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IOWA

# HISTORICAL

# LECTURES.

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DELIVERED BEFORE THE  
STATE HISTORICAL SOCIETY,  
IOWA CITY.

1892.

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IOWA CITY, IOWA:  
PUBLISHED BY THE SOCIETY.

1893.



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## STATE HISTORICAL SOCIETY OF IOWA.



AN INFORMAL organization was recognized by the Sixth General Assembly, January 28th, 1857, by an annual appropriation of five hundred dollars. The Eighth General Assembly, March 26th, 1860, repeated the appropriation of 1857, with the sole condition that the society be formed "in connection with, and under the auspices of, the State University."

November 6th, 1867, "The Iowa State Historical Society" was duly incorporated "for the purpose of collecting, embodying, arranging and preserving, in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary and other materials, illustrative of the history of the State of Iowa; to rescue from oblivion the memory of its early pioneers—to obtain and preserve narratives of their exploits, perils, and hardy adventures; to secure facts and statements relative to the history, genius and progress or decay of our Indian tribes; and also to exhibit faithfully the antiquities, the past and present resources of Iowa."

The act of incorporation designated the following officers:

*President:* Col. W. Penn Clark.

*Vice-Presidents:* Robert Hutchinson, E. Price, Judge W. E. Miller, Z. C. Luse, John L. Davis, Prof. T. S. Parvin.

*Corresponding Secretary:* Sanford W. Huff, M. D.

*Recording Secretary:* S. E. Paine.

*Treasurer:* Prof. H. G. Welton.

*Librarian:* C. Frank Clarke.

*Curators:* Col. S. C. Trowbridge, Hon. John P. Irish, Prof. N. R. Leonard, Wm. Vogt, M. D., F. H. Lee, James R. Hartsock, Samuel J. Hess, Frederick Lloyd, M. D., Wm. H.

Tuthill, N. H. Brainerd, Hon. G. W. McCleary, Henry Murray, M. D., Wm. Crum, W. C. Gaston, G. W. Dodder, M. W. Davis, Hon. George G. Wright, Gov. Ralph P. Lowe.

The term of office, at first for one year, was changed at a later date to two years, and of the eighteen curators nine are now elected by the Society and nine are appointed by the Governor. The business of the Society is virtually conducted by the elected curators.

The Twelfth General Assembly April 7th, 1868, made a special appropriation of three thousand dollars a year for the biennial period, and required "the delivery to the Society of eighty bound copies of all books and documents published by order of the State for the purpose of effecting exchanges with similar Societies in other States and for preservation in the library of the Society."

In later years the number of volumes thus placed at the disposal of the Society has been greatly reduced as the Legislature has provided for a wider distribution without increasing proportionately the number of copies published and bound.

January, 1870, the Society was compelled to seek suitable quarters for its library as the University authorities found themselves unable to spare the room. Additional expense was thrust upon the Society without any increase of the annual appropriation of five hundred dollars received since 1857.

The Eighteenth General Assembly increased the annual appropriation to one thousand dollars.

The Twenty-Fourth General Assembly made a special appropriation of five hundred dollars each year for two years for purposes of publication and binding.

#### COLLECTIONS.

1. A library consisting of United States and State publications; of historical publications of other States received in exchange; of valuable contributions by private individuals; of a few rare volumes to be obtained only by purchase; and of publications of the Smithsonian Institute, and of other

societies—the whole numbering over fifteen thousand volumes.

2. State newspaper files bound and numbering nine hundred volumes.

3. Battle Flags of Iowa Regiments, Confederate flags captured by Iowa regiments.

4. Museum—curiosities historic and otherwise, more than five thousand articles.

5. Photographs and sketches of prominent characters of Iowa—such as could be obtained by gift.

#### SOCIETY PUBLICATIONS.

1. Twelve volumes of the *Annals of Iowa*. The publication was suspended for want of funds the last of 1875.

2. January, 1885, the publication was resumed under the new title of *Iowa Historical Record* of which the seventh volume was completed October, 1891. Edition limited.

#### LECTURES.

1. Two lectures delivered previous to those published herewith—one by Hon. Henry Clay Dean, and one by Rev. Dr. William Salter.

At the biennial meeting of the Society June, 1891, it was determined to inaugurate courses of lectures during the winter months so far as the funds at our command would warrant. The first course consisted of four lectures given without compensation by residents of Iowa City.

1. *Prehistoric Iowa*, Prof. SAMUEL CALVIN, of the State University.
2. *Indian Tribes in Iowa*, J. L. PICKARD, President of the Society.
3. *The Louisiana Purchase*, C. M. HOBBY, M. D.
4. *The Introduction of the Common Law into Iowa*, E. McCLAIN, LL.D.; Chancellor Law Department of the State University.



## PREHISTORIC IOWA.

BY PROFESSOR SAMUEL CALVIN, OF THE STATE UNIVERSITY.

*Delivered December 1st, 1891.*



THE subject assigned to me by the committee that arranged this course of lectures assumes that there was an Iowa before men began purposely to make historical records, and the assumption is not without ample justification. For long before men learned either to carve or write, here was Iowa. At least this beautiful tract of land that we now call Iowa was here. In the course of things it must have been here before men occupied it, before there was anyone, therefore, to witness, much less to record the ongoing of local events. Indeed it may easily be shown that Iowa's broad acres, "fair as a garden of the Lord," spread from river to river before a human foot had pressed the surface of the planet anywhere. And in those far-away times of which ordinary history in the nature of things can make no mention, seasons rolled by the same as now with all their attendant coming and going of generations of plants and animals. Summer suns shone much as they did in this year of grace, 1891. Spring brought its flowers and autumn its leafy glories. The struggle for life, which is as old as the appearance of life upon the world, was here yearly carried to the final issue. Man at last joined the struggle, and long before there were any historians, events of historical importance were enacted within the limits of Iowa.

You may say that all this sounds very well, but if there was a prehistoric Iowa, and if events that historians neither

witnessed nor recorded took place within its borders, how is it possible for us to know anything about them? There are records, be it remembered, that are not made by historians, not made by any human hands in many cases, or if so made are wholly independent of design or purpose to perpetuate a knowledge of what is taking place; and yet these records are as clear, as intelligible, as trustworthy, and convey information respecting events as significant and important as any that historian ever penned. To illustrate what I mean, and at the same time to elucidate the methods whereby records relating to prehistoric events have been made and are now deciphered, let us suppose the simple case, that a horse walks along some unfrequented path and leaves the prints of his feet in the yielding soil. No human eye we will suppose saw the animal as it walked along the path so that it is impossible to get direct human testimony concerning the event. Soon an intelligent person passing that way discovers the tracks. He wastes no time in debating the question whether those impressions in the clay are mere accidental freaks of nature. There is but one rational way to account for them and being a rational man he at once reaches the conclusion that an animal of the only kind that ever makes such tracks could alone be responsible for them. The direction in which the creature was going is very clearly told, whether it was walking or running is also recorded, and if a shoe had been lost the fact is expressed in unmistakable terms. The length of time since the animal passed may also be approximately known. The marks we will say are fresh; they were made since the last shower. The disturbed clay has dried but little since the tracks were made; they are less than an hour old. Thus may we have a record conveying information respecting a series of facts and circumstances that tells its story in a manner as clear, straight-forward and convincing as if it were supported by the testimony of a thousand human witnesses. The manner in which such a record is interpreted illustrates the methods of science in general. They are methods that



are the necessary outcome of trained observation and common sense applied to natural phenomena. They are methods based upon the belief that Nature's operations are uniform, and that all phenomena, relating to material things at least, must be referred to natural causes that are known to be competent to produce them.

When a beautifully finished arrow point is taken from the soil, the possibility of its being the result of accident, of the ordinary action of the forces of attrition and solution that shaped the pebbles with which it is associated, of the influence of the stars, or of some occult process of fermentation in the soil, or that it simply grew, or had always possessed the form we see and needed no becoming or fashioning, is not entertained for a moment. On the contrary, any person with the smallest possible degree of training in the observation of such objects, will at once refer it to the activity of the only agent known to be capable of producing articles requiring purposeful and skillful manipulation in their manufacture. It must be admitted after all that there may be persons who choose to believe that that arrow point was produced through the agency of unintelligent forces acting without purpose or design. If there be such person entertaining such belief, I know of no way by which he can be convinced to the contrary. No living person saw the object made. Nor has any person seen any person who saw any one who saw it made. We are wholly without human testimony in respect to its manufacture. Nevertheless science would assert in very positive terms that at some time in the past history of the world some human brain designed the object and some human hand fashioned it into shape. If hoof prints and arrow points were produced in different ways, by different agents, now in this way and now in that, sometimes shaping themselves spontaneously without any assignable cause, then there would be an end to making scientific deductions so far as they are concerned.

The arrow point may have been made in times usually called

prehistoric; but it is itself an historical record, though all undesigned for such purpose, and tells in unequivocal terms that the region had human occupants at the time it was made. At the same time it bears witness to the degree of civilization or uncivilization that these human occupants had reached. The state of manufactures among such people together with their mode of pursuing game and conducting warfare may at least be inferred. Thus the finding of a single genuine prehistoric arrow point may enable us to write up an important chapter in the history of a people that no historian ever saw, and concerning whose existence there is not even the shadow of a human tradition.

The recovery of the weapons of a prehistoric people sheds important light on their character and habits, but when, as is often possible, we may add the knowledge gained by exploration of their homes and hearths, their shrines and sepulchers, we are in a position to write up somewhat fully the portion of their history which deals with their daily occupations and their domestic life.

There are many records that tell of other facts than the mere presence of human occupants in a region such as Iowa. Vegetable remains for example preserved in peat bogs or in the mud that accumulated at the bottom of ancient ponds and lakes, enable us to reconstruct the prehistoric forests. With such vegetable remains are usually found bones of the animals that lived in the forests. Human weapons or human skeletons are often there too. And so from records preserved in peat bog and lake bed, science may rehabilitate in a general way the prehistoric landscapes, and may see them enlivened with multitudes of struggling creatures, man among the rest, all bent on accomplishing the two great objects for which living things below the higher planes of humanity seem to strive,—namely, “to eat and to escape being eaten.”

Not only may we restore the forests in the shadow of which prehistoric man lived, we may know the very size and habits of the animals that roamed through those forests; those that

prowled at night and those that sought their food in the open day; those the man chased and those from which in turn he fled; and we may go even farther and determine the climatic conditions under which all this assemblage of animal and plant life existed.

Need I say that the method by which science, after picking up such threads and fragments of history, is led to those confident conclusions to which it gives expression, is not anything that is peculiar to science? It is simply the method of Zadig, made famous by being quoted by Professor Huxley and turned so aptly to account in illustrating what he is pleased to call *Retrospective Prophecy as a Function of Science*.<sup>1</sup> It is based on the same assumptions which you and I employ in conducting our daily business. As pointed out so well by Huxley these same assumptions regulate the humblest domestic affairs as well as the great concerns of commerce and finance. They lie at the foundation of all our confidence in the truth of written history. They constitute the basis of our confidence too that there will be a to-morrow, in which men will have the same needs and, under the same circumstances, will perform the same acts as we observe or experience to-day. They are also the basis of our belief in a long succession of yesterdays reaching back for centuries beyond the limits of our individual experience. These assumptions take it for granted that the phenomena of nature, including the phenomena of the human mind, are now, and always have been, and always will be, controlled by unvarying laws; that in short the same things occur in the same order of succession under the same circumstances. Science differs from ordinary pursuits in the fact that it busies itself in accumulating by observation and experience a knowledge of natural events and of the circumstances under which these events take place.

Let us proceed then after this introduction, altogether too long, to set forth the conclusions to which we are led by

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<sup>1</sup> *Popular Science Monthly*, Vol. XVII., p. 467.

applying Zadig's method to the interpretation of the records that deal with prehistoric Iowa. And at this point I feel greatly embarrassed with the question of where to begin. For choose what point of time I will I am immediately confronted with the fact that there stretches back beyond that time what, speaking with some license, may be called a series of geologic eternities during which events were taking place that contributed in greater or less degree to making Iowa what it is to-day.

The first information we have respecting prehistoric Iowa is derived from geologic records. These records, untampered with and unimpeachable, declare that for uncounted years Iowa, together with the whole great valley of the Mississippi, lay beneath the level of the sea, and so far as it was inhabited at all, marine forms of animals and plants were its only occupants. During these long years of submergence the rocky strata of Iowa, as well as of all the adjacent States, were successively accumulated as soft sediments on the sea bottom. Omitting the small area of Sioux Quartzite in Lyon county, the oldest strata in the State are the limestones and sandstones of the northeastern part of Iowa. These contain the record of a period of duration altogether incomprehensible.<sup>1</sup> Myriads of years, if not myriads of centuries, pass again and in the meantime the light colored limestones so well represented at Anamosa grow by imperceptible sedimentary accretions.<sup>2</sup> Other ages of similar duration drag on slowly into the lengthening past, but bring us only to the point at which the limestones and shales represented in Johnson county are completed.<sup>3</sup> About this time a small portion of Iowa in the northeast becomes dry land, but all the region to the south and west of where we stand was still held under the dominion of the all-pervading sea. Odd-shaped fishes on one hand and relatives of ferns on the other mark the high-

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<sup>1</sup> Cambrian and Lower Silurian strata.

<sup>2</sup> Upper Silurian strata.

<sup>3</sup> Devonian strata.

est points reached in the evolution of animal and plant life. Another of those ages, to human comprehension limitless, but which to the mind of science divides up geologic time into enormous segments, wends slowly by, and the agents of sedimentation build up in slow succession the great crinoidal beds at Marshalltown, Burlington and Keokuk, together with the coal measures and associated strata of central, southern and southwestern Iowa.<sup>1</sup> Still Iowa and the rest of the world are without human occupants. Some progress is making, however. Not so much among plants, for among them nothing much better than ferns has been produced; but among animals we have at the close of this time some air-breathing creatures that deserve to rank with the crocodile and the alligator.

Soon after the completion of the coal measures the sea, which during the preceding ages had been gradually withdrawing to the south and west, left our whole State as a part of the growing continent, and it might seem that the discussion of prehistoric Iowa should begin at this point. But crocodiles and alligators are not especially adapted to cut what one might call dignified historic figures, and so the events relating to this portion of prehistoric time in Iowa may be left without further notice.

“The whirligig of time” may as a figure of speech, correctly typify the rapid mutations that take place in connection with human affairs, but it would be altogether inapt if applied to the stately movements of geologic periods. Geologic revolutions there were, but they would be better represented by the steady and majestic movements of the outer planets around the sun, or of the sun itself around the center to which it owes allegiance. After one or two more of these great revolutions, the world advanced to a condition in which birds had come to enliven the groves with their songs, and a few small rat-like creatures, related to the opossum of the

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<sup>1</sup> Subcarboniferous or Mississippian strata and the Coal Measures representing the Carboniferous Age.

southern States, represented the highest type of vertebrates. There were some wonderfully formed reptiles too at this time, but any reference to them is aside from our purpose. About this time too there were forests trees much like those of our modern forests.<sup>1</sup> While all these things were developing out of conditions that existed at the close of the coal age, Iowa was dry land; but the sea again takes possession of at least the northwestern half of the State, and another geologic period goes by before the upward movement of the land carries the shore line out beyond our present borders.

And now with this upward movement Iowa is at length permanently disenthralled from the dominion of the sea. Forests of a very pronounced modern type take possession of the surface. Animals related to the dog, the wolf and the panther as well as to the deer, the camel, the ox and the horse unite with lizards and birds and bats and monkeys to impart a modern aspect to the assemblage of animals that occupied this latitude. The climate was that of southern Louisiana. The conditions were not inconsistent with the possibility of man's existence. They seem indeed to have been particularly favorable, -and yet, so far as the records show, man at the beginning of this new period, was not only absent from Iowa, but was absent still in every quarter of the globe.

Let us note the course of events from this point on to the beginning of historic time a little more closely. For the sake of clearness we will follow the usage of geologists and call the era at which we have now arrived the *Tertiary*. During the Tertiary period then, as has been already said, Iowa was part of the land area that made up the half formed continent of North America. The drainage of the State must have been much the same as now, although the altitude above sea level was a few hundred feet less than at present.

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<sup>1</sup> Compare the index to Lesquereux's *Cretaceous Flora*, Report of U. S. Geol. and Geog. Survey of the Territories, Vol. VI., with a list of genera in our modern forests.

The Mississippi river ran in a channel not far from the one it now occupies, and its waters were poured into a gulf that extended up as far as the mouth of the Ohio. The Missouri was a much shorter stream than at present because the region, now traversed by the Upper Missouri and its tributaries was occupied by a series of great lakes. Tertiary lakes occupied large parts of Nebraska and may have drained into the Missouri. Other Tertiary lakes were found in Utah and Nevada, but none, so far as has been discovered, existed in Iowa.

Now what have Nebraskan and Dakotan lake beds to do with prehistoric Iowa? Why simply this: The mud swept down from the adjacent slopes and settling on the bottom of the lakes covered up the leaves and branches of trees and the bones and teeth of animals. In this way we have laid away for perpetual preservation, samples so to speak of the various forms of life that occupied the lake shores at the time the sediments were accumulating. These old lakes have long been drained and the hardened sediments exposed to the action of the atmosphere and all the agents it sets in motion. That in some cases the lakes were filled to the surface with mud would be literally true. Modern streams are now cutting their way through the old mud beds. The surface of the sediments is undergoing continual degradation through the effects of erosion. The remains of the entombed animals and plants are being laid bare and little by little we are learning what they were. Such beds, remember, are the only places of any importance where records of Tertiary plants and animals were kept. From such only do we get information on which to base conclusions respecting Tertiary climate. Tertiary lake beds or Tertiary ocean beds are the volumes in which the records of Tertiary phenomena were inscribed. Now the conditions that prevailed in Nebraska and Dakota were not so unlike those that obtained here, so that in the absence of Tertiary lake beds in our own State we may turn with confidence to the records preserved in the old lakes of Nebraska and Dakota for information regarding Tertiary Iowa.

According to these records there were luxuriant forests in this latitude ranging west into what is now occupied by arid regions. Mingled with the more familiar oaks and poplars and hickory trees were the magnolia, the cinnamon, the fig and the palm. In northern Dakota and even away on into British America these subtropical forms were found growing on the slopes that drained into the Tertiary lakes. The southern cypress, in all probability adorned as is its present habit with pendent tassels and fringes of swaying gray moss, stood spectral like in all the great marshes even far north of the latitude of Iowa. At present we have two species of Sequoia, the big red woods or giant trees of California. One of these is confined to a few isolated points on the western slopes of the Sierra Nevadas, the other to the western side of the Coast Range. During the Tertiary there were numerous species, and these seem to have been very widely and generally distributed.<sup>1</sup>

If the Tertiary forests seem strangely out of place in the latitude of Iowa, what shall we say of the animals that ranged through these forests in quest of food or shelter or concealment? At the beginning of the Tertiary the animal types were so different from those familiar to citizens of Iowa in this nineteenth-century that any reference to them may well be omitted. Imagine, however, a series of geologic revolutions to pass with all their leisurely grandeur, sweeping successive groups and types of animals to extinction, and introducing others that, speaking generally, successively approximate our modern types in structure, and let us imagine ourselves at a point of time near the middle Tertiary. The animals are strange enough yet, but at length we have evidence of the existence of some that may at least be readily compared with the modern species.

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<sup>1</sup> Consult Report on the U. S. Geol. and Geog. Survey of the Territories, Vol. VII., *The Tertiary Flora*, by Leo Lesquereux. See also Vol. VIII, of same series by same author.



To begin with there were creatures allied to the opossum, so nearly like the little marsupial of the south, that we might be justified in speaking of them as opossums. In our modern North American fauna we have but one species of this type. In the fauna of the middle Tertiary there were not less than twelve. Creatures that played the part of squirrels, busied themselves among the branches and foliage of the trees, while an army of small beavers were employed in cutting brush and making dams along all the smaller streams, and grovelling gophers burrowed in the soil. Among hoofed animals were some we might be permitted to call rhinoceroses, others were manifestly related to the South American tapir, and with these were curious creatures that may be looked upon as the proper predecessors if not the ancestors of the tribe of swine. There were also species related to the deer, there were other species that were almost camels or llamas, one group of species forshadows the modern ox, and some erratic looking creatures with three toes and three hoofs on each foot pass themselves off as Tertiary horses. Among the curiosities of the time was a ruminating or a cud-chewing hog as described by Leidy, that combined in a single species characters that belong respectively to the hog, the camel and the deer. Carnivorous mammals were well represented by a host of dog-like prowlers that varied from the size of a small fox to creatures larger than the largest wolf. There was a whole family of short-jawed species that were intermediate between the dog and the panther, and possessed of cruel, sharp, trenchant teeth. *Nimravus* is the name given by Cope to one of them, the ancient progenitor of Nimrods, the mighty hunter of the middle Tertiary. There were also true cats or panthers, one of which, called *Machairodus*, is usually referred to by geologists as the *Saber-toothed Tiger*. The size of its skeleton and the flattened sharp-edged, saber-like canine teeth indicate an animal stronger and more cruel than the dreaded tiger of southern Asia. Secure amid the leafy branches and chattering defiance in the very face of the saber-tooth and all

his hungry kindred were groups of agile monkeys belonging to a number of species.<sup>1</sup>

Such is an imperfect review of the forests and the fauna of this region during the Tertiary. Nothing has been said of the bright-winged birds that flitted back and forth in the open glades or amid the shadowy recesses, nor of certain larger birds with bones twice as strong as those of the ostrich and wholly unfitted for flight. Neither have we mentioned the curious turtles, nor the snakes, nor lizards that crawled and crept among the fallen leaves or basked in sunshine on some half submerged log or stone, nor can we describe the insects that furnished food for numerous bats, or left their bodies to be buried in accumulating amber.

I know that it is simply a groundless fancy but the picture that rises before me when I think of Tertiary Iowa is that of a fair land bathed in mellow sunshine and covered in whole or part with forests of tropical luxuriance. These forests give shelter to a marvellously diversified assemblage of animals endowed with equally diversified activities, but at the distance from which the scene is viewed, the animal activities are wholly unobtrusive, each of the multitudinous creatures accomplishing its purposes without haste, without worry, without noise. A dreamy stillness pervades the shimmering air. The gray moss droops listlessly from the bare arms of the bald cypress. The very branches and leaves of the foliage trees seem to be listening for sounds that never come. A somnolent land it seems that for untold centuries enjoys perpetual afternoon.

The real picture was doubtless very far from being as peaceful as my unchecked fancy paints it. Clouds alternated

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<sup>1</sup> For descriptions and illustrations of Tertiary Mammals see papers of Prof. Leidy in *Smithsonian Contributions*, in Owen's *Report on the Geology of Wisconsin, Iowa and Minnesota*, and in the publications of the Philadelphia Academy of Science. See also memoirs on the subject of the Tertiary Fauna in the reports of Hayden, King, and Powell of the U. S. Geological Survey. Important papers by Cope are found in the *American Naturalist*, and others by Marsh in *American Journal of Science*.

with sunshine, and storms at intervals swept across the face of the land. Animals waged fierce battles among themselves. Daily recurring hunger created perpetual unrest, and the ferocity of the carnivorous tribes begat in all the others an ever present fear, an unremitted vigilance.

In time the long sweep of geologic revolutions brings the Tertiary era to its close. Before it closes, however, animals have assumed more and more a modern aspect. For example there are one-toed horses that the casual observer might not readily distinguish from some of our wild species. The deer, wolf, bear, fox, rabbit, and a long list of others of the later Tertiary present only very slight differences from animals we call by corresponding names to-day.

From the beginning to the close of the Tertiary, as far as the records show, climatic conditions were practically uniform over long stretches of time. They seem also to have been uniform over regions embracing many degrees of latitude. There were Tertiary forests in southern Greenland in most respects similar to the forests of Dakota and Montana.

The Quaternary or Pleistocene era follows the Tertiary, and with its ushering in there begins a new and strange chapter in the history of Iowa. Previously Iowa had been basking in sunshine and revelling in all the luxuriance of tropical conditions. But now a change takes place whereby all climatic favors are withdrawn and the fair face of Iowa becomes a scene of unimaginable desolation. The climate is rigorous. Precipitation is copious. Snow falls during long, bleak, dreary winters, much beyond what can be melted in the short, cool summers; and so year by year, and century by century the snow is piled higher and higher until, by the pressure of its own weight and the freezing in its mass of percolating waters that come from summer rains or surface melting, it is converted into a solid sheet of glacier ice.

Looking at the records from this distance of time it seems as if the transition from Tertiary luxuriance to Quaternary desolation had been somewhat sudden. But the change must

have occupied thousands, if not hundreds of thousands of years. A few thousand years more or less do not count for much in geologic reckoning. Whatever the length of time employed, the change was as extreme and complete as that which one would experience, if transported to-day from southern Florida to central Greenland. Iowa was only a small part of the region in which similar changes occurred. The area reached from beyond the Missouri river to the Atlantic ocean, and from the latitude of St. Louis northward to the pole. Indeed the climate of the whole continent of North America underwent profound modification.

The history of Quaternary Iowa would begin therefore with a long period of transition during which the climate is gradually depressed, and plants and animals either suffer extinction or migrate year by year farther and farther south. The process of refrigeration goes on until, as already said, the piled up snows are compacted into glacier ice that covers Iowa with a mantle probably thousands of feet in thickness. One of the known properties of ice causes it, when in large masses, to behave like a viscous or semi-fluid body. It flows; flows as water flows, but much more slowly. Bodies of flowing ice are called glaciers. Glaciers always flow outward from the center of accumulation where the ice is thickest towards the thinner portions. These thinner parts are usually the margin of the ice sheet; the glacier terminus it may be called; for all glaciers that do not reach the sea end more or less abruptly at the point where equilibrium is established between the amount of ice flowing in, and the amount that is melted in the same region.

