacrifice, be certain to have precisely the same weight in Congress?

It was also urged, by the same member from Ohio, in furtherance of the proposition to cut the west into little states, not only that the west would soon contain the majority of the people living under our government, but that the legislation of the country and for the country would be safer, and wiser and better if committed entirely to the control of the west. In support of this modest assumption, it was urged that a high state of civilization prevailed at the north, and a low state of civilization at the south—that these extremes were likely to continue forever—and that to curb the lofty pretensions of the one and the ignorant fury of the other, the west, which we are left to suppose as half-civilized, would step in as a mediator, and make such a division of the intelligence of the north and such a division of the heathenism of the south, as should make both conform to the semi-barbarian notions of the west. Such is the meaning, as nearly as I can get at it, of this position. It was also urged that the interests of the

north and of the south were indissolubly connected with those of the west, though opposed to each other—that the west would step in as a regulator because its interests were mutually connected with both the north and the south—and that therefore the west, occupying a sort of conservative position, could legislate most advantageously not only for the north and the south but for itself also. Now, sir, the amount of this argument is simply this—that it is the interest of the west to keep on good terms with both the north and the south, as we are dependent upon both for our markets. Well, sir, admit this—and suppose for a moment that the whole power of legislation is in our own hands, and that in furtherance of this policy we legislate so as to take good care of ourselves first, and at the same time take good care of the interests of the north and of the south also. I say, sir, let us admit this,—and now let us reverse the position, and throw the responsibility of all legislation upon the north and the south also. Are they not mutually dependent upon the west—as dependent upon us as we are upon them? Would they not, then, from motives of interest, unite in favor of any and all legislation which we may need, however much they may differ upon questions relating to each other? This we know to be the case already, and that every year the legislation of Congress is becoming more favorable to the west. What, then, I would ask, would be the advantages resulting to us from holding in our own hands the whole legislative power of the country?

These reasons, sir, shallow as they may seem—shallow as they are—formed the burden of the arguments used against us in Congress, and strange as it may seem, they formed the point upon which the whole question turned against us. I may be much deceived in my judgment upon the matter, sir, but, after looking at both these objections in every light, I cannot regard them otherwise than as most arrant humbugs—far-fetched and baseless—sickly

creatures of the imagination which cannot stand a single second before the blaze of reason and the force of truth.

REASONS WHY CONGRESS WILL ADMIT US WITH THE LARGE BOUNDARIES.

I now come, sir, to the last point which I shall consider in this discussion, to-wit, the reasons which will probably induce the next Congress to admit us with the original boundaries. These reasons are two-fold—*first*, a sense of justice, arising from the sober second thought of Congress —*secondly*, political considerations.

I have no doubt, sir, but that, upon reflection, and after hearing another statement of the case, Congress will be tempted to retrace its steps, and act with that wisdom which should characterize so exalted a body, and with that magnanimity which has heretofore been the glory of the American Congress. In addition to this, political considerations will arise which must necessarily weigh much upon the minds of members from all parts of the Union. Sir, when the Senators from Florida shall take their seats upon the floor of the Senate, the east, the centre and the west will feel suddenly and sensibly the weight which is so soon to disturb the now evenly balanced scales, and they will be compelled to cast about them for a counterpoise to preserve the equilibrium of the government. Their eyes will naturally be directed towards us, and when they see us halting and holding back, and ascertain the cause of our delay, I think the great probability is that they will beg us to come forward and bid us to enter upon our own terms. The north, too, will see, that being a part of the old Louisiana Territory, and cut off by nature from all communication with the east, we must naturally and unavoidably find our market at the south and continue to find it there, so long as the Mississippi and Missouri shall roll their floods in their present direction. The north will have the sagacity to

see this—and that same sagacity—that inborn principle of our race—will teach them that "where the treasure is there will the heart be also." The north, sir, will see that, cut off as we are, geographically, commercially and politically from all communication with the east, they will have nothing to gain and everything to lose by the erection of a series of new states west of the Mississippi river, every one of which, from the force of circumstances, from geographical and commercial connexions, must unite politically and will unite politically and forever with the south. These circumstances, then, will decide the question for the north, and induce northern members to labor for our admission with the original boundaries. The middle states will have but little to say in the matter—or, if they have an opinion, it must be in our favor, as an increased number of senators would render the middle states more than ever the prey and sport of the balance. The western states will soon repudiate the new fallacy, that to keep up the weight of the west in the government it is necessary to have a larger representation in a body which never has been, and never can be, representative of the masses or of any particular or peculiar sectional interests—and hence I am led to believe that western members, moved by that sympathy which they must naturally feel in the affairs of a near neighbor, will be induced to take us by the hand, and guide us safely and triumphantly through the ordeal which awaits us. The people of the south, possessing as they do a district of country sufficient in extent to keep up the political balance for all time to come, will of course have no objection to any boundaries we may propose, whilst a sense of justice to themselves, seeing that we are allied to each other by the strong ties of interest, will induce them to throw their whole weight in our favor. These are the considerations, sir, which, in my opinion, will, when properly impressed

upon the minds of members of Congress, induce that body to welcome us with open arms and hail our admission into the Union with a shout of sincere and heartfelt joy.

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SPEECH OF MR. WILSON

OF DU BUQUE, IN THE HOUSE OF REP'S. MAY 31, 1845.

The Bill to submit the Draft of a Constitution formed by the late Convention being on its passage, Mr. Wilson rose and said—

MR. SPEAKER:

I am truly sorry that this debate has taken such a course. I am sorry that so much of the time has been devoted to the proper or improper conduct of our delegate in Congress concerning the boundaries,—one speaker, (Mr. Munger,) attacking, and the other (Mr. Morgan,) defending his course. For myself I shall endeavor to come at once to the question, *have we the right to submit the Constitution in August next?* But since our delegate has been so violently attacked upon this floor, permit me to say one word in his defence. His course upon the boundaries is the only point upon which he is censured so unmercifully, and sir, I conceive that it is awarding him no little praise, to say that after so many years of devotion to the best interests of this Territory, there is only one point upon which his fiercest enemies can pretend to attack him. But, sir, I stand not here as the advocate of any one man,—I claim to justify no action that I do not sincerely believe to be honest, conscientious and just. As a solitary individual, claiming no more merit than that which I believe pervades the bosom of the masses, I would uphold no measure that

stands not upon the great principle of right, that does not possess of itself all the elements and attributes of truth and justice. For my part, I believe that he acted in regard to our boundaries from the very best of motives, and with a view to the entire wishes and wants of his constituency, and the future state of Iowa.

What are the facts as to the action of our Delegate in relation to the boundaries in Congress? Did he sit calmly by and permit that body to despoil our Territory without protesting against it? Did he not raise his voice against it? Certainly he did, and in the name of a hundred thousand freemen west of the Mississippi, did he assure Congress that it would meet with the universal disapprobation of the people of Iowa. His warning voice was not regarded, and the very men whom all our lives we had been accustomed to look upon with love, as the guardians and protectors of Western interests, were the very first to lead on the attack, and all our Delegate could do, was to sit calmly by, and witness his advice and counsel rejected, and get the small boundaries they were determined to give us, in the best shape possible, which he most certainly did. It was not, I believe, until after the very last ray of hope had faded from his vision, and the reiterated assurance and action of men from whom we had a right to have expected different treatment, that he would at all consent to have anything to do with the Congressional boundaries, and that was I have already said, when the Convention boundaries could not under any possible emergency be obtained, and it was under this belief that he acted, and these are the arguments upon which his Circular was based, which has borne no small part in this discussion.

The question is now asked quite triumphantly, by the opponents of this measure—"What we expect to obtain by submitting to the people the Constitution in August, next with the Convention boundaries, and nominating and send-

ing back to Congress a man already committed in favor of the Congressional boundaries?" with sundry insinuations that the submission of this Constitution, is but a *ruse* to "pull the wool over the people's eyes," and that we would get the Constitution adopted, and after that, the mere matter of boundary was but a secondary consideration, and we would gladly accept the boundaries proposed by Congress. In the name of the majority of this House, we repudiate any such insinuations, or attempts to deceive or gull the people by any ruse or humbuggery. As one, I don't believe it is in the power of this House, or any Legislature, to long deceive the people, if the members were ever so willing, and would try ever so hard. The aggregate intelligence of the people is at least equal to, if not greatly in advance of the members of this or any Legislature, and if any attempt was made to deceive them, they would soon speak out in thundering tones to their *mis*-Representatives, and hurl them from their seats, with all the indignation of an outraged and insulted community. We are not acting like children in this matter, it is not merely a play that will be forgotten, but it is a great and momentous question affecting all parts of society, and all conditions of men within the limits of our Territory.

This question of boundary, is an all absorbing topic, and no question created so much excitement in the convention as this question,—it appeals to our local prejudices, and arouses our sectional jealousies, and it is the most dangerous question that can be mooted in this discussion, and that is the reason why the question has been left as the Convention fixed it, convinced that that boundary is entirely satisfactory and gratifying to not only every section of the Territory, but also to the great mass of the people. As representatives, representing as we claim, and I hope do, the people of the entire Territory, I think no boundary could have been fixed by this Legislature that would please

the whole people of this Territory, half so well, as the convention boundaries,—to us of the north, we would never be satisfied without the St. Peters as our northern boundary,—embracing the magnificent and beautiful country described by Mr. Nicolett—abounding with lakes, rivers, and streams, which all in all, according to his description makes up one of the most delightful and most desirable sections in Iowa, abounding with hydraulic power sufficient to turn all the machinery in the world, and its prairies affording the best pasturage in christendom. So it is with the south, if I mistake not the feeling manifested there, they also are determined to go to the Missouri,—and to accomplish this, they are perfectly willing to go with us to the St. Peters on the north. This will give us no little diminutive State that we could "put in our breeches pocket," but one of the very largest class,—surrounded with navigable rivers—possessing within herself all the elements of sovereignty and greatness—abounding in mineral wealth,—teeming with agricultural and manufacturing resources—with a population daily and hourly increasing in wealth, numbers and intelligence, who can set metes and bounds to the future glory of the young Lion of the west? Then any one can see, that we are perfectly sincere in our professions as regards to the Convention boundaries, and after they are adopted, we conceive the delegate to be instructed by the highest authority in the land—the voice of the sovereigns, to say nothing of the action of this Legislature. So that no matter what any individual's private opinion might be as regards our boundaries, or no matter what action any past Congress might have taken, with the new Congress coming in, with a proper spirit, which if I mistake not pervades the bosoms of the people, we will demand our original boundaries, and submit to nothing less.

The gentleman from Henry has asked quite triumphantly

for reasons for the passage of this law, and says that he has listened in vain for a single one, and therefore he comes at once to the very unreasonable supposition, that we have none, and that none exist. Now, sir, the general rule of discussion and common sense, require that we should know the objections to this measure, before we know what charges to answer, and I must confess sir, that I have listened in vain for one solitary objection, that carries with it even the show of a respectable argument. To be sure we have heard some fine declamation—some bitter invective, and some objections to the constitution; but without we dignify what we have heard with the name of argument and logic, concerning "revolutionary schemes," "unprecedented measure," "no law," "usurping power" and "submitting a constitution that has been once defeated," &c., I repeat it then, without we dignify these with the appellation of arguments, there would be nothing of which the affirmative of this question could avail itself in this discussion. I repudiate sir the allusion and dragging up here our oaths of office, and warning us to beware of perjury in thus passing a law that was thought to be without our pale, and hoping that we will not do violence to our oaths and subvert and trample upon the Organic law, and thus destroy the constitution of the Territory.

This cry of perjury, is sir, intended as a mere bugbear, and is done for no other object than to make of them the raw bones and bloody head that is to frighten the timid and draw off the faint-hearted. This matter of oaths, is a matter of conscience, and so far as I am concerned, it is a matter between me and my God, and which concerns no one but myself, and any more allusions to our oaths will be ill timed, and should be repelled with scorn by every member of this House, and so far from frightening the members, it will only make them appear as men who knowing their rights, dare maintain them at all hazards. So it is with the stab

that will be aimed at the constitution by the passage of this law. This is no new warning—it has been the constant war cry of the whigs for years, and its spirit is always invoked whenever they are pushed to the wall for argument, and wish to rally their forces against any leading measure of the Democracy. Within sir, my short life time, this same identical old constitution has received scores of such deadly wounds. The election of Gen. Jackson was proclaimed to be worse than "War, pestilence and famine," and his veto of the bill to renew the charter of the old United States Bank was regarded by the federalists as a stab at the very constitution—his removal of the public Deposits from that dangerous institution was another—the refusal of the States to submit to the famous mandamus act, was a deep and appalling thrust at its very vitals. But, thank God! notwithstanding this yearly killing of the constitution, that sacred charter of our liberties still survives, unscathed by these many fatal wounds, and that it will continue to live and flourish for generations yet to come, is the patriot's hope and the burthen of his prayer.

We come now at once to the question, *have we a right to submit this constitution?* or have we a right to order polls to be opened in the different counties, townships and precincts, and compel the judges of said election there to receive votes "for" or "against the constitution." I contend sir, that we have not only the right, but that it is as perfectly *clear and apparent as a sunbeam.* The 6th section of the Organic law says, "that the legislative power of the Territory shall extend to all rightful subjects of legislation." Now sir, I ask is this not a rightful subject of legislation? Most clear to my mind. If it is not, then let us look for a moment at the hypothesis of our opponents, that we have no right to submit a dead constitution, or one that has been once rejected by the people. I ask then, where would they get authority to call another con-

vention, unless it should be from the Legislature, and if this Legislature could call another convention, and that call would be perfectly legal, does not the very same authority exist, and is perfectly analogous for submitting this constitution, and causing polls to be opened for that purpose, and giving the people the right and the privilege of voting as they think proper on this subject. I for my part, am not afraid to trust the people upon any subject. I believe in the very fundamental principle of our republic, "that the people are capable of self-government," and acting now under that belief, I am most clearly in favor of submitting the constitution again for their approval or rejection. If sir, the vote we are about to give would bind the people in any particular, or should in the very slightest degree commit them, I for one, and I know it is the feeling of a large majority of this House, would most heartily repudiate any such measure. But this vote we are about to give, will neither bind them, or commit them in favor of, or against this constitution, but give them sir, only the right to act as freemen and as becomes men who have the best interests of the Territory at heart. It gives them the prerogative of American citizens, the right to vote as they think proper as to the constitution. It expands not, neither does it impair in the very remotest degree any of the natural or created rights of man, but leaves him as he always should be left, to approach the polls free, unbiased and untrammelled, to cast his vote on this question as he chooses, and no one can have the audacity to question his motive, or take to task any freemen for acting as regards this matter according to the dictates of his own conscience, and as becomes a Republican.

If giving the people this right and privilege of voting on this question as they may deem proper, is "revolutionary, unprecedented, and is exercising an unheard of power," then, sir, all I can say is, that the gentlemen on the negative of this question, are totally and directly at war with the genius of our institutions, and all authorities and writings of our most distinguished statesmen and the great lights of jurisprudence which have come down to us from past ages. All Americans agree in general terms, that the sovereignty resides in the people. This sir, is the language of our constitutions, our bills of rights and our legal formulas, and all must agree, that it is the right of the people to change, alter or abolish any form of government at their pleasure. This right of the people, is an inherent and time honored privilege, descending to us as one of our sacred birthrights. It is also no difference how the people express that right. They may either demand it of their servants in their legislative capacity, or they may meet in their sovereign mass meetings, and there proceed to carry out their wishes, and so it is a majority of the people who move in the matter, their proceedings cannot, under any possible circumstances be regarded in any other light than binding, legal and sovereign.

We have a multitude of authorities on this subject and we could detain you until to-morrow reading them, always taking it for granted that the large majority of Representatives here are entirely identified with the people, and most clearly reflect their known wishes and sentiments, and being their servants, are bound to obey what they conceive and know to be the wants of their sovereigns. We might commence at the Declaration of Independence itself, which clearly & explicitly says, speaking of the rights of man, "that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed," and also, "it is the right of the people to alter or abolish it, and to institute new governments, laying its foundations on such principles, and organizing its powers in such form, as to them may seem most likely to effect their safety and happiness."

Now the question naturally arises, "do a majority of the people desire a change of government?" We in the affirmative of this question reply, that they do, and we back that assertion by a large and triumphant majority of the votes of the people more than a year ago, while the feeling and ability to support a state government has steadily been on the increase. Since the year 1838, this question of state government has been in constant agitation. The first time it was submitted it was lost by a large majority.

At the session of 43 and 44 the Legislature of this Territory passed a law submitting the question of state government to the people in April. As we have already stated, the people at that time decided by an overwhelming vote in favor of a state government. That decision remains unreversed. If then, as we presume and no one can deny, that the proceedings were legal, and the vote upon state government was a fair and honest expression of a large majority of the people and, supposing that as many changes have taken place in favor of state government, as there has against it, it would be bad policy, and retrograding instead of advancing, to now re-submit a question which has been once fairly decided. Again, in making another constitution, there would be an additional expense of, at the least calculation, from twenty to thirty thousand dollars, and the result would, in all human probability be, the re-enacting of a similar instrument, will like powers, privileges and immunities. In the framing of a constitution it is impossible to suit every party and to set its sail to catch every passing breeze. Its provisions must of necessity be permanent and its principles fixed. This sir, is the reason why constitutions throughout the land have been so hard to adopt. And again, people are apt to pick out a few defects in a constitution, which they make a complete stumbling block to overwhelm and crush its many virtues and sterling principles, which go to secure to man his many invaluable rights.

But sir, the advocates of another convention declare that public opinion has changed so much as regards State Government, as to require that another vote should be taken for or against a convention, and in support of this, they point triumphantly to the fact of the U. S. Marshall paying all the expenses of our courts. How long I would ask these gentlemen have they the assurance that this will be continued? It is, sir, nothing more than a mere decision of an ex-Secretary of the Treasury,—liable to be reversed by the present new officer at any time, and for proof we point you to the fact, that two successive Secretaries never have scarcely been known to coincide in any decisions as regards our Territorial business. Again Sir, Congress has more than once by their committee of Ways and Means, have had it under serious consideration to go back to the old Territorial form of doing business, which was in use until 1836, viz., that making the Territories pay their own Legislative and judicial expenses. Take in connexion with this, the facts that we have more than a year proclaimed to the world that we are fully competent to take care of ourselves, and the very last Congress was so reluctant to grant the appropriation for the expenses of the fiscal year of 1846, that it was only by the perseverance and ability of our worthy Delegate, and his assurance that it would most probably be the last time that Congress would have the opportunity of acting liberal towards the Territory of Iowa, that the appropriation was obtained. Again sir, in connexion with this, Congress will be fully aware that it was but the mere question of boundary that caused the rejection of the Constitution, from the very fact that our leading Journals throughout the Territory were most sanguine in their anticipations that the constitution would most certainly be adopted, and one of the principal opposition papers in the Territory had ceased its attacks upon the merits of the constitution, with almost the tacit acknowl-

edgement that the constitution was popular with its friends. This was the situation of the constitution until a few days prior to the election, when the news suddenly burst upon the ears of an astonished people, that Congress had cut off the domain of the Territory of Iowa, and reduced our size to almost half of the original boundaries proposed by the convention. Here was a dilemma from which its fondest friends could not extricate it,—some contended that the adoption of the constitution would most certainly fix forever upon the people boundaries that they did not wish, that they did not understand, and had not time prior to the election to investigate. This point then, the enemies of the constitution immediately rallied upon, and brought to bear all their artillery and every description of stories were hawked about to induce the people to vote against the constitution. It was in such a perfect state of utter confusion that no two persons could scarcely be found who could agree precisely as to what effect the adoption of the constitution would have. This was the state of affairs when the election came on, only "confusion had grown infinitely worse confounded," and I appeal to every gentleman in this House, if what I have asserted is not true, and also that many hundreds of persons who were not only anxious but very desirous for a State Government, were compelled to vote against this instrument on account of its unfortunate situation.—The question of boundaries was the only rallying cry that pervaded the Territory, and met the friends of the Constitution at every turn on the day of election. I ask then is it any wonder that under the peculiar and overwhelming turn affairs had taken that seemed as if all things under the sun had combined to impede and defeat the constitution? Clogs, impediments, objections and embarrassments arose and increased at every action. Is it any wonder that it was defeated? or rather would it not almost have been a miracle

if the constitution laboring under the incubus or evil genius that seemed to hover over, or vampire like to fasten itself upon it, and to suck its vitality from the association of unfortunate and unforeseen circumstances that clung to it like "the poisoned shirt of Nessus," and wrapt in its death-like embrace all the fond anticipations of throwing off a Territorial form of government, and taking our place amidst the bright constellations that now bedeck our political firmament.

