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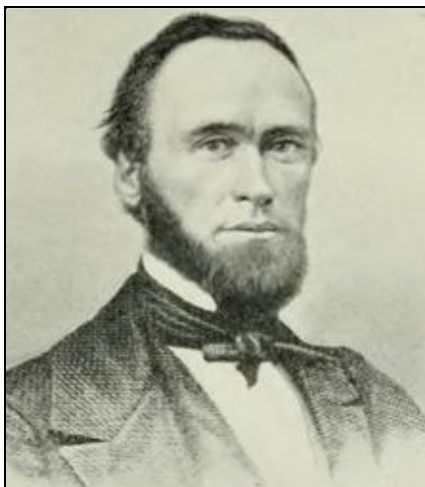
January 11, 2017

THIS WEEK: Reviewing the Seventh Iowa General Assembly

BACKGROUND:

This year begins the 87th Iowa General Assembly. The first eight *Pieces of Iowa's Past* articles this year will briefly examine the work of the 7th, 17th, 27th, 37th, 47th, 57th, 67th, and 77th general assemblies.

Seventh Iowa General Assembly



Oran Faville

The Seventh General Assembly convened for 72 days from January 11 to March 23, 1858. The Seventh General Assembly was the first to meet in the new Brick Capitol in Des Moines and the first to meet under the new Iowa Constitution adopted in 1857. Governor James Grimes was at the end of his term, and Governor Ralph P. Lowe was inaugurated January 14, 1858. He was 52 years old.

There were 36 members in the Senate: 14 Democrats and 22 Republicans. Oran Faville was elected Lieutenant Governor presiding over the Senate. The 1857 Constitution established the office of Lieutenant Governor.

The House of Representatives had 42 Republican members and 30 Democratic members—a total of 72 Representatives. Stephen B. Shelledy was elected Speaker of the House.

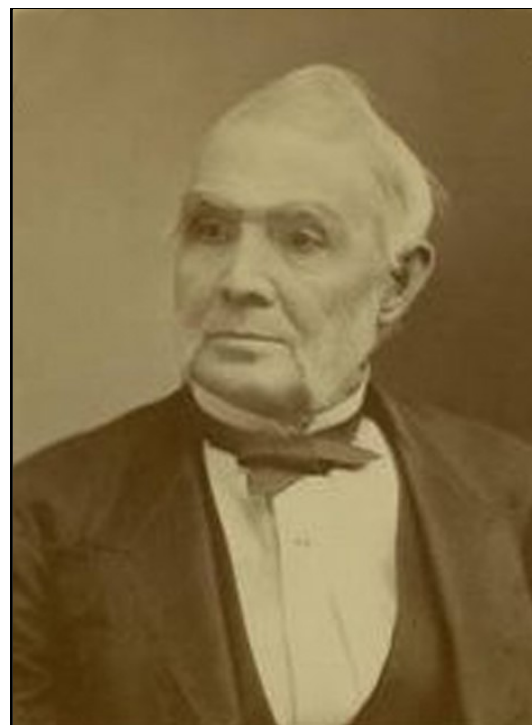
Iowa's population had grown from 192,214 in 1850 to 674,913 in 1860, according to the 1860 census.



Speaker Stephen Shelledy

The Seventh General Assembly was responsible for adapting Iowa laws to the new Constitution. The new Constitution authorized the General Assembly to establish a State Bank with branches.

It also created a Board of Education and fixed the Capital permanently at Des Moines.



Governor Ralph Lowe

From the Senate and House Journals

*Governor Grimes' biennial message to the legislature began as follows:
Gentlemen of the Senate and House of Representatives:*

"I congratulate you upon the continued prosperity of our State. Since you were last assembled, its population has continued to increase, and its resources of every character to be each day more and more developed. The earth has yielded liberally of its abundance, and peace, good order and happiness everywhere prevail. It beckons us to be devoutly thankful to that benign Providence, that has blessed our beloved State with another season of prosperity and happiness, and brought us to the commencement of another official year.

You are convened under the provisions of a new organic law. You are expected to provide the proper methods for carrying that law into full effect. Your labors will exercise a potent influence upon the future character and prosperity of the State. That influence will extend to a period long after the last of you shall cease to be interested in human affairs. It is not to be doubted, that you appreciate the just responsibilities of your position. It is expected that the spirit of moderation and prudence will preside over all your deliberations. It is hoped that all your legislation will be stamped with the utmost simplicity and singleness of purpose and that you will abstain from all measures, which from their doubtful tendency, may needlessly distract the public mind and throw it into agitation and controversy.

All the general laws of the State require some modifications to adapt them to the provisions of the new Constitution. Several new acts of a general character will also be necessary. Special legislation is opposed to the true theory of a Republican government, and is the source of great corruption. The new Constitution inculcates most strongly the duty of general legislation, and declares that "in all cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State."

From the Journal of the House of Representatives

On January 13, 1858, a petition was presented by G. R. Todd and the citizens of Lee County and three other petitions on the same subject, asking the Legislature to impeach Judge Thomas Claggett. This matter was referred to a select committee of five.