The great ice sheet that covered Iowa had its terminal margin at times south of St. Louis. But there were many oscillations in the severity of the cold and the amount of precipitation so that the margin would sometimes retreat and sometimes advance from century to century. Whether the margin retreated or advanced the great body of ice was perpetually moving outward from the center of accumulation,

grinding over the underlying rocks, crushing them into fragments and grinding the fragments often into finest powder. Fragments, frequently of enormous size, were caught in the lower portion of the flowing ice and carried bodily forward, dragging along over the rock strata of the surface traversed by the ice stream, grinding the strata into rock flour, and being themselves worn and planed and grooved on their lower surface. Slow as was the movement of the glaciers there was time enough to transport some erratic fragments from native ledges in British America and strew them broadcast over the surface of Iowa. All the granitic boulders, and all boulders of crystalline rocks of any kind, scattered over the surface of Iowa, were carried into the State from the north by means of the great Quaternary ice sheet. To be strictly correct I should use the last word in the plural and say ice-sheets. There is abundant evidence that Iowa was invaded by glaciers at least twice, and that the two glacial periods were separated from each other by a long interval of comparatively mild climate during which deglaciation laid bare the whole country probably as far north as Hudson Bay. It was during the first invasion that the ice flowed over the whole State, and beyond our southern boundary down to the latitude of St. Louis. During the second invasion the southern ice margin was exceedingly sinuous and irregular, but on the average its greatest southern extension did not reach beyond the middle of Iowa. The line of greatest advance is marked by a series of gravelly ridges and knolls that are very conspicuous in Cerro Gordo, Wright, Polk and some adjacent counties.<sup>1</sup>

The melting of the glaciers was attended by a series of phenomena conspicuous among which were flooded rivers

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<sup>1</sup> Consult Prof. Wright's *Ice Age in North America; The Driftless Area in the Upper Mississippi Valley* by Chamberlin and Salisbury in *Sixth Annual Report of U. S. Geol. Survey; The Terminal Moraine of the Second Glacial Epoch* by T. C. Chamberlin in *Third Annual Report of U. S. Geol. Survey*; and recent Papers by McGee, Upham and other authors. See also Vols. I. and II., *Geological and Natural History Survey of Minnesota*.

whose waters, thick and turbid, carried loads of detritus that was strewn along the course of the channels or carried far beyond the most southerly limit reached by the ice. During some phase of the melting process there was deposited at Iowa City as well as at scores of other localities, this well known *Loess* or yellow clay that is convertible in wet weather, as all have had experience, into fathomless beds of stiffest, stickiest mud, and in seasons of drought is reducible to finest dust that whirls into the air on the slightest provocation. Furthermore there is evidence that during the period of melting the country was re-occupied by plants and animals that successfully pushed their stations up to the very margin of the retreating ice. In the Alps and other glacial regions plants and animals maintain themselves without inconvenience in close proximity to the ice fields, so that the presence of organisms of high rank in Iowa pressing hard upon the footsteps of retreating glaciers need excite no surprise. This point in the history of Iowa deserves especial notice, for there are reasons to believe that with this incursion of animals from the south to hold and occupy what the glaciers were compelled to abandon, man came and for the first time set foot within the limits of our State. Prof. Aughey's discovery of arrow points in undisturbed beds of Loess at different points in Iowa and Nebraska, would indicate the presence of man in close proximity to the foot of the melting glaciers.<sup>1</sup> The rude implements of human make found by Dr. C. C. Abbott in the Quaternary gravel along the Delaware near Trenton, New Jersey, show that man was present about this time on the eastern border of our continent. In Oregon, Nevada and Utah are certain old lake sediments in which were buried the remains of an assemblage of animals that constitute what is known as the *Equus Fauna*. This fauna as set forth by Cope

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<sup>1</sup> Hayden's Report on U. S. Geol. and Geog. Survey of Colorado, etc., 1874, p. 255. Since the lecture was written Prof. F. M. Witter reports the finding of arrow points in the Loess at Muscatine, Iowa. *American Geologist*, Vol. IX., p. 276.

embraces a number of extinct species, among which was a gigantic sloth-like animal, an otter, an elephant, two kinds of horses, three species related to the llamas or alpacas of South America, and an extinct deer. Besides these there were modern gophers, the modern beaver and the modern prairie wolf. The fauna is an old fashioned one. Cope is inclined to regard it as belonging to the later Tertiary, but Gilbert, Russell and McGee show that without doubt it must be referred to the Quaternary, that in fact it follows the glacial period. Now it is a point of wonderful interest that man was a part of that old Equus fauna. Human implements are found in undisturbed Equus beds. At the late meeting of the Geological Society in Washington,<sup>1</sup> Prof. Cope exhibited a skull of one of these extinct horses. The skull had the frontal bones crushed in a way that could be explained only on the supposition that the animal had been deliberately slaughtered with one of the rude hammers that are found in the beds from which the skull was obtained. Man was not only present as a part of the Equus fauna, but it would seem that he had learned how to conquer the horse and utilize its body as food. There were Quaternary horses in Iowa as shown by Foster,<sup>2</sup> and the museum of the State University contains portions of skeletons of a number of Iowa elephants belonging practically to the same species as that found in the Equus beds of Oregon and Nevada. The early men of Iowa and Oregon contended for supremacy with the same rivals. It is an interesting coincidence that over in Europe Quaternary man entered the valleys of France and Belgium immediately after the withdrawal of the glaciers and had for contemporaries, among a host of other creatures, a horse, and an elephant that was identical with the species that roamed over Quaternary Iowa and Nevada. The Quaternary horse, of Europe was also utilized for human food, and numerous crushed skulls embedded in the ashes and charcoal of the ancient hearths

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<sup>1</sup> August, 1891.

<sup>2</sup> *Prehistoric Races of the United States*, p. 90.

attest the high esteem in which the brain was held as a toothsome delicacy.

Over in California there has accumulated, and there is still accumulating, a mass of evidence which makes it seem necessary to accord to man on this continent an antiquity higher than the middle Quaternary.<sup>1</sup> The facts briefly are these: Before the Sierra Nevadas were occupied by glaciers, and while yet a fauna including rhinoceros and other late Tertiary forms occupied the region, the rivers had cut deep gorges in the mountain sides and had strewn along their channels bars and beds of gravel. These gravels were rich in gold as were the more modern bars and gravel beds of rivers of the same region in '48 and '50. Bones of the Tertiary animals were frequently buried in the old gravels, and at the same time were buried hand-made implements and human skeletons. After all this had been going on for unmeasured centuries the region, hundreds of miles in extent, became the theater of a series of world-making or at least world-modifying convulsions. Lava was poured out from scores of fissures and piled up to a depth of hundreds or even thousands of feet, choking up the old river beds and burying out of sight the gravels with all their gold and all their entombed remains of men and animals. Since then the rivers of the region have found new channels, cutting them gradually by ordinary process of wear down through refractory lava beds and down into the hard crystalline rocks of which the mountains are constructed, to a depth in places of two thousand feet below the level of the older channels. Since then, too, glaciers accumulated on all the mountain tops to unknown depths and went flowing down the mountain sides plowing out channels and scooping out enormous valleys. After accomplishing an incredible amount of work the glaciers waned, died, became extinct; and now glaciated valleys with their heaps of glacial rubbish and with floors and sides characteristically scored and planed, attract

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<sup>1</sup> See Bulletin of Geol. Society of America, Vol. II., p. 189.



attention from even the most untechnical tourist. To-day man is energetically following the courses of the prehistoric river channels in quest of gold, tunnelling under the lava beds and bringing to light not only the gravels with their glittering contents, but the bones of the Tertiary mammals and the human skeletons and human implements that were buried there long before the glaciers that once occupied the region were born, before even the lava floods had turned the rivers aside from their original beds. Whatever may be the true interpretation of the records preserved in the prehistoric river channels of California, it is quite certain that we have no evidence of the existence of man in Iowa, or anywhere in the Mississippi valley, earlier than the middle Quaternary.

What sort of man was it that first inhabited Iowa? The fact is gradually taking shape in the minds of archæologists that there are remains of at least two prehistoric races in the Mississippi valley. In order that we may appreciate intelligently the peculiarities of the earliest of these races let us consider for a moment the famous Neanderthal skull. It resembles the skull of the gorilla in the enormously thick stout ridges over the eyes, while the low grade of intelligence of its owner is indicated by the almost total absence of a forehead. This anomalous skull was found in 1857, and was for years regarded as marking probably some individual peculiarity and not as representing a distinct human type. At the late meeting of the International Congress of Geologists in Washington,<sup>1</sup> Mr. Max Lohest exhibited drawings and descriptions of human skulls of the Neanderthal type, from Liege, Belgium. Similar skulls are now known from France, Italy, Austria, Belgium and Sweden, and everywhere the conditions and surrounding circumstances indicate that they are the oldest of known human fossils. The fact that there was a low-browed, brute-like, small-bodied, square-shouldered, Neanderthal race of men must be regarded as fairly established.

Turning now to our own continent, we find a parallel series

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<sup>1</sup> September, 1891.

of facts of unusual interest. Mr. M. W. Davis, of this city, has in his possession a skull from a mound in Johnson county that is almost of the Neanderthal type. It differs simply in having the superciliary ridges a little less prominent than in the old European race, and the arch of the skull is not quite so flat. A skull from Floyd, north of Charles City, Iowa, exhumed and described by Mr. Webster, is quite as anomalous as any known from Europe, and if found in Europe would be at once referred to the Neanderthal race. Three other skulls found by Mr. Webster at Old Chickasaw, exhibit the same racial characteristics. Three skulls of similar contour, from the region of Dubuque, Iowa, are mentioned and one illustrated in Foster's *Prehistoric Races of the United States*. Still others are described by Foster from Illinois and Indiana. Referring to one from a mound near Chicago he says, "No one I think can view this fragment of a skull, with the superciliary ridges projecting far beyond the general contour, both laterally and in front, and the low, flat forehead with its thick bony walls, without coming to the conclusion that its owner was a ferocious brute."

Dr. Lapham, author of *Antiquities of Wisconsin*, was at one time quite skeptical concerning the existence of a low-browed, ape-like race of men in America, and was even inclined to believe that the mounds had been heaped up by ancestors of the modern Indians. His observations led him to change his opinions, and later he could write to his friend Foster concerning two prehistoric skulls preserved at Milwaukee that, "The peculiar characteristics indicating a low grade of humanity common to both, are a low forehead, prominent superciliary ridges, the zygomatic arches swelling out beyond the walls of the skull, and especially the prominence of the occipital ridge. The anterior portion of these skulls, besides being low is much narrowed, giving the outline, as seen from above, of an ovate form."<sup>1</sup> The same Neanderthal type, it will be

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<sup>1</sup> *Prehistoric Races of the United States*, by J. W. Foster, LL.D., p. 290. Skulls of this same degraded type to the number of a dozen or more are preserved in the collection of the Davenport Academy of Science.

seen, inhabited Wisconsin. America has furnished a larger number of skulls of this type than has Europe. The race may indeed have originated here and the low-browed American may have been the ancestor of the man of Neanderthal. We know that Europe received its prehistoric horses from America. Why may it not also have received its earliest prehistoric men in the same way? After the horse had been long extinct on this continent—the continent in which it had its origin—and after the Neanderthal type of men had disappeared from every quarter of the globe, Europe repays its debt with added interest by stocking this great continent again with domestic horses, and peopling it with an improved ethnic race represented in our own community by the Saxon, the Teuton and the Celt.

The Neanderthal race of Europe lived, some of them at least, in caves, and caves became in many instances their places for burial. The equivalent race in America occupied a region destitute of caves. Their habits, like those of all other races, were determined largely by their environment. What kind of homes they reared we may never know. In the matter of burial they adopted the simple fashion of piling heaps of earth over the bodies of their dead. Whether this inferior type of humanity was displaced by another, or whether in the course of time it developed into something better would be difficult to say; but it is quite certain that a higher race followed, constructing mounds on a much grander scale and of more elaborate patterns. Dr. Lapham clearly expresses the probable course of events when he says, "It seems probably that men with skulls of this low grade were the most ancient upon this continent; that they were the first to heap up those curiously shaped mounds of earth which now so much puzzle the antiquary; that they were gradually superseded and crowded out by a superior race, who adopting many of their customs continued to build mounds and to bury their dead in mounds already built."

It seems to me that archæologists take too little account of

the fact that a superior race may be lineally descended, or perhaps you would prefer to say that they may have lineally ascended, from an inferior one. Theoretical biology affirms that the ancestors of every race, our own proud ancestors among the rest, if we could only trace our line of descent back far enough, were men as low in grade and with skulls as flat, as the most brutish individual among the men of Neanderthal. The reverse is also possible, and a race of superior intelligence may, by a process of retrogression or degredation, give rise to descendants of very inferior quality. Fluctuations in the intelligence of a single prehistoric race might, judging from the monuments made at different times, lead to the conclusion that a region had successively been occupied by tribes of people racially distinct. Major Powell, Mr. Henshaw and others incline to the opinion that all mounds and their contents are to be attributed to ancestors of the modern Indian. If that can be proved no one will object. From one point of view we would have evidence simply of the successive occupation of Iowa and the Mississippi valley by three successive races; from another point of view the monuments would record three distinct phases of civilization of the same race. The question as to which view is the true one may be left without discussion until our information is more complete.

Whatever may be the genetic relations of the peoples that successively occupied America, this fact stands out prominently, that following the low-skulled men, and prior to the phase of civilization of which, at the time of Columbus, the modern Indian was the exponent, the country was occupied by an intelligent race that lived in settled, organized communities, and heaped up elaborate mounds of earth to which they often gave very perfect geometric outlines. These were the true *Mound Builders*.

The monuments of the mound builders are confined almost exclusively to the Mississippi valley; and are scattered all the way from the Gulf of Mexico northward into Wisconsin.

The center of this population, and the center of its culture and civilization as well, seems to have been in the valley of the Ohio, along the Wabash, the Sciota and the Miami on one side, and the Cumberland and the Tennessee on the other. If asked to locate the center more definitely we would place it near Chillicothe, or Marietta, Ohio. From this center the race extended into adjacent States, a portion of it occupying eastern Iowa. Iowa, however, seems to have held the position only of a remote frontier province, sparsely settled with rude pioneers that fell as far short of representing the real state of civilization attained at the center of population, as Iowa in the early 40's would have fallen short of representing the highest degree of culture and progress attained by the Anglo-Saxons.

The mound builders cleared forests and must have practiced agriculture on an extensive scale; they wove cloth; they graded roads; they built extensive and skillfully planned fortifications often embracing scores or even hundreds of acres; they made stone implements, but finding copper better for their purpose they sent annual expeditions to Lake Superior to carry on extensive mining operations in quest of this metal. As a rule the copper was hammered into knives and hatchets and bracelets, and other objects, but in some instances they seem to have known how to cast it into the desired shape. There appears to have been no McKinley among them, to conceive the idea of developing the tin mines of America, and so they missed the art of making bronze. Their water jars and water coolers were moulded by hand into artistic forms often representing portions of the human body or of lower animals. Effigies of fishes, reptiles, birds, quadrupeds and even the human form were skillfully carved in stone. The elephant pipes in the museum of the Davenport Academy of Science, which have been ridiculed by some persons high in authority, are to me in no way surprising. The men who made the arrow points found by Professor Aughey were here as early as the earliest elephants that followed close upon the

retreating glaciers, and elephants were prominent among the animals inhabiting Iowa and adjacent regions for a long stretch of time subsequent to their first appearance. Man was associated with the same species of elephant at the time the Equus beds were forming in Nevada. He was associated not only with the elephant, but with forms belonging to even older faunas in California. The evidence of man's contemporaneous existence with this same species of elephant in Europe has for many years been such as to preclude the possibility of doubt.

For a long time too after the elephant became extinct in this region another elephant-like creature, the mastodon, roamed in herds over the Mississippi valley, our State included, and must have been familiar to many generations of prehistoric men. The artists that carved birds and smaller quadrupeds so skillfully that even the genus and species represented may often be accurately determined, could hardly have failed to attempt the more ambitious subject of the elephant or the mastodon. The only wonder is that effigies of these striking creatures are not more common.

The earth works constructed by the mound builders are their most characteristic monuments. These vary from shapeless heaps of earth barely rising above the level of the surrounding surface, to great cones or pyramids, fifty, sixty, ninety feet in height. One, the great truncated pyramid at Cahokia, Illinois, has a height of ninety feet and a circumference at the base of more than two thousand feet. But of their mounds, or embankments, or strategically planned fortifications, or temples, or sacred enclosures, or sepulchers, it is not my purpose to speak. My object has been to describe prehistoric man no farther than was necessary to fix the proper relations of successive prehistoric events. Regarding the glacial period as the portion of time around which discussions relating to prehistoric man must center, I have tried to set forth its relations to preceding and subsequent eras. I have tried also to have you see that however long or however

short the time since the close of the glacial period, man has during all that time continuously occupied this continent, that in fact men of some grade of intelligence and some shade of color have, since the glacial period, continuously occupied Iowa. Furthermore man has been here as long as he has been in Europe; and the question whether America received its human population from the eastern continent, or the eastern continent from America would not now be answered off hand as it would have been twenty years ago. The facts I have presented are such as may be ascertained by pursuing what we may call the geologic method. The gentlemen who will follow me in this course of lectures will carry forward the discussion of events affecting Iowa by methods belonging more particularly to the historian, the philologist and the comparative ethnologist, and into their hands it gives me great pleasure, at this point, to turn the subject over.

## IOWA INDIANS.

BY DR. J. L. PICKARD.

*Delivered January 8th, 1892.*



THOSE of you who accepted the guidance of Prof. Calvin were entranced by the star-lit ocean whose waters once rolled over this vast valley; were surprised to see islands rising slowly about your course and upon them a magnificent flora; were enraptured as glistening ice fields reflected the dim lights of the heavens from their pure white surface; were glad to see under warmer skies the streams of sweet fresh water flowing from receding glaciers with a new flora and fauna furnishing shelter, food, and clothing for a low-browed and low-statured race of human form who hunted within the forests and close upon the borders of the iceland, using the rudest instruments of attack with the vigor known only to brutish men.

In the ages that followed a civilized people moved northward, leaving their records in the ruins of magnificent temples which abound in Central America and in Mexico; in pyramids like the one at Cholula, rivalling in size those of Egypt; in mounds of various sizes and forms, some of which yield evidence of great artistic skill in fashioning instruments of silver, copper, and of stone—evidence too of a worshipful spirit within the breasts of the artists as upon the skeletons are found crosses of both Roman and Greek form.

Temples, pyramids and mounds show the highest degree of civilization within the tropics shaded more and more deeply towards the poles until it is lost among the Esquimaux in the North and the Patagonians in the South.



Centuries intervene and yet buried in such oblivion as that no trace appears of the tides of red men flowing in from the Northeast and the Northwest, crowding back even to their destruction the partially civilized mound builders.

That these mound builders did not leave their fair lands without a contest is proven by the ruins of extensive fortifications along the streams of this great Mississippi valley. Sixty miles back from Lake Michigan in the beautiful Rock River region of Wisconsin, at the village of Aztalan (Aztecland?) is a ruined fortification covering thirty acres in area whose walls were of burnt brick. Similar mounds and evident fortifications are found in northern and eastern Iowa.

Whence came these northern barbarian hordes that crowded in between the Esquimaux and the more civilized tribes that pressed northward after the ice age? No man is authorized to answer this question. Traditions even are vague. From the heaven direct; from the earth; from the water under the earth; from some far away region undefined; from Asia by Behring Strait; from Europe by Iceland, Greenland and Labrador; from Africa when the continents were joined before the time so briefly recorded in sacred writ.—“In his days” (days of Peleg) “was the earth divided,”<sup>1</sup> “and from thence” (the plains of Shinar where the tower of Babel was begun) “did the Lord scatter them abroad upon the face of all the earth.”<sup>2</sup> These traditions give rise to various theories—theories free to your choice.

That the red men are here we know, and that they are yielding to another race, as themselves forced others to yield in centuries long past, is proven beyond a doubt. Icelandic records leave no room for doubt that in the ninth century Norsemen fleeing from Harald’s tyranny reached Iceland, that in the tenth century their descendants landed upon the shores of Greenland, and that within the first three or four years of the eleventh century they passed by Labrador and

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<sup>1</sup> Gen. x, 25.

<sup>2</sup> Gen. xi, 9.

Nova Scotia to Cape Cod and into Narragansett Bay to the mouth of the Taunton river where stood for a time a Hof, or Hop—called Mount Hope more than six centuries later where King Philip's tribe of Indians were found when English settlements were made in Massachusetts.<sup>1</sup>

To discover is more than to find. The Norsemen found America; only Columbus discovered it, lifting the veil of darkness which hid it, and disclosing it to Europe.

Of the period between 1004 and 1492, little is known of North America.

By discoverers from the St. Lawrence Gulf to the Caribbean Sea, and inward as far as hardy adventurers penetrated, red men were found and were treated ever as uncivilized men to be dispossessed of their lands as the several nations discovering saw fit.

The acquisition of title by discovery was recognized as valid, each nation respecting the other's rights. The red men could yield possession to national authority, but could not dispose of lands to individuals without national consent.

Relating to the titles of land acquired by treaties with Indian tribes, Chief Justice Marshall in case of *Johnson & Graham's lessee v. William McIntosh*,<sup>2</sup> gives the decision of the Supreme Court:

"The plaintiffs claim the land under two grants, 1773 and 1775, by chiefs of Illinois and Piaukeshaw tribes. The chiefs acted under authority of tribes who were acknowledged in rightful possession of the land they sold. On the discovery of this continent the great nations of Europe eagerly sought possession of as large a share as possible; to avoid conflicts they agreed upon discovery as giving right to ownership. They easily convinced themselves that sufficient compensation was given the Aborigines in civilization and christianity bestowed upon them and in unlimited independence.

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<sup>1</sup> Bancroft's History of U. S., 16th Ed., 1858. Vol. I., p. 5.

<sup>2</sup> Wheaton's Reports U. S. Supreme Court, Vol. VIII., p. 543.

“Each nation pursued its own policy with the natives without interference from others.

“Each nation claimed unlimited title and the right to grant lands subject to Indian occupancy. \* \* \* \*

“In 1783, the United States obtained title from England subject to the same Indian right of occupancy which Great Britain had recognized.

“A conquered people must either be treated as a subject people or be incorporated into the conquerors as part and parcel thereof. The relation of the Indians to the United States is peculiar. They are not foreign to each other. Indians must be wards of the nation — their lands separate from the state’s — and the government controls all intercourse with them. Their right of occupancy was subject to treaty — any lands held in possession by Indians could be alienated by them to the government or to individuals with approval or consent of the government, but the individual can not acquire title *direct* from the Indians.”

This decision has determined the conduct of Indian affairs by the United States.

French traders acting under the principles of national ownership extended their tours up the St. Lawrence; English traders, from the Atlantic coast; Spanish traders, from the Florida coast and the Gulf to the Mississippi, and from the Pacific coast inward. The trade consisted largely in furs and fish, the most valuable in the colder regions; hence most is known of the great family of Indians called *Algonquins* in the northeast and of the equally numerous family called *Dakotahs* or *Sioux* in the northwest as known in the earlier days.

Missionaries followed, in some instances accompanied, the traders; in some instances combined the two offices. To these missionaries we owe the knowledge of the tribes that concerns us especially at this time. The two great families met in conflict upon the territory between Lake Michigan and the Missouri river.

Another large family known as *Iroquois* were holding lands

within the territory claimed by *Algonquins* and they were therefore in constant conflict.

English and French too came into conflict, and into their quarrels the Indians were drawn. From the earliest history, until the treaty of 1763, when France surrendered her claims to territory east of the Mississippi, there were found French Indians and British Indians. The two great families—the Algonquins and the Iroquois divided in allegiance; some tribes of each family were found upon opposite sides and carried on incessant warfare. By degrees English influence gained the ascendancy and the French Indians transferred their allegiance to the English side. During the period from 1680 to 1763, the larger part of the Algonquin family thus changed sides. Prominent among them and in order named, Pottawattamies, Foxes and Sacs, who are known in Iowa history, deserted the French.

A word or two is needed as to Indian organization. Nations are divided into tribes and are known only in tribal organization except when tribes join themselves in confederacies as in the case of the Six Nations of the Iroquois family.

Tribes are divided into clans, each clan having its characteristic animal as its designation. The number of clans in a tribe is an even number; eight, as in the Fox tribe; twelve, as in the Sac tribe. Clans are made up of lodges, each lodge with husband, wife or wives (for Indians are polygamists) and children. The husbands of a clan are all known as brothers, the wives are sisters and the children recognize each of the brothers as *father*, and each of the sisters as *mother*; hence there are no cousins, no nephews, no nieces known among them. Descent, for obvious reasons, follows the female line. Marriages are always outside of the clan, but generally within the tribe.

Children are sometimes apportioned among the clans at their birth. Among the Sacs there existed a division two-fold, and children born within the tribe were marked with black or white alternately so as to have an equal number in

each division whenever friendly contests were engaged in of strength or skill.

Over tribes *chiefs* are placed sometimes hereditary—sometimes by election. Braves who have distinguished themselves in war are made *war chiefs*. Thus it happens that two or more chiefs are found in the same tribe.

Tribes sometimes are divided, when numbers are large, either by a vertical division, which puts into the new tribe part of each of the clans, or by horizontal division taking all of part of the clans—or by combination of the two methods.

Tribes unite also permanently as Sacs and Foxes, each retaining its chiefs and its braves, but with one superior chief to whose command the united tribes are subject—as the “Six Nations,” under Red Jacket. The union is often temporary—an offensive or defensive alliance, as under King Philip in 1675; Pontiac in 1763; Tecumseh, 1812; Black Hawk, 1832; Sitting Bull, 1891.

The better to present what is the special purpose of this lecture, I shall follow the history of the several tribes each by itself.

Until the organization of the territory of Iowa our fortunes were allied first with those of Michigan, then with those of Wisconsin, and in this latter period our boundaries were from the Missouri line to the St. Peter's river. Over this territory roamed the various tribes of the great *Sioux* family, chiefly *Sissetons*, *Ioways*, *Winnebagoes*, *Osages*, *Otoes*, *Missouris* and *Omahas*; also of the *Algonquin* family tribes known to Iowa history as *Sacs*, *Foxes*, *Illinois*, *Pottawattamies*, *Ottaways* and *Chippeways*.

Proceeding somewhat in detail as proposed and following a chronological order as far as possible in sketching the occupancy of Iowa Territory, but carrying forward each tribe from its first known appearance until its departure across the Missouri river, illustrating all movements by rudely colored maps,<sup>1</sup> I will give in a body the authorities studied, viz:

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<sup>1</sup> The maps are not obtainable, except the outlines of the one representing the Black Hawk purchases found at end of the lecture.

Catlin, Schoolcraft, Fulton, Davis, Bancroft, Prescott, McKenney and Hall, Perkins and Peck, Helen Hunt Jackson, the biographers of Tecumseh, of Black Hawk, and of Keokuk; Reports of the Bureau of Ethnology; various magazine and newspaper articles, and the text of Indian treaties up to the admission of Iowa as a State.

The first tribe seen by white men upon Iowa soil was the

#### ILLINOIS.

1673.—Marquette and Joliet in descending the Mississippi saw, about sixty leagues below the Wisconsin river, footprints in the sand, and following them found a village of Illinois about six miles back from the river, probably near Montrose in Lee county, on the Des Moines river.

1765.—Pontiac surrendered and

1769.—was assassinated by an Illinois. Then began a war of extermination of the Illinois by Pontiac's followers—among them as chief, Sacs and Foxes. By 1803 extermination was nearly completed. When completed a band of Ioways was found among the Illinois, but so friendly to Sacs and Foxes that they entered into alliance and were fast friends for nearly twenty years.

#### SIOUX.

1680.—Father Hennepin found Sioux in northern Iowa and what is now southern Minnesota. He with two others was held a prisoner for five months, and formed the acquaintance of Du Luth.

Schoolcraft thinks them to be of Asiatic origin; they are of seven bands though confederate. They are bitter enemies to Chippeways who are looked upon as enroaching upon their rights in the rich hunting grounds of Wisconsin, Minnesota and Iowa.

For the same reason they were hostile to Sacs and Foxes though less disturbed by them.

Their hostility extended also to Winnebagoes and Ioways who had seceded from them.

1812.—The Sioux espoused the cause of Great Britain and at the close of the war, treaties of peace were made with the Lake Sioux and with St. Peter Sioux. 1816, Sioux of the Leaf entered into treaty.

1825.—Boundary line was established between them and Sacs and Foxes and Ioways, also treaties of peace were made with Hankpapa Sioux. (See Map.)

1830.—The Sioux ceded to the United States a strip of land twenty miles north of the line of 1825, from the Des Moines river to the Mississippi river, receiving in part payment a tract for half breeds, fifteen by thirty-two miles on Lake Pepin. (See Map.)