The majority of this House have been taunted with the sneer that we could not justify this measure upon any other plea than that we were "Progressive Democrats." Sir, this sneer has no terror to me, and gentleman can style me if they choose, and I boast of being a "Progressive Democrat," & hope always to keep up with the intelligence and improvements of the age, profiting by experience, in preference to being an old-fashioned Federalist, wrapt up in the obsolete, repudiated and impracticable notions of by-gone ages, which in this world of all things alone, stands still, or rather retrogrades in its blind belief, that the less power that is placed in the hands of the people the better, while the liberties of Man and Democracy, hand in hand, go on fulfilling a higher and holier destiny, and progressing in the acquisition of more power to the masses, and securing to man more of his inalienable rights, and inspiring and nerving him to higher and holier aspirations. These certainly must have been the feelings of that immortal apostle of Democracy, Jefferson, when he said that "*It is not only the right, but the duty of those on the stage of action to change the laws and institutions of government to keep pace with the progress of knowledge, the light of science, and the amelioration of society. Nothing is to be considered unchangeable, but the inherent and inalienable rights of man.*" If to act in unison with some of the best names and purest principles that stand high upon the roll of fame, and secure to mankind

their inalienable rights, be made the object of sneers, for my part, I would ask no more glorious ridicule, and every taunt I would consider the highest meed of praise, that could possibly be lavished upon me.

This question of submitting the constitution is but another way of obtaining the wishes of the people in regard to State Government. In support of this fact, I will venture to say, that few from among the many votes that will be cast for the constitution, will embrace any that are opposed to a state government. Then sir, the question resolves itself into a small space or into a nut shell, "*Have the people the right to a change of government?—and shall this Legislature give them the opportunity of voting on this change, by causing polls to be opened in each township or precinct throughout the Territory?*"

Have the people the right to a change of government? Having shewn clearly as we think that the people have decided in favor of a state government, and that decision is unreversed, we contend now, sir, it is only a mere matter of form that now divides the two parties on this floor. The very moment we acknowledge the right of the people to self-government, we give them full, ample, and complete jurisdiction over the whole subject. They then become above all other *the legal authority* to frame, alter, and amend the constitution and the only *ultimate tribunal* to remodel government. The people then are sovereign, and in this country the undoubted source of all power,—they are scarcely bound by mere forms in their onward and upward march—no human tribunal has jurisdiction over them, and they are circumscribed by no laws but those of justice, and answerable only at the bar of the Supreme Ruler of the universe. The people may if they see fit, act through the medium of legislative forms and edicts; and as we have said, that they are the ultimate tribunal, they reserve to themselves (as we now propose to give them) the

right to either accept or reject, as may seem to them best from a full view of all the facts and circumstances. Where there are suitable prescribed forms and modes for forming or amending constitutions, such as will give full scope and effect to the popular will, it is a general custom throughout the Union sanctioned by the wisdom and experience of all the States in the confederacy, to act through such forms. In some States they amend their Constitutions by their Legislatures, but most generally by calling Conventions. It will be found much the most convenient to act through their Legislatures if they can, and in the present instance where the people's wishes have been fully consulted, and their clearly expressed demands thwarted by a body in which they are only represented by a voice, without the privilege of voting, it would be absurd and ridiculous, to say that that people should not have the privilege of expressing their views free from all, or any extraneous circumstances upon the merits and boundaries of the instrument that was framed by their servants and representatives. It is a palpable absurdity, to declare the people to possess an inherent right to alter, abolish, and institute governments, and then to deny them the exercise of this right except at the pleasure of a minority?

Governments are but the agents, and not the masters of the people—they are, or should be, mere instruments for the elevation and advancement of mankind. This is all we claim as the friends of this Constitution, and in doing so, we claim no power that is not involved in the formation of this government, and not recognized by its advocates. It is in the discussion of such a question as this, that a reference to the writings and the principles of many distinguished statesmen, is not only necessary to shew us the intention and design of our government, but also to illustrate to us the tendency of our institutions, and to define their views as to the power of the people, either acting in their

sovereign capacities, or by their delegated agents, to abolish or remodel their form of government.

The constitution of the United States was objected to on the ground that the convention which framed it had no legal authority, but it was justified by Mr. Madison, who said "that forms ought to give way to *substance; that a rigid adherence to forms* in such cases, would render *nominal* and *nugatory* the transcendent and precious *right* of the people to abolish or alter their government;" that no ill-timed scruples, no zeal for adhering to ordinary forms, were anywhere to be seen, except in those who wish to indulge under these masks, their *secret enmity to the substance eontended for*." Rawle, an able commentator on the constitution, says: "The best constitution that can be framed with the most anxious deliberation that can be bestowed upon it, may, in practice, be found imperfect and inadequate to the best interests of society. Alterations and amendments then become desirable. The people retain—the people cannot perhaps divest themselves of—the power to make such alterations. A moral power, equal to and of the same nature with those who made, can alone destroy it. The laws of one legislature may be repealed by another legislature, and the power to repeal them cannot be withheld by the power that enacted them. So the people may, on the same principle, at any time, alter or abolish the constitution they have formed. This has been frequently and peaceably done by several of the States since 1776. If a particular mode of affecting such alterations has been agreed upon, it is most convenient to adhere to it, but it is not exclusively binding." Rawle on the Constitution.

Judge Wilson, in his published writings declares that—"*the people may change the constitution whenever and however they please.* This is a right of which no positive institution can deprive them."

It has been truly said by Milton, "they that shall boast,

as we do, to be a free nation, and not have in themselves the power to remove, or to abolish any governor, supreme or subordinate, with the government itself upon urgent causes, may please their fancy with a ridiculous and painted freedom, fit to cozen babies; but one indeed under tyranny and servitude; as wanting that power, which is the root and source of all liberty, to dispose and economize in the land which God hath given them, as masters of family in their own house and free inheritance. Without which, natural and essential power of a free nation, though bearing high their heads, they can, in due esteem, be thought no better than slaves and vassals born, in the tenure and occupation of another inheriting lord."

Dr. Price, in his celebrated essay on civil liberty, says, "all civil government, as far as can be denominated *free*, is the creature of the people. It originated with them. It is conducted under their direction; and has in view nothing but their happiness. All its different forms are no more than so many different modes in which they choose to direct their affairs, and to secure the enjoyment of their rights."

Mr. Speaker—I could go on and quote authority after authority upon this point, but I conceive it is absolutely unnecessary to trespass any longer upon the time and patience of the House, in sustaining it, as I challenge gentlemen on the negative of this question to take up these authorities.

The writings of all the men whose fame is a common legacy go to substantiate and strengthen the position we take as the advocates of this measure. Then admit if you please by courtesy or for argument sake, that the submission of this constitution will be irregular and informal, then the manner of submitting this constitution will be precisely similar to the way in which the constitution of the U. States was submitted. And who will say that that instrument if

the proceedings prior to its adoption were even irregular and informal is not binding? It is a notorious fact, that the members of the convention which framed the constitution of the United States were elected merely to *amend* the articles of the confederacy, but instead of amending, they went to work and framed an entire *new constitution*, which was to be considered as ratified by the votes of only nine of the States. This step was taken in defiance of the articles of the old constitution which expressly declared that no alteration should "at any time hereafter be made in any of them, unless such alteration be agreed to in Congress, and be afterwards *confirmed by the Legislature of every State.*" These restrictions were wholly set at naught. In establishing the constitution, the Supreme Court of the United States, said, "the people exercised their own rights, and their own sovereignty;" and conscious of the plentitude of it, they declared, with becoming dignity, "we the people of the United States do ordain and establish this constitution;" and it was established, not by virtue of any act of Congress, but by virtue of the assent of, and adoption by, the people of the United States. Its adoption was pronounced legal by the first men of the nation and so well is that principal settled, that gentlemen to sustain the negative of this question will be compelled by party of reasoning to commence an indiscriminate warfare upon that sacred old charter of our liberties. I would ask, what is it, sir, that give to a constitution the validity and binding force of law? It is not the manner in which, nor the persons by whom, the convention which framed it is called. The highest tribunal of our nation fixed by that when it said that was the *the assent of, and the adoption of it by the people.* This, sir, is the great essential and controlling point. All that precedes is of minor importance. Mr. Madison in speaking of the constitution of the United States said truly that its adoption by the people would "*blot out all antecedent errors and irregularities.*" Here is proof precisely in point, and settles at once the issue and I would really like to hear an attempt to refute this, we as the advocates of this constitution most readily adopt Mr. Madison's declaration and proclaim to the world that if we know that if the people adopt the constitution, that it will be binding, and that such adoption would "blot all antecedent errors and iregularities."

Congress gave its sanction to the same doctrine, in the case of Michigan, when the people of that State, acting in their original capacity, without the intervention of its Legislature, and even in opposition to the different action of the Legislature accepted the conditions on which it was received into the Union. In North Carolina also, the same doctrine was appealed to some years since by the people of the western part of that State, who were about to take possession of the actual government gave way. Messrs. Benton's & Buchanan's speeches upon the right of the people of the State of Michigan to take such a step, I need not here stop to quote, as they will be found in most of the Democratic papers of the Territory.

In the Virginia convention, held 1829 and 30 to frame a constitution, the resolution was introduced "to provide a way in which future amendments should be made therein," and it was rejected, on the ground that the people would have the right to make such amendments without any such constitutional provisions. The vote stood 25 yeas to 68 nays. Among the latter are the names of James Madison, Chief Justice Marshall, John Randolph and other distinguished statesmen of that state. Randolph said it was impossible, by any "scribbling on parchment," to prevent future alterations. "By what spell, by what formula, are you going to bind the people to all future time? Quis custodeit custodes? The days of Lycurgus are gone by, when he could swear the people not to alter the constitution until he should return."

If we are to be styled "Progressive Democrats," "destructives," "agrarians," or any of the harsh terms that fill up the Federal vocabulary of the present day, for advocating the known rights of freemen, and principles that are in themselves the very bulwark and foundation of our Republic, then sir we need ask no more glorious persecution, and for my part I look upon the man who would dwarf the rights of an American to mere senseless forms without regard to substance, as best calculated for the subject and meridian of a despotism, than this free and favored land, where we act upon the glorious motto that the voice of the people is the law of the land.

The gentlemen of the negative of this question have prated loud and long about our want of precedent in thus submitting this constitution to the people. Now, sir, for my part, I think we have produced some, but if they are not inclined to receive them I candidly confess that I am no great stickler for precedent. I regard it when wrong as a hoary headed error coming down to us from past ages, with all the binding force of long established custom. I regard precedent only as binding when founded on justice & sound policy. What might be expedient in the formation of some governments, affected as they must of necessity be, by the circumstances and peculiarities of the people, owing to the diversity of pursuits, education, &c. might under different auspices, prove abortive, destructive and subversive of the very ends of governments. This is the error that blindly adhering to, and following precedent would entail. Communities in forming governments for ages yet to come, should follow no precedent, except such as under a full view of all the circumstances, and according to their peculiarities would be deemed best, always leaving themselves entirely free to pursue the path pointed out by the light of reason and justice. Sir, we have no precedent for our Republican form of government—Declaration of

Independence—our Constitution, and the precious rights they secure to man—or the many privileges we as Americans enjoy, but that neither impairs our claim to them, or make us prize them less.

Sir, the advocates of this measure are anxious to have this question debated, and I challenge our opponents to a discussion of it, insisting that they shall take up the authorities that I have introduced, expose them if they can, and shew wherein they are not applicable. And as the Constitution has been objected to, and its merits dragged into this discussion, I dare them now to take up that instrument, and discuss it section by section, and article by article, and I for one am ready to meet them upon any issue or objection to it.

I for one, am determined that the negative of this question shall take no advantage by any insinuations that because the Democracy have a large majority in this House, that we are unwilling to hear them. From day to day, and hour to hour, has this question been delayed that they might bring their artillery to bear upon it, and for my part, I will sit here until midnight, sooner than any gentleman shall not have the privilege of expressing his views fully and freely. Such has been, and still is the feeling of this House, so I defy gentlemen to convey any other impression to the people of this Territory, than that they have had the greatest latitude allowed in this discussion, and that the subject was postponed to suit their own pleasure. I return my sincere thanks to the House, for intruding so long upon their time and patience.

—Reprinted from The Iowa Capital Reporter, Vol. IV., No. 18, June 11, 1845.

III.

DEBATES

OF THE

CONSTITUTIONAL CONVENTION

OF

1846

Fragments from

The Iowa Capital Reporter

PROCEEDINGS

OF

THE CONVENTION OF 1846.

Monday, May 4th, 1846.

Mr. Lowe, having received a majority of all the votes given, was declared duly elected President of the Convention. He was then conducted to the chair by Messrs. Grant and Shelledy, and addressed the Convention as follows:

Gentlemen of the Convention:—

For this demonstration of your kind partiality in electing me, without solicitation on my part, to a place so honorable and distinguished, as that of presiding over your deliberations, I should do injustice to my feelings not to return you my sincere thanks.

The Territorial Legislature, under the belief that the people remained unchanged in their opinions as expressed at the polls, upon the question of "convention or no convention," and that the late consitution was rejected on account of the mutilation and reduction of our boundaries by Congress, and perhaps, objectionable features in the constitution itself, and not because of opposition to a state form of government, made provision at once for the election of delegates to form a *new* constitution; and to you gentlemen, this important and distinguished trust has been confided.

By the rejection of the constitution lately submitted, the progress of the territory in State organization has been retarded, but the evils of delay seem not entirely unmixed with good; for in the mean time there has been much discussion and a development of opinion, which, with the four new constitutions which have been formed in the states and territories, containing new provisions in accordance with the progress of the age, will doubtless contribute much in forming a constitution for Iowa which I trust will be found wiser and more satisfactory, in proportion to the more favorable auspicies under which you are assembled.

On motion of Mr. Bates, the convention proceeded to the election of a Secretary.

THURSDAY, MAY 7TH.

ON motion of Mr. Goodrell, article No. 1—Preamble and Boundaries was taken from the table.

Mr. Olmstead offered as an amendment a full description of the boundaries defined in the draft of a constitution framed in Nov. 1844, as a substitute for those defined in the article under consideration.

FRIDAY, MAY 8TH.

THE question being on the amendment offered by Mr. Olmstead on yesterday. Mr. Saunders offered the follow- amendment to the amendment.

"Insert, after the words, 'Calumet river,' the following—

"Thence up the middle of the main channel of the same to the 44th deg. of North Latitude; thence east on said 44th parallel to the middle of the main channel of the Mississippi river," &c.

Mr. Shelledy advocated this amendment at some length —stating that he had been in favor of a still more southerly boundary on the North, and had offered an amendment for the adoption of the 43d deg., but had been induced to withdraw it. He alleged that it was *inconsistent* in the people to claim any more territory on the North, and made some passages at Gen. Dodge, or as Mr. S. vouchsafed in this instance to style him, our "*respected* Delegate in Congress."

The amendment was opposed at length by Messrs. Lefler and Bates in opposition to the amendment and in favor of adhering to the St. Peters as our northern boundary, and to the entire boundaries of the old constitution, as the only ones which would be satisfactory to the whole people of the territory.

After some further remarks by Mr. Saunders in favor of his amendment, the question was taken on its adoption, and decided in the negative—yeas 3—nays 27.

The question then recurring on Mr. Olmstead's amendment, it was adopted—yeas 22—nays 8.

AN ELECTIVE JUDICIARY—INTERESTING DEBATE IN THE CONVENTION.

ON the 7th inst. the report of the Judiciary Committee being under consideration, Mr. Bowie offered the following amendment:

"The Governor shall nominate, and by and with the advice and consent of two thirds of the Senate, shall appoint the Judges of the Supreme and District Courts."

To which Mr. Richman offered an amendment providing for the appointment of the Supreme Judges for life, or during good behavior.

Mr. Bowie spoke at some length in support of his amendment. He said he would not deny that the people

were competent to make a good and judicious selection of judges; he expressed the utmost confidence in the capacity of the people to choose their own judicial officers, and believed that they would generally select the men best fitted for an important trust—but predicated his opposition to the policy upon the supposed deleterious effects of subjecting the judicial ermine to the ordeal of the popular vote system.

He said that men eminently qualified by their learning, integrity, etc. for the station of a judge, would shrink from the public scrutiny which would be directed to them by becoming candidates before the people. They would cherish an unconquerable repugnance to entering the field as candidates for the popular suffrage, and would consider it degrading or highly injurious to them, (we do not recollect his precise term,) to have their names presented to the people for an office; whereas they would feel highly honored by an appointment from the Governor and confirmation by the Senate, and would consequently be induced to abandon a lucrative practice for a judicial office thus conferred.

We are not able to say whether Mr. B. intended to be understood as speaking "*by anthority*" for gentlemen of the green bag at large, in saying that they were too modest to enter the political arena, and in representing that those who stand at the head of the profession would consider it highly derogatory to their characters, to ask or accept an office at the hands of the people, while they would feel highly honored by an executive appointment.—But as he belongs to the *cloth*, it may fairly be inferred that such was his intention. We will venture to express the opinion, however, that he would more consistently have sustained the part which he undertook, and would have represented this excessively modest and retiring class of men more creditably had he contented himself with representing their

views and feelings, without assuming to speak at the same time for the people at large, by asserting that a great majority of them were averse to exercising the prerogative of choosing their own judges.

Mr. Hoskins made some appropriate remarks in opposition to the amendment, and in support of the report of the committee. He was happy to hear the gentleman from Desmoines declare his confidence in the capacity of the people for self government. He had conversed much with the people of his county upon the subject—he had taken a position in favor of electing all judicial officers while canvassing for the seat which he now holds—and he was quite sure that a large majority of his constituents were in favor of an elective judiciary, and would not readily consent to yield to any other power a prerogative which they felt fully competent to exercise, and which they knew they could exercise more advantageously and satisfactorily than it could be exercised by their servants, the Governor and Legislature.

Mr. Bissel then addressed the Convention as follows:

Mr. President—I hope the amendment will not prevail. I do not think the arguments of the gentleman from Des Moines are as unanswerable as he considers them. They are substantially the same that have been used at all times and upon all occasions, by the party opposed to democratic principles and usages. They are the same that were used by the men and the party who were opposed to our national form of Government more than fifty years ago.