A newspaper report from *The Louisville Daily Courier* February 13, 1858, describes the charges against Judge Claggett:



Judge Thomas Claggett*

JUDGE CLAGGETT, OF IOWA—*A Modern Jeffries.*—
The following are the charges made against Judge Claggett, of Iowa, who has been arraigned before the State Legislature:

Judge Claggett is charged with having altered the oath of the jurors from the form prescribed by law, and that, too, in order to bring them under the surveillance of the court. With having required excessive bail from parties accused, in violation of the Constitution of the State, and against its express provisions. Of having refused bail to parties accused, when by the Constitution and laws they were entitled to it. With having illegally, and without authority, ordered citizens into custody and confined them to the public prison, and this, too, upon a mere verbal order, not written or of record. With having extorted from jurors verdicts by threats of imprisonment.

The Supreme Court reduced the bail which he required in one case, from \$25,000 to \$5,000, and in another from \$50,000 to \$500, besides spending a large amount of time in overruling his erroneous and corrupt decisions.

The House Journal entry on February 4, 1858, refers to the report of that committee:

Mr. Clark, of Dubuque,
Submitted the following report:

The special committee to whom was referred certain memorials and petitions calling in question the official conduct of Thomas W. Claggett, Judge of the First Judicial District, and asking that he be impeached of high crimes and misdemeanors, have had the same under consideration, and beg leave to report that they find no cause of impeachment, and ask to be discharged from the further consideration of the subject.

March 5, 1858, clipping from *The Baltimore Sun*:

IMPEACHMENT REFUSED.—An attempt has been made in the Iowa Legislature to impeach Judge Claggett, of that State, but formerly of Maryland. The movement, however, failed by a vote of two to one.

Judge Thomas Claggett was elected to the Iowa House of Representatives the following year in 1859, representing Lee County.

**Newspapers and some legislative records misspell Claggett. His name was spelled with only one "g" —Clagett.*

<https://www.legis.iowa.gov/legislators/legislator?ga=8&personID=5542>

The 1857 Iowa Constitution authorized the General Assembly to provide for the election of an Attorney General whose term of office would be two years.

From the Senate Journal of 1858

Senate file 14 was introduced on January 20, 1858. It was a bill to provide for the election of an Attorney General and to define his duties. February 23, 1858, the bill was amended by adding a section which set the Attorney General's compensation "not to exceed sixteen hundred dollars per annum." On March 5, 1858, the bill was amended again by adding another section "The Attorney General shall keep in his office a book in which he shall record all official opinions given by him during his term in office, which book shall be delivered to his successor in office." Senate File 14 passed on its third reading March 20, 1858.

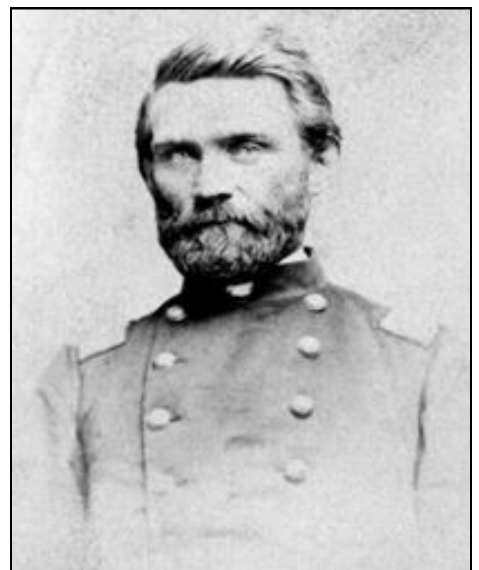
The office of Attorney General was originally established under the Fourth General Assembly in 1853.

David C. Cloud served as Iowa's first Attorney General from 1853 to 1856.

Samuel Rice was Iowa's second Attorney General. He was elected in 1856 and then re-elected, serving until Judge Charles C. Nourse took office in 1861.

During his second term, Rice served as an incumbent and also served as Iowa's first Attorney General elected under the 1857 Constitution.

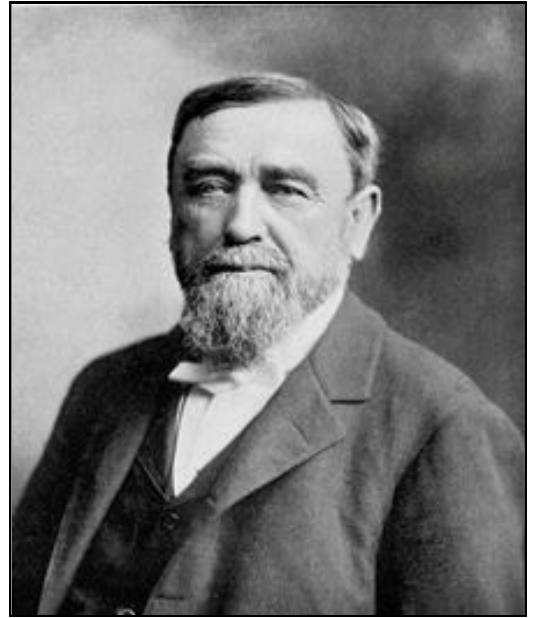
Note: The Attorney General's Office was established by law in 1853 and was established by Constitution in 1857.



Samuel Rice

Judge Nourse was Iowa's third Attorney General but the first "newly" elected Attorney General under the new Constitution, serving from 1861 to 1865.

Nourse also served as Chief Clerk of the Iowa House of Representatives in 1854 and the Secretary of the Senate in 1856.



Judge Charles C. Nourse

http://iagenweb.org/polk/biographies/POPCI_Vol_2/C_C_Nourse/C_C_Nourse.htm