The Ioways, Omahas and Otoes for themselves and in behalf of Yankton Sioux obtained also a half breed tract ten by twenty miles, west of the Missouri river, between the Great and Little Nemaha rivers.

1836.—Sioux ceded in concert with Otoes and Missouriis and Omahas the lands between Missouri river and the State of Missouri, south of the Iowa line. (See page 46.)

1837.—They ceded all lands east of the Mississippi river and islands in the river.

To all these treaties the Sisseton Sioux paid no heed. They acted as outlaws and were so considered by other Sioux. They kept a constant warfare with the Pottawattamies after their removal from Lake Michigan to Southwest Iowa and until they left the State. From 1848 to the Spirit Lake Massacre of 1857, these "Bedouin Sioux" were a source of constant dread, and they will be found troublesome in the future as in the past. Sitting Bull's death has led to a temporary cessation of hostilities.

Efforts are made to civilize them. Missions and schools among them make but little headway.

In care for their dead they differ from the Algonquin family and they cherish a less sacred regard for the resting place of their ancestors. Their dead are placed upon scaffolds.

Other tribes of Sioux with which we are especially con-

cerned—Ioways and Winnebagoes—have yielded more readily to civilizing influences.

IOWAYS—(Aiouez, *Fr.*)

There is a tradition among the Ioways that many generations before the coming of the French, they were upon Lake Pepin, and that Winnebagoes, Omahas, and Missouris were offshoots from the tribe.

Manhaugaw, the ancestor of Mahaska, belonged to the Nez Percés who were found at Mackinac, 1680.

A descendant of Manhaugaw about this time founded a village near the mouth of the Iowa river.

1690.—They were found with Winnebagoes upon Lake Michigan.

1700.—A part of the tribe was found by Le Sueur in the Blue Earth region. They seem to have allied themselves with Winnebagoes.

1775.—A body of Ioways was found with Shawanoes, Delawares, and Mingoes, on the Ohio river during Dunmore's war. This band was found later among the Illinois near Peoria.

The main body descended the Rock river with Winnebagoes, and thence to the mouth of the Des Moines, up that river stopping sometime in Davis, Wapello, and Van Buren counties, thence up the Des Moines, across Iowa to the Missouri river, and up the Missouri to Mandan village.

1786.—Returning they passed down on the west side of the Missouri and crossed into Southwestern Iowa near the mouth of the Little Platte, crossed north Missouri to the mouth of Salt river, thence up the Mississippi and Des Moines to the region of Chariton and Grand rivers, and had headquarters in Mahaska county.

1803.—They join the Sacs and Foxes in an attack upon the Osages—a war which is ended by a treaty of cession by Sacs and Foxes in 1804.

The next mention made of Ioways is at a conference at Pembina under Little Crow a Sioux chief, in 1812. The



southern band is often engaged in war with Osages, which continued until the Osages were removed from Missouri. During this war Mahaska distinguished himself. At one time while stanching nose-bleed in the Missouri river, he asked some Frenchmen who were descending the river, to carry him across. The Frenchmen replied by killing one of Mahaska's braves. Another brave killed a Frenchman and Mahaska then killed another to bear his brother company. Whites at once raised complaint of Indians. Mahaska was captured and kept a prisoner in Missouri. During his imprisonment four sisters of his band lost their husbands. After his release Mahaska married the four widows after the custom of his tribe.

1815.—The peaceful intentions of the Ioways are declared in a treaty with the United States.<sup>1</sup>

1819.—The friendly relations hitherto existing between the Ioways and Sacs and Foxes were suddenly broken. While hunting upon Iowa soil, a Sac treacherously killed a young Ioway. During the winter following, Black Hawk having discovered the murderer, started to deliver him to the Ioways. The murderer himself being sick, his brother volunteered to go in his place. In sight of the Ioway village, probably near Iowaville, Black Hawk and his braves halted while the volunteer prisoner went forward singing his death-song into the village. Black Hawk started back and at his first encampment was startled at night by the sounds of horses' feet. Arising suddenly to meet what he imagined to be the assault of Ioways he was surprised to see the prisoner he had escorted to the village. The Ioways struck with the magnanimity of the Sac, who had volunteered to take his brother's place, after many threats of execution had released him and had given him two horses, one for himself and one for his sick brother.

1823, May 1.—The hostility between Sacs and Foxes and

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<sup>1</sup> See Indian Treaties, edited by Richard Peters. Little & Brown, 1846. The same work is authority for all statements taken from treaties with Indians.

Ioways culminated in a battle near Iowaville, the result of which was the transfer of sovereignty of that region from Ioways to Sacs and Foxes. The Ioways had returned from a hunt and were preparing to celebrate their return by a horse race. A plan previously laid to march against Black Hawk on Rock river had been discovered, and Black Hawk by a forced march reaches the village of the Ioways while they are in the height of their carousal. After the first onslaught the battle progresses by detachments of twenty-five to fifty on a side, until all the Ioway warriors are slain. The old men are then ruthlessly slaughtered. Sacs and Foxes gained supremacy and after the release of Black Hawk, following the Black Hawk war, he lived upon this battle ground, and died and was buried there.<sup>1</sup>

1824.—Ioways ceded to the United States all their lands in northern Missouri. Mahaska then lived on the Des Moines river, about one hundred miles from its mouth. Going to Washington he unexpectedly met on his way his lovely wife Rantchewaime, who insisted upon going with him. After his return he settled down to a peaceful cultivation of the soil. His wife was a beautiful woman of a true christian character. Mahaska said of her, "Her hand was closed to those not in need, but was like a strainer full of holes to the needy." She had a remarkable influence over her tribe, but lost her life by being thrown from her horse.

Mahaska lost standing with the warlike of his tribe, having aided the United States in arresting some of them. He removed to the vicinity of the Nodaways in Cass county, and was slain, 1834, in the southeast part of the county, about sixty miles from his village.

1825.—Ioways joined Sacs and Foxes in the treaty which fixed the line of division between them and the Sioux.

1830.—Again in establishing "neutral territory." (See Map)

1833.—Catlin locates the Ioways in southwest Iowa and upon the Missouri river with a band of Mandans.

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<sup>1</sup> Burlington Gazette, A. W. Harlan.

1836.—Ioways accepted lands across the Missouri river with the Missouri band of Sacs and Foxes.

1838.—Final cession was made of all lands in Iowa for the sum of \$157,500, kept by the United States as a fund upon which five per cent. was paid annually.

At this time they outnumbered Sacs and Foxes and were in a good degree civilized.

Ioways follow the custom of shaving the head as do other tribes with whom they have held alliance, Sacs and Foxes, Kansas, Osages and Pawnees.

They are very religious in tendency, believing in a future state with material happiness for all who are able "to walk the slippery log."

They are chaste in life to a degree beyond other tribes. No illegitimate child has been known among them. An Ioway boy selects an intimate friend, and between them is repeated the history of Damon and Pythias.

A Sioux had slain an Ioway youth. His intimate friend takes three Sioux scalps, riding one hundred miles in twenty-four hours to accomplish the revenge.

During the Civil War Ioways were loyal to the Union and many enlisted in the Union Army, though they suffered the loss of bonds kept as a fund for their benefit.

1891.—October saw the surrender of tribal organization and acceptance of lands in severalty.

#### SACS AND FOXES.

There is a fairly authenticated tradition that these tribes, near relatives, were at the mouth of the St. Lawrence one hundred years before the coming of the French. Moving westward on account of antipathy to French traders, the Foxes took a direct route to the northern shore of Lake Huron and by Sault Ste Marie and Mackinaw—came to the region of Green Bay; while the Sacs followed the St. Lawrence and the lower lakes, where they became embroiled with French Iroquois Indians—the Hurons. They then moved

northward and westward till they met their old friends the Foxes near Green Bay. Their old alliance is renewed and Father Hennepin gives the first historic record of them as living along the Fox river—the Foxes then were called Outagamies.

1689.—La Hontan reports them still upon the Fox river.

1712.—A portion of the Foxes join the English Iroquois for the purpose of dislodging the French at Detroit. Unsuccessful they return to the main tribe pursued by the French, who halt not until they have driven both Sacs and Foxes up the Fox river and across to the Wisconsin.

Pressed from the north by the Ottaways and Chippeways, then friendly to the French, and from the west by the Sioux, they move southward.

1734.—They form an alliance with English Iroquois probably Senecas, pass down Wisconsin river, now closed to French trade, cross the Mississippi river at some point between Prairie DuChien and Dubuque, and establish themselves upon both sides of the Mississippi. Not far from this time Chippeways, Ottaways and Pottawattamies join them in occupancy of southern Wisconsin and northern Illinois.

The tribes Sacs and Foxes appear to have separated, the Foxes or Musquakies as they now call themselves remain about the lead mines and the Sacs move eastward and joining the Miami Indians they make an attack upon St. Louis.

1788.—Foxes cede to Julien Dubuque the right to occupy and remain upon a strip of land extending twenty-one miles from the mouth of the Little Maquoketa northward and nine miles back from the Mississippi. This was confirmed afterward by Spanish authorities. Dubuque married Potosa, a Fox maiden and established a trading post at McGregor and another at Dubuque. The Foxes envious of their son-in-law established a rival village at what is now North Dubuque.

1789.—The Sacs are found at a council held at Fort Harmar in making a treaty of peace with the Shawanoes, in which Wyandots, Chippeways, Ottaways and Pottawattamies are joined.

1795-1798.—An apple orchard is planted near Montrose by a half breed of Sacs and Foxes.

After the treaty of 1769, it seemed to be the settled purpose of Sacs and their allies—Winnebagoes, Pottawattamies, Ottaways and Chippeways—to exterminate the Illinois.

In doing this they overrun northern Illinois and return to the Mississippi river in 1794, but are found at a council held at Fort Wayne. They soon rejoin their old friends the Foxes not again to be separated.

1804.—Sacs and Foxes unite in a treaty made at St. Louis ceding to the United States northeast Missouri, between Gasconade river and the Mississippi—also a strip bounded on the north by Wisconsin river for thirty-six miles, thence by a straight line to headwater of Fox river of Illinois, south and east by Fox and Illinois rivers, and west by Mississippi river, also a small piece of land for a fort north of the mouth of the Wisconsin river.

This treaty left the Sacs and Foxes with the right to hunt upon ceded lands till wanted for settlement.

By the terms of this treaty all warlike movements between Sacs and Foxes and Great and Little Osages were to cease; Spanish claims in northeast Missouri to remain valid.

From this time dates the friendly feeling subsisting between Sacs and Foxes and Ioways.

1805.—Lieutenant Pike, U. S. A., finds a band of Sacs at the head of Des Moines Rapids, upon the west bank, another band sixty miles above, on east bank, another band near Rock Island, and still another upon Upper Iowa river near its mouth.

He also finds villages of Foxes, one six miles above Rock Rapids in Iowa, one at a point twelve miles west of the mines at Dubuque and still another at the mouth of Turkey river.

1808.—Settlers were attracted by the rich lands held by the Indians upon the Mississippi and frequent collisions occurred. To protect settlers Fort Madison was erected. Claims were at once made by the more warlike of the Sacs and Foxes

that this act was a virtual violation of the treaty of 1804. Black Hawk's band attempts the capture of the fort. Unsuccessful in direct assault, a surprise is planned when the soldiers have been lured outside the enclosure: the plan is revealed by an Indian maid in love with one of the United States officers.

1812.—Sacs and Foxes were sent into Missouri that they may be out of reach of British influence during hostilities then pending between United States and Great Britain. But the Indians escaped into Canada.

1813.—In the battle of the Thames, Black Hawk commanded a force of Sacs in the British army.

About this time a stockade was built near the present site of Bellevue in Jackson county, as a defense against the inroads of Winnebagoes who had formed an alliance with Sacs and Foxes.

Settlements upon Indian lands in Illinois rapidly increased.

1815.—A very large council was held with the Indians near the mouth of the Missouri river, attended by part of the allied tribes of Sacs and Foxes, at which a treaty was made ratifying the treaty of 1804.

1816.—Fort Armstrong at Rock Island was built, and complaints were made by Sacs and Foxes of the disturbance of their Great Spirit by noise of building. Another treaty of peace and confirming again the treaty of cession of 1804 was signed.

From both these treaties Black Hawk withheld his signature and kept as far as lay in his power the Indians, chiefly Foxes, from assenting under the plea that the treaty of 1804 was not binding upon the tribes since it was negotiated by chiefs who were sent to St. Louis for an entirely different purpose (the release of some Indian prisoners), and that their unauthorized act could not bind the tribes. This feeling was cherished by Black Hawk until the war of 1832, and was without doubt encouraged by British forces in Canada whom Black Hawk frequently visited.

About this time the Indians of the Fox village west of

Dubuque were invited to a council to be held at Prairie DuChien. On their way thither they were waylaid by a band of Sioux and were ruthlessly slaughtered.

Years later this treacherous act was signally avenged but the Fox village was deserted.

1822.—One provision of the treaty of 1804 which required the maintenance of a trading post by the United States upon the ceded territory was abrogated.

1824.—Sacs and Foxes cede all lands between the Mississippi and Missouri rivers lying south of the Missouri line with a reservation for the occupancy of half breeds of the space south of the north Missouri line extended to the Mississippi and lying between the Mississippi and Des Moines rivers.

1820.—Four years before this cession an army officer who had married a Sac maiden was given his choice between the surrender of his surgeon's commission and the abandonment of his wife and children. He chose the former and settled upon the present site of Keokuk. His descendants became beneficiaries in the "Half Breed Tract." His Indian father-in-law did not forget his fidelity.

1825.—Frequent troubles arose between the various tribes hunting over the rich grounds of Wisconsin and Iowa then a part of Michigan territory. Sioux seemed to be the aggressors first upon Sacs and Foxes and Ioways south of them, then upon Chippeways, Ottaways, Winnebagoes, Pottawatamies and Menominies to the east of them. A large council was held at Prairie DuChien resulting in fixing boundary lines between Sioux and the neighboring tribes. The southern line alone concerns our inquiries. It began at the mouth of upper Iowa river, extending to its fork just in the edge of Winneshiek county, and up that fork to its source, then in direct line to the fork of the Red Cedar in Black Hawk county, thence in direct line to the upper fork of the Des Moines in Humboldt county, thence in direct line to the lower fork of the Big Sioux in Plymouth county and down the Sioux to the Missouri river in Woodbury county. (See Map.)

1828.—President Adams proclaimed lands open to settlement and ordered Sacs and Foxes across the Mississippi. See treaty of 1804.

1829.—Mining territory, 8,000,000 acres, was purchased of the Indians claiming lands in what was then known as the lead mines, with Galena near the center.

Keokuk, as chief of the Sacs and Foxes, with Talomah, a Fox chief, aided the United States in quieting the Winnebagoes. Talomah is credited with the organization of a secret society of Four Roads or Degrees, similar to organization among the whites. Black Hawk still remained unfriendly.

The Winnebago disturbances and unfriendly demonstrations across the eastern part of the line established in 1825 led to a treaty in which Sioux ceded to the United States strip of territory twenty miles wide north of their southern line from the Mississippi to the Des Moines river, and the Sacs and Foxes ceded a similar strip south of the same line these forty miles in width to be maintained as *neutral territory*. (See Map.)

By provisions of the same treaty Sacs, Foxes and Ioways gave to the United States permission to locate any Indian tribes they might choose upon territory bounded upon the west by the Missouri river to the mouth of the Kansas river thence by a line due north to the northwest corner of the State of Missouri (at this time the northwest corner of Missouri was upon the line of Taylor county), thence east along the northern line of Missouri to the ridge separating the branches of the Grand river, up that ridge to the divide between the valley of the Missouri and that of the Des Moines river until the headwaters of the Boyer river are reached, thence by direct line to the upper forks of the Des Moines river, thence by the line fixed by treaty of 1825 to the Missouri river.

After this treaty Keokuk persuaded Sacs to move across the Mississippi, and they are found along the Iowa and the Des Moines, chiefly east of the Ioways.



1831.—Black Hawk crosses the Mississippi with his band but evidently with no purpose of remaining except for hunting purposes, for in 1832 he returns for cultivation of their old fields. Their fences are destroyed while he visits his friends the Winnebagoes, and in retaliation for what he considers white depredations he goes upon the war path. Finding a trader upon the grounds of his village, he breaks in the head of his whiskey barrel. State troops and United States troops join in the pursuit of Indians and driving them into Wisconsin end the strife at the battle of the Bad Ax. Black Hawk is made prisoner by treachery of his Winnebago allies, Decorah and Chaska. The motives which led Black Hawk to these acts of hostility were: 1st.—British influence. 2d.—Winnebago solicitation, as the Winnebagoes had not forgotten the course pursued by Keokuk, with whom Black Hawk was ever on unfriendly terms because of jealousy. 3d.—For personal reasons—his adopted son had been treacherously murdered by whites and his strong family attachments proclaim him a human being.

He claimed that the treaty of 1804, if he must recognize it, had not been kept in good faith as their lands upon Rock river were not yet needed for settlement since nearly one hundred miles intervened between the white settlements and their village at Rock Island.

There is at least the shadow of an excuse for Black Hawk, and United States authorities must in their more quiet review of the events of that year recognize the fact.

1832.—Sacs and Foxes cede to the United States a strip of land following the west bank of the Mississippi river in a line about forty miles west therefrom, till it ends at the Missouri line fifty miles west of the Mississippi river *excepting* a piece of land of four hundred square miles on both sides of Iowa river and containing Keokuk's village not far from the site of Wapello, and *excepting* also the "Half Breed Tract."

1836.—Cession is made of the lands partially ceded in 1830, or what is now northwest Missouri.

Keokuk village reservation was sold to the United States for money consideration,—75 cents per acre.

1837.—1,250,000 acres of land west of cession of 1832 with the same terminal points north and south were purchased. This purchase brought into possession of the United States the entire county of Johnson.

1842.—Sacs and Foxes cede all their lands lying west of the Mississippi river reserving the right to remain for three years upon that portion of the territory of Iowa lying west of a line running between Wayne and Appanoose, Lucas and Monroe counties and through Marion, Jasper, Marshall and Hardin counties.

1845.—All had removed west of the Missouri river except a band of Musquakies still remaining in Tama county and who were authorized to hold lands there by act of legislature of 1856.

It may not be amiss to speak here of the leader in the Sac and Fox tribe the gallant *Keokuk*. He was a remarkable strategist. In battle with Sioux vastly superior to his own band as mounted, he suddenly dismounts his men, forms them into a hollow circle and thus resists successfully the repeated charges of the mounted Sioux.

At another time he finds himself alone in the midst of his deadly foes. Quick as thought he declares that he has come into their camp to announce that there are traitors among them who have told him their plot, but that they will find the Sacs ready for them. While the Sioux are temporarily dazed by such information Keokuk dashes out of the camp and escapes to his own men unharmed.

His statesmanship was shown in several instances, once when going to Washington in insisting upon Black Hawk's accompanying him as a favor to him, but for the secret reason that he dared not leave Black Hawk behind lest he foment trouble on account of his jealousy.

By skill in diplomacy and by his fearless oratory he won or awed opposing chiefs into acceptance of his views. He

was the very soul of magnanimity, as was shown in his treatment of his successor after he had been unjustly deposed from his chieftaincy.

But great as he was he was weak in his own moral purposes and fell a victim to the Indian's persistent enemy, strong drink.

Among the Indians there is found a chivalric spirit as instanced in the incident of the Ioway's treatment of the murderer's proxy delivered to them by Black Hawk. Single combats were very common. Neither combatant would take advantage of circumstances. One rider unhorsed, the other rider dismounts. One bow broken or arrows spent, the other bow and quiver are cast aside; the last resort to the knife ends the strife by the death of one, and the other surrenders himself or is surrendered by a near relative, a sister even, to such punishment as the tribe of the vanquished brave may see fit to inflict.

*Black Hawk*, a fine specimen of manly strength, a war brave, was a man of great dignity of character, of proud demeanor.

He at one time turned away in scorn from white hospitality when he learned that he was not a guest at the first table. "Your meat my dogs would not eat." Whiskey proved his deadly foe, although he was an original prohibitionist of white traders.<sup>1</sup> In a feud between Sacs and Ioways two of the latter were killed and seven Mackinac blankets were considered as a fair equivalent for their lives, but a keg of whiskey was tapped by the Ioways in token of the consummated trade.

In response to a toast July 4, 1838, Black Hawk says "I liked my towns, my corn-fields and the home of my people: I fought for it."

When asked by Lieut. Pike to give up the British flag and to accept the United States flag alone, Black Hawk says,

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<sup>1</sup> See page 47.

"We decline, we wish to have two fathers." When on a visit to Fortress Monroe, Black Hawk in a speech says, "The red man has but few houses and few warriors, but the red man has a heart which throbs as warmly as the heart of his white brother,"—a fact not sufficiently recognized.

A Sioux once said in the presence of Keokuk, "We must bore a Sauk's ears with sticks;" Keokuk replied, "We could not bore your thick skulls with sticks, it would take hot iron."

*Wapello*, once a Fox chief was succeeded by Poweshiek who for a time resided in Pleasant Valley, of Johnson county, where a trading post was established.

1838—Sacs and Foxes had removed to Agency City where is found a record of one hundred fifty-seven chiefs and braves.

Last trading post was near Des Moines on Keokuk Prairie.

#### WINNEBAGOES.

They belong to the Sioux nation though they claim an independent origin upon the west bank of Lake Michigan and north of Green Bay. Carver in a work published, 1796, of his travels among the Indians, 1766-1769, claims that the Winnebagoes were originally of Mexico, and bases his reason upon their hatred of Spaniards; he admits the affiliation with Sioux. They also claim the Ioways, Otoes, Missouris and Omahas as their descendants. These claims agree only on the common origin in the Sioux family, and in the recognition by the latter of Winnebagoes as their "elder brothers."

1669—French Missionaries met them about Green Bay.

1766—Carver found them upon Rock river. They and the Ioways are probably the only Sioux that moved across the Mississippi river. Meeting the Algonquin tribes of Sacs and Foxes, Ottawas, Chippeways, Pottawattamies and Mascoutins they had formed alliances which continued for more than one hundred and fifty years.

1763—The peace between France and England found them reluctant to accept English rule, but at last they did so and

acted with England through the Revolutionary War, as also through the war of 1812. They joined in the Chicago Massacre with Pottawattamies in 1812. They were found with Tecumseh in Indiana and Ohio and Michigan.

1816—Made treaty of peace and friendship with United States.

1825—Were included in the treaty fixing boundaries. Again in 1827 and in 1828.

1829—Ceded part of their lands in Wisconsin and Northern Illinois, but joined Black Hawk's band in 1832. At the end of the war of 1832, they ceded all their lands in Wisconsin, accepting therefor lands of the neutral territory<sup>1</sup> from the Mississippi river to the Cedar river. This territory is ceded to United States in 1837.

1846—They accept land on St. Peter's river.

One-eyed Decorah and Chasta captured Black Hawk. Dandy was their orator. They have been wasted away by drunkenness.

#### POTTAWATTAMIES.

These are of Algonquin stock. The first record of them indicates that they were found about the head of Lake Michigan and extending as far east as Lake Erie.

At the council of 1789 they were found as part of what remained of Pontiac's Confederacy. They were the first to check the westward movement of the Iroquois.

They belonged to Tecumseh's Confederacy in the war of 1812, occupied Fort Dearborn after the troops deserted it, attempted to prevent the attack upon the fort made by the Winnebagoes, but did nothing to hinder the subsequent massacre.

With no other tribe have so many treaties been negotiated.

1829—Land ceded in Southern Wisconsin, Northern Illinois, including Chicago, with several reservations. This last treaty repeats that of 1816 with reference to Chicago.

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<sup>1</sup> See Map.

1832—Treaty of cession of lands south of Chicago. Three treaties of this date cover lands in Michigan and Indiana. LeClaire, of Pottawattamie descent by mother, remained with the tribe, acting as interpreter at Fort Armstrong, 1818, married a Sac, 1820, was in Arkansas till 1827, then at Fort Armstrong. In Black Hawk purchase, reservations were made for Mr. and Mrs. LeClaire at Davenport and above. Mr. LeClaire continued to act as interpreter till 1842.

1833—Treaty made with united Chippeways, Ottawas and Pottawattamies granted them five million acres in Southwestern Iowa upon lands ceded for such purposes by Sioux, Sacs and Foxes, Ioways, Otoes and Missouris in 1829.<sup>1</sup>

1834—Three treaties, small cessions of reservations.

1835—They are upon the five million acres as per treaty of 1833. Their burial ground still remains near Lewis, Cass county, on Nishnabotna river.

1836—Nine treaties ceded reservations previously held in Illinois and Indiana.

1837—Treaty confirming treaties of 1836 and accepting lands southwest of Missouri river.

1841—Billy Caldwell, a white chief, dies.

1846—All are removed west of Missouri river.

With no other tribe have so many treaties been made, forty-four in number, from 1789-1846.

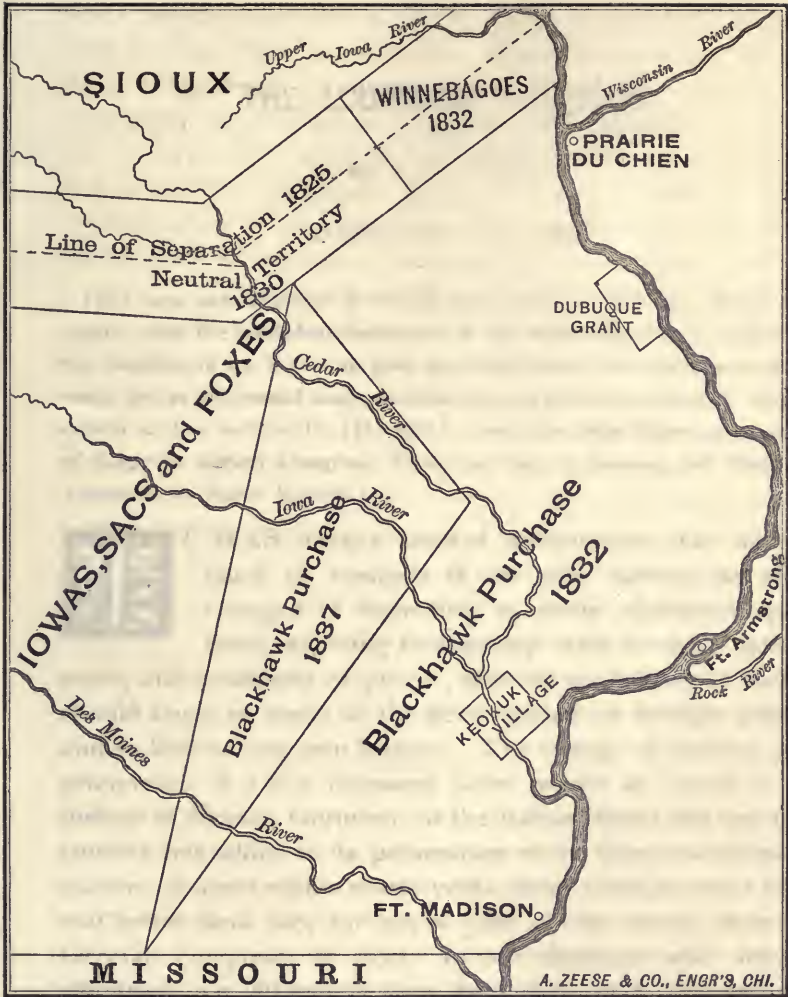
#### OTTAWAS AND CHIPPEWAYS.