Sixty years ago it was said, that if the people in their primary capacity, elected their executive and legislative functionaries, these officers would be bad men.—It was then contended that these officers ought to be, and act entirely independent of the popular sentiment of the times—that these situations should be filled by men of great wealth, and held for long terms, or for life; so that the legislators and

rulers of the people might be entirely independent of the people themselves. It was then contended that if the rulers were made dependent upon the people for the tenure of their official existence there would be neither stability or safety in our institutions, and that the whole country would become one field of anarchy, crime and confusion. I ask if such was the result? No sir, not at all. These officers were made elective by the people at short intervals of time; and our organic laws, together with the tendencies of the age, have made them, instead of rulers, the servants of the people.

As an evidence that the system has worked well, the people of our own country, while progressing in democratic principles and usages, have progressed in the arts, sciences, commerce, agriculture and manufactures, with a rapidity hitherto unparalleled in the annals of the world.—Sir: while the people, instead of augmenting the power of their executive and legislative agents, have been progressively withdrawing from them the decisions of all questions which they can conveniently decide themselves at the ballot box, our country has increased in wealth and happiness, beyond the most sanguine expectations * * * *[1]
he depends for the security of his property, his reputation, and his life, but he must decide who are to carry those laws into execution. These important trusts he is willing to confide only to the man of his own choice—men whom he knows to be honest and capable—men whose highest incentives to action are their convictions of duty. But the gentleman tells us that, notwithstanding he has the strongest and most abiding confidence in the wisdom and intelligence of the people, he fears party politicians would get upon the bench, and that party feelings would influence them in making their decisions. Permit me, sir, to ask that gentleman, and every gentleman in this Convention, how many

[1] Paper worn, letters blurred.

Judges they have ever known appointed in any way, who have not been party politicians.

But there is another argument used by the gentleman, which requires some comments here. He very gravely tells us that the habits and associations of men who would make good Judges, (that is men learned in the law,) are such as to render them so *sensitively modest*, that they would be unwilling to enter the canvass—unwilling to have their names brought before the people. They would not wish to receive the office in that way, while they would be proud and happy to have it conferred by executive or legislative power.

Sir, this is the first time that I have ever understood that lawyers were more modest than other men—it is an assertion that I am unwilling to believe till I examine the evidence. If this be the fact, why did not the modesty of the gentleman deter him from entering the canvass for a seat in this convention? And I would ask him and every gentleman here to tell me if they are acquainted with any eminent lawyers who have not already been before the people for official stations. I know of none sir; nor do I believe that there are any so excessively modest that they would refuse to accept an office when conferred by their fellow citizens, which they would be proud to receive from another source. Such a refusal, for such a motive, would prove the man inimical to the first principle of our government and institutions.—It would be treating with contempt the voice of the people legitimately expressed thro' the ballot box, which, when so expressed, we all admit to be the supreme law of the land.

Sir, public opinion is the only test of the character of a public man—and no where can public opinion be so independently and directly expressed as at the ballot box. If our Judges are to be appointed by the Governor and Senate, they will be very likely to be influenced by the represen-

tations of men whose only wish will be, to secure the office for their favorite.

Mr. Dibble made a few remarks upon the subject of the report. He was in favor of electing the District Judges by a popular vote; but inasmuch as the Supreme Judges were to constitute a court for the correction of errors in decisions of the lower court, he preferred some other mode for their selection. In case of the report being sustained in its present shape, Mr. Dibble said he would propose a provision for a special election to be held for the judges, that they might be removed as far as possible from all improper political influence. If the gentleman from Desmoines would offer an amendment providing for the election of the Supreme Judges by a joint ballot vote of the General Assembly, he would support it in preference to the report in its present shape.

Messrs. Bowie and Richman spoke at length in reply to the arguments adduced by Messrs. Bates and Bissell. The former reiterated his declaration of the utmost confidence in the capacity of the people, to select good judicial officers; but endeavored to prove that the system was impracticable.

The general tendency of Mr. Richman's remarks in support of the amendment, and of his amendment thereto, were to the effect that the system of an elective Judiciary was an innovation and a dangerous experiment. That safety was only to be found in diligently pursuing the foot steps of our ancestors. He deprecated the idea that which prevails to such an extent, that the present generation of men are wiser and better qualified for devising a system of government, than their forefathers, and thought it should be conceded that "our fathers know *something*" as well as ourselves.

Mr. R. said that our government was not a purely democratic one; but like all Republics which had preceded it, was a mixture of democracy with other ingredients. The

argument intended to be based upon this position was, that it was neither safe nor expedient to repudiate the mixture of anti-republicanism which has heretofore been incorporated into the civil codes of other states, and to some extent, perhaps, into the federal constitution: Or in other words, that the anti-democratic features of our government should be venerated and prized as highly conducive to the public welfare, and that it would be dangerous to abolish them.

Mr. Bissell agreed with the gentleman from Muscatine, that all Republics which have preceded ours were mixed with other ingredients besides democracy. He said that this, as every one conversant with their history must be aware, was the cause of their downfall. Those other ingredients became too strong in the mixture for the democracy. It is a mixture which naturally destroys itself. Those foreign ingredients are at enmity with the genius of free institutions. It is utterly impossible for them to harmonize with the principles of democracy. One or the other will ultimately gain the ascendency, and destroys its antagonistic principles; and upon the issue of the contest between them hangs the fate of all republican institutions.

I repeat, sir, that those foreign ingredients for which the gentleman on the other side evince such undying attachment, are the same which have contributed to the final overthrow of all the ancient Republics. We may mark their decline from that period when the people delegate * * * In this way their servants insidiously became their masters.

Now, sir, we want as little of these *other* ingredients mixed with the democracy of our government, as the convenience of the people will allow. I am happy to hear those gentlemen declare that they have so much confidence in the people—that they have no doubt of the people's capacity to select their officers, the highest as well as the lowest. But I regret very much to say that their conduct

does not square with this declaration. I should like, of all things, to see their practices consistent with their professions; and none would be more ready to do them justice—none more willing to concede to them sincerity and purity of motives than myself.

Sir, I am happy to know that the day has gone by, when public men *dare* to say that they doubt the capacity of the people to select their own officers. It proves that the people are jealous of their rights and of their sovereignty, and that they will not permit these to be called in question. —The cry which was once rife throughout this land that the people were wholly incompetent to the exercise of sovereignty, has subsided into a faint voice against the practicability and expediency of a full and unrestrained exercise of that prerogative: If, then, there is not a gentleman on this floor who dare publicly say that he doubts the capacity of the people to elect the judges, why should we take the right from them.

Friday Morning, May 15th.

[1] * * * * denies to the people the right to alter, amend or abrogate their organic law.—This doctrine of immutability has been boldly maintained by a somewhat formidable party, we are aware, with reference to a King's charter—a fundamental law which was given to the people of a state by crowned head—but we were not prepared to see the same doctrine advanced with reference to a code of laws formed by the people themselves. In this enlightened day, were it not for the record which we have before us, the fact would appear quite incredible. But the yeas and nays have been recorded, and the fact will be handed down

[1] Paper mutilated.

to posterity, solemnly attested by the signatures of the President and Secretary, that five sage constitution makers, by their votes, deliberately declared the code which they had framed, to be immutable, above the reach of the people and forever binding upon posterity.

Remarks of Mr. Matson in the Convention.

The amendment offered by Mr. Coop, extending the elective franchise to foreigners, after a probation of twelve months, and upon declaring their intentions to become citizens of the U. States, together with the substitute proposed by Mr. Tryon, being under consideration, Mr. Matson rose and said:

Mr. President: I am for the adoption of this amendment. I go on the broad ground of equal rights. It matters not to me where a man was born, provided he has the heart and feelings of an American. It is enough for *me*, to know he is here—that this is his home—that he has selected this fair spot of earth for his residence—that he is willing to do his part in the support of our institutions, and to defend the rights of our country. I say, sir, I care not where he was born, I will give him the right hand of fellowship—I will give him welcome to all that I ask for myself—the right of a citizen of Iowa. This country, which I am *proud* to call *my* home, shall, as far as I am able to bring about the result, be made welcome to him.

Mr. Chairman, let us divest ourselves of all prejudice and view this subject as it is. Our motto should be, everything for *principles*, nothing for man or party; every man should be ready to sacrifice all *personal* feelings—all party prejudices, (if he have any) on the altar of public good. He should thoroughly purify himself and render his own bosom

a fit receptacle for the spirit of liberty to dwell in, and then he will be ready to grant to others what he asks for himself. I am aware, sir, that it is said by some that foreigners are not fit to vote until they have been here many years—that they cannot understand and appreciate the rights of freemen in this country. But, sir, I am inclined to think differently, I am inclined to believe they know *better* how to appreciate the inestimable blessings of liberty than we do. What, I ask, has induced them to leave their native country and come to this? Have they had no information of this land of liberty? Have they never heard of our republican institutions, of our principles of equal rights? Ah, sir, they have heard of all this, and their hearts have been here long before they have been able to get here themselves. Many of them have labored for years, and saved every *pic* they could possibly spare and keep soul and body together, before they could get money enough to fetch them here. Yes, sir, oppression has driven them from their native country and they have come here prepared to prize liberty. They bring their all—their wives and their children, and experience has proved that they are among the very first to rally in defense of this land of their choice—and shall *we*, here, who have never tasted of the bitter cup of oppression—who have always dwelt in this land of liberty—who pride ourselves upon being born republicans, and boast of our principles of equal rights—I say, sir, shall *we* deal out an *injustice* to *them?* I trust not—I hope to see this clause adopted into our constitution, placing them on an equality with ourselves. Let not this sacred instrument, this soul of our body politics, be blackened by any clause that shall do injustice to any set of men,

Sir, I have not taken up much time in this convention, neither do I intend to do so—but I cannot suffer a subject, the result of which is fraught with such vast importance to pass without raising my voice in the support of what I

conceive to be a principle that lies at the very foundation of all Republicanism—*Equal Rights.*—I say then, Mr. Chairman, in conclusion, that I hope this whole constitution will be conceived in in the spirt of liberty and ushered into existence in full maturity, with every feature purely Republican —let there be no amalgamation with monarchy, aristocracy or monopoly—but let it breathe equal justice to all—let us prove to the world, in this instrument, that the liberality with which nature has showered her blessings on this rich and beautiful country, is fully equalled by the noble and generous spirit of her sons—only stamp the spirit of liberty on every feature of our constitution—and depend upon it, this *heart* of America and *garden* of the *world* will ever prove as productive in the rich fruits of liberty as in the fruits of her soil.

—*Iowa Capital Reporter, Vol. V., No. 15.*

IV.

PRESS COMMENTS

AND

OTHER MATERIALS

RELATIVE TO

THE CONSTITUTION OF 1846.

THE WHIG PRESS AND THE CONSTITUTION.

AWARE of their hopeless minority in the Territory, and of their consequent inability to effect any political object by direct efforts, the whig press are endeavoring, by special appeals to the people against an adherence to principle, to exert a controling influence, in imparting to the new constitution a bias in accordance with their own principles, and in fashioning it after the *whig* standard * * *
What unmeaning, empty sounds are these terms, "party constitution" and "*no*-party constitution"! * * *
* * * * * * * * * * * *

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 2, February 18, 1846.

THE CONVENTION.

IT will be seen by reference to our reports, that this body has set about the discharge of its important functions with a degree of earnestness and dispatch, perhaps unprecedented in the history of deliberative assemblies. The permanent organization was not only completed, but some of the subjects for the future deliberation of the Convention were definitely brought to its notice, also, on the first day of the session. The Committee on Boundaries and Rights having been announced, proceeded immediately to the discharge of the duties allotted to it, and agreed upon a report upon the Bill of Rights, which was printed, and laid before the Convention yesterday morning.

Being in somewhat of a straight for room this week, on account of our congressional and foreign news, a very few words must suffice to express our views upon the requisite

features of the forthcoming Constitution. Of the number of Delegates composing the Convention, the people having elected more than two-thirds democrats, and having at the primary assemblies which nominated them, clearly and unequivocally declared the object of their selection, we cannot deem it essential that much should be said under this head. We cannot, under such circumstances, for a moment harbor a doubt that our fundamental law will be framed in accordance with the most comprehensive principles of democracy and with the progressive spirit of the age.

While bigoted, hoary-headed error is met at the threshold, we trust that no assumed penurious and illiberal bias in the public mind—an assumption as unfounded as it is dishonorable to the people—will be permitted to interfere with providing such a system of government, in each department, as is demanded by the want of a new and rapidly populating country, for the full development of its resources and the promotion of the general welfare.

We can but briefly allude to a few of those features in which the rejected constitution was defective in principle. In the first place, as to the right of suffrage—let us inquire, with all due respect to the superior judgment of the Delegates, whether the time has not arrived when this right should be materially extended—whether wisdom and justice, sanctioned by an enlightened public opinion, do not dictate that the shackles which have been provided for those who flee from the tyranny of their native land, and seek the blessings of liberty under our free institutions, should be effectually abolished.

A Convention of the character here assembled, needs no suggestion that the public weal demands a complete barrier in the compact about to be entered into, against that unjust, unequal, and corrupting system of legislation for classes—the creation of grades and privileged orders in society—which has marked and disgraced most of our

sister states. As regards banking institutions—those cunning devices for robbing the laboring and producing classes of the honest fruits of their labor—we are satisfied that nothing short of an absolute prohibition will meet the hearty approval of the great mass of the people of Iowa.

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 13, May 6, 1846.

THE CONSTITUTION.

THE Convention assembled to frame a social compact and fundamental law for the government of the future State of Iowa, closed its labors on the 19th inst., having been in session only fourteen working days. This is but a trifle over half the time consumed by the convention which assembled for the same purpose in November, 1844. That was composed of seventy-two Delegates—this of but thirty-two—and we believe few candid men will deny that the constitution now presented is, in its details, as well as in its general style and features, much superior to that of 1844. The auspices under which it is ushered into existence, being, also, far more favorable, we predict that it will meet with a very different fate from that of its ill starred predecessor.

It is not too much to say that the deliberations of this body were characterized in a high degree by an enlightened liberality, in keeping with the spirit of the age, and that they were conducted with that wisdom and forecast demanded by the magnitude of the interests which were involved.

It would give us pleasure, could we dwell more at length upon this subject, and furnish our readers with an outline of the characters of those men who have become objects of public interest, by being inseparably identified with the early history of a great and prosperous State. Especially had we designed a more particular notice of those Dele-

gates whose first appearance upon the stage of public action was in that capacity; but this must be deferred to a future number.

The object of this article is a brief notice of the articles of compact drafted for the people by their agents, and now presented to them for their final ratification or rejection. As this notice must necessarily be quite brief and general, our readers are referred to the instrument itself, which will be found upon our third page, where we intend to keep it until the day of election, so that "*he who runs may read*," and not depend upon the representations of designing intermeddlers for a knowledge of its provisions and character. Let every man read and weigh it carefully, and judge of its merits for himself; and let no man pronounce a verdict, favorable or unfavorable, upon it, except upon the full and solemn conviction of his unbiased judgment. No man of a liberal mind and enlarged views will form a conclusion in any other manner, or blindly follow the ipse dixit of a party leader in a matter of such weighty import.

In regard to this constitution as compared with the rejected one, we have heard but one opinion expressed, by persons of whatever sect or party, and that is, that as a whole, it is a great improvement upon the latter. Yet objections will be raised by some to one feature, and by some to another; and perhaps no one provision will meet the unqualified approval of *every* man in community. It would be strange, indeed, if a constitution could be so framed as not to encounter these conflicting objections. While we do not pretend to say that it is perfect, wholly void of defects, we do say that it is such an instrument as we are proud in sending forth to the world as the chart for the government of our future State—as the soul which is to animate the body politic composed of an enlightened, high minded and progressive people, who are fully competent to the exercise, and duly appreciate the invaluable prerogative of sovereignty.

Most ample provision is made for educating the rising generation. This is a feature which cannot be too highly prized.—It speaks volumes for the character of our population, and argues well for the prosperity of the people and the success of the great enterprise in which they are about to embark. Let the moral and mental culture * * * * [1] and the free institutions of our country will be safe in their hands.

The article upon the judiciary is a compromise with reference to the manner of selecting the judges. We would have preferred that the Supreme, as well as the District judges, should have been made elective by the people; but many of the Delegates who were in favor of that policy, believed that public opinion was not yet fully prepared for it, and conceded their views accordingly.

Upon other subjects, many of the objections urged against the old constitution are obviated. It was objected to that instrument, particularly, that there was too much legislation in its provisions. This ground of objection is removed in the draft now presented.

Upon the subject of corporate privileges, &c., the constitution is so clear and explicit as to leave very little room for construction or implication, and to obviate the necessity of "*legislative*" provisions objected to. The Legislature is prohibited from granting monopolies or special privileges of any name or nature; while it may enact general laws under which associations may incorporate themselves, the benefit of which will be open to all men alike. This secures all the benefits arising from the association of capital for the purpose of internal improvements or manufacturing, without its evils.

The old draft permitted the establishment of banks, under certain prescribed restrictions which all experience has

[1] Not readable in the original.

shown to be wholly inadequate to secure the public interest. In the present compact entered into by the Delegates of the people, it is stipulated that no such institutions shall be established in the State. The wisdom of this provision is very conclusively proved, by the fact that its absence in the constitutions of many of the old states has been found to be a grievous defect, from which the public interest has vitally suffered, and that those whose constitutions have recently been framed have seen the absolute necessity of adopting it, and have adopted it accordingly. Though it has met, and probably will yet meet, with some opposition, we are satisfied that it will meet the hearty approval of more than three fourths of the people of Iowa.

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 14, May 27, 1846.

BANK OR NO BANK!

WILL the Whig party of Iowa meet this issue? * * * From recent indications, viewed in connection with their past course, it is obvious that they are bound—even though their opposition should be, as in the present instance it clearly is, without the slightest prospect of success—to oppose the adoption of any constitution, whatever might be its character, in the framing of which they have not exercised the controlling voice * * * * *

The feature towards which they manifest the most bitter hostility, is the prohibitory clause against the banks. The Delegates of the people, in drafting the articles of their compact, stipulated that the government should not create any institution with banking or discounting privileges. This the whig Delegates, numbering less than one third of the Convention, strenuously opposed; but their leaders, at the same time, earnestly protested that they were not in favor of state or local banks. A national bank seemed to

be the great desideratum with them—their ultimatum, in fact—notwithstanding that the "God-like Daniel" long since pronounced such an institution "*an obsolete idea.*"

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—Reprinted from The Iowa Capital Reporter, Vol. V., No. 14, May 27, 1846.

STATE DEBTS.

THE attention of our readers is invited to the very judicious provision engrafted upon our Constitution, under the above head. * * * * * * * * *

The limitation to, and checks upon the debt creating power of the General Assembly, it will be seen, are the same as those contained in the constitution submitted last year. So far from their forming a new feature, similar provisions, almost in the precise terms, have since been engrafted upon the revised constitutions of N. Jersey, Missouri, Louisiana, and Texas. * * * * *

Though it is a provision which sufficiently recommends itself, yet, strange as it may appear, there was an organized opposition to it in the Convention. * * * *

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 14, May 27, 1846.

RIGHT OF SUFFRAGE.

THE friends of equal rights throughout the country will rejoice to learn of the progress that the principle of universal suffrage has made in Iowa. A portion of our Delegates in the Convention took a bold stand in opposition to the proscription of foreigners who flee from the oppression and tyranny under which they have been born, to seek an asylum under our free institutions.—Two propositions were submitted, one by Mr. Ross, of Jefferson, and the other by

Mr. Tryon, of Linn county, as amendments to the article on Suffrage and Citizenship, with a view to the enfranchisement of foreigners, upon their declaring allegiance to the laws of our country. The amendment offered by Mr. Ross was in the following words:

"All white foreigners who have resided in the state twelve months, and who have declared their intentions to become citizens of the United States, shall be entitled to the right of suffrage."

