

Southwestern Iowa's Representation in the Third General Assembly

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SOUTHWESTERN IOWA'S REPRESENTATION IN THE
THIRD GENERAL ASSEMBLY

The letter from A. D. Miller, Jr., of Salt Lake City, Utah, copy of which we produce below, led us to the knowledge of the interesting situation, as revealed by the documents quoted herein. In the rapid settlement of the state and the organization of the counties some confusion inevitably occurred.

Salt Lake City, Utah,
372 E. 1st St., So.,
Feb. 17, 1926.

Secretary of State,
Des Moines, Iowa.
Dear Sir:

I find, from the history of my people in Iowa, that my grandfather, Henry W. Miller, was the bearer of a petition to the legislature of Iowa in January, 1848, asking for a post office for what is now Council Bluffs, and the creation of Pottawattamie County. Have been informed that he served in one of the legislatures between 1848 and 1852. Could you give me that information, or whether he served as a county officer? Thanking you,

Yours respectfully,

A. D. MILLER, JR.

CHAPTER 84

Acts of the First General Assembly, 1846-47.

Section 1. *Pottawattamie county may be organized.* That the country embraced within the limits of what is called the Pottawattamie Purchase on the waters of the Missouri River, in this state, be, and the same may be, temporarily organized into a county by the name of Pottawattamie, at any time when, in the opinion of the judge of the Fourth Judicial District, the public good may require such organization.— Approved February 24, 1847.

The certificate attached to the abstract of election returns of Pottawattamie County for September 21, 1848, and the certificate of election of representatives as they appear in the Archives Division of the Historical, Memorial and Art Department of Iowa, are as follows:

I certify that the above abstract of votes given at the time and place above specified is correct, and that the county is organized.

WILLIAM PUCKETT,

Organizing Sheriff of Pottawattamie County, Iowa.

Dated this 25th day of September, 1848.

The State Iowa, }
 Pottawattamie County } ss.

I hereby certify that at an election held on the 5th day of August, in the year 1850, in said county, Henry W. Miller was duly elected representative for said county to the General Assembly of the State of Iowa.

In Testimony Whereof I have hereto set my hand with the Seal of the Board of Commissioners of the said county hereto affixed, at my office in Kanesville in said county, this 10th day of August, A. D. 1850.

T. BURDICK,

Clerk of the Board of Commissioners of Said County.

From the Journal of the House of Representatives of the Third General Assembly, 1850, we quote as follows:

December 7. Mr. Summers presented credentials of Benjamin Rector, of Fremont county, and M. H. Clark, of Pottawattamie county, as Representatives from those counties to the General Assembly of Iowa; which were read and referred to the Committee on Elections, with instructions to report on Monday morning next.

December 9. Mr. Gamble, from the Committee on Elections, to whom was referred the election certificates of M. H. Clark, and Benjamin Rector, reported progress and asked leave to sit again, which was granted.

December 11.

REPORT.

1st. That Benjamin Rector, of Fremont County, appears to have been elected at the last August election, representative to represent the interests of the people of that county in this House, during its present session. It further appears from the report of the auditor of state, that the people of Fremont County, Iowa, have paid taxes into the state treasury for the years 1849 and 1850 which would imply (in the judgment of your committee) that they should be represented, as it is a cardinal principle in our form of government that representation and taxation should go together. But by Section 31, Article IV of the Constitution, the number of representatives is limited to thirty-nine; and by an act entitled "An act to reapportion the state and define the boundaries of senatorial and representative districts therein," the whole number of representatives was therein provided for, and as Fremont County was not included in any one of the districts defined by said act, your committee knows of no law whereby the said Rector can be admitted either as a representative or delegate on the floor of this House.

2nd. It appears from the paper which was before the committee, that "at a meeting of the citizens of Council Bluffs and vicinity," Dr. M. H.

Clark was appointed a special delegate to attend the present session of the legislature, to represent the interests of Pottawattamie County. This county, like Fremont, has been taxed for the last two years, and contains several thousand souls; yet it is entirely without any representative in either branch of the state legislature, nor can your committee find either law or precedent by which the special delegate from Council Bluffs, or any other person from said county, no matter how or by whom he may have been elected, can have admittance to a seat on the floor of this house to participate in its deliberations in any way whatever.

Your committee having submitted a plain statement of facts for the consideration of the House, would respectfully ask to be discharged from the further consideration of the subject.

Mr. Preston of Monroe presented the credentials of Henry W. Miller, claiming the right to a seat within the bar of the House as representative from the county of Pottawattamie.

On motion of Mr. Flint the House resolved itself into a Committee of the Whole for the consideration of the report of the Committee on Elections, together with the credentials of Henry W. Miller, at 25 minutes past 2 P. M., Mr. Preston of Linn in the chair.

Four o'clock, 15 minutes, P. M.

The committee rose and by their chairman reported progress, and asked leave to sit again at 2 P. M. to-morrow which was granted.

December 12. A committee of the whole house for the consideration of the credentials of M. H. Clark, Benjamin Rector and Henry W. Miller, Mr. Preston in the chair.