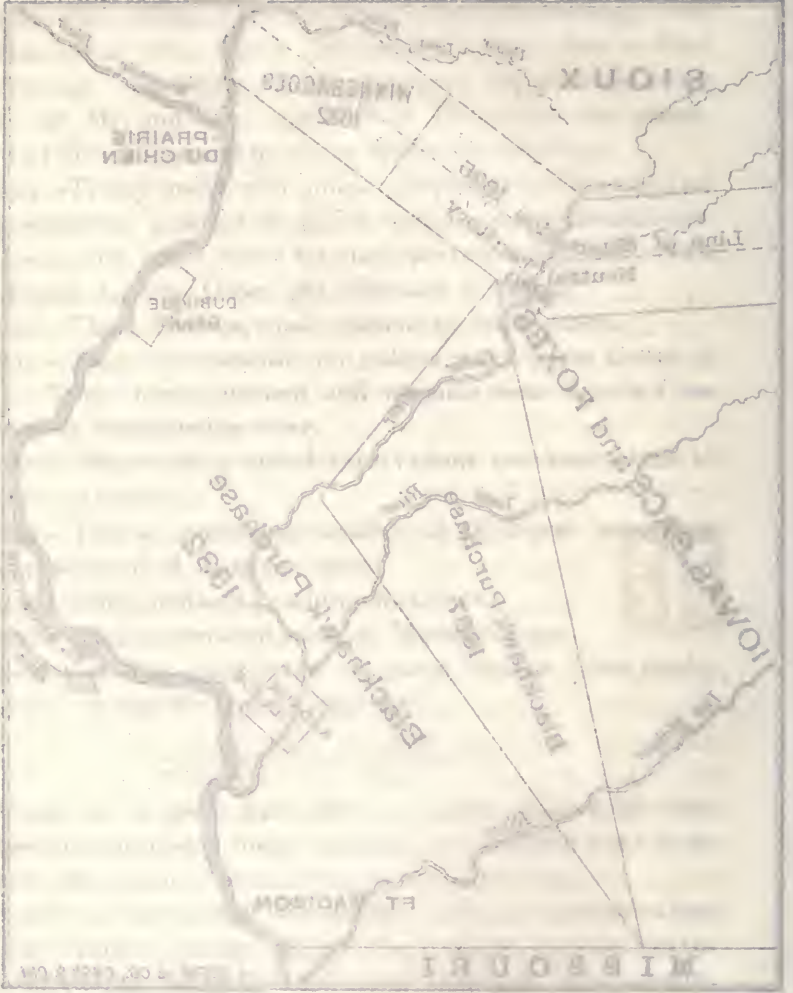
A portion of these were Indians found united with Pottawattamies and with them residing in Southwest Iowa from 1835 to their final removal from the State in 1845.

Before the admission of the State, 1846, all Indian tribes left the Territory except a few who roamed over the Northwestern part of the State, and a small band in Tama county.

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<sup>1</sup> See page 46.







## “THE LOUISIANA PURCHASE.”

BY C. M. HOBBY.

*Delivered March 15th, 1892.*

[The facts and incidents of the following Lecture have been drawn principally from the published documents of the State Department, and it was the intention of the author to give quotations from these documents in foot notes, but as this would cause unnecessary repetition, he desires to refer the careful student to Vols. II., III. and IV., *American State Papers*, also *Annals of Congress*, Eighth Congress, First and Second Session, and *History of Louisiana*, by Barbé Marbois.]



IT HAS always seemed unfortunate, that with so much of romance in our own history, so many changes of boundary, so many diplomatic questions, involving relationship with so many nations, races, and conditions of people, that the school boy of to-day should know so much of the petty actions of foreign powers and so little of our own history. The change of nominal proprietorship of a few thousand acres marks an epoch in the history of France, Germany, or the Italian States, but our own country has added to its possessions more than one thousand millions of acres within ninety years, three times as much land, and better land too, for every year of the ninety, than the German conquests of 1870. In our dealings with foreign countries, our diplomats have held their own although our foreign service since the early years of the republic, has not been a trained and experienced one.

The principles and methods of our earlier foreign ministers still influence our State department, and the tyro can find in

the voluminous correspondence of Franklin, Jay, Jefferson, Madison, Monroe, and the three Adamses hints for almost any occasion. The story of the Louisiana Purchase belongs to the early days of the Republic and comes appropriately in a course of lectures upon Iowa history; for, Iowa itself is a part of that Louisiana which so interested the French court two hundred years ago. Since the white man first unfurled a flag, the emblem of sovereignty, over these beautiful prairies, three times the flag has changed, and there have been four acquisitions of Louisiana.

Three hundred and eighty years ago (1512), Juan Ponce de Leon landed in Florida searching for youth and gold, especially the latter, and nearly thirty years later, or three hundred and fifty-one years ago (1541), De Soto crossed the Mississippi with six hundred men, into what is now the State of Arkansas. Other than the unmarked graves of half of his command, the expedition of De Soto left no trace.

More than one hundred years the red man had remained undisturbed in these magnificent hunting grounds, when Father Marquette on the 17th of June, 1573, entered upon the Mississippi from the Wisconsin. Not for gold came he, nor for the prolongation of life in this world; but in quest of souls for the next, the humble Jesuit opened the gates of exploration, not again to be closed; with him came Joliet, the trader, and thus the cross and the yard stick found the way where sword and buckler failed.

Then came La Salle and Hennepin. La Salle dreamed of empire, of glory to France, and himself: a chain of forts on the Mississippi; Canada and the Gulf connected; the lakes and the river to be the arteries of a commerce that should give wealth and glory to the king, and homes and fortunes to untold generations. La Salle and Tonti descended the Mississippi to its mouth and took possession in the name of the king of France on the 9th of April, 1682, and thus the province of Louisiana was born two hundred and ten years ago.

The first colony which La Salle attempted to transplant to

the mouth of the Mississippi, failed to find the way, and landed in Texas at Matagorda bay. But we must pass the stories of La Salle and his misfortunes, of D'Iberville and Bienville, and their successful colonization, the growing plantations, the commerce, the founding of St. Louis, the romance and reality of the adventurous colonists until one hundred and thirty years ago, the Spaniard came into possession of Louisiana, and thus divided with Great Britain the American continent. Louis the Great—Louis XIV.—was king of France when La Salle proclaimed Louisiana French property. Louis XV. succeeded him and in his day, Law and his financial schemes appeared on the stage, and Louisiana and the Mississippi, became the source of credit that was to float the business of France and make everybody prosperous; and so in connection with Louisiana began the first experiments in a fiscal policy which brought disaster to the French nation and left a heritage of financial theories, again and again to sprout, even to our day in the old Louisiana soil.

Thus it may be seen that the early history of this valley is surrounded by all the chivalric impulse, the high aspirations, the heroism, and misfortune, that interest us in the record of the Atlantic States; and that the same difficulties of colonial government, led the same kind of ambitious spirits into similar adventures.

We note, however, a great difference between the French and English colonial enterprise, in the management of Indian affairs; French tact and intrigue succeeding better with the wily red man, than English positiveness. The same qualities, however, led to more internal dissensions among the French colonies than among the English.

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Concerning the events preceding the acquisition of Louisiana, and the purchase itself, especially the details of the great transaction, many mouldy witnesses lie hidden and forgotten in the archives of the foreign ministries of the United States,

France, and England; much of the correspondence of the time has been lost in the vicissitudes of war, domestic and foreign; yet from what there is accessible a reconnaissance of the field may be made, and an idea of the position of affairs secured.

While we may admit that the wisdom and influence of no individual is necessary to social evolution, yet we must also acknowledge that apparently unimportant actions, good or bad, of the few persons entrusted with authority may change the destinies of nations, and influence the progress of civilization.

It is to such a record that I invite your attention, and in presenting the facts of the "Louisiana Purchase," I must claim the privilege of clustering the events around individual actors.

The Eighteenth Century left but few great men to the Nineteenth, at least, so far as men of capacity in public affairs, with the opportunity to use it, can be called great men. Frederick the Great had been at rest in the Garrison church for fifteen years, our own Washington was sleeping at Mount Vernon; of the few who survived, Napoleon Bonaparte has certainly by his military ability, his audacity, his success and his downfall, filled the largest measure in human estimation. Commander-in-chief of the French army in Italy at twenty-seven, master of Egypt, at twenty-eight, conqueror of Europe, first consul by title, and virtual Emperor of France and Italy, Napoleon enters the nineteenth century less than thirty-two years of age.

So far as Napoleon took advice, or listened to counsel, it came from his minister Talleyrand, a man as able and unscrupulous in statecraft as Napoleon was in the profession of arms; with little liking for America, whose first president had declined to receive him, and whose early envoys to the French Republic had exposed his corrupt practices; he undoubtedly believed, and had so expressed himself in a pamphlet, that in spite of the war of Independence, the United States, from the force of language, race and interest, would become the natural ally of England.

In America, the presidency of Jefferson commenced with the century. Jefferson was by far the ablest American statesman of this century who participated in the affairs of the last, and he was particularly fortunate in his Secretary of State, Madison. The greatness of Jefferson grows with time, and as this century fades away, it seems probable that the future historian will consider him the foremost American statesman of any time. Others have ably met the problems that confronted them, but Jefferson alone, of all who have left their records upon American history, looked into the future, and anticipated its problems.

The author of the first statute guaranteeing religious freedom, of the Declaration of Independence and of our system of decimal currency, knowing America, and her necessities, better than any one else, familiar by long residence in France with French sentiment, and with the development of the new phases of French character that followed the revolution, he recognized the importance of Louisiana when the opportunity came, and wisely made use of it.

It is natural for the mind of man to believe that present conditions and surroundings are inevitable, and it is often said that our western civilization is the natural expansion of the civilization of the east, that Iowa is an offshoot of New England, modified by Teuton, Celt, and Slav; so far as the part above the surface is concerned, this may well be admitted, but why New England crossed the Mississippi, instead of the St. Lawrence, why the development followed lines of transplanted Anglo-Saxon growth, instead of those of the French discoverers and first white occupiers; why here in Iowa our language is English, and our flag the stars and stripes, is worthy of a little thought, and bears with it some useful lessons, for those who believe in and would foster the manifest destiny of this great republic.

The theme of to-night is the peaceful conquest of an empire, greater than that of Cæsar or of Charlemagne, the acquisition of the most fertile part of this most fruitful land.

France mourns for Alsace, and well she may, for Alsace is a beautiful garden, but when she parted with Louisiana, she lost a province capable of making three hundred States each as large and fertile as Alsatia. When the eighteenth century was drawing to a close, France presented a condition of affairs hitherto unknown in history. Her people, descended from the free tribes of ancient Gaul, had fallen into an apparently hopeless bondage, into slavery more abject than the African, slavery of the south, and then suddenly had burst their bonds and overwhelmed their former task-masters; and when the rage was on them rejected all authority; but eventually as they poured out against the authority of other lands, they appreciated the necessity of military subordination and thus opened the way for a master, a demand that nature has ever been ready to supply in such emergencies.

Across the channel, the British Islands were well started on their way to territorial and financial aggrandizement, already the shop-keeping spirit, which has made England the richest and most detested nation of the globe, controlled the cabinet and the policy of England, at least so far as foreign affairs were concerned. England still smarted under the loss of her colonies, and still nourished the hopes of regaining their fealty: she attributed the loss to France, and added it to the long account which had accumulated from the strife and mutual hatred of a thousand years. Then, as now, England dreaded maritime rivalry, her intense selfishness, then as now, would monopolize the isles of the ocean, the ocean itself, and grasp a percentage for Threadneedle street, from the circumambient air.

The map of America at the close of the century shows that foreign control existed over more than three-fourths of the continent south of latitude 50°. The United States, with the present northern boundary of the great lakes, claimed to the Mississippi on the west, and to Florida on the south, at about latitude 31°.

We had no territory on the Gulf of Mexico, all to the west

and south was held by Spain, and was known as The Floridas and Louisiana. Louisiana itself, as ceded from France to Spain, included all between the Mississippi and the Spanish province of Mexico indefinitely north, together with west Florida, or at least, for the descriptions are very indefinite, the gulf coast as far as, and including, Mobile. This cession to Spain, November 3d, 1762, was followed on the 10th of February, 1763, by a general treaty of peace between the kings of Spain, France and Great Britain, in which treaty of peace France ceded to Great Britain all territory east of the Mississippi except the town of New Orleans and the island on which it stands, and at the same time Spain ceded the Floridas to England.

September 3d, 1783, when the independence of the United States was recognized by Great Britain, the Floridas were retroceded to Spain. Thus the United States had Spain for a neighbor both west and south.

The United States when the new century opened had been at peace for seventeen years, for twelve years the Constitution had been the charter and compact of nationality. The second census had shown a great increase of population; it was known that there were 5,300,000 inhabitants, our commerce was increasing with great rapidity and we were rapidly approaching Great Britain in the amount of our tonnage.

But our people had lost the solid front which carried them so gloriously through the war of Independence, party dissensions ran high and bitter, Democracy weighed heavily on the spirits of those who still looked back to England as home, and those who loved all English institutions excepting, perhaps, the personality of the Hanoverian monarchy; many were shocked at the atrocities of the French revolution, forgetting the greater atrocities that led to it; their sympathy was with the royalists of France against the Republicans, but with England against all of France. Others remembered with gratitude the assistance that France had given us in our dark hours, many indeed were still active in public affairs who

had fought side by side with French soldiers in the campaign so happily ended by French aid at Yorktown; these naturally sympathized with the French people, and only remembered England for her crimes against liberty and their country. Fortunately the federalist administration of Adams, and the republican administration of Jefferson, were both conservative administrations, and under both, although the danger of war with France was imminent and constant, the representatives of the people upheld the hands of the presidency in all dealing with foreign countries, and were always ready to sink party dissensions, when it became necessary to defend the country against foreign intrigues, or when the lives and property of Americans were endangered abroad. It is gratifying to follow the record of these times and compare the patriotism they exhibited with the pusillanimous conduct of a portion of the people, during the second war with England.

Those in authority in France, however, were led to believe that by proper manifestations, America might be drawn into war against England. Such was not the belief of Talleyrand, and had it been true that the people were inclined to help France, the treatment our ambassadors received from the Directory, and the persistent seizure of our vessels and imprisonment of our sailors, rapidly discharged the debt of the old alliance, and cooled the most ardent friendship.

It is necessary to briefly consider those troubles known as French spoils, the echoes and reminiscences of which have lingered around the lobby of Congress even to our own times. These arose, first, from the action of the French government in defining the rights of neutrals, whereby in effect under the decrees of the Directory, vessels were declared lawful prize which carried English goods, or visited English ports, and American vessels were seized and condemned even when in sight of our own ports. Later, under the first consul, an American serving on an English ship, even if under compulsion, was declared a pirate, and through the whole course the French policy was to consider everything that was not for



France, as for England, thus practically destroying all consideration of neutrality. These spoiliations commenced before 1796, and continued until 1801, and during that time there were seized by French and allied vessels, mainly privateers, more than three hundred vessels flying the American flag. Some were properly condemned, but in the eventual settlement, \$2,750,000 was allowed for seizures contrary to law and treaty. In addition our sailors and citizens were imprisoned, our minister treated with discourtesy, and a state of actual warfare upon the seas resulted. Constant efforts to secure justice were made. Mr. Monroe, who formulated the doctrine that goes by his name many years later, was recalled by President Washington in 1796. His successor was C. C. Pinckney, but the Directory refused to receive him, "or any minister until the United States had redressed grievances complained of," probably referring to the summary way in which the meddling minister Genet was sent home, and also to the neutral policy of the United States in the war between England and France. Pinckney whose success in Spain as a diplomatist in the previous year, had given prestige to his name, remained as a special agent in Paris until he was sent out of the country the next year in February. Early in his term President Adams nominated, July 15th, 1797, C. C. Pinckney, John Marshall and Elbridge Gerry, envoys extraordinary to France with instructions to secure some kind of an adjustment of the doctrine of neutrality, and some assurance that American rights and property should be respected upon the high seas.

They were never officially received, but their letters have thrown much light upon the condition of affairs in Paris.

The treaty with Spain in 1795, had given to our people the free navigation of the Mississippi, together with the "right of deposit," at New Orleans for three years, and afterwards either at New Orleans or some other point on the same island. This right of deposit, as it was called, was the privilege of disembarking and storing produce and merchandise for export.

until it could be conveniently shipped, without other tax, tariff, or charge except for storage.

This control of the great river by a foreign country was necessarily very unpleasant for the inhabitants of the rapidly growing settlements of western Pennsylvania, Ohio and Kentucky. Kentucky had been admitted into the Union in 1792, and it is apparent that this admission was hastened to frustrate the plans which had been formed looking towards the establishment of an independent republic or empire in the Mississippi valley, with the Alleghanies as the eastern boundary.

To fully understand the mental condition of the people who had come over the mountains to the rich lands of the west, we must think of the problems that faced them. Into their minds came no hint of the wonders that were to be worked by steam. Even western Pennsylvania could not dream of marketing produce on the Atlantic coast.

Nature had made a highway the most complete of the known world, penetrating every part of a land, greater than all France, Germany, Spain and Italy, a land stretching in climate from semi-tropical through every zone of temperate, growing the sugar cane on the south, rich in lumber in the north, capable of producing everything for the benefit of man, excepting only the banana and the date. No nation then existing had such diversity, no nation seemed to be so completely bound together by nature, and so isolated by nature from dependence upon others.

They could see no possible community of interest with the people who, fringing the Atlantic coast, constituted the United States; they had less need, less traffic, less of the sentimental and emotional influences that enter into even the structure of nations, to assimilate them to the United States, than the States had to bind them to England. What wonder then that they looked forward to a great and independent destiny, and that the one unpleasant prospect was, the possession by Spain of the mouth of the Mississippi. That Genet, while minister of France to this country, fostered these sentiments, and sug-

gested the separation and seizing of the mouth of the Mississippi is well known, how extensive the conspiracy, and who were engaged in it would form an interesting topic for the historian. Aaron Burr was Vice-President of the United States, at the opening of the century, and few years later he was connected with a conspiracy having somewhat similar objects.

But the consideration of all the circumstances and actors in the drama of the Louisiana Purchase, would require a volume and we must hasten to the deed itself. Near the close of the last century, namely, October 1st, 1800, Spain retroceded to France the province of Louisiana in these characteristic, and not easily understood terms: "The colony or province of Louisiana with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other States."

The interpretation which it seems would cover the intention, for we must recall the fact, that the ambassadors negotiating the treaty knew less about Louisiana than they knew of Central Asia, the most plausible interpretation would be all of Louisiana that France ceded to Spain, which would only take on the east of the river the island of New Orleans; but our people have always held that it meant all of Louisiana as it was originally, including that portion Spain got from Great Britain, viz.: West Florida, including Mobile to the river Perdido. This treaty of Ildefonso opens the story. It was not intended that the treaty should be made public, but the inquiring minds of the English foreign office, with its corruption fund, easily had the ears of its representatives at the key holes, in Madrid, in Paris, in San Ildefonso, and the American minister to England, Rufus King, was allowed by Lord Hawksbury to share the knowledge very early, before it was even rumored in Paris or Madrid, and long before the people or the Governor of Louisiana itself dreamed of it as possible.

On the 29th of March, 1791, King wrote home of the

rumor. In those days it took time to cross the Atlantic, usually from seventy to ninety days. Pinckney, in Paris, counted six months as the necessary time to get a reply from Washington, but we find King's letter of March 29th, had been received, considered and acted upon by June 9th, when Madison, Secretary of State, wrote to Pinckney, minister to Spain, once more. Livingston, whom Jefferson had sent to France, seems not to have been informed in regard to this cession of Louisiana to France until he received instructions in September (1801), indeed he was late in arriving at his post. From this point, I shall attempt to paraphrase the letters, communications and instructions, so as to show the action of the mind and the growth of the great project of the American acquisition of Louisiana, divested of the superfluous verbiage of diplomatic correspondence.

Mr. Jefferson had in mind the condition of affairs in the Mississippi valley, the uneasiness of the people, the many incentives luring the people to separate national existence, and the rumor of the retrocession to France suggested to him grave possibilities. France, the most active and most powerful nation of the time, had in New Orleans and at St. Louis, French people familiar with the country. Canada had been a French province within his own lifetime, and the French inhabitants of Canada, then as now, failed to assimilate with the English speaking people. He viewed with alarm the possibility of a great French empire on the west of the Alleghanies, and he directed Mr. Madison to call Livingston's attention to these matters, and say to him that France would be a much more uncomfortable neighbor than Spain. And he asks, "cannot you ministers to France and Spain stop this rumored trade?" Livingston suggested to Talleyrand that in making the deal the two governments should cede the Floridas to the United States. Talleyrand talked of other subjects and Livingston was led to think there was nothing in the trade, and that Spain would back out. Later, in 1802, he began to believe it possible, but the cooking of Paris and the kindly manipula-

tions of the astute Talleyrand convinced him that France would be a good neighbor, and that she would allow us free navigation of the Mississippi. Along in March Livingston caught Talleyrand at some of his tricks, and wrote home that he could not find out about anything. In May, by order of the President, Madison wrote him again, "It won't do to have the Mississippi closed to us." "The President wants you to find out what sum France will take for New Orleans and the Floridas" laboring under the idea that Spain had ceded the Floridas to France. We must have the mouth of the river, and he wants you, Mr. Livingston, "to devote every attention to this object, and be frequent and particular in your communications relating to it." The President also wrote personally at this time, and by Mr. Livingston's acknowledgment of the receipt of the letter, we see that just ninety years ago, it took the same time for a letter to get from Washington to Paris, as it now takes an American to make his summer trip to Europe and to return home.

During this important summer, Mr. Livingston, who personally and by his friends, always afterwards claimed the entire credit for the Louisiana Purchase, spent his time in trying vainly to ascertain the truth of what King had written home long before, and in writing elaborate memoirs to convince the French that Louisiana was useless for them, or for any one else. In spite of the constant urging from Jefferson and Madison he seems to have accomplished nothing. He gives, however, in one of his letters a brief description of Napoleon, that is worth remembering.

"There never was a government in which less could be done by negotiation than here. There is no people, no legislature, no counsellors (*sic*), one man is everything. He seldom asks advice, and never hears it unasked. His ministers are mere clerks, and his legislature and counsellors parade officers. Were it not for the uneasiness it excites at home it (the Louisiana trade) would give no worry, for I am persuaded that the whole will end in a relinquishment of the

country, and transfer of the capital (New Orleans) to the United States." In November he asks for instructions as to making an offer, "can't get anything for nothing." Jefferson's mind is still on Louisiana when Congress assembles in December, and early in January he nominates James Monroe, as minister extraordinary, to act with Livingston in Paris, and Pinckney in Spain. "We must have the mouth of the Mississippi;" the general instructions given to Monroe and Livingston were to obtain if possible the whole foreign territory east of the Mississippi, the Floridas and New Orleans with the island, with agreement for free and unobstructed navigation of the Mississippi, by contracting parties.

Meanwhile Livingston waiting for Monroe gets a new idea and actually suggests to Talleyrand that the island of New Orleans be made an independent State, under the protection of Spain, France and the United States. Talleyrand continues his peculiar tactics until along in April. Livingston begins to talk business with Barbé Marbois, Napoleon's minister of the treasury. Marbois has been in America, and in the French colonies, understands the condition of affairs, the dangers and expedencies, moreover he has the ear of Napoleon; about this time Talleyrand asks Livingston what the United States would give for the whole of Louisiana. Livingston thinks he had better wait for Monroe's arrival, but does not want anything only the east side of the river. After this point the interesting part of the drama shifts to the French side, and we can best listen to the story told by Marbois who evidently was actuated by fear of England, as well as sympathy with the United States. But before looking at the motive from the French side, it is well to bear in mind that while these negotiations were progressing, there were crossing the Atlantic positive instructions to Monroe and Livingston to complete the business at once, either to buy New Orleans and the Floridas, or to notify France that we should take possession of them, and to withdraw at once from France and enter into negotiations with England for alliance in the then threat-

ened war against France; so important did the peaceful Jefferson regard the possession of the Mississippi.

But while the American ministers were seeking only New Orleans and the Floridas, as security for the free navigation of the Mississippi, Napoleon brought face to face with approaching war with England, saw the necessity of preparation for the contest, and voluntarily and we may imagine abruptly opened the subject to Marbois, who having been secretary of legation to the United States at the close of the Revolutionary war, was evidently believed by Napoleon to be more favorable to American interests than Talleyrand. It was on the tenth of April, and he had been declaiming forcibly about England and the probability of English ships making a descent upon Louisiana. "I know not whether they are not already there" he says: "It is their usual course, and if I had been in their place I should not have waited." "I wish if there is still time, to take away from them any idea that they may have of ever possessing that colony. I think of ceding it to the United States. I can scarcely say that I cede it to them, for it is not yet in our possession." "If however, I leave the least time to our enemies I should only transmit an empty title to those Republicans whose friendship I seek. They only ask one town in Louisiana; but I already consider the colony as entirely lost, and it appears to me, that in the hands of this growing power, it will be more useful to the policy, and even to the commerce of France, than if I should attempt to keep it." Thus it seems that before Monroe arrived in Paris, Napoleon had determined to part with Louisiana, so that upon the arrival of Monroe there remained only the question of price to be determined. Thus with all the anxiety on the part of the Americans to control the navigation of the Mississippi, despite the suggestions of war, and the instructions then on the water, to secure the mouth of the Mississippi by purchase from France if possible, and that failing, to prepare for alliance with England, the key to the suc-

cessful result is given by the prophetic language of the first consul soon to be emperor of the French.

“This accession of territory, strengthens forever the power of the United States, and I have just given to England a maritime rival, that will sooner or later humble her pride.”

The sum to be paid to France was sixty million francs, and the United States agreed to pay the claims known as the spoilation claims, estimated at twenty million more, being at the rate of two and one-half cents an acre.

The accepted boundaries of this imperial domain, were on the east from the Lake of the Woods to the most northerly source of the Mississippi, thence along the Mississippi to the thirty-first parallel, thence east to the Perdido river and south to the Gulf of Mexico, on the west commencing in the Rocky mountains at an indefinite point, recognized by England as the forty-ninth parallel, thence along the Rocky mountains to the head waters of the north fork of the Arkansas river, along the Arkansas river to the one hundredth meridian of longitude, thence south to the Red river, at a point north of the mouth of the Sabine river, thence south to and along the Sabine river to the gulf. In addition the so-called Oregon country, comprising the present States of Washington, Oregon and Idaho, was claimed as being conveyed by France to us, and when the north limit of the forty-ninth parallel was established, this was conceded. This peaceful acquisition doubled our territory, and made it necessary for the new nation to be considered in the councils of the old world. From it there have entered the Union fifteen States, and the fifteen stars in the flag represent nearly twenty per cent of the entire population.

The brief advantage given by the necessity and impetuosity of the great Napoleon, undoubtedly has resulted in the perpetuation of the union of the States, for had this magnificent prize been held by France, subject to the disposition of the allies in 1815, we cannot doubt but that the red ensign of England would still wave over it, for the two mighty water-ways



would have led to its population by a people with little interest in the Atlantic States; or had England for once been generous, and restored it to Spain, it would have separated from that country only to found an empire by itself.