For which Mr. Tryon offered the following substitute:

"Every white male foreigner who has resided in any county or district the time required by section first, and shall have taken an oath of allegiance, shall be entitled to the right of suffrage."

The vote upon this substitute stood 14 to 14, and it was consequently rejected—Mr. Ross, and one or two others friendly to his proposition, voting against it.

Upon the amendment of Mr. Ross, the vote stood 10 yeas and 18 nays—five members voting against it who voted for Mr. Tryon's substitute. Had these been given in favor of the amendment, it would have been adopted by a majority of two. It will be seen, therefore, that either of the propositions would have succeeded, had the friends of the two been able to agree upon the terms. That they could not, is much to be regretted; for we believe that the time has arrived when foreigners who adopt this country as their home on account of their love of liberty and attachment to our institutions, should no longer be manacled and held as politically dead for the period of five years. We have always thought the term of probation was unreasonably long; and we believe that public opinion throughout the United States, if fairly tested, would be in favor of shortening it at least one half.

It may be objected, that this amendment, had it prevailed, would conflict with the federal constitution; but this is a

mistake. Congress possesses the power of enacting uniform naturalization laws, and of prescribing the process by which foreigners shall become citizens of the United States; but it has no power to prescribe the terms upon which a new state shall admit them to the rights of citizenship within the same. Neither do we believe that congress would be guided by such a proscriptive spirit as to refuse us admission into the Union, because of such a truly democratic clause in our Constitution.

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 14, May 27, 1846.

WHIG SOPHISTRY.

In opposing the bank clause, some of the whig members of the Convention repudiated their old and favorite bank doctrine, which is still advocated by their party in the States; but maintained that a total inhibition of banks in the fundamental law was an infringement of the people's rights. * * * * * * * *

The whig Delegates, in arguing this question, put the cart before the horse. They lost sight altogether of the *substance* of constitutional liberty, and held up its ghostly shadow as a kind of scarecrow. * * * *

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 15, June 3, 1846.

WE "CONSIDER THE SOURCE," &c.

It matters little to us what opinion the editor of the Miners' Express may entertain of the character of our reasoning, or whether he considers our style "animated or *rampant*." * * * Nor would it be in character that we should stoop to repel his base imputation concern-

ing a "*southern coalition.*" Our friends of the North know full well that we have, in all things, faithfully represented their true interests. * * * * * *

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 15, June 3, 1846.

JACKSON COUNTY.

THE Democracy of this county met in mass Convention on the 21st of April to perfect their organization for the ensuing year. * * * * * * *

The following are among the resolutions adopted. * *

Resolved, That we are opposed to the division of the Territory at the 42 1-2° of north latitude, but we will be satisfied with 43½°, or with the Convention boundaries, or the Congressional Boundaries.

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 15, June 3, 1846.

SOMETHING INCOMPREHENSIBLE.

THE Bloomington Herald of last week, contains an editorial article in relation to the constitution for the State of Iowa, formed by the late convention, that is really a curious production. * * * We give a few specimens.

No. 1.—"It is strictly a *party constitution*, full of ultraism and illiberality—such an one as in our opinion is despotic in theory, and equally so in practice." * * *

No. 2.—"The locofocos, while possessing love for the people, have bound them hand and foot." * * *

No. 3.—"The constitution prohibits the incorporation of all private corporations." * * * * *

No. 4.—"Companies will not organize and expend money in carrying out a project, unless they can have some assurance that others will not be permitted to interfere with them in such a way as to render their exertions fruitless." * * * * * * * * * *

—Reprinted from The Iowa Capital Reporter, Vol, V., No. 15, June 3, 1846.

THE BANK CLAUSE.

No feature of the Constitution has been more emphatically demanded by the public voice, than this. The members of the Convention were *doubly* instructed to provide this prohibitory clause against banks—first, by the rejection of the instrument which *did not* prohibit them—and secondly, by the most unequivocal expressions of the people at their primary assemblies and through the ballot box.

Every democratic convention for the nomination of Delegates, adopted resolutions for their instruction, denouncing banks as intolerable nuisances, and the greatest of public evils; and by most of them it was distinctly declared that they ought to be prohibited. Among the conventions that were held in the territory, we have yet to learn of the first one, whig or democratic, which has openly declared in favor of banks. If there has been such expression, from any quarter, it has escaped our notice * * * *

If there is even a *respectable minority* of the people who are really desirous that banks should be established, they are extremely backward in making their wishes known.

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—Reprinted from The Iowa Capital Reporter, Vol. V., No. 15, June 3, 1846.

MR. DODGE'S SPEECH.

WE have read the remarks of Gen. Dodge in the House of Representatives, June 8th, on the Bill to define the boundaries of the State of Iowa, and to repeal so much of

the act of the 3d of March 1845, as relates to the boundaries of Iowa, from which we make the following extract:

"The Desmoines is now navigable for a considerable portion of the year, and is susceptible, with the greatest facility and slightest expenditure, of being made so for many hundred miles at all seasons of the year, when not obstructed by ice.—The country through which it runs is one of unsurpassed fertility, and is now being densely inhabited. From the central position of this river, and its other advantages, there are *a very large portion of the people of Iowa who believe, and desire, their ultimate* SEAT OF GOVERNMENT *should be upon it.*"

In this speech of General Dodge, he is advocating the boundaries established in the Constitution now pending for ratification or rejection—that is, the parallel of latitude 43° 30′ on the North, and the Missouri river on the West. These boundaries, North and West, have been defined by Congress, and the good people have now nothing more to do than to ratify the Constitution, and instruct the Legislature to remove the Seat of Government *from Iowa City* to the Desmoines river, agreeably to the suggestions of Gen. Dodge.

But seriously, we imagine that the citizens residing in that portion of the Territory which is watered by the Iowa and Cedar rivers, will not thank their Delegate for wandering from the path of legitimate discussion, to indicate a relocation of the Seat of Government. When Iowa shall become a State, and her whole territory pretty well settled, it will be time enough to talk about this matter. The first Convention, with great unanimity, located the seat of government in this city for twenty years; and the last one declared it should be the capital until removed by law. And here it should remain for at least a quarter of a century. Some eighty thousand dollars have been expended on the State House, and we presume the people will not,

to gratify the wishes of a few land and town-lot speculators, or the whims of a few sticklers for locating the capital in the geographical center, be disposed to tax themselves some hundred thousand dollars to erect another, upon the banks of the great Desmoines, "now navigable for a considerable portion of the year."

—*Reprinted from The Iowa Standard, New Series, Vol. I., No. 5, July 15, 1846.*

TO THE ELECTORS OF MUSCATINE, JOHNSON AND IOWA COUNTIES:

FELLOW CITIZENS:—

By the action of my political friends, I have been placed before you as a candidate at the ensuing election, for a seat in the Council. The position which I now occupy before the public, was not sought for by myself, and were I to consult my feelings alone, I should not now appear before you as a candidate. But, holding to the principle that individual convenience should give way to the demands which the community has upon every citizen, I have determined to abide by the decision of my friends, and stand a poll, regardless of sacrifices to myself. And having thus committed myself into the hands of my friends, I feel a desire, common to every man who is a candidate—a desire to be successful in the contest, and be elected to the station for which I am a candidate. It was the expectation of my political friends, at the time of my nomination, as I have reason to believe, that I would meet the people during the canvass, and address them on the various important questions to be decided through the ballot box at the approaching election—questions deeply to affect either for weal or woe, the interests and future prosperity of the whole people of

Iowa. Such was, and still is my desire, and were the opportunity presented me, to do so, I should gladly embrace it; for I hold it to be the duty of every citizen, who aspires to the public service, freely and fully to communicate his views and opinions on all matters pertaining to the public weal. But the intense heat of the weather, so far during the campaign, and the busy season of the year, now at hand, calling the people to their fields, and requiring their whole time and attention in securing their crops, admonishes me that an effort to call them together for the purpose of public discussion, would neither be successful or politic. The only medium, then, my fellow citizens, through which I can make known my views on the great question, to which I have alluded, is the Press; and I cheerfully resort to that, satisfied that by this mode, I can more clearly and deliberately utter my sentiments, than in the heat and excitement of an oral discussion; and that you can peruse and reflect upon them at your leisure. This mode saves me from the danger of being misapprehended or misrepresented, and will enable you to hold me to a strict responsibility, should I be so fortunate as to be elected, and fail to discharge, with fidelity, the trust committed to my keeping. It is a mode of communication, then, alike safe to the candidate for public suffrages, and those who have the bestowal of them.

With these prefatory remarks, I proceed to notice briefly, the great issues to be decided by the sovereign will, on the first Monday of August next. These issues are involved in the adoption or rejection of the proposed Constitution for the future State of Iowa. It is a matter of very little consequence, except so far as we represent opposing principles, whether my worthy opponent, (a gentleman whom I am pleased to regard as a personal friend) or my humble self is elected to the Council; but it is highly, vitally important that in the adoption of a fundamental law,

every citizen should fully understand its principles, and calmly form his judgment as to the probable effect of the measure upon the body politic. If it is his deliberate opinion that the Constitution which has been framed by the people's Representatives, will advance the great ends of self-government, render the people happy and prosperous, and contribute towards making Iowa a flourishing and populous State, then should he vote for its adoption, regardless of party influences or political chicanery. On the other hand, if he arrives at the conviction that the Constitution will thwart the purposes and design of republicanism, or stand in the way of the moral, political, or physical advancement of the people or government, then is he equally bound to act with the same independence, and vote in favor of its rejection. In common with my fellow citizens, I have devoted some time to an examination of the proposed Constitution, and the conclusion at which my mind has arrived, guided by an eye single to the common welfare, is, that the adoption of that instrument, will prove greatly detrimental, if not entirely ruinous to the nearest and dearest interests of the people, by retarding the growth of the proposed State, in population, commerce, wealth and prosperity. Without expecting to change the views of those whose minds are formed on this subject, and hoping only to assist others in coming to some rational conclusion, I shall state as succinctly as possible, the train of reasoning which has produced the conviction I have expressed.

BANKS AND CURRENCY.

I am opposed to the adoption of the proposed Constitution, in the first place, because it entirely prohibits the establishing of banking incorporations,—institutions which are the inventions of trade, and which exist, not only in all the States of this Union, but in every civilized nation of any commercial or political importance. The inhibition of

Banks is not an inhibition of bank paper, as a circulating medium. The abstract question, whether we will prefer gold and silver exclusively, rather than a mixed currency, is not presented for our own decision. The question is narrowed down to the single point, *whether we will have banks of our own, and a currency of our own creation, and under our own control*, or whether we will become dependent on other States for such a circulating medium; trusting to the solvency and good faith of their institutions, and affording them a market for their issues, without receiving any of the profits of the business. Who can hesitate about deciding this question? If bank paper must, and will enter into and become a part of the currency of the State, (and no one can deny but such will be the case so long as the other States have banks and bank paper,) common sense at once dictates that those issues should be subject to the control of our government, and emanate, from institutions conducted by our own citizens, of whose character and solvency we can know something. It becomes a principle of protection, then, and self-preservation unites with self-interest in demanding that we provide a local currency of our own. Each State acts for itself in this particular, and as we cannot control or forbid the action of our sisters, policy and duty dictate that we protect ourselves from the effects of their Legislation. We can only do this by placing ourselves upon an equality with them. If we provide a safe and sound State currency, as they have done, our capital can be employed as advantageously as theirs, and our institutions will act, not only as a check upon their banks, but drive beyond our limits, the notes of foreign institutions. Banks will draw capital to them, and no country needs the *rhino* more than this.—The capital will come from the old States, where it is abundant, locate itself here, pay its proportion of the public burdens, and become an active instrument in breaking up our prairies. Treading fast in the

footsteps of capital, comes *population*.—The industrious mechanic, the enterprising manufacturer, the hardy laborer, all follow capital. Where money is plenty, there labor is amply rewarded, and all classes of society flourish.

On the other hand, by prohibiting the creation of banks, we but disable ourselves, and *substitute* a foreign currency for a home currency. The effect of the article on Incorporations, will be to make Iowa the *plunder ground* of all the Banks in the Union. Instead of the hard money promised the people, we shall have not only a hard currency, but one *well mixed*, for it will consist of the issues of those institutions which have no credit at home, and whose paper is thus driven abroad for circulation. Instead of a currency free from expansion or contraction, as hard money is alleged to be, we shall have a circulation constantly liable to explosion, and irredeemable in its character. For this reason alone, could no others be urged, I deem it highly impolitic to incorporate into our fundamental law, such a provision as that upon which I have been commenting. But many other equally forcible arguments might be advanced, to establish the impolicy of the proposition. To give them at length, and show the beneficial effects of a properly regulated credit system upon the character and business of a people, would require more space than I have at my command. Having thus presented the question in its true light, I leave it to the decision of my fellow citizens.

INTERNAL IMPROVEMENT.

Next in importance, is the subject of Internal Improvements. I am opposed to the adoption of the Constitution, secondly, because, in fact, it prohibits the construction of such works. I need not, at this day, make an argument in behalf of these great enterprises. The inventive spirit of the age, is at work to annihilate time and space, and bring the markets of the East and the South to the doors of the

Western Agriculturist. If we would maintain our proper position in the Union, we must march in the footsteps of our Western sisters, and engage in these undertakings.—To refuse, is to exclude our products from the great markets of the world. The 8th article of the proposed Constitution, headed "State debts," and the second section of the article on Incorporations, relate to this subject. The article on State Debts is tantamount to an inhibition of the construction of such works by the State government. It is such, because it restrains the government from anticipating the revenue of the work, and borrowing money, as is usual all the world over, for its creation. It requires, then, that such improvements shall be made by *direct taxation*, and that taxation is to commence, and continue with the progress of the work. This is impolitic, for the reason that it is using capital which might be employed to greater immediate advantage in other ways. It not only deprives us of the use of foreign capital, which might easily be obtained at a reasonable interest, but it throws the whole burden of the construction of such works upon the citizens of the State. It deprives the people collectively of a right they possess individually—the right to throw their credit and character into market, and make them serve the purposes of capital. The State government is but an aggregate individual, is subject to the same laws of finance, which govern single persons, and should possess the same liberty to make contracts that individual citizens enjoy. But could this obstacle be removed, the subsequent provisions of the same article, would defeat the construction of works of Internal Improvement. The work of Legislation is taken out of the hands of the law-making department, and referred to the great mass of the people. The question of sectional interests, is now transferred from the few to the many, and it now becomes, *not a question of State Policy*, designed to benefit the whole commanity, but is narrowed

down to a simple question of *individual interest*. Every voter will examine whether the proposed work will enhance the value of his location, directly leaving out of view, great and fundamental principles and their results, direct and remote; and if he is satisfied that it will put money into his pocket, and take but little out, he will vote for the measure, and *vice versa*. Thus, that sectional interest, which commands the bulk of population, will get the desired improvements, whilst the minority will be burdened with taxation, and receive no benefit. This measure cannot fail to destroy every thing like a uniform and permanent system of Internal Improvements, and involve the people in questions of finance, which they have neither the time or inclination to investigate. This provision, while it will secure but a doubtful good, will certainly be productive of a great deal of evil.

If, then, works of Internal Improvement are to be constructed, they must be made under the second section of the article on Incorporations. That section provides that "the General Assembly shall provide, *by general laws*, for the organization of all other corporations, except corporations with banking privileges, the creation of which, is prohibited," and that "the State shall not, directly or indirectly, become a stock-holder in any corporation." If the framers of the Constitution had been *honest* men, and boldly avowed their intentions, they would have said in plain terms, that the people shall never be allowed to make such improvements. Such, unquestionably, was their design. The idea of making a railroad or canal, under a general law, repealable at the will of the law-making power, is perfectly absurd. Such a thing never has been done, and never will be done. Capital is always jealous of power, and looks well to the dangers which threaten its profits. It can not be induced to enter into enterprises which may be crushed by an arbitrary exercise of power,

and leave it remediless. Such would be its situation, under this provision. A railroad or canal is designed to benefit both the public at large, and those who invest money in its construction; it enhances the value of real estate, brings the market to the door of the farmer, and becomes a public convenience. The company who undertake to build such a work, must be allowed not only a definite corporate existence, but certain privileges as to the right of way, which are essential to the existence of the road. These cannot be conferred under a general law, for the very framers of the Constitution hold to the doctrine that one legislature cannot bind or restrain the action of a subsequent one. Special acts of Incorporation are contracts between the government and the company, irrepealable until the charter expires, and forfeited only by misuser or nonuser. But under general laws, all the power is in the hands of the government, which may, or may not look with favor on the contemplated work, and men acting under such laws, have no vested rights, or security that they will be protected in their undertaking. The idea of making such improvements under general laws, is an abstraction that can never be of practical utility. In addition to this, and as if to make the work of prevention doubly sure, the State is prohibited from having any interest in such companies, or rendering them any assistance. This is all wrong. If the State will not itself make such improvements as the public interests require, in order to enable its citizens to compete with the members of other communities, but prefers to delegate the power to associations of men, it should at least show its good will to the object in view, by taking a portion of the stock of the company, or loaning to it a portion of its credit. This step imparts confidence in the enterprise, to individual capitalists, and at the same time affords the assurance to the people, that the work, when completed, will be conducted advantageously alike to the company and the great

mass of the citizens. But I have not now time to pursue the subject farther, full as it is of interest, or show how such improvements advance the common prosperity of the whole community, or expose the fallacy of the positions assumed by those who make war upon such works. I trust, however, that enough has been said to satisfy my fellow citizens of the utter inexpediency of the articles on State Debts and Incorporations, and to convince them that by voting for the Constitution, they, in fact, vote for the prohibition of works of Internal Improvement in the future State.

AN ELECTIVE JUDICIARY.

I am opposed to the adoption of the Constitution, thirdly, because it proposes an experiment with our judiciary system.—An *elective* judiciary is one of the vagaries which has grown up out of the party strife of the country, and is calculated to disrobe our Courts of Justice of their sacred character and impair the confidence the people ought to, and do entertain in the integrity of our judges. It is an experiment which has been tried in but a single State of this Union, Mississippi; and it is a singular fact, as undeniable as it is singular, that in this State, life and property are less secure than in any other, and its public credit is lost beyond redemption. There *repudiation* is openly avowed, and crime and murder stalk about in open day. And so far as we can gather from the public press, there the system has *not* worked well. Shall we then discard the example and experience of all the other States, and follow the isolated course of Mississippi alone? The question presented to the people is one of *expediency* solely, for those who oppose an elective judiciary, neither deny the right or the competency of the people to elect their judicial officers. They oppose the measure, because of the effects it will be likely to produce here, judging from what it has done elsewhere. What are the effects anticipated? The first effect of this

provision will be to place upon the bench *political partizans.* In a whig district we shall have a *whig* judge; in a democratic district, a *democratic* judge. If the position is correct when applied to the judge of the *law*, it is equally applicable to judges of the *fact;* yet were the Constitution to provide that in democratic counties, there should be none other than democratic jurors, and in whig counties, none but whig jurors, the proposition would be greeted with an universal burst of indignation. The second effect will be, to elevate to the judiciary second or third rate men in point of talents and legal acquirements. Partizan Conventions will be followed round by men of this class—most of them *party hacks* —claiming a nomination to the judgeship, as the reward of political services. Lawyers of talents and character, whose conduct and integrity secure them an ample practice, will not degrade themselves by coming into competition with such men. Thus it is reduced to probability that our courts will be filled by judges, whom, as *lawyers*, the people would hardly trust with a three-shilling case. Are the people prepared to confide the judiciary—that department of the government which is to decide upon their dearest rights—to such hands? To show that these will be the inevitable results of the proposed experiment, I need only delineate the manner in which party nominations are made—the maneuvering of aspirants to pass the ordeal of a party convention, and the character of the class of men which constitutes these self-created assemblages. Still another effect follows, equally detrimental to the public interest. Political judges never can command the entire confidence of the great mass of the community. Those who have been arrayed against them in the canvass—with whom they have been engaged in party conflict—will watch their conduct with the strictest vigilance, ready to denounce on the slightest suspicion of partiality to a political favorite, and liable to misrepresent their decisions to the public; whilst the judges themselves,

just out of the excitement of a violent contest, with the worst passions of their nature aroused, will be incapable of deciding causes in which their opponents may be parties or engaged, free from those prejudices, and with that calm deliberation, which should mark judicial decisions. So long as human nature is what it is, this effect will be produced, and the lightest suspicions of wrong, will be "confirmation strong as holy writ."