Half past 3 P. M. The committee rose and by their chairman reported back the same without recommendation.

On motion of Mr. Summers, said report was laid on the table.

Mr. Summers offered the following resolution:

Resolved, That Mr. Rector of Fremont county, and Messrs. Clark and Henry W. Miller of Pottawattamie County, be admitted to seats within the bar of this House.

Pending the question on the adoption of said resolution, Mr. Harper moved a call of the House, when it appeared that Messrs. Bunker and Haun were absent.

Mr. Haun was excused.

On motion of Mr. Flint the call was suspended, and the question being on the adoption of the resolution, was decided in the affirmative, yeas 27, nays 10.

The yeas and nays were desired; those who voted in the affirmative were Messrs. Babbitt, Crawford, Dibble, Eaton, Flint, Folsom, Gamble, Gildea, Goodeno, Guiberson, Hamill, Harbour, Harper, McCulloch of Lee, McCulloch of Jefferson, McCrary, Negus, Preston of Monroe, Price, Samuel Riggs, Reuben Riggs, Salmon, Summers, Updegraff, Wilson of Henry, Wyckoff and Mr. Speaker.

Those who voted in the negative were Messrs. Allender, Gibson, Jacobs, Major, Parvin, Preston of Linn, Robinson, Taylor, Thompson and Wilson of Lee.

From the *Iowa Star*, Fort Des Moines, Iowa (in the Newspaper Division of the Historical, Memorial and Art Department of Iowa), we quote as follows:

December 19, 1850. Two members elected in Pottawattamie and Fremont counties, having been elected by the people of those counties, made their appearance and claimed seats as members of the General Assembly, notwithstanding these counties are not embraced within any senatorial or representative district. Their certificates of election were presented to the House and referred to a committee, which reported the facts in the case to the House, and the House then resolved itself into the Committee of the Whole, where quite an interesting discussion sprang up as to whether these members might be admitted to seats on the floor of the House, with the privilege of presenting petitions and discussing matters in which the people of that portion of the state have an immediate interest, but without the right of voting. Most of the members who addressed the committee regretted that the people of the western border of the state had not the right of representation the same as the people of any other portion of the state, but as the last General Assembly in districting the state had not included those counties within any of the districts then formed, theirs could not constitutionally be admitted. Some of the Hon. members maintained that the gentlemen claiming seats might be admitted with the privileges aforesaid, and in support of this position referred to the practice in Congress in relation to delegates elected from her territories.

December 26, 1850. The question as to the admission of the delegates from the west and southwest portions of the state, after having been pretty thoroughly discussed in the House of Representatives where the applications were made, was finally decided as follows: that said delegates from Pottawattamie and Fremont should be admitted to take seats within the bar of the House, but without having the privilege of presenting petitions, or debating. Upon the present General Assembly we have no censure to cast in consequence of anything they have done in relation to this matter, as they, perhaps, have done all that they constitutionally and legally could towards repairing the injury heretofore inflicted upon a portion of the people of the state by having denied them the right of representation. A just apportionment would have probably given them two or three members, but instead of this they were left in such a situation as to be without any, and for this injustice, and want of representation, the gentlemen whom they have elected and sent to the capitol "on their own hook" have had the courtesy ex-

tended to them of sitting within the bar of the House. This courtesy is really worth nothing, and is no reparation for former grievances, but it shows to some extent the feeling and sense of the members, and is an indication that full justice will be done for the future, so that no further just grounds of complaint shall exist. There are injuries which, once inflicted, admit of no reparation. This seems to be one of that character, for if this General Assembly give hereafter to that portion of the state its full and just proportion of representation, this will be no more than simple justice for the future, and will be no reparation for past wrongs.

QUAKERS MEDDLING ABOUT SLAVERY

The Quakers are sending petition after petition to many of the Senators and members of the House, against the admission of Nebraska and also against the repeal of the Missouri restriction. I should like to know in what way they are interested in this question. One of their fundamental church meeting regulations requires, that they abstain from *intermeddling in other men's matters*. They hold no slaves, and it is not likely they ever will unless they obtain them by the usual underground railroad as practised in Pennsylvania and elsewhere to the detriment of the poor Negro, and his defrauded owner. Quakers are queer fellows, and as they are not interested in the slavery question one way or the other, we hope Congress will not receive any more of their petitions on the subject. I have always understood that to petition presupposes a grievance under which the petitioners are suffering some great wrong, or are likely to be injured in their rights, which it is prayed that Congress may interpose to prevent. Now in the name of common sense what injury does a slaveholder of the South practice towards the Quakers of the North? Does the Quaker compound for *his* conscience? or *he* for the conscience of the Quaker? Not a whit of it; and I cannot see any reason for such quiet people as Quakers are known to be, to be running their heads against a post, where it is more than likely to receive, as well as deserve, more broken heads than thanks for their *spirit rappings* at the door of Congress in their meddling in other men's affairs than their own.—Washington Correspondence in *Miners' Express*, Dubuque, Iowa, March 1, 1854. (In the Newspaper Division of the Historical, Memorial and Art Department of Iowa.)

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