The iron rail has bound together the interests of the east and west. The vision of La Salle is fulfilled by people of another race. The Father of Waters flows through a magnificent valley, peopled by prosperous millions and its population is entirely loyal to the Constitution of the fathers. No dream of separate empire disturbs the slumber of the ambitious; fear of sectional injustice can no longer sway the multitude, for the wealth and commerce of the valley is increasing faster even than its population, and we may well believe that as our people now control the policy of the Union, so the political destiny of the continent will rest in the hands of our children.

## THE INTRODUCTION OF THE COMMON LAW INTO IOWA.

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IT WILL be important in the course of this discussion to have a clear understanding of the meaning of the terms "Civil Law" and "Common Law." The term "civil law" is sometimes used to indicate the portion of any system of law which determines private rights and provides remedies for the adjustment of private controversies, as distinct from criminal law, which defines public wrongs and provides for their punishment as offenses against the state, or as distinct from military law by which the military forces are governed and which is administered by courts martial. But this is not its meaning as used in jurisprudence. As the name of a system of law, the "Civil Law" designates that system which was developed among the Romans and carried by them into all the countries of Europe becoming subject to them, or to their civilization, while the term "Common Law" indicates the system of law which originated in England and has been carried by English speaking people to every part of the world.

In Italy, France, Spain, Germany, Denmark, Sweden and Norway, even in Russia, the Civil Law has furnished the basis of the national system of law. In each country will be found local customs and statutory provisions peculiar to that

country, but in each the student of law will study the general principles of the Civil Law in order to secure a knowledge of the fundamentals of the law, and the lawyer in arguing cases, and the judge in deciding them will be guided by those general principles, so far as they are not directly modified or superseded by particular statutes or customs.

On the other hand, the student of law in England, or in any one of the United States (with one exception), or in Canada, or India, or Australia, will be directed to a wholly distinct system, and the lawyer and judge will refer constantly to principles having a wholly different origin and development.

There is here one of the great and striking contrasts of history. The Romans put their impress upon the law, the language, the literature, the religion, the political institutions, of every people in Europe with whom they came in contact, and barbarians who did not directly come in contact with the Roman legions, and recognize allegiance to the Roman power, nevertheless, as they advanced towards learning and enlightenment, found the only available channels for such advancement leading toward the Roman civilization. The savage hordes which pushed into the south of Europe to possess themselves of its sunny lands, its fertility and its accumulated wealth, yielded not only to the influence of a milder climate but also to the amelioration of a civilization that tended to luxury in both its physical and its intellectual phases.

The study of the Civil Law was a part of the course of initiation into this civilization and wherever there was an effort to attain to the arts and polite learning of the Romans, there the Civil Law was studied. Thus it finally penetrated the less hospitable regions of northern Europe.

From this steady, though tardy spread of civilization in the north of Europe, some small tribes, remote and almost unknown to the Roman world, but to which we trace our English speaking race, were curiously exempted. Before any rays of enlightenment had penetrated their deep forests or

shone across their morasses some portions of the Saxons and kindred tribes had left their inhospitable climate, traversed in the rude barks of those barbaric times the wild North Sea, and had attained a foothold in one little corner of the Island of Great Britain, where the germs of civilization had already sprouted under the influence of Roman power and learning, but had sprouted at the end of the season, as it were, when the warmth of the Roman summer was failing; sprouted to be nipped and to perish in the chillness which was beginning to creep toward the center of that magnificent ancient world. In regions where the season had been longer its germs survived, to be warmed into life again when the time came for the revival of learning. In these far off British Isles some germ might also have retained its vitality during the long, long, dark winter, had only the soil remained undisturbed. But these ruthless Anglo-Saxons, who had never yet learned to feel the slightest sympathy with the enlightenment with which they now came in contact, tore up its roots and exterminated every trace of it except a few walls, and roads, and names of places, and made a razed tablet for a new race history. Their brother Teutons, in the wilderness of northwestern Europe, were reached at last and conquered by Roman influence, though not by Roman arms, but these had cut themselves off from such influence and developed a civilization of their own.

The statement that the Anglo-Saxons cut themselves off from Roman influence must be taken in only a qualified sense. No people entirely cut off from exterior influence has ever attained any considerable advancement in what with us goes by the name of civilization. It may be that by civilization, we mean our civilization; but at any rate, as we use the term, civilization only exists to-day in those regions to which it has spread, and cannot be said in any instance to be indigenous. In this sense it may reasonably be claimed that the civilization in the British Isles, spreading from them over all parts of the world to which English speaking people have

penetrated, came from Rome. And in the same sense the civilization of Rome came from Greece, and that of Greece from some remote fountain head. All I mean to say is that the language, the laws, and the institutions of the Anglo-Saxons were indigenous with them, and were not subjected to the Roman influence until they had attained such definite individuality that they remained Teutonic, and did not become Latin; and this is especially noticeable in regard to the system of law. The Common Law, which is simply the development of the customary law of the Anglo-Saxons in England, has remained to this day a system wholly distinct from the Civil Law and the only system which has thus completely preserved its individuality, so that in the whole civilized world there are simply these two legal systems.

Each of these systems has had its course of development, during which it attained maturity and stability of form. The Civil Law was originally simply the customary law of the Roman city, symbolized to us by the so-called twelve tables, which, however, were evidently not the law itself nor any considerable part of it, but simply certain statutory modifications brought about by reason of some sort of social revolution in the Roman State. From this tangible beginning, as the result of many centuries of unconscious development and conscious change, it reached a definite form in the Code, the Digest, and the Institutes, prepared by Tribonian and his associates under the authority of the Emperor Justinian, reigning, by the way, at Constantinople, but representing the Latin race as it still existed in the Western world, though its political power was temporarily overthrown. From this definite form, still further developing, not longer, however, as the system administered by a political power, but now a part of the Roman civilization, it spread through Europe, suffered an eclipse with other enlightenment in the dark ages, revived again with the renaissance, and finally culminated in its most definite modern form in the Code Napoleon. The great Bonaparte may still be known as the ruler under whom a

system of law was perfected and given symmetrical shape, after mankind has ceased to admire or even to recognize his military genius.

The Common Law, as I have said, alone among the systems of civilized states, has a similarly complete and individual history. The laws of Alfred were simply the embodiment of the Anglo-Saxon customs. And from those customs, developing through many centuries, moulded, but by no means subverted, by the Norman conquest, grew up that endless chain of precedent which connects every principle of English law with the remotest antiquity. The system has felt the influence of the Civil Law, indeed, and there are some who rate such influence as fundamental and far reaching. Yet a careful investigation must show that it is superficial and not fundamental. As well claim that the prevalence of words of Latin origin in polite speech shows English to be a Latin tongue, as to claim that the use by learned writers of the thirteenth century of phraseology borrowed from the Civil Law shows that system to be the basis of English law.

Those who sought education for ecclesiastical office and preferment usually went to Rome, and there, as a part of their education, studied the Civil Law, so that the Canon Law, or the law of the church, was based almost entirely upon the principles of that system. Moreover, the system of equity which became a source of rights and of remedies outside of those recognized by the Common Law, had also some roots in the Civil Law, as follows: The Norman kings and their successors down as late as the reign of Henry the Eighth, had, as one of the principal officers of state, an ecclesiastic as chancellor, whose function it was to serve as personal advisor, and, as it was said, keeper of the king's conscience. He had other official duties but it was in this capacity that he was personally related to the king, and it was in this capacity, too, that appeals for justice made to the king as the source of all justice and superior to the courts, were referred to him. Thus the chancellor was called upon to

decide questions not directly cognizable by the ordinary courts, requiring for their determination the application of principles of justice and equity not satisfactorily furnished by the Common Law. In this sense the chancellor did not administer the Common Law, for if the cause was to be decided by that system, there was no occasion for reference to him. And thus he had occasion to seek other guidance than that furnished by the rules of the Common Law courts. Such guidance he found largely in his conception of natural justice, but to some extent he found it also by reference to the more fully developed system of the Civil Law, and especially he found in the Canon Law, based on the Civil Law, forms of procedure more suitable for his purpose than those of the Common Law system, for he was confessedly to try cases to which the Common Law forms of action were not applicable, and he was to try them without a jury, which was essential to Common Law procedure.

It is difficult to say to what extent the system of equity growing up outside the law was indebted for its principles and procedure to the Civil Law. It is probable that it was the result of the needs and circumstances under which it was developed, to a much greater extent than of any extraneous influence; but to whatever extent the Civil Law did serve as a model or a source of equity jurisprudence, it has been far reaching in its results, for there is no question that although equity as a distinct system of rights and remedies is in name being contracted, and is likely to entirely disappear, yet, in fact, its benign principles have permeated every branch of the law, and both as to pleading and as to remedies, the law itself has been enlarged and ameliorated to 'give that recognition of rights and those convenient remedies, which for a long time could be had only in courts of equity.

The law of England became indebted to the Civil Law in still another way. Jurisdiction of maritime affairs was exercised by the Court of Admiralty, and as commerce was originally carried on most extensively by states and cities

recognizing the Civil Law, it was natural that in the admiralty court those principles should be followed, and the rights and the remedies should be in accordance therewith; so that to this day, jurisdiction of the admiralty courts is administered in accordance with Civil Law doctrines.

It is worthy of note that Scotland still has a system of jurisprudence based upon the Civil Law, which is doubtless due to the prevalence at her court during the time of her independence of the French influence. Her civilization was later in development than that of England and she had not therefore, a system of jurisprudence of her own to oppose to that of the alien power, so that she was an easy conquest.

The loyalty of England to her own rude system of law, and her jealousy of the encroachment of a foreign system are well illustrated by the contests of the Common Law courts, first, with the ecclesiastical courts, then with the courts of equity, and finally with the admiralty jurisdiction. Typical of these was the long struggle for supremacy between the Common Law courts, represented by Lord Coke, the Chief Justice, and the Court of Chancery, presided over by Lord Bacon. The question was whether chancery could enjoin the enforcement of a judgment of a court of law. Coke had back of him the prejudices of the people, Bacon was supported by the favor of the king. The imperious and arbitrary disposition of Coke was pitted against the duplicity and the sycophancy of Bacon. Coke was vanquished, but he had aroused such antagonism to the supremacy of the Court of Chancery that its pretensions to control the actions of courts of law were kept within narrow limits.

Conceding all that can reasonably be claimed as to the debt of the Common to the Civil Law, it remains unquestionable that the body of the law regulating the rights of English speaking people was Teutonic in its origin, and has retained, throughout its long development, its integrity and individuality.



It is apparent, therefore, that wherever the political power or civilization of the Latin races has come in conflict with that of the English race, such contest for supremacy has involved also the question of the prevalence of the Civil or the Common Law. A system of law can no more be adopted from an alien source, than can a system of language or of political institutions, and wherever the English speaking people have penetrated and become dominant, there has the Common Law prevailed. The question, therefore, whether the Civil Law should extensively influence, or more properly speaking, should be an element, in the civilization of the region west of the Mississippi, was determined by the same influences which determined whether that region should belong to the French or the Spaniards on the one hand, or to the English speaking people, on the other. The solution of that question depended upon events as old as the contest in the forests of Germany between the armed legions led by Varus, and the German barbarians, yet unchristianized, under their hero, Herman, or Arminius; upon whether the Angles and the Saxons should be successful in overthrowing Roman civilization in the south of England; whether the French and Spanish power should hold the discoveries and settlements made by De Soto and La Salle and Marquette, and all those daring explorers, who ascended the St. Lawrence, explored the great lake region, penetrated to the Mississippi, both at its mouth and at its source, and circumnavigated, as it were, the English settlements on the North American continent. That question depended upon the issue of the French and Indian war, and finally was determined by the concession to the United States of the territory covered by the Louisiana Purchase, and its settlement by emigrants from the English colonies.

The exact settlement of the question may be easily indicated: So long as Louisiana and the region claimed by reason of the French and Spanish discoveries and settlements belonged to France or to Spain, it may be said to have

been under the dominion of the Civil Law.<sup>1</sup> When by the Louisiana Purchase in 1803, the United States acquired jurisdiction over this region, it was divided into two parts, the Territory of Orleans, embracing, substantially, the present State of Louisiana, and the District (afterwards called Territory) of Louisiana, embracing the balance of the purchase. For the southern of these territories a government was provided by act of Congress, similar to that for the Territory of Mississippi, which was itself on the plan set out in the Ordinance of 1787 for the government of the territory northwest of the Ohio river, and to which reference will be made hereafter. Indeed, the beneficial provisions of the Ordinance of 1787 for the protection of the white inhabitants

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<sup>1</sup> That this system of law not only prevailed in the settlement at the mouth of the Mississippi but extended over the whole region as far as any system of law can be said to prevail in a territory largely unoccupied and upgoverned, is shown by an incident of great historical interest in this connection, for an account of which I am indebted to Hon. T. S. Parvin, of this city, who became cognizant of the transaction as clerk of the United States District Court for Iowa, in which the facts were shown for the purpose of establishing a title. After the cession of the region covered by the Louisiana Purchase was made by France to Spain, and before its recession to France and purchase by the United States, a grant was made (about 1790) by the Spanish government to one Louis Honore Tesson of a tract of land situated at the head of the rapids of the Mississippi above where Keokuk now is, and forming a part of the present town of Montrose, in Lee county, Iowa. At this time the region was a part of the province of upper Louisiana, with capital at St. Louis. A creditor of Tesson at St. Louis sued him in the court there, and getting judgment, proceeded to cause levy to be made on this tract of land. The officer of the court went to the premises, took therefrom a spadeful of earth to represent the soil, a twig from an apple tree to represent the improvements, and an old kettle to represent the goods of the owner, and conveying these to St. Louis in a pirogue proceeded to sell the property by means of these emblems thereof, according to the formalities of the Civil Law. Proclamation of the sale having been made in front of the cathedral after high mass on three successive Sundays, on the fourth Sunday the property was struck off to Pierre Choteau the creditor, one of the early pioneers of St. Louis. A copy of the deed transferring the title under this judicial sale was introduced in the Federal Court in this State to establish the title thus acquired. Here we have, then, a judicial record of the fact that the Civil Law was once in force in what is now called Iowa.

in their rights as citizens and participants in a free government were directly extended to this territory as they had already been extended to the Territory of Mississippi, thus assuring to them trial by jury, the writ of habeas corpus and the elective franchise, but, alas! the guaranty of exemption from the institution of slavery, which the Ordinance of 1787 had given the citizens of the Northwest Territory, was expressly denied.

For the northern portion a simpler government was provided, with capital at St. Louis, and for judicial purposes it was annexed for a short time to the Territory of Indiana, with capital at Vincennes, lately organized (on the admission of Ohio into the Union) out of the Northwest Territory. Afterward it was given a separate judiciary.

In the statutes of the United States for the government of these two territories it was specially provided, however, that the laws in force when the acts took effect should continue in force except as they should be inconsistent with such acts, or should be subsequently modified or repealed. By this language it was evidently intended that the Civil Law should continue to be the system of law for this region, except so far as modified by the introduction of jury trial, habeas corpus, and a republican form of government. It was specially provided as to the Territory of Orleans that the provisions of the Ordinance of 1787, relating to estates and descent of property, should not be applicable, thus leaving in force the Civil Law as to real property.

In this Territory of Orleans which subsequently, on its admission, became the State of Louisiana, the Civil Law was expressly recognized by the adoption in 1808 of a Civil Code, substantially embodying the Code Napoleon, which had gone into effect in France in 1804 and had already been adopted, or was soon afterwards adopted, in the Netherlands, Spain, and Italy. Some modifications, due to the embodiment of laws introduced by Spanish authority, were made, but in the main the Code Napoleon remains to this day the basis of the juris-

prudence of the State of Louisiana relating to civil affairs. As to criminal law, the principles of the Common Law were introduced, entirely superseding those of the Roman system, and as already indicated, jury trial, even in civil cases, and the proceeding by habeas corpus were also introduced from the Common Law.

After the southern territory was admitted into the Union under the name of Louisiana, the northern territory was reorganized (1812) as the Territory of Missouri, and in this statute there was a still more complete embodiment of the principles of the Common Law and of a republican form of government. Indeed, nearly all the guaranties of rights and liberties found in the Ordinance of 1787 and in the Constitution of the United States were expressly made applicable to this territory, and it was provided that judicial proceeding should be according to the Common Law and the laws and usages in force in the said territory. By a territorial act (January 19, 1816, Territorial Laws of Missouri, Vol. I. page 436), the Common Law of England was adopted as the "rule of decision" so far as not in conflict with the "laws of this territory." To what extent these last provisions substituted the Common Law for the Civil Law it would be difficult to determine. The act of the legislature evidently contemplated the introduction of the Common Law, so far as not contrary to the Territorial statutes, and this system was doubtless thus extended over all the region embraced in the Territory of Missouri as then organized. As we shall immediately see, however, the Common Law was introduced in a more unequivocal way over that portion of this territory north of the present State of Missouri.

From 1820, when the State of Missouri with its present boundaries was admitted into the Union, the territory north of it remained without government until 1834, when that portion of it east of the Missouri and White Earth rivers, including, therefore, the present States of Iowa and Minnesota and a great part of the two Dakotas, was made part of the

Territory of Michigan<sup>1</sup> which then extended to the Mississippi river. The Territory of Michigan, as a part of the Northwest Territory, was subject to the Ordinance of 1787, and by this incorporation into the Michigan Territory what is now Iowa came directly and explicitly under this ordinance, the provisions of which, as has already been seen, were largely, although not completely, embodied in the laws governing the territories of which it had previously formed a part; and the Ordinance is therefore of interest to us because not merely indirectly but in the end directly, it was the groundwork upon which our state government was organized, and the state admitted into the Union.

It is proper to refer more fully, therefore, to the Ordinance of 1787, "for the government of the Territory of the United States, Northwest of the Ohio river," and it may at once be designated as one of the noblest works which the legislative genius of the English people has ever produced. It embodies those guaranties of liberty, equal representation, judicial procedure according to the Common Law, and the general protection of the law of the land, the inviolability of contract rights and the rights of habeas corpus and trial by jury, which form the characteristics of republican government on American soil. It will be noticed that it was adopted by the Congress of the Confederation before the Federal Constitution went into effect, but the convention which framed the Federal Constitution was in session at the very time of the adoption of this Ordinance and undoubtedly it is to be looked upon simply as the forerunner and first embodiment of those principles which were already being discussed and incorporated into the Constitution itself.

Thus it was, then, that the territory now constituting the State of Iowa, first by the incorporation with the Territory

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<sup>1</sup> Act of Congress of June 28, 1834, 4 Stat. at Large, 701, which gave to the inhabitants of the annexed Territory the same "privileges and immunities" and subjected them "to the same laws, rules, and regulations, in all respects, as the other citizens of Michigan Territory."

of Michigan, subsequently as a part of the Territory of Wisconsin after the State of Michigan was admitted into the Union, finally as a Territory by itself, and then as a State, inherited by definite provisions the Common Law of England.<sup>1</sup>

But these technical provisions of Congressional enactments, interesting as they may be, are not the foundation of our right to the Common Law. The prevailing system of law for a people is determined rather by the nationality of that people than by any proclamation or code of legislation. The portions of the Louisiana Purchase settled by the French and Spaniards retained the Civil Law because it was the law of the people. Had the emigration into the purchase continued from French and Spanish sources the Civil Law would undoubtedly have spread over the whole region. But as a matter of fact the tide of emigration to this new country was not through Louisiana from France and Spain, but was from the English colonies to the east, and those emigrants brought with them the Common Law. That our peculiar legislative history is not the fundamental cause of the prevalence of the Common Law here is illustrated by the cases of Kansas, Nebraska, Colorado and all the states formed out of portions of the Louisiana Purchase west of the Missouri river over which the Ordinance of 1787 was never extended, but where the principles of the Common Law have prevailed without doubt or question. It was just as inevitable that the proceedings of the courts for such a people should be in accordance with the Common Law and not with the Civil Law, as that the language used by these courts in their proceedings should be the English language and not the French or Spanish. The people settling these regions and bringing them within the bounds of civilization and government took the Common

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<sup>1</sup> In tracing the legislative history of the territory embraced in the State of Iowa I have been greatly aided by, and have largely relied upon, an article entitled "Historical Bibliography of the Statute Law of Iowa," by Hon. T. L. Cole, of Washington, D. C., in the Law Bulletin of the State University of Iowa, Number Two.

Law under the bows of their covered wagons just as unconsciously and certainly as they took the Yankee, or the New York, or the Pennsylvania brogue, and the belief in civil liberty, and the conviction that this was to be a mighty country. Had the emigration come from the Latin population pouring into Louisiana, the history would have been different, as indeed it would have been, had Varus overcome Arminius, or had the Saxons not invaded Great Britain, or had England instead of France been defeated in the great contest for the regions north and west of the original English colonies.

Thus it was, too, that the Common Law was carried into the regions acquired from Mexico, so that in Texas and in California the law is not that form of the Civil Law which prevailed there by inheritance from Spain but is as pure and complete an embodiment of Common Law principles as is found anywhere within the limits of the United States. The only monuments of the previous existence of Mexican laws and institutions are the titles to lands derived through the old Spanish and Mexican grants. In Florida where the Civil Law was introduced by the Spanish, it was specially provided by legislation, on the admission of the state into the Union, that the Common Law should prevail. In every state of the Union, except Louisiana, the Common Law has been recognized as the system which the people brought with them, or adopted as that best suited to a republican form of government.

It would seem that in general there has been a natural pride among the English speaking people in America, that they have the Common Law. But the bitterness of the struggle for Independence, and of the subsequent struggle in the War of 1812 for recognition as a power entitled to respect among the civilized nations of the world, has sometimes led to an attempt to disclaim the inheritance of the English judicial system. Nowhere, so far as I know, has there been any inclination to resent the adoption and recognition of the Common Law as such. But in respect to parliamentary modifica-

tions of the Common Law, especially such modifications as were made during the colonial period, there has been at times a strong effort to reject them entirely. Thus in several states it been provided, either by constitutional or statutory enactment, that the laws of England or the decisions of its courts shall not be recognized or cited, and an early territorial legislature of Iowa enacted a statute declaring that no statutes of Great Britain should be recognized in this territory,—a foolish piece of bravado, which as the court of Iowa pointed out, would, if made effectual, deprive us of all those ameliorating statutes which were so instrumental in changing the Common Law from the judicial system of barbarous times to a system applicable to a civilized people, a result which the court was able to avoid by a most ingenious and satisfactory use of the power of judicial construction.<sup>1</sup> In New Jersey, Pennsylvania and Kentucky it was enacted that no decision or treatise by a British judge or author, made or published subsequently to our independence, should be cited in the courts, and indeed in Kentucky it was only the influence of Henry Clay that prevented the passage of the resolution in such form as to exclude the citation of the decision of any British tribunal or the treatise of any British writer.<sup>2</sup> That this attitude was the result of temporary irritation and not of a settled antipathy to the Common Law as a system is proved by the fact that Blackstone's Commentaries on the Laws of England, first published in 1765, were constantly cited before, during and after the Revolution, in the courts of America, and attained, it is said, a larger sale during those years in the American colonies than they had in England.

It may not be uninteresting, in conclusion, to notice, briefly, the essential differences between the Civil and the Common

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<sup>1</sup> The court decided that statutes of Great Britain meant statutes passed subsequently to the Union between England and Scotland (1707) and not statutes passed prior to that date. *O'Ferrall v. Simplot*, 4 Iowa, 381.

<sup>2</sup> McMaster's History of the People of the United States, Vol. III.



Law, in order that, if we should see fit to give ourselves to a somewhat trite, but still fascinating, speculation as to what might have been, we may know whether we ought to regard it as a great fortune or a great misfortune that this magnificent valley, which is destined to become the most thickly populated portion of our country, has fallen under the dominion of the latter and not of the former.

I think it must be said frankly that the Civil Law is the product of a higher civilization than that under which the Common Law has been developed. Perhaps we might not agree in the use of the term "civilization." But I take it that no unprejudiced person will claim that there is yet so high a state of enlightenment and advancement in the arts and sciences, in literature, in the amenities of life, and in luxury, among the inhabitants of Great Britain or of the United States as among the educated classes of the European continent. Certainly in the United States, where people claiming to belong to the best classes participate in the atrocities of lynch law, and where the newspaper press either condones or openly applauds such outrages, no great claim can be made to a high state of civilization. But if I am using civilization in the correct sense, then it must be said that it is a self-limiting process; that it tends to thwart its own growth, to sap its own vitality, and that the civilization of the future will not be with those peoples where it has now reached its highest point. Indeed, I think it takes no strongly prophetic eye to see the prospect, at least, that in the future some Slavic or other race, now deemed little better than barbaric, will have outstripped not only the Latin, but the Teuton as well, in the struggle for ultimate supremacy. The race of the finest nerve is not likely to be that of the longest endurance.

And yet, because when the Civil Law first came into contact with the Common Law, the one was the system of a high civilization while the other was the system of men yet little better than savages (for I take it that the man of Shakespeare's time even, was only civilized on the surface, and for

special occasions), we are not necessarily to yield to the assertions of those who claim such great supremacy for the Civil Law. It must be remembered that the Roman system has developed no new principles in centuries while the Common Law as we know it has been practically made in the last two hundred years. It is true it can trace its precedents back to Edward the First, but no decision rendered prior to the time of Elizabeth can be counted as of anything but historical value, and, indeed, in the citation of cases for practical purposes no one dreams of going back of the time of Blackstone, a period of only a century and a quarter.