The natural result of this state of things must be, to drag the decisions of the judges from the sacred temples of Justice, into the political arena, there to become themes for popular discussion, and newspaper animadversion. Here, again, will partizan strife be renewed. The minority will labor to make capital against the judge, in view of the next election, whilst his political friends will be equally zealous in sustaining his conduct. The judge himself, it may be, will descend from his tribunal, throw aside his robe of office, and enter the ring, desirous of breaking a lance in his own defense. But the numbers which made the judge possess the numerical strength to sustain him, and however wrong may have been his conduct, or illegal his decisions, an excited party will be loath to condemn their representative, and put another in his place. Thus the laws may be disregarded—injustice perpetrated by those whose duty it is made to prevent it—individual rights impaired—and the nearest interests of the citizen blasted—and all without a remedy! Is not this a beautiful system? Yet such, I entertain no doubt, will be its natural and inevitable results. Those, then, who vote for the ratification of the Constitution, vote for a judiciary system, radically defective, and which is liable to great abuse.

But I must pass on to notice what I deem

A FATAL OMISSION.

I am opposed to the adoption of the Constitution, in the

fourth place, because *it does not secure to the people, the right to elect their county officers.* The great object of a fundamental law is to define the powers conferred upon the government, and mark out the rights reserved by the constituent body—the people. What the citizens do not reserve to themselves, is impliedly granted to their government. — Hence, the omission on this subject is fatal to the whole instrument. The people have no security in the Constitution that the right of electing their county officers, will be suffered to remain in their hands; the law-making department, actuated either by corrupt motives, or fear of the people, may confide that power to the Executive, or exercise it itself, and the people have no remedy. Now, I do not anticipate that such a thing will be attempted now, but in the course and changes of time and men, it may be done, and if the people would be safe, they should secure the right, in the outset of their State career, and have it inserted in their fundamental law. It would seem from this neglect to secure to the people this most valuable right, that those who framed the Constitution, and those who had them in keeping, in their eagerness to grasp the great offices of State, entirely overlooked the smaller and equally important ones. Yet this is not the only omission. The Constitution is alike defective in another particular. It is entirely silent with reference to county and township organization, and makes no provision for the election of township officers by the people. Thus, it would appear, that in this, as well as other particulars, the substantial interests of the community have been wholly disregarded.

AMENDMENTS OF THE CONSTITUTION.

My fifth leading reason for opposing the adoption of the Constitution, is based on the article which provides for amendments of that instrument. Not a single letter can be stricken from it, without calling a Convention. This is

impolitic, as well as unusual: impolitic, because it prevents those modifications which experience may suggest; and unusual, because it is unlike the Constitutions of any of the other States. If we adopt the Constitution, we take it with the probability that it will remain what it is for many years. The people will not only be loath to incur the expense of another Convention, but the history of the past shows, that after they have set the machinery of government in motion, and become familiar with its operation, it is difficult to induce them to make a change. Thus, in Virginia, Ohio, and several other States, effort after effort has been made for several years, to get the consent of the people to call Conventions to frame new Constitutions for those States, the population and business of the communities having outgrown their present Constitutions; but so far without success. And it will be seen, by looking at the dates, that the Constitutions of the several States have averaged twenty-five years of service. The reason of this is obvious. As soon as a State Government is completely organized, a body of men is created, whose interest it is to sustain the existing state of affairs. Those who fill the State, county, township, and even school-district offices, with their friends and dependents, are all opposed to a change, for the single reason that that change may rotate them out of office. This class, bound together by the strong tie of self-interest, wield a powerful influence, and, by concert of action, may give tone to public sentiment. This office-holding aristocracy would exist here, as well as elsewhere; and thus the Constitution, acknowledged to be defective by its warmest friends, would be strengthened and sustained by those who gained their bread from it. To overcome this influence, and obtain the formation of another fundamental law, would require such a torrent of popular condemnation as we need not anticipate short of a quarter of a century. In view of all the influences, par-

tizan and pecuniary, which will be brought to sustain this instrument, if adopted, I regard the provision under consideration as tantamount to telling the people that they shall not be permitted, for a great number of years, to alter or abolish this "*model*" of a Constitution. If the people will but put the yoke upon their necks, it is well provided with fastenings to keep it there.

But it may be well for the people to ascertain, if they can, why this article is thrown into its present shape, instead of providing as do all the other State Constitutions, that the Legislature may propose amendments to the Constitution, and the people ratify or reject them. No good reason, certainly, can be assigned for this restriction on the rights of the people.—The only motive I can think of, which could induce the insertion of such a provision, is this: The framers of the Constitution were well aware that they had departed from the legitimate business entrusted to them; that they had incorporated into their work certain partizan dogmas which the people have never approved, and the expediency and propriety of which were still subjects of discussion.—They feared that experience might demonstrate, as it has done heretofore, that the forebodings of their opponents were well-founded, and their predictions had become sober realities. The prohibition of incorporations and internal improvements—the experiment with the judiciary—the restrictions upon the inalienable rights of the people—might not work to the advantage of the commonwealth; and they well knew, that when the citizens felt themselves hampered, and their interests blasted, under the operation of these provisions, that they would be prompt to throw off the burthen. Under such provisions for amendment as are to be found in the other State Constitutions, the obnoxious articles of this instrument could be laid aside, without destroying the whole fabric of government, or exciting the hostility of all who have a personal

interest in supporting the government. Hence, in order to establish a partizan creed, and render it permanent, even at the expense of the people's prosperity and happiness, this article on Amendments was inserted. It is for the people to decide which they will choose, their own welfare or this partizan Constitution. The one is opposed to the other.

THE SEAT OF GOVERNMENT.

I cannot close this communication, my fellow citizens, without some allusion to a question of local interest to the inhabitants of this district. I refer to the question of the location of the seat of government of Iowa. Iowa City was laid out with a view to its being the permanent capital of the State. This inducement was held out to persons to locate here, and lots were sold at exhorbitant rates. A large and beautiful building, capable of accommodating every branch of the State Government, has been erected and partially finished, at an expense of from $80,000 to $100,000, a considerable proportion of which was paid by the property holders of this city and county. Yet after all this, the Southern portion of the Territory has manifested an unceasing hostility to Iowa City, and a determination to remove the Capitol to some other point. In the late Convention, this spirit was openly avowed, and I hesitate not to say, that the proposed boundaries of the State were fixed with a view to the removal of the seat of government to the Raccoon Forks. Facts prove the truth of this remark. The Convention, after having the question of boundaries before it for several days, determined on the old conventional lines—the natural and proper boundaries of the State of Iowa. This result became known to the South, when a certain General Government officer, who aspires to prominence as a leading politician, came post-haste to the city to represent the South on this question, and regulate the representatives of the people. Two or three days after his

arrival, Mr. Steel, of Van Buren, proposed to amend the article on boundaries, by inserting the article as it now stands in the Constitution. The subject has been caucussed, and Steel's resolution was adopted by the following vote.

Yeas — Berry, Clark, Conery, Coop, Dibble, Galland, *Grant*, Goodrell, Hoskins, Hedrick, *Hubbell*, Hobson, Kent, Ross, Steele, Selman, Shelledy, Lowe.—18.

Nays—Bates, Bissell, *Bowie*, *Harned*, Haun, *Leffler*, Matson, McCraney, O'Ferral, Ronalds, Richman, *Sanders*. —13.

[Yeas in *italics*, northern members; nays do., southern members.]

Thus it will be seen that every vote but *two*, in favor of the proposed boundaries, which involve the location of the seat of government, represented southern interests, and that the great question of territory was sacrificed to obtain possession of the Capitol. Four Delegates from the South voted against the proposition; but I could account very satisfactorily for that fact did I deem it necessary. The ostensible reason given for this change of boundary, after it had been once determined, is, as I am aware, that the territorial committee of the lower House of Congress had reported a bill thus defining our territorial limits. But this was only a part of the game. If our Delegate is of any account at Washington, he must have had something to do with the committee which thus fixed our State boundary; and it is not unfair to infer that the boundary he asked for, he obtained. Mr. Dodge, we all know, is the representative of Southern interests almost exclusively, and that the greater part of his time is devoted to the advancement of the Desmoines valley. Certain it is, that in his recent speech before Congress, advocating the bill reported to the House of Representatives, he makes no intimation that the proposed boundaries met his disapprobation, or embrace

less territory than he desired Iowa to obtain. But instead of confining himself to his appropriate duties, he travels beyond them, and undertakes to assure Congress that "a very large portion of the people of Iowa believe and desire that their ultimate seat of government should be on the Desmoines river." Thus it is that our Delegate in Congress, instead of representing the whole Territory, represents its southern extreme, and, together with the southern Delegates in the late Convention, is found laboring to despoil us, and promote the interests of speculators and land-jobbers in the south-west. Either of the other boundaries, with a provision fixing the seat of government here for twenty years, would have saved us from the ruin that is now impending over our heads.

The Constitution provides that the seat of Government shall remain at Iowa City "until removed by law." Let us see, then, what are the probabilities as to its removal. The South and the South-west have not only the will, but the numerical strength to take it from us. The following table will show the relative strength of the rival points (Iowa City and the Raccoon Forks,) in the General Assembly under the Constitution, if that instrument is ratified:

	Senators.	Rep's.
Raccoon Forks, . . .	12	26
Iowa City, ...	7	13
	—	—
	5	13

This apportionment, it will be seen, gives the former place a majority of *five* in the Senate and *thirteen* in the House, over the latter. Are we not, then, in the hands of the Philistines? The proposed boundaries are so formed as to throw the Raccoon Forks into the center of population for the next fifty years, and the ascendency they enjoy now, they will be likely to maintain for a consider-

able period of time.—Ultimately, however, the center and the North will be the flower of the State, and the most densely populated. Now, what will be the train of argument which will be urged in favor of the removal? It will be said, that the present building is unfinished; that to complete it, will cost as much as would erect a smaller and less expensive one at the rival point; that it would be folly to expend money on this work, and subsequently remove the seat of government elsewhere; and thus many persons in other portions of the State, who are indifferent to the subject, and unadvised as to the injustice which will be done us, may be induced to vote for candidates who will carry out this scheme. To quiet the center, we shall probably be promised a State University, or something of that character, and then be cheated in the end; for the State will not locate such an institution in the same place where there are already one or two chartered institutions of learning in operation. Those, then, who vote for the ratification of the Constitution, do so with the almost moral certainty that the removal of the seat of government from this point, will be one of the first consequences of its adoption. It is for every citizen to decide, whether he can consistently vote to destroy the value of his own property, in order to obtain the fictitious advantages of a State Government.

But, fellow-citizens, I must bring this address—which is already longer than I intended—to a close. I have expressed as briefly as possible, and with the utmost frankness, my views of the various important questions involved in the adoption of the proposed Constitution, and the reasons which will influence me to cast my vote against it. So far as I am individually concerned in the present canvass, I have only to say, that I am before you as the representative of principle; and if my principles accord with your own, and you believe me trust-worthy, and capable of

representing you in the Council, remember me at the ballot-box on the first Monday of August next.

Your fellow-citizen,

Iowa City, July 20, 1846. WM. PENN. CLARK.[1]

—Reprinted from The Iowa Standard, New Series, Vol. I., No. 6, July 20, 1846.

THE CONSTITUTION.

* * * * * * * * * *

WE are not surprised that the Constitution, with its glaring defects, has been adopted. The people were anxious to go into the Union; and a small majority of voters was found, who voted for it from motives of temporary expediency, believing that amendments could be made before any serious inconvenience could result from some of the foolish restrictions imposed on the legislature. In this, we think they have acted unwisely. They may not find it so easy a matter to amend, as they imagined. The first Constitution provided for amendments without the trouble and expense of calling a Convention. But this salutary provision was stricken out in the new Constitution to prevent the amendment of the Ninth Article, relative to corporations. The members knew full well, that if that article could be submitted to the people singly, for adoption or rejection, that it would be voted down by thousands. The provision for specific amendments was therefore stricken out, through the wily influence of the Radicals. They thought that the people were so anxious to become a State, that they would not vote against a Constitution which, in the main, was unexceptionable; and by removing the facility of amending it, they would fasten upon the inhabitants of Iowa the newfangled policy of an exclusive metallic currency. We give

[1] Clarke.

the *hards* credit for the smartness of the trick; but unfortunately for them, it was discovered before the election. The Constitution has been formally adopted, as a whole; but the *Ninth Article*, and one or two other minor clauses, have been reserved for further consideration, in committee of the whole.

Three-fourths of the people of Iowa have determined, that cost what it may, the Ninth Article shall not remain unaltered, in the Constitution; and they will make it a question at every election, until there is an unqualified expression of the public will respecting it.

The opponents of an exclusive hard money currency, will vote for no man, Whig or Democrat, who will not pledge himself in advance that he will exercise his official influence to cause an amendment or an expurgation of this Ninth Article.

The Eleventh Article of the Constitution provides that "if at any time the General Assembly shall think it necessary to revise or amend this Constitution, they shall provide by law for a vote of the people, for a Convention, at the next ensuing election for members of the General Assembly," &c.; and the 10th section of the Fifth Article provides that the "Governor shall communicate by message to the General Assembly, at every session, the condition of the State, and *recommend such matters as he shall deem expedient.*"—Hence it is important that the candidates for Governor, Senators and Representatives, should make known their views in regard to the Constitutional defects, and that they explicitly indicate their intention, if elected, to provide by law for a vote of the people for and against a Convention to revise or amend the Constitution.

We shall be met by our opponents with the plausible objection, that we have already had two Conventions, and that the people ought not to be taxed with the expense of a third one. To this we reply, that it will cost nothing to

take the vote on the expediency of calling a Convention; and if a majority of the people vote for it, they are entitled to one. The expense is a minor consideration. The people would lose more, in the term of five years, by retaining the Ninth Article, than would be the cost of half a dozen Conventions. Besides, it is useless to incur a large debt for this purpose. Twenty members can make the required amendments, as well as one hundred; and the whole duty could be performed in a single week.

We shall resume this subject as soon as the Governor's proclamation shall be issued, appointing the day of election.

—Reprinted from The Iowa Standard, New Series, Vol. I., No. 10, August 19, 1846.

ADMISSION OF IOWA.

We give place, in this paper, to the late act of Congress, defining the boundaries of the State of Iowa, and to repeal so much of the act of the 3d March, 1845, as relates to the boundaries, and so much of the first named act as relates to Iowa, with the supplemental act of the same date. These are all the acts of Congress relating to the admission of Iowa into the Union; and taken together, they will be found to be a disgraceful piece of legislative patch-work. There is not the slightest allusion to the Constitution of 1846, under which it is presumed we enter the Union; but, from all that appears from the three several acts, Iowa enters the Union under the rejected Constitution of 1844, with the addition of one member of Congress, and a change of the boundaries; and the date of her admission is the 3d of March, 1845, instead of the 4th of August, 1846, the date of the last act.

If our Locofoco editors can come to any other conclusion, we will thank them for their rules of construction. We have read the Acts over and over again, and for the life of

us we cannot tell whether Iowa is now in or out of the Union; and if she is out, what ulterior steps must be taken to consummate her admission.

The Constitution which was adopted and signed by the Convention, Nov. 1, 1844, contains this provision in the 6th section of the 3d Article:

"This Constitution, together with whatever conditions may be made to the same by Congress, shall be ratified or rejected by the vote of the qualified electors of this Territory, at the township elections in April next, in the manner prescribed by the act of the Legislative Assembly providing for the holding of this Convention. *Provided, however*, That the General Assembly of this State may ratify or reject any conditions Congress may make to this Constitution, after the first Monday in April next."

This Constitution was submitted to the people in April, and rejected. On the 3d of March following, before the result was known at Washington, Congress passed the act for the admission of Iowa, with an especial reference to this Constitution, which was then a dead letter. Iowa, at that time, being a Territory without a Constitution the act of Congress admitting her became, in consequence of the *reason of the enactment* ceasing, dead and inoperative from thenceforth and forever, so far as she was concerned, unless revived by the subsequent enactment. This has not been done, unless the late act does it by implication; and if it does revive it, the Congressional history in reference to this territory will be a curiosity. It will show, that from the 3d of March, 1845, to the 4th of August, 1846, Iowa was a Territory, receiving appropriations to carry on her Territorial government, and that she was at the same time a member of the Confederacy, and with a Constitution that never had a political existence.

There can be no apology for this cloud of ambiguity. the slightest attention to the wording of the late act would

have made our path plain and perspicuous. The first act of admission, so far as related to Iowa, was dead; but to make everything plain, there should have been a new bill framed, having reference to the Constitution formed in May last, then before Congress, and repealing the two acts of March 3d, 1845. Instead of this, an act is passed defining the boundaries of the State of Iowa — being precisely the same contained in the new Constitution — recognizing the proposed adjustment of the Southern line — giving us another member of Congress, without any official return of our population — and then winding up with a repeal of so much of the act admitting Iowa and Florida, approved March 3d, 1845, as came in conflict with the provisions of that act; all the while, leaving the supplemental act unnoticed — neither repealed nor revived. This supplemental act was passed, also, with reference to the Constitution of 1844.

Why were not the grants contained in the 6th section, made in lieu of the propositions of the late Conventions? The propositions of the Convention of 1844 were rejected. How is it with those made by the Convention of 1846? They were before Congress on the 4th of August, 1846. The ordinance of the first Convention was declared not to be obligatory on the United States: there is nothing said about the one appended to the Constitution of 1846. Where are we — in, or out of the Union?

—Reprinted from The Iowa Standard, New Series, Vol. I., No. 14, Sept. 16, 1846.

IOWA NOT A STATE YET.

HAVING seen it announced in the papers that an act has been passed, defining the boundaries of Iowa, and admitting her into the Union as an independent State, with two Representatives in Congress, until the next census and ap-

portionment, I was led to believe that such was the fact. But to my utter astonishment upon reading the act alluded to, I find that Iowa is still a *Territory*, and must so remain until Congress shall by a solemn act declare, that having examined her Constitution formed at Iowa City, in May last, and finding it to be republican, she is admitted into the Union as a free and independent State.

Strange as it may appear, Iowa has not yet applied for admission, under her present Constitution; nor did the members of the Convention anticipate an application for this purpose until after their proposed Constitution should be accepted by the people, to whom it was submitted. They made a provision for the election of a Governor, other State officers, and members of the Legislature, to be in readiness to assume their official functions as soon as Congress should pass the act of admission; but they unfortunately designated the first Monday in December, or thereabouts, for the meeting of the first General Assembly—the day on which Congress meets. The members of the Legislature of the embryo State may meet on that day, and adjourn; but they cannot constitutionally organize, until officially informed that Iowa is a State, which cannot be earlier than the first of January. The Governor elect can not qualify, because Governor Clarke is entitled to hold his office until Iowa ceases to be a Territory; and he will have a Territorial Legislature, ready to occupy the Capitol on the very day appointed for State organization. If there is an appropriation to defray the expenses, (and I understand that there is,) the Territorial Legislature can sit during the month of December.

