History of the Constitutions of Iowa

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Thus if the Indian pays his debt, the trader is a gainer of more than 100 per cent. He takes for a dollar a large buckskin (six pounds), or two doeskins, four muskrats, and four or five raccoons; or allows three dollars for an otterskin, or two dollars a pound for beaver, and counts it a tolerable business if he receives one-half of the amount he gave credit for. The American Fur Company ought to be satisfied. There is a man now in this city (General William H. Ashley, founder of the Rocky Mountain Fur Company), who receives annually a sum from that company on condition that he will not enter the Indian country. They have monopolized the whole trade on the frontiers, together with the Indian annuities, and everything an Indian has to sell, and claim a large amount for debts due them for non-payment of credits given to the Indians at different periods.

In my intercourse with the Indians for forty years I never found that coercive measures had any good effect with them, but that conciliatory measures always tended to produce every purpose required.

THOMAS FOSBYTH, Indian Agent.
writes, can grind out a historical novel. The novel of the period has its day and ceases to be; but a history, valuable from the first, becomes more and more so as the years pass. To the Historical Department of Iowa, (through its honored Curator, Mr. Aldrich,) and to Prof. Benjamin F. Shambaugh, of the Iowa State University, the public is indebted for a veritable and valuable contribution to history, a work of 352 pages written by Professor Shambaugh at the request of Mr. Aldrich—and published by the department over which he presides. The book is entitled "History of the Constitutions of Iowa." It might well be termed a political history of our State, for such it is in fact. It is not a mass of dry detail, nor is it a labored compilation of State documents. It is, rather, a comprehensive review of the processes of evolution by which a great and influential commonwealth has developed from an aggregation of squatters, the several stages of evolution thoroughly marked by the several constitutions which have been framed for its guidance, these constitutions admirably defining and re-defining the powers and duties, the rights and limitations of a free people.

Reading these pages, one must be strongly impressed with the marvelously rapid and healthy growth of "the only free child of the Missouri Compromise," as Senator Grimes once happily styled the commonwealth of Iowa: first, an unknown portion of that great empire, the Louisiana Purchase, the haunt of the bold explorer and the intrepid fur-trader; then the "beautiful land" chosen by pioneer home-builders and tillers of the soil; later, an unbounded portion of the territory of Michigan; in 1836 part of the territory of Wisconsin; two years later, the territory of Iowa, and in 1846 the State of Iowa,—though with a population of not more than a hundred thousand; whereas, now, in this year of grace 1902, her population is nearly two million and a quarter!

But mere increase in population can never be the measure of a commonwealth's progress. This history is especially valuable in its story of the sociological development of the commonwealth. That story is written into the several constitutions of Iowa, territory and State, and it is to those documents our historian has gone for material and inspiration for his work. That Professor Shambaugh has handled his material thoroughly and scientifically cannot be doubted by any one familiar with his earlier contributions to the yet unwritten exhaustive history of the State. He has brought to his task a thorough knowledge of the subject, a student's fine enthusiasm, a scholar's firm grasp, and, withal, a trained imagination which has enabled him to look in upon an association of squatters, a territorial legislature, or a pioneer constitutional convention, as Parkman looked in upon the struggles of the French, the English and the Indians, or as Motley viewed the intrigues and infamies of the Spaniards and the trials and martyrdoms of the Hollanders, making clear the heretofore obscure chapters of our State's history, and establishing for the reader a historically true relativity as to the principal acts and events contributory to the evolution of this region from a trackless wilderness to an aggrega-
tion of rich and populous communities bound together by community of interest and ever increasingly close association.