As an illustration of the higher civilization embodied in the Civil Law as compared with the Common Law, there would be general unanimity, I think, in referring to the condition of married women under the two systems. I say emphatically, married women, for though it is often assumed that by reason of her sex, woman as such is by the Common Law degraded and wronged, yet the fact is that the Common Law has always recognized the perfect equality in property rights, in power to make contracts, in the vindication of her liberties, and the protection of her property between the unmarried woman and the man. The unmarried woman, under the institutions of England, which are still largely prevalent in the United States, is not entitled to the elective franchise, nor to hold public office, but those are mere political privileges having no relations to her civil rights. It was only as an incident of marriage that by the Common Law, the woman lost her power to own or control property, to make contracts, or to bring suits in the courts. But it must not be forgotten that with these disadvantages, she had a total exemption from liability under her contracts, and was in many ways granted immunity from the burdens of legal relations. As contrasted, however, with this inequality in the condition of the married woman under the Common Law it is usual to refer to the doctrines of the Civil Law as illustrating a higher appreciation of her intelligence and legal capabilities. By that

system in its present form, she may own property independently of her husband, she may make contracts, and indeed, she is in most respects in the same legal position as a woman unmarried. But this situation is not due to any inherent principles of the Civil Law, indicating a higher reverence and respect for the married woman. By the earlier Civil Law, she became absolutely the property of her husband, and everything she had became his in his complete individual right. She passed under her husband's hand by marriage, as completely as a chattel passed under his hand, when he made a purchase of it and paid the price. Indeed, the original theory of the Civil Law with reference to the entire domestic relations was that the head of the family had over all its members, including his wife, his sons, whether of age or not, and their families, the most absolute and despotic power, a power extending to the control of the entire family property, and the personal supervision of every member. Advancing enlightenment ameliorated these laws, and finally brought about the present independence of married women. The same amelioration has been brought about by advancing civilization, although at a later period, in the Common Law, and to-day, there is probably no state in the Union in which the rights of married woman to her property, to her personal liberty, to her freedom from control are not as complete as they are in countries recognizing the Civil Law.<sup>1</sup>

The system of pleadings, or written presentations of the claims of the respective parties, prevailing in the Civil Law, may be considered as quite superior to pleadings at the Common Law which involved a great technicality and nicety of

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<sup>1</sup> It is doubtful whether the amelioration of the Common Law as to married women's rights was due in any way to the Civil Law. In Mississippi, where one of the first statutes on the subject was passed—in 1839, I think—some said the change was adopted from the laws of the Chickasaw Indians among whom there was perfect equality among the sexes, whilst others attributed the passage of the statute to the efforts of a member of the legislature who was the suitor for the hand of a rich widow whose property he wished to exempt, after his marriage, from liability to be taken for his debts.

statement, and were calculated to exhibit the ingenuity of the attorney in concealing the facts upon which he would rely at the trial, rather than in enlightening the opposite party or the court as to the exact nature of the matter before it. On the other hand, in the Civil Law the system of pleading involves a statement of the material facts upon which the party relies, and which he expects to prove; and such a method of statement is advantageous, in that it may be made to present, by mutual eliminations, only the controverted questions, so as to develop the very point on which the parties really differ. It is the advantage of this method of pleading that has led to its adoption in the Canon Law, in Equity, and in Admiralty, as the proper method of presenting to the court, which is to pass on the whole case, without the assistance of a jury, the very questions for its decision. But in this comparison, we are after all, setting off the Civil Law in its highest state of perfection against the Common Law in its cruder state, for the development of the Common Law, both in the United States and in England has led to the universal adoption of a system of pleading, not greatly different from that of the Civil Law, and constantly tending to become more like it, in which the contentions of the parties are fully set out, and the very facts on which they rely are clearly stated, and it is doubtful whether at this time there is any material difference between the methods of stating facts in the two systems as perfected. It may frankly be admitted, I think, that lawyers are going even beyond the principles of the reformed or code pleading, in stating their facts, and in approaching, or even surpassing the prolixity which the Civil Law has always permitted.

The substantial difference between the Civil and the Common Law in the matter of procedure, consists in the mode of trial. By the Civil Law, all the questions in controversy have usually been left to the judge for decision, while by the theory of the Common Law, still generally preserved, questions of fact are submitted to the determination of a jury, composed of

persons not learned in the law, nor especially trained for the discharge of their functions, but simply the peers and fellows of those whose rights they are to determine. The history of this peculiar feature of the Common Law need not here be discussed, nor need its relative merits or demerits be considered. Suffice it to say that on the question of whether the jury system should be modified or abolished, there is now the greatest diversity of opinion, and it is likely that in all of the Common Law countries, some change which shall obviate the most serious objections to the jury trial will soon be introduced. The advantages of the Civil Law method of trial are recognized with us by adopting it in the equity courts. But the advantages of the Common Law system of trial by jury are also recognized by the adoption in European countries to a limited extent, of jury trial in criminal cases.

But coupled with this Common Law method of trial, must be considered, also, another feature which is its great and most marked peculiarity, and that is its rigid adherence to precedent. No other characteristic of the system has brought upon it such severe criticism, animadversion and ridicule. The lawyer, under this system, is represented as a machine, devoid of moral sensibility, searching merely for precedents, which he may by ingenious devices pervert into instruments for doing injustice. The judge is regarded as a stickler for technicality, anxious to find some ancient rule or forgotten precedent, in accordance with which he may deny to parties their rights. While in opposition to this system of technicality and blind following of precedent is set up an ideal system in which the lawyers ask only that justice may be done, and the judges following the dictates of their own consciences and entirely emancipated from any other control, seek only to attain moral right. A distinguished judge, whose lasting monument it is that he reduced to form and definiteness the fluctuating principles of equity once said that he should be sorry to have it understood that the rights of a party in his court were to be determined by the size of the

judge's foot, meaning to express thereby a great truth, which has been too little recognized in determining the expediency of a judicial system, that not any judge's personal peculiarities, or his individual opinions as to right and wrong, not the size of his foot, nor the size of his conscience, nor the strength of his judgment, nor the bias of his mind, should determine the rights of parties, but some fixed, definite, certain, reliable system of rules and principles, precedents you may call them if you will, in accordance with which decisions will be made, decisions which shall, therefore, be as free as the result of human action can be from the variations due to the personal element. It is a distinguishing merit of the Common Law that it has eliminated so far as possible from the decision of legal questions the personal equation. And in order to more effectually accomplish this result, so far as the law itself is concerned, it has vested those matters which are peculiarly subject to varying and uncertain opinion, that is, the facts in the case depending upon the credibility of witnesses, and all such elements of uncertainty, in a separate tribunal, the jury, so that the judge is left as the priest to a formal system, which prescribes to him fully his duties, and leaves in him little discretion or power to exercise individual judgment.

The theory of the Common Law is that stability and certainty are, on the whole, better than the fluctuating rule of abstract right. Indeed, it is astonishing to find how few questions can be decided as matters of abstract right, and how greatly preponderating is the number in which the common conscience would decree that it is the law which makes the right.

As opposed to this system of precedent in which each case is decided by analogy to other cases, the Civil Law system is built up on abstract principles and general theories. It, too, was originally founded on a body of precedents, but the precedents were the theoretical opinions of learned men, not chargeable with any special duty to the parties in the controversy, giving their views on hypothetical cases. Now it

may as well be said here, that no branch of science or scientific knowledge has made any true advancement, or attained from the present age any substantial recognition, which has been developed by theoretical reasoning. We recognize only those things as a perfection of our knowledge which are ascertained by the investigation of facts. We pursue the deductive method, whether in natural science, in metaphysics, in politics, or in history. We search carefully, even minutely, for the particular facts, and from them, cautiously, and with hesitation, we draw our conclusions. Deduction is not exclusive of induction, nor ever can be, but the basis of our knowledge is deductive, and it is with caution and distrust that we make generalizations.

Thus it is that the the methods of the Common Law are after all more consonant with our modern civilization and scientific theories than those of the Civil Law. And thus it is that the Common Law has developed, and as I believe, without question will develop, into a broader, more substantial, more reliable and more adaptable system of jurisprudence than can ever be evolved from the Civil Law system.

And as a system for a free people, our Common Law is pre-eminently entitled to preference. Mistakes of the jury do not shake the confidence in the integrity of the judiciary. The fact that the judge is administering a system over which he has no control, and is applying rules which give him no discretion in the exercise of his judgment, relieves him from personal accountability for the result, though it may seem a hardship to the suitor. And if we compare that great respect for the law which is the peculiar characteristic of English speaking people, and their confidence in the courts, which is manifested in the peaceful acquiescence in the exercise by them of higher authority than that of the executive or legislative branch, an authority so high that it may overthrow the executive or legislative, in order to maintain the law, I say, if we compare this respect for the law and courts, prevailing uniformly among English speaking peoples with the disrespect

and distrust which is felt toward the judge in France, who is looked upon as a mere functionary of the government, sent out from the central power to execute his own arbitrary will, and generally believed to be in league with the other officers of the government in the maintenance of their authority, and to be so influenced by personal interests that a political opponent cannot have justice before him, we must frankly admit that the Common Law has established its claim to be the best system for a republican government.

The Common Law is at bottom a law for independent people who seek principally to be let alone. It is not a paternal system. Sumptuary laws in England—I mean sumptuary laws in their proper sense, passed for the supposed protection of the subject against his own folly, not police regulations which prevent the pursuit of a business which is a nuisance to the public—were not in harmony with it, though they were sometimes imposed by arbitrary monarchs. The development of the Common Law has been in the line of freedom of contract, and of protection to self-development.

In the light of these considerations, I believe we may say not only that the Civil Law has had but slight influence on the general civilization of Iowa, but also that it is our great advantage and good fortune that this influence has been so slight, and that we have been inheritors of another system better suited to our conditions as a people, and better fitted to promote our continued advancement in civilization and enlightenment.



# IOWA CITY

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CONTRIBUTION

TO THE

EARLY HISTORY OF IOWA

BY

BENJAMIN F. SHAMBAUGH, M. A.

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## PREFACE.

Iowa City is interesting chiefly as the historical capital of Iowa. The object of this monograph, therefore, will be to deal with the history of Iowa City as a factor in the early history of Iowa. And under this treatment it is proposed to study the town in a two-fold aspect: as an *organ* of the state performing the functions of a capital, and as an *organism* illustrating the character, manners and customs of pioneer life in Iowa. The period covered in these pages extends from the founding of Iowa City in the year 1839 to the final removal of the capital to Des Moines in the year 1857.

No previous attempt having been made to write the history of Iowa City, this monograph is necessarily the result of original investigation. Fortunately, however, inasmuch as Iowa City has always been the seat of the State Historical Society, there has drifted into the library of this society important material on the subject which otherwise would have been lost or carelessly destroyed. As to sources of information I have for the most part relied upon contemporaneous newspapers, letters, original manuscripts and miscellaneous papers. The facts relative to territorial and state legislation—to

which I recur frequently—were all taken directly from the official reports. To all of these sources I have made copious references in the foot-notes in order to assist in verifying the statements found in the text, and to facilitate the labors of the future student.

While pursuing a course of graduate study I prepared a thesis upon "Iowa City, the Historical Capital of Iowa," which was accepted for the degree of Master of Arts at the State University of Iowa in June, 1893. In connection with the preparation of this thesis I owe acknowledgements to Professor W. R. Perkins, at whose instance it was written.

In May, 1893, extracts from the original thesis were thrown into the form of a lecture and delivered at Iowa City before the State Historical Society of Iowa. At the request of Dr. J. L. Pickard, President of the State Historical Society, I undertook, with a view to its publication by the Historical Society, a broader and more thorough presentation of my study, of which the following pages are the result.

For assistance in the preparation of the monograph as it now appears, I am especially indebted to Isaac A. Loos, Professor of Political Science in the State University of Iowa. His criticisms and suggestions on the arrangement of my material have been invaluable. To Professor Loos I am also grateful for an appreciation of scientific methods of study, and for the kindly personal interest which he has taken in my work.

*Preface.*

v

To Dr. Theodore S. Parvin, librarian of the Iowa Masonic Library at Cedar Rapids, I am indebted for valuable information and suggestions. And to Messrs. H. W. Lathrop and M. W. Davis, of the State Historical Society, I am grateful for many favors.

B. F. S.

*August, 1893.*



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## INTRODUCTION.

Iowa City has a peculiarly significant history. Fathered by the Territory and located in a frontier wilderness upon unsurveyed lands this town, unlike any other town in Iowa, was a special creation. In point of origin it resembles more the Roman provincial town than the ordinary American city. For fourteen years of its history it was without corporate organization; and during this period it was subject directly to territorial and state legislation. Iowa City is preëminently the historical capital of Iowa.

Its location on the frontier called into existence the most powerful claim association ever known to have been organized in Iowa. Here assembled the men who first formulated into constitutional and statutory provisions the fundamental principles of Iowa law and jurisprudence. It was the objective point of the first railroad agitation west of the Mississippi River. And later on it became the seat of higher education.

Located on the left bank of the Iowa River, Iowa City is about sixty miles directly west of the Mississippi, one-half that distance from Muscatine, eighty-six miles from Dubuque, eighty miles east of the Raccoon fork of the Des Moines River, seventy-five miles from Burlington, and eighty-three miles north of the Missouri State boundary line. Near the geographical center of Johnson County, its latitude is  $40^{\circ} 38''$  north, and its longitude  $90^{\circ} 30''$  west.

The topography of the town site was unique—reminding the tourist of the city of St. Omer in France. Lying fifty feet above the water level of the Iowa River, the land was beautifully carved into the form of a vast amphitheater. On the west there is an eminence running parallel with the river and covered with large white oaks.<sup>1</sup> From this eminence the land descends from five to seven degrees to the eastward. On the northwest a high bluff, shaded by oak and hickory trees, overlooks the river to the west and slopes gradually down to the south and east. To the north, northeast and less prominently eastward rises a range of hills covered with hazel shrubbery and scattered growths of oak. While on the south there is a plain followed by a receding eminence crowned with heavy timber. The basin of this natural amphitheater, which in some places was spongy enough to mire a horse, was drained by a small stream now known as “Ralston Creek.”<sup>2</sup>

#### GEOLOGICAL.

Of all that long period of organic and inorganic evolution which must have preceded the dawn of the Devonian Age the rocks of Iowa City bear no inscriptions. The earliest geological records of the site of Iowa City date back no farther than the beginning of the Devonian Age.<sup>3</sup> Then Iowa City lay at the bottom of a clear, shallow, open sea, whose waters stretched out limitless toward the west and southwest. This sea

<sup>1</sup> A few of the primitive oaks are still standing on the campus of the State University.

<sup>2</sup> Named in honor of Robert Ralston, one of the three commissioners who located Iowa City.

<sup>3</sup> See Professor Samuel Calvin in *Iowa Historical Record*, Vol. I, No. 3

at first swarmed with millions of mailed worms of an old-fashioned type, whose numbers, however, were greatly reduced as time went on. Then, along with a variety of low-typed sponges, there flourished luxuriant growths of coral. These coral formations alone have made Iowa City famous in the scientific world. In 1864, Agassiz himself collected some with his own hand.<sup>1</sup> Crinoids, peculiar sharks and mail-clad fishes also inhabited this ancient sea. Finally the Devonian Age came to an end and with its close the life of the brachiopods, corals, sponges, sharks, fishes and crinoids also came to an end. Slowly the shore line of the sea retreated westward and the present site of Iowa City became a part of the North American continent. But this was not the last of its subaquatic life. For deposited beds of sandstone tell us that the whole site was again submerged shortly before the close of the Carboniferous Age. In time the sea again receded with the movements of the earth's crust. Exposed to the powerful influences of the elements, the rocks were carved into hills, basins and river courses. As this destructive work went on, long geological ages passed by solitarily. The Glacial Period came on with its fields and mountains of crushing, grinding ice. During this period there was on the site of Iowa City a lake of unfrozen water surrounded by icy barriers. But this lake with its icy barriers too passed away, leaving all things from that time on to verdure and to life. Of

<sup>1</sup> Professor Agassiz visited Iowa City in March, 1864, for the purpose of examining the coral formations in this locality. He was entertained by Professor T. S. Parvin at whose request he came to Iowa City. While here he delivered two lectures. One was delivered before the public in general, and was on the "Coral Reefs of Iowa City;" the other was on "Glaciers" and was addressed to the Faculty and students of the State University.

animals there flourished an infinite variety of species, from the minute worm and insect to the elephant and the mastodon.

#### HISTORICAL.

The events that took place on the site of Iowa City from the time that life first manifested itself to the appearance of man—the struggles for supremacy, the wars of species, the conflicts of individuals, the survivals of the best and the stamping out of the unfit—must forever remain unknown. And respecting its occupation by man previous to the advent of the European, we can only say that it formed an infinitely small part of the hunting grounds of the Indians. As to the possible predecessors of the Indians, too much has already been written and too little is actually known to call for further observations here.

Father Marquette was the first white man to penetrate the wilderness of what is now the State of Iowa. One hundred and thirty-two years after the discovery of the Mississippi by Ferdinand DeSoto, and one hundred and three years before the writing of the Declaration of Independence, he journeyed far into the then lonely valley of the Des Moines. His journey is one of the incidents in the sad history of the many fruitless attempts to convert the Indian tribes of the Great Lakes and the Mississippi Valley to the faith of Rome. Yet the failure of Marquette's mission will never detract from the deep interest which all Iowa has in that romantic journey of the fearless priest into the primeval wilderness of the Des Moines valley.

That portion of the Louisiana Purchase<sup>1</sup> which falls within the limits of Iowa was originally a part of the "District of Louisiana" placed under the jurisdiction of the Indiana Territory. The District of Louisiana became the "Territory of Louisiana" on the 4th of July, 1805, in accordance with an act of Congress approved on the 3rd of March preceding, and embraced that part of the purchase which lay north of the 33rd parallel. When in 1812 the Territory of Orleans, lying south of the 33rd parallel, became the State of Louisiana, the Territory of Louisiana was named Missouri.<sup>2</sup> In 1819 the Territory of Arkansas was created and Missouri, a year later, became a State with substantially its present boundaries. The large tract, hitherto included in the Territory of Missouri, lying west and north of the State of Missouri was not then formally reorganized; and the future Territory of Iowa was left apparently without local government for fourteen years.<sup>3</sup> Joined to the Territory of

<sup>1</sup> That large tract of territory, known as Louisiana, was first discovered by the Spaniards; but through failure to occupy, it was lost to France. By treaty on the 10th of February, 1763, France transferred it to the Spanish crown. Spain ceded it back to France October 1st, 1800. Again by a treaty which was signed on the 2nd of May, 1803, and ratified by the Senate of the United States about the middle of October, 1803, Louisiana was purchased by the United States. By act of Congress, October 31st, 1803, a temporary government was authorized for the newly acquired territory. "The annexation of Louisiana was an event so portentous as to defy measurement; it gave a new face to politics, and ranked in historical importance next to the Declaration of Independence."—(Henry Adams, *Hist. of U. S.* Vol. II, page 49.)

<sup>2</sup> U. S. Stat. at Large, Vol. II, 743.

<sup>3</sup> I say *apparently* without local government, for as a matter of fact the settlers of this district did exercise the functions of local government. Their rules, regulations and courts had, it is true, no legal sanction; but they had what was actually more authoritative in a new country—they had the sanction of the community.

Michigan on the 28th of June, 1834, for civil and judicial purposes,<sup>1</sup> Iowa became a part of the Wisconsin Territory in July, 1836.<sup>2</sup> Two years later, on the 3rd of July, 1838, it was established and designated as the "Territory of Iowa," with a temporary capital at Burlington.<sup>3</sup>

In January, 1839, the first Legislative Assembly of the Territory appointed commissioners to select a site within the limits of Johnson County<sup>4</sup> upon which to locate the seat of government of the Territory of Iowa. At the place thus selected the commissioners were ordered to found a town to be called IOWA CITY.

<sup>1</sup> U. S. Stat. at Large, Vol. IV, 701.

<sup>2</sup> *Ibid*, Vol. V, 10.

<sup>3</sup> *Ibid*, Vol. V, 235.

<sup>4</sup> Johnson County was organized by an act of the Council and House of Representatives of the Territory of Wisconsin, approved June 22nd, 1838. Previous to the passing of this act, Johnson County had been a part of Dubuque County, created by the Territorial Assembly of Michigan in September, 1834.

## I.

### EARLY LAND CLAIMS.

#### CLAIM ASSOCIATIONS.

To the superficial observer the general statement, that the site of Iowa City, originally a part of the Public Domain of the United States by right of purchase and treaty, was donated by the General Government to the Territory of Iowa for public purposes, has been an all sufficient *resumé*. Yet this statement contains no reference to the most interesting chapter in the history of Iowa City landed property—interesting not only to those who are directly concerned in Iowa City real estate, but also intensely interesting to the student of “Institutional Beginnings in the Mississippi Valley.” The history of “early land claims” goes back of all government records and is to be found in the history of the claim associations alone.

The earliest claims to land west of the Mississippi River were made by pioneer farmers (or squatters) in direct violation of an act of Congress prohibiting settlers from trespassing on the Public Domain. These early land-holders, without titles or patents from the United States, had no *legal* rights to the soil they occupied and, therefore, could expect no protection from the General Government. In consequence there grew up a system of popular government peculiar to the pioneer communities of the West. It was a novel system based upon the organization known as “Claim Association” or “Land Club.”

Each community or township had its own distinct land association, the principal object of which was the protection of the *bona fide* settlers in what they pleased to call their rights in making and holding claims—protection against “speculators,” “land sharks” and greedy settlers. Disputes between members of an association were arbitrated by the “Claim Court” or “Claim Committee.” From the decisions of this court or committee there was no appeal. Intentional failure to abide by the laws of the association was punished by boycott, ostracism, public condemnation, tar-and-feathers and the lash.

The maximum amount of land allowed to any one settler varied in the different communities from one hundred and sixty to four hundred and eighty acres. Boundaries of claims were designated by section and township lines, if the public surveys had been completed, otherwise by blazed trees, streams, hills, stumps, stakes and rocks. These claims the settlers continued to cultivate and improve until the land was offered for sale by the government.

As the time announced for the public sale approached, all claims were carefully recorded and marked off on the township map. A “bidder” for the whole community was then appointed by the association. At the sale he held the marked township map, and as fast as the claims of the members of his association were called by the auctioneer, he would bid the minimum price of one dollar and twenty-five cents per acre. And at this price the land was invariably bought; for no one dared bid against an original claimant. Let an outsider be so bold as to put in a counter bid, and in an instant he would be “knocked down” and compelled to withdraw his offer, or risk his life at the hands of the members of



a claim association, who were all there ready to "do their duty." At home as at the public sale, the members were always fully protected in their rights. And this, let it be understood, was no second rate protection. For the law of the association was the supreme rule of the community against which no man dared raise his hand.

#### THE CLAIM ASSOCIATION OF JOHNSON COUNTY.

As soon as Johnson County was seriously mentioned as the county in which the capital of the Territory of Iowa would probably be located, emigrants began to examine their maps for the favored district and make preparations for a journey to the frontier. Anticipating a rush of immigration, the "squatters" already in Johnson County took steps—immediately after the passage of the act definitely fixing the location within the limits of their county—toward forming of an association for the better protection of their rights in making and holding claims. After several preliminary meetings the "Claim Association of Johnson County" was formally organized on the 9th day of March, 1839, at a public meeting attended by nearly every "squatter" in the county.

The Claim Association of Johnson County was well supported by the community for which it was created. Its laws and resolutions were at all times strictly observed and loyally upheld. "Claim-jumping" was prevented;<sup>1</sup> and at the government land sales the association secured

<sup>1</sup> I have been able to learn of only two cases of "claim-jumping" in which the association was concerned. One was an attempt on the part of Mr. Crawford to "jump" a claim made by Mr. Sturgis; the other attempt was made by Mr. Charles Berryhill, who was promptly given the required number of lashes by Mr. Joseph Stover, of the claim association.

to its members the privilege of purchasing their claims at the average minimum price of one dollar and twenty-five cents per acre. "New-comers" were compelled to respect the regulations of the association. Most of them acquiesced willingly and signed the constitution. Robert Lucas, Iowa's first Governor, having purchased a claim in the county, acknowledged the sovereignty of this pioneer organization by subscribing to its constitution and handing in his own claim for record.<sup>1</sup>

#### CLAIMS TO THE SITE OF IOWA CITY.

But the peculiar circumstances surrounding the donation of a part of the Public Domain by the United States to the Territory of Iowa, and the founding of a town by the Legislative Assembly on that land were such, that settlers, unfortunate enough to have made or purchased claims on the soil thus appropriated, could find no protection even in the Claim Association of Johnson County. For the claim associations were always bound to respect the rights of the United States.<sup>2</sup> With but two exceptions the claimants to the town site of Iowa City received no remuneration for their claims or their improvements.<sup>3</sup>

<sup>1</sup> Other prominent men whose names are attached to the constitution of this claim association are: S. C. Hastings, one of Iowa's early Representatives in Congress, and afterwards a Judge of the Supreme Court of Iowa, and also a Judge of the Supreme Court of California; Morgan Reno, Territorial and State Treasurer of Iowa; S. H. McCrory and Henry Felkner, members of the Legislative Assembly of Iowa; and Robert Ralston, one of the commissioners who located the capital at Iowa City in 1839.

<sup>2</sup> The claim associations in the west, let it be borne in mind, were organized not to protect settlers against the government, but to protect them against speculators and unscrupulous "squatters."

<sup>3</sup> In speaking of the site of Iowa City in this connection, I wish to be understood as referring not only to section ten, the original Seat of Government, but also to the addition made soon afterward for the location of the Johnson County Court House, the northwest quarter of section fifteen.

The first exceptional case was that of J. G. Morrow, of Bloomington.<sup>1</sup> It is recorded, that on the 2nd of January, 1839, Samuel Bumgardner, of Johnson County, sold to J. G. Morrow, of Muscatine County, the southeast quarter of section ten, township seventy-nine north, range six, west of the fifth principal meridian. This quarter section became a part of the town site. The territorial commissioners, therefore, in consideration of the claims of Mr. Morrow, granted him the privilege of bidding in at a nominal price one of the first lots offered for sale. The second exceptional case was that of Andrew D. Stephen in the locating of the seat of justice for Johnson County. According to the records, Mr. Stephen had purchased simply the one equal undivided half of the northwest quarter of section fifteen. But from another source<sup>2</sup> it is learned that "A. D. Stephen, Esq., held the claim and resided upon the northwest quarter of section fifteen." It is further learned from this same source that the county commissioners before preëmpting this quarter section purchased the same of Mr. Stephen. Thus it will be seen that in two cases the claims of the occupants of what was then a part of the Public Domain were respected.

The first claim to any part of section ten was made by Samuel Bumgardner in October, 1837. It included the southwest fractional quarter; and according to the records this was the only part of section ten claimed by Mr. Bumgardner. But it is also recorded that Samuel Bumgardner on the 2nd of January, 1839, sold to J. G. Morrow, the southeast quarter of section ten. There-

<sup>1</sup> Bloomington is now known as Muscatine.

<sup>2</sup> A brief sketch of the early history of Johnson County, written by Cyrus Sanders and Henry Felkner.

fore, it would seem that Mr. Bumgardner had claimed the whole south half of section ten. On the 4th of April, 1839, the southwest fractional quarter was sold to John Kight. The north half of section ten was claimed about the 15th of June, 1838, by Samuel B. Mulholland and William Willson. It is not recorded that this latter claim was ever sold.

As to the northwest quarter of section fifteen, it is recorded that on the 3rd of January, 1839, Samuel Bumgardner sold to Andrew D. Stephen "that part which lyes east of the Iowa River." On the 20th of February of the same year, Andrew D. Stephen sold to William Willson "the North west quarter of section fifteen" for the sum of two hundred dollars. William Willson held the claim a little over eight months when he sold "the one Equal undivided half" to Andrew D. Stephen, and the other equal undivided half to John Kight. It is probable that, in this sale by William Willson of the two equal undivided halves of the northwest quarter of section fifteen, Mr. Kight got the north half and Mr. Stephen the south half. This supposition is based on the fact that Mr. Kight's claim in section ten lay just over the line dividing sections ten and fifteen. Again as to the northwest quarter of section fifteen, it is recorded that on the 26th of February, 1840, Walter Clark made claim to "all that part of the N W qr of Sect 15 in Township 79 N R 6 west which Lyes west of the Iowa River in Johnson County." Over a year afterwards it is further written that Andrew D. Stephen wishes to have the same portion of section fifteen recorded to him "if not recorded to John Kight." The records do not show that it was ever recorded to John Kight, unless it was included in the "one equal undivided half," which was "quit claimed" to the said John

Kight by William Willson on the 1st of November, 1839.

These records, it will be observed, are not entirely satisfactory. For in one instance, Mr. Bumgardner has only a part of the south half of section ten recorded to him, but afterwards sells the whole of the south half. Again, in the case of the northwest quarter of section fifteen there seems to be a little vagueness. Mr. Bumgardner sells to Andrew D. Stephen that part which lies east of the Iowa River. But Mr. Stephen sells the northwest quarter of section fifteen to William Willson. Mr. Willson divides the quarter and sells it again. Then four months after this last transfer by William Willson, Walter Clark claims "all that part of the N W qr of Sect 15 which Lyes west of the Iowa River." And over a year after this Mr. Stephen asked that it be recorded to him. All this discrepancy may, however, be explained away by the probable supposition that in certain cases claims and deeds were not handed in for record. The preliminary surveys<sup>1</sup> had of the claims also may not have corresponded exactly to the subsequent government surveys. Then too, claims were frequently forfeited, in which cases they were usually recorded to some other settler.