Gen. Dodge is still our Delegate to Congress, and he has not only a right, but it is his duty to go on to Congress, and attend to our interests as a Territory, until the State is organized. The State Legislature had better not assemble until the first of January. It cannot organize while we are

a Territory. If the members should attempt to legislate before Iowa becomes a State, their acts would be null and void, and the judges would be bound so to declare them.

Iowa has been unfortunate in her attempts to become a State. She was first admitted with a Constitution which the people rejected;—the Territorial Legislature ordered the people to try again—and again they rejected it. Another Convention was called, and another Constitution presented, which the people accepted by a 'tight squeeze' —supposing that Congress would pass some law, which would admit us into the Union on the plan proposed in the act of the 3d of March, 1845, when we applied for admission before. They will be greatly surprised and chagrined when they learn that all that has been done amounts to, a change of *change of boundaries*—the allowance of two members of Congress when we become a State—and a repeal of so much of the act of March 3d, 1845, as defined our boundaries.

IOWAN.

—Reprinted from The Iowa Standard, New Series, Vol. I., No. 14, Sept. 16, 1846.

BY THE GOVERNOR OF THE TERRITORY OF IOWA.

PROCLAMATION.

RETURNS having been received at the office of the Secretary of the Territory of the votes taken for and against the Constitution, at the general election held on the third day of August, last, in all the organized counties thereof except Deleware and Buchanan, in conformity to the provisions of "An act to provide for the election of Delegates to a Convention to form a Constitution and State Government," approved January 17, 1846; and the said votes so returned

having been counted in the presence of the undersigned, Governor of the said Territory, and examined and compared as contemplated by law: It is hereby declared and made known, (in compliance with the spirit and intention of the provisions of said act,) that there were given, in the counties from which returns have been received, *nine thousand four hundred and ninety two* votes for the Constitution, and *nine thousand and thirty-six* votes against it, making a majority of FOUR HUNDRED AND FIFTY-SIX votes in favor of the Constitution: *And whereas*, said majority exceeds by three hundred and seventy-nine votes the aggregate vote cast at the election held in August, 1845, for Delegate to Congress, in the counties not returned, thus making it manifest, in the absence of complete returns, that a majority of votes have been cast in favor of the adoption of the Constitution: It is therefore conformably to the provisions of the statute, hereby proclaimed, that the Constitution for the State of Iowa, adopted in Convention on the eighteenth day of May, 1846, has been formally ratified and adopted by the people.

AND WHEREAS, under the Constitution thus adopted, it is made the duty of the Governor of the Territory to designate, by proclamation, a day for the holding of the first general election for the selection of State officers, and members of the first State Legislature: Be it therefore known, that MONDAY, THE 26TH DAY OF OCTOBER NEXT, is the day fixed upon for the holding of said State election, at which time the qualified electors of Iowa will elect one Governor, two representatives in the Congress of the United States, one Secretary of State, one State Auditor, one State Treasurer, and such number of members of the Senate and House of Representatives of the State as are designated and provided for in article thirteen of said Constitution. Said elections, under said Constitution, are to be conducted in all respects according to the existing laws of

the Territory, except only in such cases as the same may be found to conflict with the Constitution under which the election will be held.

{ L.S. } In Testimony whereof, I have hereunto subscribed my name, and caused the Seal of the Territory to be affixed.

Done at Burlington, this ninth day of September, in the year of our Lord one thousand eight hundred and forty-six, and of the Independence of the United States the seventy-first.

By the Governor:

JAMES CLARKE.

JESSE WILLIAMS,
Secretary of the Territory.

—Reprinted from The Iowa Standard, New Series, Vol. I., No. 14, Sept. 16, 1846.

THE ELECTION.

OUR gratification at the result of the election in this county for a delegate to the Convention to form a Constitution cannot well be expressed without a short review of the canvass, and the circumstances which led to it.

For some years past the only political press in this county has been in the hands and under the control of the democracy. That party has, with a few accidental exceptions, been in the majority ever since the party lines have been drawn in Iowa.—Within the last few months the former editor of the Herald, in a series of ably written articles, called the attention of the people to those principles which, in his opinion, should govern in the formation of a Constitution; the most prominent of which were, no banks, no corporations, an elective judiciary.—We say ably written articles, because all the arguments that could be brought to

bear upon his doctrines were fairly presented in a style and manner well calculated to call the people's attention to them, and lead them to reflection. It was in the midst of the heat of this political effort that the Whigs of Muscatine nominated J. Scott Richman, Esq., as their candidate for Convention. Immediately on the annunciation of the choice, by nomination, of Mr. Richman as a candidate, he arose and manifested his acceptance of the nomination, and in a few remarks which could not be misunderstood, gave his views of what the leading features of the Constitution, in his opinion, should be. These views were expressed in the presence of many of the prominent men of both parties, and were mainly in opposition to those presented in the Hearld, the accredited organ of the democratic party. These views were reiterated in the succeeding canvass, and were understood throughout the county.

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—Reprinted from The Bloomington Herald, Vol. I., No. 1, April 17, 1846.

THE CONVENTION.

THE Convention for the formation of a State Government meets on the first Monday in next month. We feel a deep interest in the proceedings of this Convention, because upon its action we believe depends the question whether we are to have a State Government or not. The great mass of our citizens are desirous that Iowa should take her place among the independent States of the Union. It is nevertheless true that whatever Constitution be adopted, with the boundaries as now proposed, there will be sectional opposition growing out of that question of boundary. If a Constitution be framed upon the model of the constitution of the United States and the different States already framed, sufficient to set the State Government in motion,

secure life, liberty, and the rights of property to the citizen, it must, notwithstanding such opposition, be adopted by a large majority. But on the other hand, let this Constitution be prostituted to party purposes—instead of securing personal rights, let it define party positions, taking for its basis the decrees of a Baltimore Convention, instead of adopting the tried provisions of other State Constitutions—and it will become the province of the Whig party to defeat it. Desirous as the people of this Territory may be that a State Government should be formed, and intimately connected as they may think it with the prosperity of the country, we know that the right of rejection has been exercised, and will be again, if necessary. The responsibility of such rejection must rest with those who will venture to thrust their party faith and maxims upon the people in the form of a Constitution. Such gross perversion of a solemn instrument to further party purposes deserves rebuke.

We do not consider the duties of the members of this Convention as very arduous. If they are wise, they will find in the twenty-six other Constitutions within their reach, their work prepared to their hands; the rights of the state and subject are there well defined laws, which have been tried for years, and under which the several States have flourished—answering all the objects of their creation. But this is unfortunately an age of originality and invention —we are not only all sovereigns, but also all statesmen by birthright, and it cannot be otherwise than that the spirit of the age should find its way into this body. The character of the Constitution must, we think, decide its fate before the people. If then the party in the majority is really desirous of establishing a State government, we say it depends upon that party to form such government or not, by presenting such a Constitution as shall not be offensive to a large body of the people. If the Whigs cannot have the

framing of a good Constitution, in the present position of parties and interest, they can defeat a bad one.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 1, April 17, 1846.

AN ELECTIVE JUDICIARY.

If any credit for originality is due for the idea of electing the highest judicial officers by the people, Muscatine county is entitled to it. Not, perhaps, the *people* of the county; but one of the candidates for the old Convention after his nomination by a democratic meeting, embodied the dogma in his political confession, merely to show that he was different from all other men. His election to a seat in the Convention, if we are to give credit to the leaders of the democratic party, was the result of one of those accidents that sometimes happen in the heat of political strife, and which sometimes make a man great in spite of himself. Through this means the idea found its way into the Convention and thence into the Constitution. It was not embodied there because either experience or reason had tested its wisdom; but was placed there because it was an experiment—the same reason that prompted many other anomalous passages in that monument of folly; and, although this feature struck Gen. Dodge as one of singular beauty amongst all the other beauties of that beautiful State paper, yet it never has been a favorite measure with the people. Nay, we have good reason to believe that that feature contributed in a great degree to the first and second rejections of that project of a Constitution for Iowa.

Let it here be understood that democratic resolves (so called) by a junta who vainly imagine themselves *the* democracy, do not always find favor with the democratic people. A striking illustration of this truth is to be found in the recommendation of the Convention which met last

summer at Iowa City, to nominate Gen. Dodge for Congress, alluded to by the editor of the Herald in one of his most ably written appeals of the 21st March. He says an elective judiciary is a favorite measure with the democracy and was recommended by that Convention; and was advocated by Gen. Dodge long after it was known to be operating to his disadvantage; yet, in the face of this truth (for there is nothing more true) the editor of the Herald insists that it is a favorite measure with the people. Cogent and clear as that gentleman generally was on most subjects with which he has treated the people for a year past, he seems to have fallen into a mist here. His erroneous reasoning is the result of mistaking the democratic *party* for the democratic *people*. This mistake is neither singular nor dishonest, but arises from an ardent temperament and a laudable zeal for the success of a favorite *protege*. Three honest tailors in Threadneedle street, London, in undertaking to execute some treasonable plot by conspiracy against the government, commenced their paper with "We the people of England."

But surely, one might suppose that the conductors of the public press, as well as the conductors of public opinion, might well be excused in abandoning, even a *favorite* measure in political economy when its advocates have twice submitted the question distinctly to the people of Iowa, and they so often repudiating it as heterodox. In the late election for a delegate to the Convention, the people of this county have again set their seal of reprobation upon it, after hearing and reading the arguments of its ablest advocate, and with the strongest man of their party for a candidate. Certainly, then, both old Muscatine and the Territory have shaken their skirts of this taint, this sin of advocating an elective judiciary.—Let there be an end, then, of urging the measure upon the people for reason that they are in favor of it, whilst there exists the strongest

evidence that they are against it. But other reasons are urged for an elective judiciary.

"Consistency," [says the Herald of the 21st March,] "requires it. The democratic Territorial Convention, which in June last nominated Gen. Dodge for Congress, adopted a resolution [we quote from the Herald of the above date,] approving in the most decided terms, of the provisions of the old Constitution, pre-eminent among which stood that of an elective judiciary. By the adoption of that resolution and by its subsequent course of action, the democratic party decidedly and irrevocably pledged themselves to sustain the principles of an elective judiciary. * * * * * and unless our principles change with every waning moon and assume by turns all the colors of the chameleon, we are bound by every principle which should actuate honorable and consistent men, to stand by our arms and untiringly advocate the principles which we cherish so fondly."

All this sounds very well—is quite chivalrous and, perhaps, democratic. The *party*, says the Herald, should adhere with the most unyielding pertinacity to principles once announced. Whilst the leaders of the party assume this as a rule of action, it is hoped that they will allow the people to act from the same reasonable motives. The *people*, the *democratic* people have passed a resolution twice over at the ballot box, that they will *not* have an elective judiciary. Think you that they will be less tenacious of their deliberately expressed opinions than yourselves? Why do you prescribe one rule of action for yourselves and a different one for the people? Ah, Doctor! Doctor! you are entirely too honest a man for your party. You have disclosed honestly and argued fairly the purposes and principles of your party, and the issue is decidedly against you. Would to God all conductors of the public democratic press were equally honest,

then would locofocoism and double dealing cease from the land—then would the people understand what the leaders of the democratic party want with them, and they would act with a knowledge of their rights. But in this issue between the party on the one side and the people on the other, we are by no means certain that the few will not control the many. The like has happened, and when the like ceases to occur the democratic party, as at present organized, will cease to exist.

But supposing it to be a new question and that the people of Iowa had never decided it; what is there exceptionable in electing judges in the same manner, or in a manner similar to that of electing Senators to the Congress of the United States—by joint ballot of the two houses, or by the joint action of the executive and Legislative department of the government. One of these methods for electing judges is ordinarily adopted in the States. Who has or who can point out any evils from adopting the same plan in Iowa? Is there any inherent want of capability, or lack of integrity disqualifying the Governor, the Senate and the House of Representatives assembled from every county in the State from making a suitable choice? It will be time enough to look about for some other mode of selecting those functionaries, when the objectors show that the ordinary mode is objectionable.

This has not been attempted in any manner by writer or speaker, to our knowledge, except by setting it down for granted that the Executive and Legislative body are corrupt. Aye, corrupt, and therefore the judge must be elected by the people. But who elects the Governor, and Senators and Representatives? The people. Will the people be apt to make a better choice of men for one station than for the other? Is not purity of design, integrity of purpose and high and honorable bearing as necessary in one department of government as in another? And yet, the objectors

insist that that body of people who cannot choose or who do not require men of these qualities for the Legislative and Executive departments, shall select men for the judiciary. Such is their argument, where argument is resorted to at all.

We are in favor of the old fashioned way of making judges, because no valid objection has been raised against it. We are opposed to electing them by the people, because it will be a change from a known good way, to the trial of a doubtful experiment in legislation, unless some necessity compels the measure. Again, we say that if the people fail to elect uncorrupt men to these two departments, with what reason can it be expected that they will elect good men for this? Will life, liberty and the pursuit of happiness be better secured by your new fashioned mode, than by the old method which has stood the test of ages?—Will there be a more ready and willing obedience yielded to the decisions of courts of justice, organized by your plan, than upon the old platform? Show us these and we will vote with you. Don't answer by telling us that it will be more democratic. That will not do. Democracy is very good in its place, but it won't do to go to bed to.

A.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 3, May 1, 1846.

ECONOMY IN STATE GOVERNMENT.

THIS is a subject which will come before the Convention in regulating the salaries of the members of the Legislature and all the officers of State. We conceive it to be one of deep interest to the citizens of Iowa. While we will go as far as any in our opposition to an extravagant expenditure of the public money, we think there is great danger in our zeal after economy of falling upon the opposite extreme,

and illustrating in the case of a State government, the old adage of "penny wise and pound foolish." The object of this people is, or should be, to secure a good government well administered.—Such government to conduct her affairs wisely and well should have in her service the best talent the State possesses. To secure the services of men calculated to reflect honor on the State and manage her affairs with credit, they must be well paid. Talent is in the market to be paid for, and if private enterprise will yield a better recompense than the public service, the State government must have her affairs directed, her laws administered, by second rate men. We have among us no class who can be expected to hold office for the honor such office confers. It is only by adopting a liberal policy, and securing to those in her employ an adequate remuneration for their services, that the State can get good men—and liberality here is true economy.—Better for the interests of the State and citizen is it, that ample salaries should be given to men competent to "render the state some service," than a cheap government administered by any others. —We speak now more particularly of the Executive and Judiciary. The first is not only an office of honor, but also of great responsibility. Our States hold toward each other the relations in many respects of sovereign governments. Questions of importance are constantly growing out of these relations which call for the exercise of wisdom and prudence on the part of the Executive. Iowa as a territory has not escaped such difficulties. Our question of boundary with the State of Missouri is still unsettled, a question which has and may again disturb the peace of the Territory. Internal dissensions may arise requiring great foresight and prudence on the part of the Governor. But recently we have seen parts of one of our eastern States in open rebellion — thousands uniting in endeavoring to set aside the laws and nullify the action of the courts. What

amount of mischief and disgrace might not a weak or rash man in the Executive office bring upon the State under such circumstances. The case of Governor Wright of New York illustrates our meaning; were the Governor's salary in that State what it is proposed to make it in Iowa, a man of the station and in the circumstances of Silas Wright would be excluded from the office. No matter how much he might regard the honor of the position, no matter how well fitted to fill it, his poverty would forever prevent his accepting it. This false economy is contrary to the whole spirit of our institutions: it denies the poor man any participation in the administration of the government, and in effect creates an aristocracy under the garb of economy. In the case of the Judiciary, we think the evils resulting from such miscalled economy still more dangerous than in the case of the Executive—in the latter mischief *may* arise from want of qualification for office—in the former it *must*. Insecurity of private property, and enormous expense to the State and citizen must arise from incapacity in those who hold the offices of Judges. A large part of this expense grows directly out of a want of confidence in the Judge—hence the number of cases carried up by appeal and otherwise to the highest tribunal in the State. We have been informed by those who are familiar with such matters, that the number of cases thus taken up to the higher courts is almost as great in some of our new western States as in New York or Massachusetts. We must look for the reason of this in the character of the Judges and the respect had for their decisions. In this country they are not always the best men or the most learned lawyers the bar can produce. The salary is too small, the tenure too limited, to warrant such in leaving the bar for the bench. Less, we conceive, should be heard in Convention of the price to be paid the servants of the State, and more regard be had to the qualifications of those

who hold office.—To have all important offices well filled we would have the State pay enough to draw into her service the men best fitted to fill them—whatever is necessary to secure such men, the government should pay—and this we believe to be the only safe rule of economy.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 3, May 1, 1846.

THE CONVENTION.

Correspondence of the Herald.

Iowa City, May 6, 1846.

The Convention for the formation of a Constitution for the future State of Iowa, was organized on Monday morning. The democrats had agreed in caucus to confer the dignity which is supposed to attach to the Presidency of the Convention, upon Enos Lowe, of Burlington. He received 19 votes, and Stephen B. Shelleday, of Mahaska, 9 votes. Messrs. Shelleday and Grant conducted Mr. Lowe to the chair; after which he returned his thanks to the Convention for the honor it had conferred upon him. Mr. William Thompson, of Henry county, was unanimously chosen Secretary and William A. Skinner Sergeant-at-arms.—The democrats would not consent to *ballot* for President, lest some of the *faithful* might vote against Mr. Lowe. But called the names of members—requiring them to respond with the name of the person for whom they would vote for President. A novel proceeding, this, sure enough! However, this is a *progressive* age! It was supposed that Mr. Lowe would pursue a liberal course; but this was a great mistake. The first committee appointed was one to examine and report upon the credentials of members, which was composed entirely of out-and-out democrats. The committee upon the Bill of Rights and

Boundaries, consisting of five members, were all democrats but one, Mr. Bowie of Desmoines, who was added to the tail end of the committee. The committee on Corporations consists of four democrats and one whig, Mr. Bates is chairman, whose ultra notions are well known. The committee on the Judiciary are all democrats but one, the chairman whereof is a *doctor*, not of *laws*, but of *medicine*, who resides in Clinton county. There are not more than two whigs upon any committee, and they have not a chairman of a single one. Dr. Lowe has certainly pursued a very illiberal course.

From present appearances it cannot be doubted but that we will have a more illiberal Constitution than the old one. The boundary on the North will be fixed at 43 1-2 degrees. It will be fixed at that line, because there has been an intimation that that line would meet the views of Congress. The democrats are determined to have such boundaries as Congress will approve. They care not how much the State may be despoiled of her fair proportions. The following has been introduced as an amendment to, and will probably become the second section of the Article upon the Bill of Rights, viz:

"Government is instituted for the protection, security and common welfare of the whole people, and they, holding in themselves the political power of the State, do and ought to retain the inviolable right at all times to modify, alter and repeal, as well the Organic as the Legislative enactments, of all and any preceding Legislative bodies."

What do you think of that? Is not that radical democracy? You may depend upon it, that, if it should be defeated at present it will be reported by the committee on Corporations and will be adopted. If that becomes a part of the law of the land, and the people should adopt it, Iowa will remain stationary for a number of years to come. We have nothing whatever to hope, but everything to fear from the course indicated by the proceedings of the Convention

thus far. However, we have one consolation left, and that is, if they incorporate in the Constitution such features as the above, it will be an easy matter to *reject it*—and *rejected it will be.*

I write to you because the "Standard" is "not dead but *sleeping;*" it will probably awake ere long.