The work is perhaps strongest in its explanation and elucidation of that seeming inconsistency, "the Squatter Constitutions," and in the justice tardily given the pioneers who, away back in the thirties long in advance of State or even territorial organization, associated themselves for the common defense and for the better preservation of peace and a surer guaranty of mutual rights. The by-laws and resolutions these squatters formulated from their experience are nowhere surpassed as concrete statements of absolute equity as between man and man, and as between the individual and the mass. These resolutions and by-laws, well termed "the Squatter Constitutions," are wisely given prominence in the work under review. And yet, as Mr. Shambaugh remarks, these squatters "were beyond the pale of constitutional government. No statute of Congress protected them in their rights to the claims they had staked out and the improvements they had made. In law they were trespassers; in fact they were honest farmers." Over a hundred of these extra-legal organizations existed; but complete manuscript records of only two of them have come to light. These, thanks to the Iowa State Historical Society, and to Curator Aldrich of the Iowa Historical Department, have recently been saved from oblivion and the first named published in pamphlet form.

An interesting sample of the fraternal spirit of these associations and of the contempt with which the squatters regarded the land speculators of their time is given in the "constitution" of the Johnson County Association, perhaps the most elaborate of these historic documents. For example, this body resolved to "discountenance any attempts on the part of any and every person to intrude in any way upon the rightful claims of another," the presumption in such case being that "a person thus attempting to take away a portion of the hard earnings of the enterprising and industrious settler is dishonest and no gentleman!"

They had their own way of making it hot for the speculator when he appeared in person or by representative at land sales. They resolved: "that for the purpose of guarding our rights against the speculator we hereby pledge ourselves to stand by each other and to remain on the ground until all sales are over if it becomes necessary in order that each and every settler may be secured in his claim or claims to which he is justly entitled by the Laws of this Association."

The territorial epoch of Iowa's history from 1836 to 1846, without doubt the most important epoch in that history as viewed from the standpoint of the student of organic law, forms the larger and most valuable part of this work. The Organic Acts of 1836 and 1838, the first constitution of the territory, though no expression of the people of the territory, was, as our author says, a great legacy from our national Bill of Rights, the Ordinance of 1787. The first important campaign of education through which the territory passed was over the question of a convention to formulate a constitution for the proposed State of Iowa. This was in 1840. The proposition met an overwhelming defeat at the polls, the con-
servative masses not yet willing to shoulder the financial burdens then borne by the nation. In '41 the Whig Governor, Chambers, succeeding Lucas, a Democrat, thought he would like to try it again and so in '42 another vote was taken, but not till after exhaustive debate in the press and on the stump. The work under review admirably epitomizes the pros and cons of this great campaign of education. It ended, as the first campaign ended, in the defeat of the measure. Still not satisfied, and relying on recent large additions to the population of the territory, Governor Chambers urged a resubmission of the question of a constitutional convention. In '44 the people again voted, but with a different result. This time, although there was little of the excitement of previous campaigns, there was a large majority for a convention.

The constitutional convention of 1844, with the campaigns which followed, was an epoch-maker well worth the extended space here given it. The debates in the convention and the discussions on the stump, with the long contest over the western boundary of the proposed State,—whether it should be the artificial line proposed by Nicolet, or the natural boundary made by the Missouri river,—the defeat of the proposed constitution two years in succession, because of the injection of the boundary question into the issue, the transfer of the question to Congress, the final adoption of the constitution and admission of the State with its Missouri river boundary, all together constitute a valuable addition to the history of our State, now for the first time written as a whole.

The convention of 1857 and the constitution it submitted are described in the last two chapters of the book,—more briefly than the importance of the subject would seem to warrant; but, as the author says in his preface, an adequate discussion of the subject would have greatly transcended the limits prescribed for his work. It is to be hoped that, either in book form or in the form of collections published by the State Historical Society, Professor Shambaugh will at an early date present such an outline of the 1857 convention debates, and of the popular discussion following, as he has already given us in his "Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846."

Johnson Brigham.

State Library, Des Moines.


This volume is written from a French or rather Napoleonic point of view. The title is a misnomer; for the volume records the cession, not the purchase of Louisiana. "It came to us," says Dr. Hosmer, "through French statesmanship with little agency of our own." The author overrates the former, and depreciates the latter. The volume contains its own refutation in Livingston's "Memoir" to Talleyrand, Feb., 1803, which is given in an appendix.

Talleyrand was the Minister of Foreign Affairs. He had the ear and