#### CLAIMS TO SECTION TEN.<sup>2</sup>

The following is a description of a Part of a claim I wish recorded that was made in October 1837. the same beeing two fractions the south west fractional quarter of section Ten & the south East fractional quarter of section nine Lying on the Iowa River Town 79. N. R 6. W. Johnson County Iowa Territory containing 160 acrs.<sup>3</sup>

handed in 3rd April 1839

SAML BUMGARDNER

<sup>1</sup> Surveys made by the settlers previous to the government surveys.

<sup>2</sup> The Manuscript Records from which the following extracts were taken are preserved in the library of the Iowa State Historical Society.

<sup>3</sup> Taken from original MS., page 11.

The following is a description of a claim we made about the 15 of June 1838. beeing the N. W. qr of Sect 11 & the North half of section Ten Town 79 N R 6. West of 5 principal meridian which we wish recorded to us<sup>1</sup>

handed in April 6th 1839

SAMUEL. B. MULHOLLAND  
WILLIAM. WILLSON.

This Indenture made this second day of January 1839 between Samuel Bumgardner of Johnson County and Territory of Iowa of the one part and J G Morrow of the County of Muscatine of the Territory aforesaid of the other part Witnesseth that the said Samuel Bumgardner for and in consideration of the sum of fifty Dollars. to him in hand paid by the said J G Morrow. the receipt whereof is hereby acknowledged has bargained sold and quit claim deed given to the said Morrow to a certain tract of Land claimed by him described as follows. beeing the south east quarter of Section Ten (10) Town 79 N R 6 west and the south West quarter of section Eleven Town 79 N R. 6. W. beeing one mile and a half from the Town line of Napoleon bounded on the west by the Iowa River the said Bumgardner for and in consideration of the amount of money paid is to build the said Morrow upon said claim a House of the following dimensions Viz sixteen by 14 Feet wide to be put up and covered in a substantial manner with Doors & windows said House to be finished by the 16 day of March A D 1839. witness our hands and seals this 2 day of January 1839.<sup>2</sup>

witness

PHILIP. CLARK  
A. D. STEPHEN

his  
SAMUEL + BUMGARDNER [SEAL]  
mark  
J G MORROW [SEAL]

handed in June 12th. 1839.

Know all men by these presents that I Samuel Bumgardner for and in consideration of one hundred Dollars to me in hand paid the Receipt where of is here by acknowledged have bargened sold and for ever quit claimed unto John Kight all my right title interest claim estate and demand what ever to all those tracts or parcels of land known and described as follows the same beeing two fractional quarters. containing about one hundred and sixty acres and situated on the Iowa River. the same beeing the south west fractional quarter of Section Ten and the South East fractional quarter of section Nine Town 79. N. R 6 west of the 5 principal meridian lying & beeing in the County of Johnson &

<sup>1</sup> Taken from original MS., page 14.

<sup>2</sup> *Ibid*, page 31.

Territory of Iowa against the claims of all persons Except the united states I warrant & defend the claim above mentioned up to this date given under my hand & seal this 4 day of April 1839.<sup>1</sup>

handed in April 6th 1839.

SAMUEL BUMGARDNER. [L S]

CLAIMS TO THE NORTHWEST QUARTER OF SECTION  
FIFTEEN.

This quit claim Deed made this third day of January 1839 witnesseth that I. Samuel Bumgardner has this day bargened and sold and by these presents doe bargin and convey to Andrew D Stephen (boath partees of the County of Johnson and Territory of Iowa) all my right title interest and claim in and to the following Tract or parcel of land lying and beeing in the county and Territory aforesaid the same beeing the North west quarter of section Fourteen North east quarter of section fifteen and that part of the North west quarter of section fifteen that lyes East of the Iowa River the above quarters beeing in seventy Nine North six west of the fifth principal meridian for the sum of seventy five Dollars. to me in hand paid by the said Andrew Stephen given under my hand and seal and date above written <sup>2</sup>

attest.

SAMUEL H. McCRORY<sup>3</sup>

SAMUEL BUMGARDNER. [L. S.]

SAMUEL C TROWBRIDGE.

admitted to record March 15th 1839.

This quit claim deed made this. Twentieth day of February One thousand Eight hundred & Thirty nine witnesseth that A D Stephen has this day bargened sold and conveyed and by these presents doe bargin sell and convey to William Willson boath parties of the county of Johnson & Territory of Iowa A certain tract parcel or claim of land lying & beeing in the county of Johnson & Territory of Iowa the same beeing the North west quarter of section fifteen Township seventy nine North Range 6 west of the 5 principal meridian according to a survey made by George Bumgardner for the sum of Two hundred Dollars. the receipt of which is here by acknowledged given under my hand this day and date above written <sup>4</sup>

handed in March 16th 1839. (Delivered)

A D STEPHEN

<sup>1</sup> Taken from original MS., page 14.

<sup>2</sup> *Ibid*, page 1.

<sup>3</sup> Secretary of the Claim Association.

<sup>4</sup> Taken from original MS., page 6.

Know all men by these presants that I William Willson for and in consideration of the sum of four hundred Dollars to me in hand paid the receipt of which is hereby acknowledged I have bargened and sold and by these presants do for ever quit claim to Andrew D Stephen the following claim tract or parcel of land Lying and beeing in the County of Johnson & Territory of Iowa the same beeing the one Equal undivided half of the N. W. qr of Sect 15. Town 79. N. R. 6. west and the one Equal undivided half of the S. W. qr of Sect Twenty Three (23) Town 79 N. R. 6. west of the fifth principal meridian given under my hand and seal this 1st day of November 1839.

handed in November 1st 1839.

WILLIAM WILSON [SEAL]

Know all men by these presants that I William Wilson has this day bargened and sold by these presants do for ever quit claim to John Kight the following claim tract or parcel of land for the sum of one hundred Dollars the receipt of which is here by acknowledged the same claim tract or parcel Land lying and beeing in the County of Johnson & Territory of Iowa and beeing the one equal undivided half of the N W. qr of Sect 15. Town 79 N R 6 west of the fifth principal meridian given under my hand & seal this first day of November 1839.<sup>2</sup>

handed in November 1st.

WILLIAM WILSON [SEAL]

Walter Clark has this day made the following Claim Towit all of that part of the N W qr of Sect 15 in Township 79 N R 6 west which Lyes west of the Iowa River in Johnson County Febuary 26th 1840<sup>3</sup>

handed in Febuary 28th 1840

WALTER. CLARK

The Following is a description of a claim if not recorded to Kight and me I wish you to record it to me made this 10 day of March 1841 that part of the N W qr of Sect 15 Lying west of the River Township 79 N Range 6 west<sup>4</sup>

handed in March 11th 1841.

A D STEPHEN

<sup>1</sup> Taken from original MS., page 40.

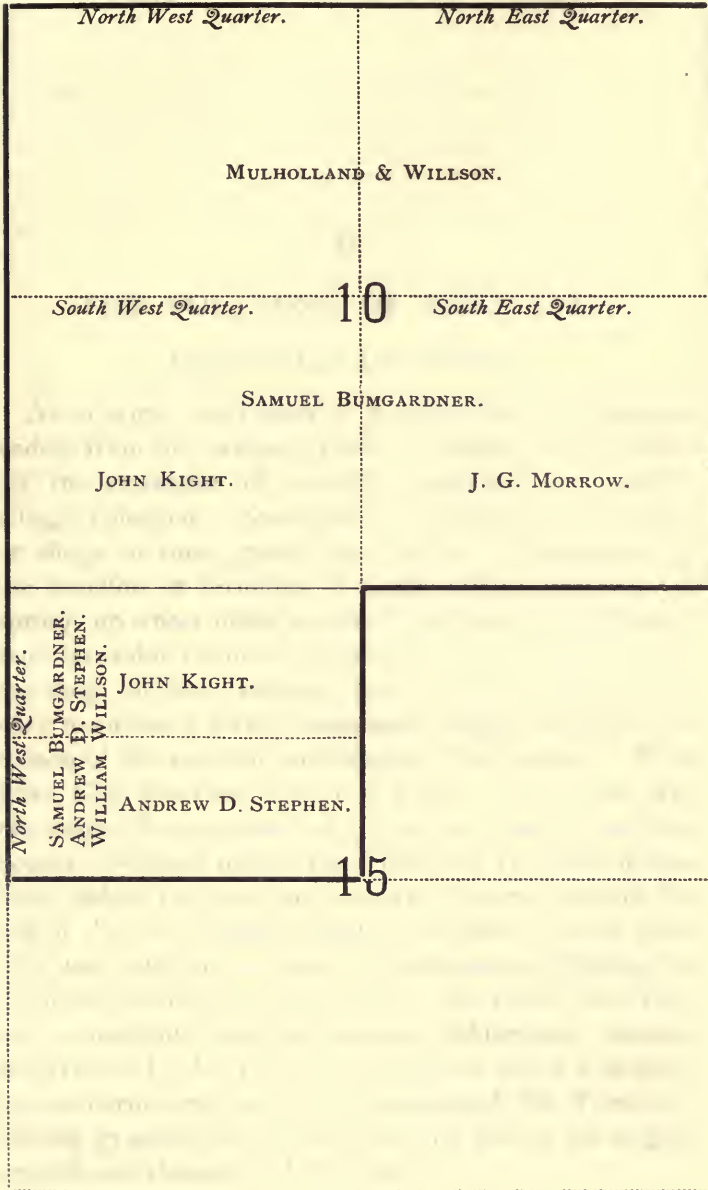
<sup>2</sup> *Ibid*, page 40.

<sup>3</sup> *Ibid*, page 41.

<sup>4</sup> *Ibid*, page 49.



Section Ten and the North-West Quarter of Section Fifteen.



Section Ten and the North-West Quarter of Section Fifteen.

<p>North West Quarter.</p> <p>McMILLAN &amp; WILSON.</p>	<p>North East Quarter.</p>
<p>South West Quarter.</p> <p>10</p> <p>JOHN KROTT.</p> <p>F. G. HARRIS.</p>	<p>South East Quarter.</p> <p>10</p> <p>JOHN KROTT.</p>
<p>Section Ten and the North-West Quarter of Section Fifteen.</p>	<p>Section Ten and the North-West Quarter of Section Fifteen.</p> <p>JOHN KROTT.</p> <p>ANDREW D. STONE.</p> <p>15</p>

## II.

### THE FOUNDING OF IOWA CITY.

#### PRELIMINARY LEGISLATION.

As to origin and causes of growth, Iowa City differed widely from the ordinary town. Usually a town is simply the expansion of a small community—a country village enlarged. Sometimes it centers about a mine, or clings to some great river course. It flourishes at the junction or terminus of large railway systems. It springs up where fields are fertile and harvests abundant. And favorable commercial points are never long without the shop, the store and the office. In all cases the ordinary town has a natural unplanned origin, and grows by reason of the superior advantages of its location. With Iowa City, however, it is all different. This town was not simply the expansion of a group of country dwelling houses. Without mines, it had over one thousand inhabitants before railroads had reached Chicago. Before the sod of the surrounding country had been turned, Iowa City was, with the exception of Dubuque and Burlington, the most prominent town in Iowa. In short, Iowa City was a specially artificial creation, deliberately planned and created by the Territory of Iowa to afford a location for the permanent seat of government of the Territory. Having grasped this fact we have the key to the origin, growth and character of the town.

The founding act of Iowa City, "AN ACT to locate the Seat of Government of the Territory of Iowa, and for other purposes,"<sup>1</sup> passed at the first session of the first Legislative Assembly of the Territory of Iowa, was approved January 21st, 1839. This act provides that the Legislative Assembly shall meet at Burlington until, by proclamation of the Governor, the public buildings at the permanent seat of government shall be declared ready for its reception; that three commissioners, consisting of one person from each judicial district of the Territory, shall be appointed by joint ballot of the Council and House of Representatives, to locate and establish a permanent seat of government; that said commissioners, or a majority of them, shall, on the 1st day of May, meet at the town of Napoleon and proceed to locate the seat of government at the most eligible point within the limits of Johnson County; that they shall agree upon a plan and issue proposals for the erection of the necessary public buildings; that they shall agree upon one of their number to be "Acting Commissioner," whose duty it shall be to superintend daily in person the rearing and finishing of said buildings; that they shall employ one or more competent surveyors and all other hands necessary and shall have six hundred and forty acres of land laid out in lots, out-lots, streets, squares, and alleys at the place where the seat of government is located, if practicable; and that they shall have the town platted.

"AN ACT supplementary to 'An Act to locate the Seat of Government of the Territory of Iowa, and for other purposes'"<sup>2</sup> provided further that so soon as the place shall be selected, and the consent of the United

<sup>1</sup> Stat. Laws of Ia. Ter., 1st Leg. Ass'y, page 435.

<sup>2</sup> *Ibid*, page 437.

States obtained, the commissioners shall proceed to lay out a town to be called "IOWA CITY;" that after a plat of the town shall have been recorded, the Governor shall direct a sale of lots to be held under the direction of the commissioners, the proceeds of which shall go into the Territorial Treasury, to be expended as may be directed by law; that the acting commissioner shall give bond to the United States in the penal sum of forty thousand dollars for faithful performance of duty; that the Governor shall apply to Congress for a donation of, or a preëmption to, four sections of land on which to locate the seat of government of the Territory of Iowa; and Chauncey Swan, John Ronalds, and Robert Ralston shall act as commissioners to locate the seat of government and superintend the erection of public buildings.

In accordance with the fourth section of the act supplementary to the act locating the seat of government of the Territory of Iowa, and in the manner prescribed by a joint resolution<sup>1</sup> of the Council and House of Representatives, Congress was asked to donate "at least four sections on which to locate the seat of government of the Territory of Iowa." Congress took action on the matter by passing "An Act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon."<sup>2</sup> This act was approved March 3rd, 1839. It directed that only one section — instead of four — be selected; which section must be on surveyed lands. Furthermore, the second section of this act provides, "That if, at the time of the selection of land to be made as aforesaid, the contiguous sections thereto have not been made subject to public sale, or

<sup>1</sup> Resolution No. 12, Stat. Laws of Ia. Ter., 1st Leg. Ass'y, page 519.

<sup>2</sup> U. S. Stat. at Large, Vol. V, 330.

being so subject have not been sold at public sale or by private entry, then each and every section contiguous to said selected section, and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon." This provision was not repealed until August, 1842.<sup>1</sup>

#### SELECTING THE SITE.

It now remained for the territorial commissioners to select the site. The morning of May 1st, 1839, found a small group of somewhat roughly clad pioneer settlers collected at Napoleon to await the arrival of the commissioners. For over three months these sturdy farmers had been looking forward to the coming of the commissioners with intense interest and delight. But on this particular morning they carried a look which betrayed anxiety. Each man desired that the location be made *near* his own claim, yet at the same time he was fearful lest it should include his land and improvements. For, they all well knew that they had, to the land they occupied, no rights which the United States or the Territory of Iowa were bound to respect. But as the day advanced this anxiety took an unexpected turn.

Burlington and the counties in the southeastern part of the Territory were bitterly opposed to locating the seat of government in Johnson County. And it was thought that an attempt had been made to prevent a majority of the commissioners from meeting on the 1st day of May as directed by law.<sup>2</sup> The only commissioner on the grounds on the morning of May 1st, was Chauncey Swan, of Dubuque County. As noonday approached,

<sup>1</sup> U. S. Stat. at Large, Vol. VI, 846.

<sup>2</sup> *Iowa Historical Record*, Vol. VI, 564.

and no other commissioner appeared, the crowd began to suspect fraud. There was now excitement and alarm lest the entire county should be cheated out of the prized location.

It is said that about noon the excitement became intense, when Chauncey Swan mounted a dry-goods box and made a short speech to the agitated crowd, presenting the situation as follows: The Legislative Assembly had directed the locating commissioners to meet at Napoleon on the *first day of May*. Should a majority of them fail to meet on that day, their actions would be null and void. Chauncey Swan then called for a volunteer who would undertake to bring another commissioner before midnight. This certainly seemed like a hopeless undertaking; for John Ronalds, of Louisa County, the nearest commissioner, resided thirty-five miles from Napoleon. It would, therefore, require a ride of seventy miles in twelve hours, including all stoppages and ferrying the Cedar River both going and coming. But a young lad named Philip Clark stepped boldly out and volunteered his services.

Henry Felkner, who was among the anxious crowd at Napoleon on that memorable May day, continues the narrative as follows: "Of course there was much anxiety lest the effort should prove a failure. Fears were entertained that [John] Ronalds might not be at home, or not disposed to come, or that he could not reach the place in time. But these were all idle fears, for as soon as [Philip] Clark told him the situation he got ready at once and they started with the determination to reach their destination in time. While they were going at their best speed the watchers at Napoleon had their doubts and their fears, and as it began to draw on

towards midnight, and no tidings, their fears began to give way to despair. [Chauncey] Swan often consulted his watch and then would send some one out to listen. But no sound could be heard. This was repeated frequently, until at last the sound of horses' hoofs were heard in the distance, approaching rapidly. They did not slack up till they had arrived at the place of meeting. And when the riders dismounted and went in, [Chauncey] Swan again consulted his watch and found that it was just five minutes to twelve o'clock." Robert Walker, a Justice of the Peace, was on hand to administer the oath, which was signed by the commissioners and the date "May 1st, 1839" thereunto affixed. It has, however, been shrewdly intimated by one present, that perhaps the hands of Mr. Swan's watch were turned back that night; "for it was noticed that from midnight to sunrise were the shortest six hours on record." It is not improbable that Mr. Swan did either stop his watch or turn back its hands; for it is difficult to understand how a man on horseback could travel seventy miles in twelve hours over such roads as existed in the Territory at that time.

On the morning of May 2nd the two commissioners, Chauncey Swan and John Ronalds, "proceeded to examine the County of Johnson with a view to select the most eligible point for said location."<sup>1</sup> They did some preliminary surveying. The location was finally made on Section Ten, Township Seventy-Nine North, Range Six West of the Fifth Principal Meridian, on the 4th day of May, one thousand eight hundred and thirty-nine. The site was indicated by a post or slab, driven in the

<sup>1</sup> Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., page 90.



ground about where the old capitol building now stands, bearing the following inscription:<sup>1</sup>

SEAT OF GOVERNMENT,  
CITY OF IOWA.

*May 4th, 1839.*

C. SWAN,  
JOHN RONALDS,  
ROBT. RALSTON, } *Commissioners.*

*Witness,*

GEO. W. KELLY, } Des Moines.  
J. H. MCKENNY, }  
J. W. ISETT, Louisa.  
• J. DILLON, Dubuque.

Sec. 10, T. 79, R. 6, W. 5th Mer.

Robert Ralston, of Des Moines County, the commissioner who did not appear at the meeting on the 1st of May, arrived at Napoleon on the 6th of May and agreed to the proceedings of the majority of the commissioners.<sup>2</sup> On the 7th day of May, Chauncey Swan was appointed by the board, "Acting Commissioner" to superintend in person the affairs in connection with the seat of government.<sup>3</sup>

The commissioners after making the location on the 4th day of May agreeable to the laws of the Territory, found that by the act of Congress of March 3rd, 1839, the location was to be made on "surveyed lands."

<sup>1</sup> Chas. Negus in *Annals of Iowa*, Vol. VII, 326.

<sup>2</sup> Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., 90.

<sup>3</sup> *Ibid*, page 90.

Thereupon the commissioners unanimously agreed to send a memorial to the President of the United States, respectfully requesting a special survey of two townships in Johnson County, embracing the seat of government.<sup>1</sup> The object of this was to make the location as perfect as possible under the act of Congress as well as that of the Territory. Accompanying the memorial, which was forwarded by Chauncey Swan from Dubuque, was a request from the Surveyor General's office at Dubuque, calling for the survey of twelve other townships, in addition to the two townships above mentioned. The commissioner of the General Land Office at Washington immediately ordered the survey of the two townships as requested by the commissioners in their memorial.<sup>2</sup>

It was further provided by the act of March 3rd, 1839, that notice of the selection shall, within one year from the passing of the act, be officially returned to the Register of the Land Office in the district in which the land is situated. This provision was complied with in October, 1839. When at the second sale of lots in Iowa City, which took place early in October, John Ronalds and Chauncey Swan, commissioners, "did then and there give notice to the Register of the Land Office at Du Buque, that the seat of Government of Iowa Territory was located on section ten, Township seventy-nine north, and Range six west of the fifth principal meridian."<sup>3</sup>

<sup>1</sup> Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., page 93.

<sup>2</sup> The commissioner of the General Land Office regretted that on account of scarcity of funds he could not order the survey of the additional twelve townships.

<sup>3</sup> Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., page 92.

## THE SITE.

Judging from the present appearance of Iowa City, with its seven thousand inhabitants, its University, its houses and graded lots, its semi-graded streets and door-yard trees and bushes, it would be impossible to form anything like a realistic conception of the town site as it presented itself to the territorial commissioners in May, 1839.

As early as October, 1837, a claim was made to a part of the site by a pioneer farmer.<sup>1</sup> But up to the time of the meeting of the commissioners, little or nothing had been done in the way of preparing the ground for cultivation. The whole site, therefore, was practically in its wild and natural state. It was a wilderness, in which the Indian camp-fires had scarcely gone out. Poweshiek with over a thousand red men camped but a few miles to the south. Few white men had settled farther west.

A Burlington newspaper of that day says: "The most vivid imagination can scarcely picture to itself so captivating a spot, situated in the midst of all that wild and rural scenery which can tend to embellish and render it desirable. The river first approaches the town from the north, through rocky banks of moderate height, covered with a thick grove of stately trees, and then runs to the south, and flows off between unequal banks scattered over with venerable oaks. Opposite the city, on the west side of the river, the banks are abrupt and bold, and rise from the water's edge about fifty feet above its surface to the level of a smooth prairie, which approaches the bank of the river at this place and then sweeps off westward in beautiful undulations of hill and

<sup>1</sup> See Chapter I on "Early Land Claims," page 13.

dale." These banks of the Iowa River contained an inexhaustible store of good building rock.

Added to resources of the earth was an abundance of timber. The large grove near the site was described in these words: "Big Grove, which is situated between the Iowa and Cedar Rivers, has been pronounced to be one of the largest and best bodies of timber in the Territory, being about twenty miles in length, with an average width of six or seven miles." As for building material the town could not have been more favorably located. The surrounding country was a variation of hill, prairie and forest.

#### SURVEYING THE TOWN.

Nearly two months after the locating of Iowa City, the town survey was begun. "On the twenty-seventh day of June, A. D., 1839, it was ordered by the board of locating commissioners, that Thomas Cox and John Frierson<sup>1</sup> should be employed to survey Iowa City, and L. Judson to draw the necessary plats." In company with these men and the necessary hands, Chauncey Swan, the acting commissioner, returned to Iowa City in the latter part of June, and on the 1st day of July began the work of laying out the town into streets, alleys, squares, blocks and lots.<sup>2</sup>

The surveys were well under way when all work was suspended in honor of a public celebration. It was the Fourth of July, 1839. The settlers of the neighborhood in conjunction with the town surveyors had planned what they were pleased to call "a good old-fashioned

<sup>1</sup> Thomas Cox represented Jackson County, and John Frierson represented Muscatine County in the First Legislative Assembly of Iowa.

<sup>2</sup>"It is a well known fact" says Mr. Swan in a report to the Assembly, "especially to surveyors, that this is a very unfavorable season of

celebration," to be held on the site of the future capitol. A tall young oak tree, which stood on the spot now occupied by the old capitol building, was stripped of its branches and to its top the national flag attached. Here for the first time the stars and stripes were unfurled to wave over the frontier capital. The day was a pleasant one. Pioneer settlers for miles around came together to enjoy this first crude social event. Many of them shook hands on this occasion for the first time. The regular dinner was prepared at an Indian trading house<sup>1</sup> about four miles down the Iowa River and brought to the celebration in a lumber wagon. Added to this regularly prepared meal were the baskets of provisions brought by the settlers. At the proper time this "picnic dinner" was served on wagon boxes, lifted from the very wagons which had brought the settlers and their families "to town." After dinner toasts were offered and responded to. The Declaration of Independence was read. John Frierson delivered the oration of the day.<sup>2</sup> While delivering this oration the speaker stood in a wagon which had been drawn into the shade to serve as a platform.

the year for surveying in the western country, in consequence of the luxuriant growth of vegetation, accompanied by the heavy dews that prevail at this season of the year, making it almost impossible to commence the labors of the day at anything like an early hour, without exposure to sickness and death. The consequence is that only about two-thirds of a day's labor can be performed in twenty-four hours." —Journal of the House of Rep. of 2nd Ass'y, Ter. of Iowa, 122.

<sup>1</sup> This trading post was known as "Gilbert's Trading House." The dinner was prepared by Jonathan Harris, who at that time was keeping tavern at the trading house.

<sup>2</sup> The orator is described by Cyrus Sanders as a tall, spare, raw-boned and hard-featured man, who stood up in a wagon with one foot elevated upon a barrel of Cincinnati whiskey and made a speech far surpassing in eloquence and ability the average productions on similar occasions.

After the celebration "the work of surveying the town was pushed forward energetically. The ground for the capitol square was selected first, the southeast corner being established as the initial starting point. From that point the west line of Clinton street was run north and south, and established as a meridian line. The survey was extended eastwardly and westwardly without ever having any definite base line established. The lines were run with an ordinary surveyor's compass, and measured with a pole twenty feet long, made of two strips cut from a board and nailed together. It was graduated to feet and inches by a carpenter's square, and afterwards each end was bound with a hoop of iron; and in measuring, tally pins about one-eighth of an inch in diameter were used, which added about three-sixteenths of an inch to every twenty feet."<sup>1</sup>

The special survey of township seventy-nine,<sup>2</sup> ordered by the commissioner of the General Land Office at Washington, was so far completed before the survey of the town was finished, that the bounds of the town were closed on the government lines as established by the surveyor appointed to survey the said township. At the southeast corner of the section a monument of rough grey limestone was erected as a permanent landmark. It still stands on Summit street, a novel relic of the founding of Iowa City. Covered with the marks of an advertising dry-goods merchant it certainly reflects discredit upon the art sense of the present residents of Iowa City, who are content to allow such ruthless defacing of

<sup>1</sup> Cyrus Sanders in a brief sketch of the early history of Johnson County.

<sup>2</sup> John Frierson was appointed by the Surveyor General of Iowa and Wisconsin to make this survey.

historical landmarks. There are two inscriptions on this historic monument.