Yours, &c.,

VERITAS.

—Reprinted from the Bloomington Herald, New Series, Vol. I., No. 4, May 8, 1846.

PROGRESSION.

THE Capital Reporter of the 29th takes us to task for being behind the age in our views of legislation, and for insisting that members of the Convention should pay some regard to the provisions of the Constitutions within their reach, and not rely too much upon their own invention. We regretted the spirit of innovation which seems bent upon breaking down all ancient landmarks and treating with contempt the opinions of those who have gone before us. But it seems we are behind the age—this is a day, we are told, of progression, and it is idle for us to raise our voice against the "spirit of the age."

We confess we have some reverence for the laws and institutions of our forefathers—that we are guilty of believing the views of such men as Washington, Jay, Hamilton and Madison upon the subject of government to be more worthy of respect than the opinions of those great moderns, Augustus C. Dodge, Thomas Dorr, or even the mass of the Convention.

The word *progress* has lately been adopted as a Democratic principle, and considering how recently it has been adopted into the creed, it has certainly been carried out

with a great deal of zeal. We give below, as we find it in the Reporter, a most remarkable instance of progression in political economy, and one occurring, too, very recently. Refering to the rejection of the Constitution of last year, the editor consoles himself thus:

"Since the drafting of that instrument, great advancement has been made in the science of political economy, and consequently the civil code about to be framed, will doubtless be based upon much broader and more comprehensive democratic principles than was the former one. Do our opponents flatter themselves that they can frighten democrats from their known duty to themselves and posterity? Should circumstances conspire again to favor their designs, and enable the minority to triumph in thwarting the people's efforts to throw off their yoke of Territorial bondage, let them rest assured that each successive constitution which shall be framed, will be more essentially democratic than its predecessor." Is it possible there has been such great advancement made in the science of government this season as is here represented? We had not heard of it in Bloomington, but this comes of living in an out-of-the-way place; we are glad however that the Constitution about to be framed will have the benefit of the latest improvements in political economy. We would be obliged to our neighbor at the City if he would inform us when, and by whom, these discoveries were made. Would it not be well to adjourn the Convention for a time that we may have incorporated in our Constitution *the very latest progressions?* But it is to the closing paragraph we would call the attention of the whig party. We are warned if we reject the Constitution about to come forth, that each successive instrument will be more essentially democratic than its predecessor.—Here is food for serious reflection. We are placed in an unpleasant situation. But of two evils we choose the most distant, and prefer defeating, if possible,

a Constitution fraught with evil to our country, and are willing to submit to any infliction which may be put upon us in the future for our contumacy. We would not however be thought to oppose a State government—we are in favor of it. Let it be a Constitution for the people, and not solely for the party, and we will support it.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 5, May 15, 1846.

THE CONVENTION AND THE CONSTITUTION.

THE Convention for the formation of a Constitution for the State of Iowa, adjourned on Tuesday of this week. We have received a copy of the Constitution, and shall endeavor to lay it before our readers next week. We have not yet had time to examine critically its provisions. A cursory glance at its contents has satisfied us that it is not such a Constitution as is suited to the wants of Iowa. It is strictly a *party Constitution*, full of ultraism and illiberality —such an one as, in our opinion, is despotic in theory, and equally so in practice. The locofocos, while professing love for the people, have bound them hand and foot. They have, Delilah like, betrayed them and shorn them of their strength. They have rendered their voice impotent. Yet this is *democracy!* * * * * * Whilst it is democratic that, in a republican form of government, the will of the majority should be the supreme law of the land, it is democratic to say that, if three-fourths or nine-tenths of the people should want anything but hard money, *they shall not have it!* Whilst it is democratic to say that the representatives of the people are their servants, it is democratic for those servants to say to the people, "So far shalt thou come, but no farther." Whilst it is democratic to say that "All power is inherent in the people," it is equally democratic to add to that, by way of qualification, "except

such powers as we deem them incapable of exercising with discretion." We might proceed in enumerating the inconsistencies of the locofocos, but we forbear at present, hoping to be able to recur to this subject at another time.

The Constitution prohibits the incorporation of all private companies, and at the same time prohibits the State from becoming a stockholder in any company, public or private —thereby rendering it certain that we can never have internal improvements of any kind. It is true that it is provided that the General Assembly shall pass a *general law*, under which companies may be organized—being liable to such extent, as stockholders, as may be prescribed by law; but this we regard as little better than an entire prohibition. It is, at best, but an experiment, and we think it will be found impracticable. Companies will not organize and expend money in carrying out a project unless they can have some assurance that others will not be permitted to interfere with them in such a way as to render their exertions fruitless. We think the majority in the Convention erred by agreeing to fix our northern boundary at 43 1-2 degrees north latitude. The region of country above that line, and which was included in the boundaries prescribed by the first Convention, is rich in mineral productions, and we doubt not would have been a source of vast wealth to the State. But it seems that the democracy who sometimes pretend to be so tenacious of the people's rights, were willing to make any and all sacrifices in order to meet the approbation of the "powers that be."

What course then, it may be asked, would it be proper to pursue in the coming canvass for and against the Constitution? We think it is the imperative duty of every man who holds that the majority have a right to rule, to vote against the adoption of a Constitution which will cripple the energies of the State, and which must inevitably have a tendency to keep Iowa behind all her neighbors in works

of internal improvements—and in everything that would contribute to the development of her resources, and retard her advancement to that station which nature has designed her to occupy among the States of the Union.

—Reprinted from the Bloomington Herald, New Series, Vol. I., No. 6, May 22, 1846.

THE NEW CONSTITUTION.

In our last we gave briefly our opinion of this instrument —pointed out the most manifest objections to it and the reasons which would influence us in opposing it. We had hoped that the Convention would adopt a Constitution which would be acceptable to the great mass of our citizens, irrespective of party, as it was certainly in their power to have done. We confess we had looked for better things of the members of this body and have been disappointed. They have here offered to this people a Constitution embracing in its provisions the more prominent articles of democratic faith, and if it is rejected the responsibility must rest with those who have made it what it is. Would that the leaders of that body could have for the time, cast off the character of partizans and have acted the part of citizens sent into Convention to frame a government for our future State. Had such been the feeling which animated them, this instrument with its present odious party features would never have been presented; but in its stead might have been seen a good old fashioned Constitution, fitted to answer every purpose of good government, free from all party taint, and one which would have been accepted almost by acclamation. But unfortunately there are those in every country who make politics a trade; by this craft they expect to gain a living; upon the prosperity of a party, not of the country at large, they found their hopes, and though the interests of a future State should be blighted, if

the party is made safe they will receive their reward. We cannot doubt there were such men in the late Convention, the party leaders in Iowa, who look to the State offices and seats in Congress to be filled and regard it as most important they should be found faithful to the democracy from the beginning.

It is upon account of the character such men have stamped upon this instrument that we oppose it.—We object to it that it is not confined to its legitimate purpose—defining the boundaries of the State—setting out a Bill of Rights—instituting offices—and putting the machinery of government in motion—but it goes further and seeks to fasten upon this people the tenets of a party.

We object to this Constitution that it has been once offered and rejected, and by proposing it again it is attempting to dictate to this people what sort of a government shall be imposed upon them. We know that local interests contributed somewhat to the defeat of the former Constitution, but the opposition to it was confined to no section of the Territory—but was general; the reason for its rejection is not to be found then in dissatisfaction with the boundaries as prescribed by that instrument, but in the illiberal and party provisions found there, and in the sense of justice which characterises the people whether whigs or democrats. They ask for Iowa such a Constitution as they have been accustomed to in the older States of the Union.

This Constitution in all its obnoxious features is similar to its predecessor—in effect the same. By presenting it again to the people an issue is made between the citizens and these party leaders; it remains to be seen which must yield in the contest, and whether we have any real independence or must tamely submit to this dictation. But if for the first time now offered its own character is enough to condemn it.

The object of a Constitution we conceive to be, to set

the wheels of government in motion and at the same time to secure from the reach of ordinary hasty legislation, certain inalienable rights of the citizen which are of too high a nature to be exposed to the varying opinions of the day. Any such restraint upon the people, through the legislature, is a restriction upon the right of the majority to pass laws which shall govern the minority, and when not carried too far, or perverted to accomplish unholy purposes—is wise.

But however salutary the restraint has been found to be, it is still an infringement upon one of the first principles of a republican government, and should be confined to narrow bounds. What do we see here, and how have these defenders of the rights of the people, these worshippers of the dear people, whose love passes the love of woman—how have they regarded the rights of the majority in forbidding them to pass at any time such laws as they may see fit? They are forbidden to touch certain subjects, and those the ordinary subjects of legislation. They have treasured up among provisions securing the most sacred rights of the subject, the dogmas of their party. Rights we have inherited from those who secured our independence and which are dear to every American, are here classed with the most ultra democratic abstractions.

We object to this Constitution because it is *essentially democratic* and not intended for the citizens irrespective of party—because it has once been rejected by the people. For these reasons, and for its tendency to degrade the Judiciary, depress the enterprise of the people, and restrict them in their highest prerogatives, that of making laws, we feel that it becomes every liberal minded man whether whig or democrat to cast his vote against it. We shall at another time present in detail our objections to those particular provisions which we consider most odious and illiberal.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 7, May 29, 1846.

ELECTIVE JUDICIARY.

In classifying our objections to the Constitution now offered, we rank this as first: that the District Judges are to be elected every five years by the people, and the Supreme Judges every six years by joint ballot of the two houses of the Legislature.—Having no journal of the debates in the late Convention, it is impossible to tell upon what grounds the present mode of appointing the District and Supreme Court Judges was condemned, and a popular election preferred. We suppose there must have been some weighty reasons for making such a change, and we trust the democratic press of the Territory will inform the people why it is that the policy of the General Government, and of the States at large, was discarded by our law makers in favor of an untried experiment. Can it be shown that the present system in the case of the Federal and State governments has failed to accomplish its purpose, and is defective? or is it pretended that any charges have been made against the Judiciary as it now exists? There should be a reason for a change such as this, and the people have a right to ask what advantages may we expect from a popular election. Have not our Judges throughout the country proved themselves both capable and honest? Have not the laws been faithfully and impartially administered? And has not the Judiciary of the Federal Government and the several States been at all times the most pure and dignified branch of the government? All admit that it is so—and why, we ask, is this system under which we have grown up, and which has the full confidence of the people, to be now changed? It is not sufficiently democratic—and this in our day and generation is objection enough. It is nothing that the courts as constituted have administered justice impartially between man and man—it is nothing that they have been looked up to by the people

with confidence and respect, and their decisions quietly acquiesced in; the character of the Bench cannot shield it against innovation—it must be *modernised* to suit the progress of the age. The Judiciary at this day is the popular branch of the government—the people cling round it as the palladium of their rights, and feel a respect for this office which they feel for none other. Would that this feeling could be continued, and the Bench be preserved from a popular election and party feeling. We believe the Judiciary of the General Government forms the best model for our institution; of the Federal Courts an American may feel proud—by them the constitutional laws of the United States have been administered with wisdom and firmness—in times of the greatest excitement, when State was arrayed against State, the confidence in the virtue and wisdom of the Judges has preserved the Union. Contemplate such men in their proud position, dependent upon no party—answerable to no caucus or clique—but wisely and fearlessly doing their duty; and then turn to view the Judiciary a *party* would create. To be a Judge under the proposed Constitution, a man must become a *candidate*—he must enter actively upon a political canvass—must resort to all the management and intrigue of such a contest. He who desires an election before the people must make use of party machinery to effect his purpose. Caucuses must sit in private—Conventions be called, and pledges tendered to candidates to sign—(as was done but a few weeks since by the democracy of Muscatine to their candidates for Convention)—and the would be Judge must walk up and give his assent to the articles of party faith.—"Do you believe," says the chairman of such a Convention, to the candidate, "that the decrees of the Baltimore Convention form the only true rule of democratic faith and practice?" "I do." "Do you believe that a charter granted by a Legislature is a contract which cannot be violated by the will of either

party?" &c., &c. If the candidate is found to be sound in the faith, he is sent out to the people with the approbation of the caucus—and such is the man who is to assume the ermine of Justice, and administer the laws without fear or favor. We will suppose such an one going upon the Bench in the lower District of the Territory. The disputed titles in the Half Breed Tract come before him for adjudication; he holds his place by popular favor—at the end of five years he is to be a candidate again. Can the decision of such a man so situated give satisfaction or inspire confidence? If he do not allow popular feeling to influence him, he cannot repress suspicion. We would not willingly expose a Judge to such a temptation to do wrong—the man's bread depends upon his securing the favor of the electors. The term of five years is too short to learn to be a Judge, and hardly long enough to prepare the way for a re-election. And how is it with the Supreme Court Judges: their election is before the Legislature, and this is the scene of *their* electioneering.—We think it preferable to a popular election, but the same objections apply. Instead of mounting the stump, the candidate here must resort to the Capitol and work out his election there. The means to be used are the same—he is the servant of a party and must do their bidding. What so degrading to an honorable man as to be obliged to cringe and stoop to those who hold the office in their gift—to crawl up to an office which he feels he has disgraced. And what is he when fairly in his seat—an honorable, high-minded, just Judge, or a *pledged party hack?* Let those answer who would degrade an honorable office.

We know that the democracy feel somewhat confident of being able to inflict this system upon us. They say we are not the friends of the people, and would deny them the possession of power, &c.—that they look to them as the fountain of all authority, and that the Judiciary should be

placed in their hands. There are cases where we do not think an intelligent people would permit a popular election. We would not have an army elect their General, or the crew of a man-of-war their Commander, because it would destroy all subordination; but we are in favor of extending popular elections, but in another direction. We ask those dear friends of the people to assist us in making Postmasters throughout the land elective by the voters of their districts; here we think a change of some importance might be made with safety, and the immense patronage of the department taken away. What does our friend of the Reporter say to this? But to the election of the Judges we are opposed—and consider such a provision sufficient to defeat the Constitution were there no other objection to it.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 8, June 5, 1846.

PARTY UNANIMITY.

THE Capital Reporter of the 10th ult., under the head of "Doctors will Differ," contrasts the views taken by the Hawkeye and ourself of the proposed Constitution, and points out a difference of opinion which exists between us as to its character when compared with the Constitution of last year. The editor exults over this, and refers with pride to the unanimity which exists among the democracy, and from it argues the success of his party. That this harmony among the dominant party is the true source of their power we cannot doubt—nor are we ignorant of the fact that difference of opinion has been the stumbling block in the way of the whigs. That party discipline is defective which admit of any dissension between leaders and followers—and the independence of the whig party, and their aversion to all rule in matters of opinion, has been fre-

quently the cause of their defeat. That party is not formed of the right material, to be drilled and marshalled by aspiring leaders, which admits of any such independence —with the whigs the individual is never sufficiently merged into the partisan to make an efficient, ready tool; and we glory in a defeat which grows out of such independence.— Men's views are different, their modes of reasoning various, and any constant unanimity must grow out of the overbearing dictation of the few, or the subserviency of the mass.

Let us see how it is that our opponents can be always brought to act together, and what influence is used to put down opposition to the views of the leaders. The columns of the Reporter expose the discipline which it is found necessary occasionally to resort to in governing the rank and file of the party. In the number to which we have referred the editor calls a portion of the party to account for lukewarmness and holding back, when the word is— forward. There is, it seems, a little local opposition to the Constitution which the leaders at the City feel themselves called upon to rebuke. Party discipline must be kept up— and the editor of the Reporter sets to work to whip in the refractory spirits at the North. Hear him:

"Therefore," after reciting their short-comings, "having occupied our present position long enough to become familiar with the ground, and having, moreover, fortified ourself against the malice of faithless and designing men, we will in future, whenever occasion requires, unhesitatingly denounce the corrupt practice here alluded to, [to-wit, holding back] and will not fail to hold up those who are guilty of resorting to them, denuded of their specious covering, to the scorn and indignation of that public whose confidence they so flagrantly abuse."

Whether in this instance the power of the organ will prove sufficient to hush all opposition remains to be seen; it would be a novelty indeed to see this assumed authority

spurned and the threats of party leaders disregarded. The editor tells us he has been long enough in his seat to understand these things, and that whenever an occasion calls for it he will apply the lash. The Miners' Express, it seems, is somewhat out of order, and towards that paper the Reporter turns as towards an erring brother—he would wittingly overlook his wanderings, and yet his duty as party censor must be performed. After a most impressive warning in his paper of the 3d ult., the editor leaves the Express with this remark:

"The generous democracy of Iowa have an unquestionable *right* to expect from the Express a zealous and *undivided* support of the great principles now at issue, and being unwilling to interpose any obstacle to their interests, we refrain from further remarks at present."

In a subsequent number we are afforded an opportunity of observing the effect which the admonition had upon the party under censure. The editor referring to the subject says:

"We would remark by the way, that the Express has started out upon the right track in the campaign which is at hand; whether it will continue upon the straight forward democratic course, remains to be seen. We are bound, at all events, to give the devil his due."

We trust the editor of the Express will not by continued contumacy tempt a party excommunication, but will look well to his ways and congratulate himself with being still a democrat, without aspiring to be considered one of the *unterrified.*

It is by preaching democracy and practicing the most intolerant dictation, that the democratic party is cajoled and caressed, and at the same time made to obey.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 11, June 26, 1846.

INTERNAL IMPROVEMENTS.

* * * * * * * * * *

It is curious to observe the history of the opposition which the democracy display towards projects of internal improvements. There has been for years a party in Congress connected with the Administration who term themselves strict constructionists, these profess to find in the constitution of the United States no power given to Congress to carry on works of this nature, they have uniformly opposed the granting of the public money for such purposes. Many of them not doubting the expediency of the General Government prosecuting such works if the Constitution permitted it. These men are leaders of the party—their views have become the views of the party, and the democracy for the sake of consistency find themselves opposed not only to the right of the United States, for the reason given, but also to the right of any State to encourage and promote such undertakings in its constitution. This is progression with a vengeance.

Upon this view have they framed for Iowa the constitution now presented, and are throwing in the way of the State those very difficulties which their leaders regretted in the case of the Federal Government. For the sake of carrying out theories the substantial interests of the State are to be prostrated.—And fearful lest the people should undo their work these lawmakers have not been content with doing nothing to advance the prosperity of the country, but have forbidden the citizens doing as their interests may prompt in the future, lest they should by their action destroy the symmetry of a model State government.

Other States may go on in a career of improvement, but Iowa is to be placed in the hands of the experimenters. Where natural advantages exist they may not be improved —where they do not exist we are forbidden to supply their

place. If there were no other objection to this constitution it would be enough to condemn it in our eyes that it does not encourage in our new State works of internal improvements—but when it goes further and seeks to suppress any such enterprise, we cannot conceive it to be such a constitution as will promote the best interests of this people.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 13, July 10, 1846.

THE ELECTION.

* * * * * * * * * *

Another question of vital importance is also to be decided at the coming election. That question is, whether we shall adopt the present constitution, and by adopting it, say, by our votes, that the Seat of Government shall be removed to the Desmoines river. This is no imaginary thing. The fact has been shadowed forth by the head and front—middle and rear—beginning and ending of the loco-foco party, in a speech delivered in the House of Representatives of the United States, June 8th. If there be any who are not interested in retaining the Seat of Government at Iowa City, we suppose they will vote for the constitution. This results from the mutilation of our boundaries, and from the shameful surrender of the rights of the people by the majority in the last convention. We wish the people to think upon this matter, and, after thinking, to act.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 14, July 17, 1846.

THE CONSTITUTION.

For The Herald.

Mr. Editor:—The Constitution by which to organize the State of Iowa—a fundamental law for one of the sovereign States of this enlightened republic, is again before

us for our acceptance or rejection. Let us duly appreciate and be grateful for this high privilege—the freedom of the ballot-box—so dearly bought, and so highly valued by our good old ancestors. They transmitted this important trust to us, and we ought to be faithful to it, and let no secondary objects interfere with our candid judgments and best motives in the discharge of this duty of self government.

The public press and the people throughout the Territory, are, as a general thing, divided on this question; the democrats supporting the Constitution and the whigs opposing it. Now, Mr. Editor, I suppose you will not object to a few words from a democrat in opposition to the adoption of this Constitution.

My first objection is that we do not want yet to assume a State Government. It is true we should have two Senators in Congress, and be entitled to 3 or 4 votes among nearly 300 for President. I cannot consider these privileges to be worth more than half the amount of money, or more than half as much as the privilege we annually receive from the Government Treasury. But it is argued we ought to have patriotism enough to support our own State Government; and yet the acts of our Legislators are approved of when they vote to apply all the appropriations, without the least regard to usefulness, we possibly can get from the Government Treasury, either by fair means or foul stratagem. We repudiate the pretended patriotism of all such men.

But I object to the Constitution itself because of some of the very extraordinary things therein to be found; if I can be permitted to speak out with perfect freedom, I should say I believe that when it is tried it will be found that there are several features in it which are not improvements on the Constitutions of the older States. But it may be thought that I am not for progress and improvement. I am for progress and improvement, but when we change such

fundamental principles as are to be laid down in a Constitution, let us be careful and take "a second sober thought" and *be sure they are improvements.* It is true there are objectionable things in the laws of some of the older States; but let us take our National Constitution, which is democratic enough for me, also the States of New York, Pennsylvania and others and see wherein our Constitution differs from them. In the laws of the General Government, and in the laws of the several older States, there is much wisdom and experience, and prosperity unparalleled. Let us turn our thoughts homeward for a moment and see what great improvements we may expect in the way of Constitution making. I would not question the ability of the people of Iowa to form a suitable Constitution, but when I see such a wide deviation from the laws of the older States, as in the Judiciary, Internal Improvements, Incorporations, &c., I have a right to doubt the expediency of it; and with the purest motives in the world, I would advise every democrat and every whig, to exercise the right of freemen in voting upon this Constitution.

Truly,

NOT A CANDIDATE.

—Reprinted from The Bloomington Herald, New Series, Vol. I., No. 16, July 31, 1846.

APPENDIX A.

DATA RELATIVE TO THE MEMBERS OF THE CONVENTION OF 1844.

MEMBERS OF THE CONVENTION.

We are under obligation to George S. Hampton, Esq., Secretary of the Convention, for the following tabular statement of the members of the Convention, showing their places of nativity, ages, occupations, and residences. It will be perceived that a majority of them are farmers, and that their average age is about forty years.

NAMES.	NATIVE STATE.	AGE.	OCCUPATION.	RESIDENCE.
Gideon S. Bailey	Kentucky	34	Physician	Van Buren County.
Ralph R. Benedict	Vermont	41	Millwright	Clinton do
S. W. Bissell	New York	31	Physician	Cedar do
J. C. Blankenship	Virginia	36	Farmer	Davis do
Paul Bratton	North Carolina	43	do	Van Buren do
Robert Brown	Pennsylvania	43	do	Jefferson do
J. W. Brookbank	Virginia	28	Physician	Louisa do
Hardin Butler	Kentucky	37	Farmer	Jefferson do
A. W. Campbell	Ohio	42	do	Scott do
C. B. Campbell	Pennsylvania	52	do	Washington do
Thomas Carleton	do	41	Merchant	Van Buren do
Wm. W. Chapman	Virginia	36	Attorney at Law	Wapello do
James Clarke	Pennsylvania	32	Printer	Des Moines do
Ebenezer Cook	New York	34	Attorney at Law	Scott do
T. Crawford	Vermont	36	Farmer	DuBuque do
Elisha Cutler, Jr.	Massachusetts	28	Mechanic	Van Buren do
John Davidson	Pennsylvania	59	Millwright	do do
V. B. Delashmutt	Virginia	42	Farmer	Mahaska do
Sam'l W. Durham	Indiana	27	Farmer and Surveyor	Linn do

NAMES.	NATIVE STATE.	AGE.	OCCUPATION.	RESIDENCE.
Lyman Evans	New York	53	Farmer	Clinton County.
Henry Felkner	Ohio	34	do	Johnson do
J. E. Fletcher	Vermont	38	do	Muscatine do
David Ferguson	Ohio	36	do	Van Buren do
Wm. H. Galbraith	Pennsylvania	27	Attorney at Law	Wapello do
David Galland	Ohio	49	Farmer	Lee do
Francis Gehon	Tennessee	47	Miller	DuBuque do
James H. Gower	Maine	38	Farmer	Cedar do
James Grant	N. Carolina	31	Attorney at Law	Scott do
J. C. Hall	New York	36	Attorney at Law	Henry do
John Hale	Ohio	34	Farmer	Van Buren do
Wm. R. Harrison	N. Carolina	31	Attorney at Law	Washington do
J. C. Hawkins	Kentucky	59	Farmer	Henry do
Stephen Hempstead	Connecticut	32	Attorney at Law	DuBuque do
George Hepner	Kentucky	38	Farmer	Des Moines do
Joseph D. Hoag	Vermont	44	do	Henry do
George Hobson	N. Carolina	30	Merchant	do do
Andrew Hooten	New Jersey	57	Farmer	Des Moines do
Alexander Kerr	Scotland	52	do	Lee do
J. S. Kirkpatrick	Illinois	38	do	Jackson do
Ed Langworthy	New York	36	Miner	DuBuque do
Enos Lowe	N. Carolina	39	Physician	Des Moines do
R. P. Lowe	Ohio	36	Attorney at Law	Muscatine do
Robert Lucas	Virginia	63	Farmer	Johnson do
James Marsh	Pennsylvania	43	do	Lee do
Wm. Morden	Ohio	43	do	Jackson do
Samuel W. McAtee	Kentucky	30	do	Davis do
Sam'l H. McCrory	Virginia	32	Farmer	Johnson County.
Thomas J. McKean	Pennsylvania	28	Civil Engineer	Linn do
James I. Murray	do	43	Farmer	Jefferson do
Michael O'Brien	Ireland	36	Miner	DuBuque do
S. B. Olmstead	New York	31	Farmer	Clayton do
O. S. X. Peck	New York	28	Attorney at Law	Lee do
C. J. Price	N. Carolina	44	Farmer	do do
Richard Quinton	Kentucky	38	do	Keokuk do
J. H. Randolph	Virginia	39	do	Henry do
John Ripley	Pennsylvania	52	do	Des Moines do
Henry Robinson	do	66	do	do do
S. S. Ross	Kentucky	44	do	Jefferson do
Enoch Ross	Pennsylvania	36	Mechanic	Washington do
Henry M. Salmon	Germany	45	Merchant	Lee do
Elijah Sells	Ohio	30	Farmer & Merchant	Muscatine do
S. B. Shelleday	Kentucky	43	Farmer	Mahaska do
Charles Staley	Virginia	45	Physician	Lee do
Luman M. Strong	Vermont	40	Farmer	Linn do
John Taylor	N. Hampshire	35	do	Jones do
John Thompson	Virginia	59	do	Lee do
Wm. L. Toole	do	40	do	Louisa do
Samuel Whitmore	Pennsylvania	50	do	Jefferson do
Wright Williams	New York	40	do	Louisa do
John D. Wright	Vermont	37	do	Des Moines do
Richard B. Wyckoff	New York	29	do	Jackson do
Shepherd Leffler	Virginia	33	do	Des Moines do

—Reprinted from The Iowa Capital Reporter, Vol. III., No. 41, Oct. 19, 1844.

THE following data relative to the members of the Convention of 1844 was compiled by Theodore S. Parvin. With his permission it is now published for the first time.

MEMBERS (72) OF THE CONSTITUTIONAL CONVENTION, IOWA,—1844.

OCT. 7TH—NOV. 1ST, 25 DAYS.

The following tabular statement of the members of the Convention shows their places of nativity, ages, occupations, counties represented, years in Iowa and political affiliations.—The WHIGS being italicized.

NAMES	NATIVE STATES	AGE	OCCUPATION	RESIDENCE	YEARS IN IOWA
Bailey, Gideon S.	Kentucky	34	Physician	Van Buren County	7
Benedict, Ralph R.	Vermont	41	Millwright	Clinton "	4
Bissell, Samuel W.	New York	31	Physician	Cedar "	4
Blankenship, J. C.	Virginia	36	Farmer	Davis "	4
Brattain, Paul	North Carolina	43	Farmer	Van Buren "	6
Brookbank, John W.	Virginia	28	Physician	Louisa "	5
Brown, Robert	Pennsylvania	43	Farmer	Jefferson "	4
Butler, Hardin	Kentucky	37	Farmer	Jefferson "	5
Campbell, Caleb B.	Pennsylvania	52	Farmer	Washington "	4
Campbell, Andrew W.	Ohio	42	Farmer	Scott "	6
Chapman, Wm. W.	Virginia	36	Lawyer	Wapello "	8
Charlton, Thos.	Pennsylvania	41	Merchant	Van Buren "	5
Clarke, Jas.	Pennsylvania	32	Printer	Des Moines "	8
Cook, Ebenezer	New York	34	Lawyer	Scott "	7
Crawford, Theophilus	Vermont	36	Farmer	Dubuque "	6
Cutler, Elisha, Jr.	Massachusetts	28	Mechanic	Van Buren "	6
Davidson, John	Pennsylvania	59	Millwright	Van Buren "	5
Delashmutt, V. B.	Virginia	42	Farmer	Mahaska County	7
Durham, Samuel W.	Indiana	27	Surveyor	Linn "	5
Evans, Lyman	New York	53	Farmer	Clinton "	4
Felkner, Henry	Ohio	34	Farmer	Johnson "	6
Fletcher, John E.	Vermont	38	Farmer	Muscatine "	6
Ferguson, David	Ohio	36	Farmer	Van Buren "	6
Galbraith, Wm. H.	Pennsylvania	27	Lawyer	Wapello "	5
Galland, David	Ohio	49	Physician	Lee "	14
Gehon, Francis	Tennessee	47	Miller	Dubuque "	8
Gower, Jas. H.	Maine	38	Merchant	Cedar "	4
Grant, Jas.	North Carolina	31	Lawyer	Scott "	6
Hall, John C.	New York	36	Lawyer	Henry "	3
Hale, John	Ohio	34	Farmer	Van Buren "	5
Harrison, Wm. R.	North Carolina	31	Lawyer	Washington "	4
Hawkins, Jos. C.	Kentucky	59	Farmer	Henry "	6
Hempstead, Stephen	Connecticut	32	Lawyer	Dubuque "	8
Hepner, Geo.	Kentucky	38	Farmer	Des Moines "	7
Hoag, Jos. D.	Vermont	44	Farmer	Henry "	6
Hobson, Geo.	North Carolina	30	Merchant	Henry "	6
Hooten, Andrew	New Jersey	57	Farmer	Des Moines "	5
Kerr, Alexander	Scotland	52	Farmer	Lee "	5
Kirkpatrick, Jos. S.	Illinois	38	Farmer	Jackson "	4
Langworthy, Edw.	New York	36	Miner	Dubuque "	14
Leffler, Shep. *Prest.*	Virginia	33	Lawyer	Des Moines "	9
Lowe, Enos	North Carolina	39	Physician	Des Moines "	8
Lowe, Ralph P.	Ohio	36	Lawyer	Muscatine "	16
Lucas, Robert	Virginia	63	Farmer	Johnson "	6
McAtee, Samuel W.	Kentucky	30	Farmer	Davis "	5
McCrory, Samuel H.	Virginia	32	Farmer	Johnson "	7

NAMES	NATIVE STATES	AGE	OCCUPATION	RESIDENCE	YEARS IN IOWA
McKean, Thos. J.	Pennsylvania	28	Civil Engineer	Linn County	5
Marsh, James	Pennsylvania	43	Farmer	Lee "	5
Morden, Wm.	Ohio	43	Farmer	Jackson "	3
Murray, Jas. I.	Pennsylvania	43	Farmer	Jefferson "	5
O'Brien, Michael	Ireland	36	Miner	Dubuque "	8
Olmstead, Samuel B.	New York	31	Farmer	Clayton "	7
Peck, O. S. X.	New York	28	Lawyer	Lee "	6
Price, Calvin J.	North Carolina	41	Farmer	Lee "	7
Quinton, Richard	Kentucky	38	Farmer	Keokuk "	5
Randolph, John H.	Virginia	39	Farmer	Henry "	6
Ripley, John	Pennsylvania	52	Farmer	Des Moines "	6
Robinson, Henry	Pennsylvania	66	Farmer	Des Moines "	7
Ross, Enoch	Pennsylvania	36	Mechanic	Washington "	6
Ross, Sulifand S.	Kentucky	44	Farmer	Jefferson "	6
Salmon, Henry M.	Germany	45	Merchant	Lee "	6
Sells, Elijah	Ohio	30	Mechanic	Muscatine "	3
Shelledy, Stephen B.	Kentucky	43	Farmer	Mahaska "	4
Staley, Chas.	Virginia	45	Physician	Lee "	5
Strong, Luman M.	Vermont	40	Farmer	Linn "	4
Taylor, John	New Hampshire	35	Farmer	Jones "	4
Thompson, John	Virginia	59	Farmer	Lee "	6
Toole, Wm. L.	Virginia	40	Farmer	Louisa "	7
Whitmore, Samuel	Pennsylvania	50	Farmer	Jefferson "	5
Williams, Wright	New York	40	Farmer	Louisa "	5
Wright, Jno D.	Vermont	37	Farmer	Des Moines "	6
Wyckoff, Richard B.	New York	29	Farmer	Jackson "	5

Whigs, italics 21
Democrats 51

APPENDIX B.

DATA RELATIVE TO THE MEMBERS OF THE CONVENTION OF 1846.

LIST OF MEMBERS OF THE CONVENTION,

WHICH met on the first Monday in May, 1846, at Iowa City, to form a Constitution for the future State of Iowa.

MEMBERS' NAMES.	COUNTY REPRESENTED.	NATIVE STATE.	OCCUPATION.	AGE.
William Hubbell	Jackson	Connecticut	Merchant	39
John Ronalds	Louisa	Vermont	Farmer	47
John Conrey	Marion, Polk, Iowa, etc.	Ohio	Farmer	36
Josiah Kent	Lee	Pennsylvania	Plasterer	41
George Berry	Lee	Virginia	Farmer	41
*Enos Lowe	Desmoines	North Carolina	Physician	42
Erastus Hoskins	Van Buren	Connecticut	Farmer	51
Wareham G. Clark	Monroe	Connecticut	Farmer	33
Shepherd Leffler	Desmoines	Virginia	Farmer	35
John J. Selman	Davis	Alabama	Physician	29
Wm. G. Cook	Jefferson	Virginia	Farmer	41
Curtis Bates	Johnson	Ohio	Attorney at Law	40
Samuel A. Bissell	Cedar	New York	do	33
Socrates H. Tryon	Linn & Benton	Vermont	Physician	30
Thomas Dibble	Van Buren	Connecticut	Farmer	67
Sulifand S. Ross	Jefferson	Kentucky	Farmer	46
Joseph H. Hedrick	Wapello	Kentucky	Farmer	32
Stewart Goodrell	Washington	Pennsylvania	Mechanic	32
Sanford Harned	Keokuk	Kentucky	Lawyer	32
J. Scott Richman	Muscatine	Ohio	Lawyer	25
George Hobson	Henry	North Carolina	Merchant	31
S. B. Shelledy	Mahaska	Kentucky	Farmer	45
David Galland	Lee	Ohio	Farmer	51

*President of the Convention; Wm. Thompson, Esq., of Henry County, Secretary.

MEMBERS' NAMES	COUNTY REPRESENTED	NATIVE STATE	OCCUPATION	AGE
James Grant	Scott	North Carolina	Attorney	33
F. K. O'Ferrall	Du Buque	Virginia	Smelter	34
H. P. Haun	Clinton	Kentucky	Attorney	31
T. McCraney	Du Buque	New York	Farmer	57
Alvin Saunders	Henry	Kentucky	Merchant	30
G. W. Bowie	Desmoines	Maryland	Lawyer	24
Sylvester G. Matson	Jones	Vermont	Physician	38
William Steele	Van Buren	Ohio	Merchant	36
David Olmstead	Clayton	Vermont	Trader	23

—Reprinted from The Iowa Capital Reporter, Vol. V., No. 13, May 6, 1846.

THE following data relative to the members of the Convention of 1846 was compiled by Theodore S. Parvin. With his permission it is now published for the first time.

MEMBERS (32) OF THE CONSTITUTIONAL CONVENTION, IOWA,—1846.

MAY 4TH—MAY 19TH, 15 DAYS.

The following tabular statement of the members of the Convention shows their places of nativity, ages, occupations, counties represented, years in Iowa, and political affiliations,—the WHIGS being italicized.

NAMES.	NATIVE STATE.	AGE.	OCCUPATION.	RESIDENCE.	YEARS IN IOWA.
Bates, Curtis	Connecticut	40	Lawyer	Johnson County	5
Berry, Geo.	Virginia	30	Surveyor	Lee "	5
Bissell, Samuel A.	New York	33	Physician	Cedar "	
Bowie, Geo. W.	Maryland	26	Lawyer	Des Moines "	

Clark, Wareham G.	New York	34	Merchant	Appanoose &c "	4
Conrey, John				Iowa "	
Coop, Wm. G.	Virginia	35	Farmer	Jefferson "	7
Dibble, Thos.	Connecticut	68	Farmer	Van Buren "	6
Galland, David	Ohio	51	Physician	Lee "	16
Goodrell, Stewart	Pennsylvania	36	Carpenter	Washington "	5
Grant, James	North Carolina	33	Lawyer	Scott "	8
Harned, Sanford	Kentucky	32	Lawyer	Keokuk "	7
Haun, Henry P.	Kentucky	31	Lawyer	Clinton "	1
Hedrick, Jos. H.	Kentucky	33	Merchant	Wapello "	2
Hobson, Geo.	North Carolina	32	Merchant	Henry "	5
Hoskins, Erastus	Connecticut	53	Farmer	Van Buren "	1
Hubbell, Wm.				Jackson "	
Kent, Josiah	Pennsylvania	41	Farmer	Lee "	6
Leffler, Shepherd	Virginia	35	Lawyer	Des Moines "	11
Lowe, Enos	North Carolina	41	Physician	Des Moines "	10
McCraney, Thos.	New York	48	Farmer	Dubuque &c "	10
Matson, Sylvester G.	Vermont	38	Physician	Jones "	1
O'Ferrall, Francis K.	Virginia	34	Merchant	Dubuque &c "	10
Olmstead, David				Clayton "	
Richman, J. Scott	Ohio	26	Lawyer	Muscatine "	6
Ronalds, John	Vermont	47	Farmer	Louisa "	9
Ross, Sulifand S.	Kentucky	46	Farmer	Jefferson "	8
Saunders, Alvin	Kentucky	30	Merchant	Henry "	10
Selman, John J.			Physician	Davis "	4
Shelledy, Stephen B.	Kentucky	45	Farmer	Mahaska "	6
Steele, Wm.	Ohio	36	Merchant	Van Buren "	8
Tryon, Socrates H.	Vermont	35	Physician	Linn &c "	7

Whigs, italics 10
Democrats 22