The inscription on the side facing the east reads:

M. VANBUREN  
President of the U. S.  
and  
R. LUCAS  
Gov. of the Territory

The inscription on the side facing the west reads:

IOWA CITY  
The Capital of  
Iowa Territory  
as situated on  
Section No 10.  
Township 79 N. R.  
6. W of the 5<sup>th</sup> Pr M  
located  
May 4<sup>th</sup> 1839  
By Mess<sup>rs</sup>  
Chauncey Swan  
John Ronalds  
and  
Robert Ralston  
Comm<sup>rs</sup> & Surveyed  
By Mess<sup>rs</sup>  
Cox Frierson & Judson  
under the direction of  
C. Swan Actg Com

“It required over two thousand stakes to be used on the location and something like fifty hewed posts from six inches to one foot square, and from six to nine feet long for the corners of the town plat, the public square, and reservations. For boarding the surveyors and hands employed, I paid at the rate of four dollars per week. The amount paid for surveying, including all the expense of surveyor’s hands, teams, setting of posts, and the necessary plats of the city is \$1,476.99.”<sup>1</sup>

<sup>1</sup> Report of Acting Com., House Jour., 2nd Leg. Ass’y, Ia. Ter., page 122.

## THE TOWN PLAT.

L. Judson's plan of Iowa City as drawn by him in 1839, and laid out by the surveyors, was appropriate for a capital city. The streets were run directly east and west, and north and south. A square of about twelve acres was laid out on the eminence near the west boundary of the town. This square commanded a view of the Iowa River on the west, and nearly the whole of the town on the east. It was designated "Capitol Square," being specially reserved as a site for the public buildings. The block upon which the Chemical Laboratory of the State University now stands was to be the city "Park." On the extreme eastern boundary of the section an out-lot, west of Governor street and lying between the Avenue and Washington street, was reserved as "Governor's Square." The present College-hill Park was designated on the map as "College Green." Three squares, each equal to the ordinary block, were reserved in different parts of the town as markets. "North Market" included the southeast quarter of block thirty-five, the southwest quarter of block thirty, the northwest quarter of block twenty-nine and the northeast quarter of block thirty-six. "Center Market" was the block now occupied by the city Grammar and High Schools. "South Market" included the block upon which the B. C. R. & N. R. R. depot now stands. The west half of block sixty was reserved for school purposes. Four reservations were made for churches. These reservations were located as follows: The south half of block fifty-one on Church street between Gilbert and Van Buren streets; the south half of block thirteen on Church street between Dodge and Lucas streets; the south half of block sixty-seven on Jefferson street



between Dubuque and Linn streets; and the north half of block sixty-six on the Avenue between Dubuque and Linn streets. The ground next to the Iowa River, being reserved for public purposes, was designated as the "Promenade." A narrow strip of ground bordering on the river and lying between Market and Davenport streets was marked "Lumber Yard."<sup>1</sup> The south half of block twenty was designated on the plat, "Mineral Springs." It was supposed that valuable mineral springs were located at this point.

According to the original plat there were twenty-three streets, one avenue and one promenade. The names of the streets running east and west were: (beginning on the north) Brown, Ronalds, Church, Fairchild, Davenport, Bloomington, Market, Jefferson, Iowa Avenue, Washington, College and Burlington. The names of those running north and south were: (beginning on the east) Governor, Lucas, Dodge, Johnson Van Buren, Gilbert, Linn, Dubuque, Clinton, Capitol, Madison and Front. It will be noticed that in the naming of the streets, there was a predominant tendency to use the names of men of note.

Iowa Avenue was one hundred and twenty feet wide; Washington, Jefferson, Clinton, Capitol and Madison streets were each one hundred feet, and all others were eighty feet. Alleys were twenty feet. The national road ran on a line with the Avenue directly west across the river. One hundred blocks, seven hundred and sixty-four lots, and thirty-one out-lots are marked on the plat. The blocks as laid off were three hundred and twenty feet square, and the regular lots eighty by one

<sup>1</sup> The Lumber Yard and Promenade were laid out into lots in 1843 by the Territorial Agent, John M. Coleman.

hundred and fifty feet. Beginning with the monument at the southeast corner, there was a row of out-lots laid out along the east boundary of the section. There were also similar rows of out-lots along the north and south boundaries.

#### THE FIRST INHABITANTS.

When the acting commissioner, Chauncey Swan, returned from Dubuque in the latter part of June, 1839, to direct the surveys of Iowa City there seem to have been at least three dwelling houses on the site. These were plain, ordinary claim cabins built of logs. One was located on the site of the present residence of Mrs. Sarah A. Myers, on Clinton street in block 21, and was occupied by Matthew Teneick and family.<sup>1</sup> Here the acting commissioner had his headquarters while conducting the surveys. The other two cabins were situated near what afterwards became the corner of Brown and Gilbert streets. These two cabins—one of which was built in February and the other in June—being only twenty feet apart and united under a common roof, were used as a tavern, the enclosed space between forming a large bar-room. The proprietors were George T. Andrews and Asaph Allen.

Soon after the location was made in May, Matthew Teneick began to prepare timber for a regular<sup>2</sup> dwelling house. This house was constructed of "good sized hewed logs," and stood on the corner of Iowa Avenue

<sup>1</sup> This was the first family to make a permanent location in Iowa City. Hannah Teneick was the first white child born in Iowa City.

<sup>2</sup> Regular dwelling house as distinguished from the temporary claim cabin.

and Dubuque street, or directly across the street south of Close Hall. It was finished before any of the town lots were offered for sale; but Mr. Teneick had no title to the ground on which it was built. Chauncey Swan, however, promised to use his influence in preventing any outsider from bidding on the lot. Accordingly when the lot was offered at the public sale, Chauncey Swan made a statement of the facts to the crowd, and Mr. Teneick was allowed without opposition to take the lot at the minimum valuation of three hundred dollars.<sup>1</sup>

It is further recorded by Cyrus Sanders that, previous to the first sale of lots, Joseph Coe, who had erected a log house on the northwest corner of Clinton and Jefferson streets, and Walter Butler who had erected a frame for a hotel in block 80 on Clinton street (near the present location of Bloom's clothing house), were both permitted to bid in their lots at the minimum price fixed upon them. But Wesley Jones, who had erected a frame for a store<sup>2</sup> in block 84 on Washington street, and John Willison, who had dug a cellar on the northeast corner of Clinton and Jefferson streets with the expectation of getting their lots at the minimum price were disappointed, "as the bidders had come to the conclusion that the claim business, in western parlance, was about played out."

The most noteworthy building erected before the first sale of lots, was a temporary tavern which stood in block 61, near the corner of Linn and Washington streets. It was a small building and bore the appropriate name of

<sup>1</sup> During a visit to Iowa City in the autumn of 1839, Robert Lucas was entertained in this house. After having been occupied as a residence, tavern and boarding house for about twenty years, it took fire and burned down.

<sup>2</sup> This was the first frame building erected in Iowa City.

“Lean-back Hall.” Erected hastily of poles, it had a rough board attachment which extended back some fifty or sixty feet for sleeping accommodations. Lean-back Hall was built in a few days, and contained a barroom, kitchen, dining hall and one lodging room. The lodging room, it is said, had but one bed; but this bed was large enough to accommodate thirty-six men. “This number reposed in it many a night, and no complaint was ever entered against it.”<sup>1</sup>

NOTE.—Early in the month of October occurred the death of Cordelia, the only daughter of Chauncey Swan. “Little Cordelia” was buried in the old cemetery and her little round tombstone still marks the first grave made in that cemetery.

#### THE FIRST SALES OF LOTS.

At the Fourth of July celebration<sup>2</sup> it was officially announced that there would be a public sale of lots on the 18th of August. The Governor’s proclamation of the sale was published in eastern papers. Six hundred and thirty dollars were expended by the acting commissioner for eleven hundred lithographic maps of Iowa City. These maps were sold throughout the Territory at the rate of seventy-five cents for the ordinary sheet map and one dollar for the pocket map.<sup>3</sup>

During the early part of August the arrivals of strangers at the seat of government became more numerous; so that by the morning of the eighteenth it was a considerable crowd that gathered about Lean-back Hall. There were present several capitalists from the east, citizens from the eastern part of the Territory, and

<sup>1</sup> Frederick M. Irish in *Annals of Iowa*, January, 1869.

<sup>2</sup> See chapter II on “The Founding of Iowa City, page 26.

<sup>3</sup> One of these pocket maps has been preserved in the State Historical Library.

settlers from the neighboring country. At the proper time "Mr. Dougherty, of Dubuque, who was employed as auctioneer, mounted a wagon and announced the terms of the sale.<sup>1</sup> The wagon then moved off, and the crowd followed on to a lot near where the North Presbyterian Church now stands, which was the first lot offered for sale, and was knocked off to John Trout, an employe of the American Fur Company, for \$100. They then moved on to the next lot offered, and so continued during the day, moving from lot to lot as sold, with occasional intermissions for refreshments at Lean-back Hall.<sup>2</sup>

This first public sale of lots continued for three days, during which time one hundred lots were sold, amounting to \$17,292.75. Of the one hundred lots thus sold, six were forfeited, which leaves the amount for which certificates were actually given, \$16,571.75. The lots previously selected to be offered at this sale were the alternate lots in the blocks in the vicinity of Capitol Square. The average price paid for these lots was about \$176.30; the lowest price paid was \$25.00; and the highest price was \$750.00.

At the second public sale of lots which was held on the 10th, 11th and 12th of October, one hundred and six lots were sold. This number includes the six lots that

<sup>1</sup> The purchaser was required to pay one-fourth down cash; the remainder in six, twelve and eighteen months; notes were required in every case, payable to the acting commissioner or his successor in office at Iowa City.

<sup>2</sup> From an unfinished history of Johnson County by Messrs. Felkner & Sanders. According to an abstract in the House Jour., Ia. Ter., 4th Leg. Ass'y, page 40, no sales were made on the 18th of August. But the information in the paragraph as given above is based on the statement of an eye witness and is perhaps correct, the abstract to the contrary notwithstanding.

had been forfeited<sup>1</sup> after the first sale, also three out-lots. Up to the 1st of November certificates<sup>2</sup> had been given for only eighty-four lots and three out-lots, amounting to the sum of \$10,168.00. The average price paid at this sale was \$115.72; the lowest price was \$20.00; and the highest price was \$606.00.

By the 1st of January, 1840, lots had been sold to the amount of \$34,397.75. But only \$14,648.53 of this amount had been paid down; for there remained in the office of the acting commissioner notes to the amount of \$19,749.22.

From the autumn of 1839, dates the existence of Iowa City as a distinct social entity. Men who bought lots at the public sales remained to fit them up for homes. A considerable number of dwellings were now put in process of erection. Some were simply log cabins; others were frame houses sided and roofed with clapboards hewed from the trunks of native trees. Occasionally sawed lumber was obtained from Felkner's and Meyer's mill on Rapid Creek. The little pine lumber that was used came by way of the Ohio and Mississippi rivers to Bloomington (now Muscatine), from which place it was hauled overland to Iowa City.

<sup>1</sup> On neglect or refusal to pay either installment the lot or lots became forfeited to the Territory and the purchaser lost all that he had paid.

<sup>2</sup> Certificates of purchase were given to purchasers in all cases, giving the number of the block, the number of the lot, and pledging the faith of the Territory for the execution of a deed in fee simple, so soon as the title shall be procured by the Territory from the General Government.

### III.

## THE BEGINNINGS OF MUNICIPAL LIFE.

### GROWTH AND DEVELOPMENT.

The years 1840, 1841 and 1842 stand out preëminently as the most eventful period in the history of Iowa City. It was the spring-time, when the municipal germ planted in 1839 shot up, as it were, in a single night, unfolding and developing the organs of social and municipal life. It was the period of youthful vigor, of expansion—seemingly without limit. Back to these years are traced the beginnings of industry, education, courts, politics, and religion. And withal this was the period of enthusiasm, the time when men hoped most and planned most.

Fortunately the winter of 'thirty-nine and 'forty was a mild one, without storms. Around Capitol Square many buildings stood partially or wholly uncovered; others were in the first stages of erection. Day after day could be heard the ring of the ax and the crashing sound of falling trees. Men warmed themselves about brush-heap fires, and talked and rejoiced over the prospects of the future.

The one hundred inhabitants who were on the town site at the opening of the year 1840, witnessed, as the year advanced, their number double, treble, then double again. In the course of six months Iowa City had become the most popular point in Iowa. The name of the frontier capital was carried across the Mississippi

into Illinois, Indiana, Ohio and beyond the Alleghanies.

The growth of the town at this time was certainly a marvel. Its rapid increase and development were extraordinary, and up to that time are said to have been unparalleled in all the west.

John B. Newhall in his "Sketches of Iowa," published in 1841, says:<sup>1</sup> "The unprecedented growth of Iowa City from a wilderness frontier, beyond the pale of civilization, is indeed a wonder in the growth of towns. \* \* I have heard of cities springing into existence as if by magic, but in no case have I ever known the application to be so just as when applied to this young capital of Iowa. \* \* Up to the present time, being about fourteen months from the commencement of Iowa City, it contains a population of about 700 inhabitants, a spacious city hotel, three or four brick buildings and several others in progress, ten dry-goods, grocery and provision stores, one drug store, one saddlery, two blacksmiths, one gunsmith, three or four coffee houses, four lawyers, three physicians, one church, and one primary school—in short, presenting all the appearance, bustle and activity of a city of years, rather than a prodigy of months. Should the skeptical feel inclined to question the accuracy of this statement, I can assure them it has been the result of personal inspection. I counted, even in the middle of last May, the rising of one hundred buildings, and saw and heard the busy workmen engaged on half as many more. At that time, conversing with a gentleman from Pennsylvania, who came to the 'city' the week preceding and had a frame house covered and his goods in it, he said to me, 'Five days ago my house was in the woods, growing.'"

<sup>1</sup> "Sketches of Iowa," by John B. Newhall, of Burlington, page 125.



AN OLD FASHIONED ECONOMY.

It has become a familiar remark that the decades since the war are more unlike the decades preceding the war than those years are unlike the time of Elizabeth or the First George. The progress of the domestic freedom of trade since the close of the eighteenth century is not the less remarkable because it has been unobserved. The growth of faith in freedom, nourished by the mystic philosophy that spun itself about the theory of the social compact, and the introduction of rapid steam transportation and communication by telegraph, broke down forever the old system of restrictions that once hung upon every avenue of business life. Vestiges of the old system are found in the early history of Iowa City in the licenses which were then regarded necessary for the lawful pursuit of ordinary trades.

On the 7th of October, Edward Foster was granted a license to sell goods in Iowa City for one year at the rate of twenty dollars per annum. Mr. Foster's store was kept in a log cabin just north of Capitol Square. On the day after Mr. Foster was granted a license to sell goods, Asaph Allen and Walter Butler obtained licenses to "keep tavern"<sup>1</sup> for one year at the rate of

<sup>1</sup> The following extract from a statute law of Michigan that was extended over the Territory of Wisconsin (Iowa was then a part of the Territory of Wisconsin) by the act of Congress organizing said Territory, is characteristic of the regulations at that time:

"Every tavern keeper shall, at all times be furnished with suitable provisions and accommodations for travellers, and shall keep in his house at least two spare beds for guests, with good and sufficient sheeting and covering for such beds respectively, and provide and keep good and sufficient stabling and provender of hay in winter, and hay and pasturage in summer, and grain for four horses or other cattle, for the accommodation of travellers. \* \* \* \* Every tavern keeper shall, within thirty days after obtaining his license, put up a proper sign, on

thirty dollars. Mr. Allen had, for at least three months previous to this time, been conducting a tavern;<sup>1</sup> but Mr. Butler opened his tavern about the time the license was issued. Butler's tavern, which was kept in a frame building erected especially for the purpose, was for several years the principal public place in Iowa City.

Robert McKee & Co. took out a license to keep a store for one year at the rate of eighteen dollars. Their store was located in a small log house which stood near the northwest corner of Clinton and Burlington streets (near where the Baptist church now stands). It is also recorded that about the middle of November Charles Drury took out a license to keep a general store at the same rate.

The first grocery was in a cabin on the east side of Dubuque street between College and Burlington streets, and was known as the "Buck Grocery." Above the door a pair of deer horns naively served as a sign—the proprietor's name was Henry Buck. That Mr. Buck's store was a grocery is certain. For, according to the 3rd section of "AN ACT regulating Grocery License," passed by the Legislative Assembly of the Territory of Iowa,<sup>2</sup> "a grocery shall be deemed to include any house or place where spirituous or vinous liquors are retailed by less quantities than one gallon," and it is known that spirituous liquors were thus sold at the "Buck Grocery."

#### MAIL FACILITIES.

The mail facilities, which up to this time had been meager and uncertain, were now made more adequate or adjacent to the front of his house, with his name thereon, and keep up such sign during the time he shall keep a tavern."

<sup>1</sup> See Chapter II on the "The Founding of Iowa City," page 32.

<sup>2</sup> Stat. Laws Ia. Ter., Sess. 1839-40 of Leg. Ass'y, page 27.

by the establishment of regular mail routes to the more important points in the Territory.<sup>1</sup> The Napoleon post-office, which had been established in March, 1839, was removed to Iowa City by Samuel H. McCrory and located in the store of Charles S. Foster, just north of Capitol Square, sometime during the same year. Chauncey Swan, who succeeded Mr. McCrory as postmaster, on the 14th of November, 1839, changed the name of the post-office from "Napoleon" to "Iowa City." Mr. Swan was succeeded in office by James M. Hawkins, September 2nd, 1841. On the 3rd of August, 1842, Samuel C. Trowbridge was appointed postmaster, which position he held for seven years.

#### PUBLIC ROADS.

Along with the increase in mail facilities there was a development of public means of travel. While the first emigrants of 'thirty-nine were compelled to follow rivers, streams and Indian paths, those who came later in the year were guided by the crooked wheel-tracks of ox wagons. In 1840 and 1841, regular public roads were laid out.

All the principal highways at that time were established by acts of the Legislative Assembly and were known as "territorial roads."<sup>2</sup> In 1841, four of these principal highways connected Iowa City with the outside

<sup>1</sup> F. M. Irish relates that the Iowa City mail was brought up from Bloomington (Muscatine) by any of the citizens having business there; and that he (Mr. Irish) had often brought out the mail in the crown of his hat or tied up in a pocket handkerchief.—See *Annals of Iowa*, April, 1868; page 109.

<sup>2</sup> The "territorial road," with perhaps the exception of important bridges, was improved at the expense of the inhabitants of the county or township through which it passed.

world, namely: One running from Iowa City through Muscatine County to Bloomington (Muscatine); one running from Iowa City through Louisa and Des Moines Counties to Burlington; one running from Iowa City through Cedar, Clinton, Jackson and Dubuque Counties to Dubuque; and one running from Iowa City south to Mt. Pleasant in Henry County. Indeed, Iowa City was at that time the converging point of all the important territorial roads.

One of the most popular roads in the Territory was a "military road" established by Congress between Iowa City and Dubuque. Twenty thousand dollars was appropriated by Congress for the improvement of this road.<sup>1</sup>

But previous to the establishment of either territorial or military roads there existed between Iowa City and Dubuque a public highway that was characteristically pioneer. Strangers in crossing the prairie found it difficult to keep the direct course and often wandered far out of their way. This was especially true of travelers between Iowa City and Dubuque. The citizens of Iowa City desiring to remedy this difficulty employed one, Lyman Dillon, to plow a furrow between the two towns in as direct a line as practicable. Early one morning Mr. Dillon, accompanied by a driver, started from Iowa City with a large breaking plow drawn by five yoke of oxen. When he reached Dubuque he had made a furrow one hundred miles long. "Dillon's furrow" was an efficient guide to the traveler, and soon a well beaten road was made by its side.

#### FERRIES.

The settlers west of the Iowa River reached the town

<sup>1</sup> The Langworthy Bros., of Dubuque, had the contract to lay out the greater part of this military road.

by crossing the river in canoes and on what may be termed "flatboat ferries." Benjamin Miller started the first regular ferry across the Iowa River in the winter of 1838-39. This ferry which crossed in the vicinity of the present location of the B., C. R. & N. R. R. bridge was subsequently managed by F. A. A. Cobbs.

On the 6th of March, 1840, Messrs. Sturgis and Douglass were granted a license to keep a ferry across the Iowa River; and on the same day Andrew D. Stephen was granted a license to keep a ferry at the point where the "National Road"<sup>1</sup> crossed the river. But Mr. Stephen having neglected to establish a ferry in due time, his license was revoked on the 13th of October, 1840, and a new license granted to John D. Able.<sup>2</sup> Mr. Able established his ferry where the upper wagon bridge now crosses the river; and this was the first regular ferry to cross the Iowa River at Iowa City.<sup>3</sup> On the 11th of September, 1841, Mr. Able transferred, along with a claim on the west bank of the river, the "ferry, Boat, Rope Canoe, & so forth belonging to and heretofore used at said ferry"<sup>4</sup> to Pleasant Arthur. About a month after the transfer Mr. Arthur had the license renewed.<sup>5</sup>

<sup>1</sup> According to a map of Iowa City published in 1839, the "National Road" crossed the Iowa River on a line with Iowa Avenue.

<sup>2</sup> The license fee in both cases was \$15.00.

<sup>3</sup> The toll rates established by the county were as follows:

Footman . . . . .	6¼ cts. = "fip" = "fippenny-bit" = "picayune."
Man and horse . . . . .	12½ " = "bit" = "levy" = "levenpence."
One horse and wagon (or carriage) . . . . .	25 cts.
Two horses, or oxen, and wagon . . . . .	37½ "
Each additional horse or yoke of oxen . . . . .	6¼ "
Each head of neat cattle in droves . . . . .	6¼ "
Sheep and hogs per head . . . . .	3 "

<sup>4</sup> From original MS. records of the Claim Association of Johnson County.

<sup>5</sup> Mr. Arthur's license fee was \$25.00.

## COMMERCE.

In the early years of Iowa City, water courses were still the great channels of traffic. But, as has already been observed, the location of Iowa City commanded no commercial point of advantage. The traffic of Iowa City, therefore, was mostly overland; and before railroads had become the common carrier, this was slow and expensive transportation. Articles of produce and merchandise were hauled overland in ox-wagons to and from the Mississippi river.

Dry-goods and the like were purchased in New York, Boston and other eastern cities and shipped by way of the Ohio and Mississippi Rivers, or by way of the Gulf of Mexico and the Mississippi, to Bloomington (Muscatine), Burlington and Dubuque. Groceries were purchased almost exclusively in St. Louis; for at that time St. Louis was to the West what Chicago is to the Northwest to-day.

Produce, which consisted mostly of corn, wheat, pork and lard, was sent in part to the Mississippi towns for exportation. But in the transportation of produce the Iowa River—a considerable body of water, especially in the spring months—was utilized to a great extent. Loaded on flatboats or keel-boats, corn, wheat and pork were floated down the Iowa River to the Mississippi, and thence on the same boats to St. Louis, where both the produce and the boats were disposed of.

Moreover, the inhabitants of Iowa City believed that the Iowa River could be made a navigable water course and that Mississippi steamers would some day carry on a direct commerce with the town. This belief was greatly strengthened by an event which occurred on the 20th of June, 1840.

On the evening of that day, which was Sunday, the inhabitants were startled by the puffing of a steamboat. In a few minutes the entire population of the town turned out and rushed down to the ferry landing to welcome with hearty cheers the arrival of what proved to be the steamboat "Ripple." The next morning the citizens held a mass meeting at the city hotel. At this meeting resolutions were passed providing for a grand public dinner to be held in commemoration of the event and appointing committees to investigate the matter of improving the Iowa River and making it navigable.

The editor of the *Iowa City Standard* declared that "The comparatively low stage of water will effectually silence any sneers that may be thrown out concerning high water navigation, etc., and we now have the fact proved, beyond the possibility of a doubt, that the Iowa River is navigable beyond this place for seven months in the year. This arrival has effectually changed the relation in which we formerly stood to the other towns in this Territory. We are now no longer dependent upon the towns on the Mississippi for our imports—nor are we subjected to the labor and expense of drawing across the country all articles brought from abroad. We have now a situation in many respects superior to any in the Territory."<sup>1</sup>

In a speech at the public dinner Major John B. Newhall said: "From this day forward the practicability of navigating the Iowa River remains no longer the subject of conjecture. From this day henceforth, a new era will commence in the destinies of your city. The most skeptical must believe; for here is the evidence before you—yes, gentlemen, ere another month shall elapse

<sup>1</sup> *Iowa City Standard*, Vol. I, No. 31.

the performance of the gallant little "Ripple" shall be emblazoned to the world in letters of living light."<sup>1</sup>

But all this was gross exaggeration, and the hope in the navigability of the Iowa River never was realized.<sup>2</sup> In 1847 and 1848, the General Assembly considered the question of slack-water navigation on the Iowa River and addressed a memorial to Congress on the subject; but before any effectual movement could be inaugurated railroads had robbed the water of its former superiority as a means of internal commerce.

#### MINING.

A discovery of what was supposed to be lead ore in the month of April, 1842, created considerable excitement in Iowa City at the time. The discovery was made by Jesse McCart, who it is said, "found, nine miles above the city, on the banks of the Iowa River, a *load* of lead by digging fourteen feet below the surface."

Of this discovery the editor of the *Iowa City Standard* says: "Nothing better could have happened to make this section of the country and especially Iowa City, a perfect Eldorado, than the discovery which has been made in Johnson County. It has, ever since the settlement of this county, been believed, that it abounded with immense mineral of various kinds. Several townships of land west of Iowa City, we are told, were returned to the General Land Office as mineral lands. This must form a new era in the history and existence of Iowa City."<sup>3</sup>

<sup>1</sup> *Iowa City Standard*, Vol. I, No. 31.

<sup>2</sup> In 1842 the steamer "Rock River" arrived at Iowa City; and in 1844 the steamer "Emma" got as far as the capital. But these arrivals were of little consequence.

<sup>3</sup> *Iowa City Standard*, Vol. II, No. 19.



Mining, however, as in the case of the first steamboat arrival, was simply an exciting incident instead of an epoch-making event.

#### THE COMMON INDUSTRIES.

The ordinary trades, such as those of the carpenter, the smith and the mason, were introduced and flourished during the first year of the town's existence. At one time there was a turning-lathe on Ralston Creek. For a number of years Mr. Gaymon managed a chair factory. John A. Copenhafer also established a chair factory. This latter factory was located on Ralston Creek, opposite the present site of the oil mill. Here marble-headed canes were manufactured, the marble used being none other than the bird's-eye marble from the Iowa City quarries.

The making of brick was also begun at an early day. In this occupation Sylvanus Johnson was the pioneer. He operated a brick-yard in the year 1840, and on the 15th day of April of that year moulded with his own hands the first brick ever made in Johnson County. From his kiln Mr. Bostwick obtained the material for the first brick building erected in Iowa City. The walls of this building were laid in 1840 by George T. Andrews.

The transportation of produce down the Iowa River on flatboats created a lively business in building of boats.

#### THE IOWA CITY MANUFACTURING COMPANY.

The distinguishing characteristic of Iowa City was political, and not industrial. The industrial organizations of the town were, therefore, ordinary and commonplace. Yet to this general rule there was one noteworthy exception — the "Iowa City Manufacturing Company."

It was on the evening of the 13th day of April, 1843, that a few citizens assembled at the office of the territorial agent, John M. Coleman, for the purpose of taking steps in reference to a burying ground that had been donated by the Territory. The business for which they were called together was duly arranged, and the meeting adjourned. But immediately after the adjournment was announced, Mr. Coleman arose and requested the citizens to remain, saying that he desired to make a suggestion. The citizens again took their seats. Mr. Coleman then brought forward his suggestion, which was to the effect that the citizens of Iowa City make an effort *to utilize the water power of the Iowa River*. The suggestion was favorably entertained by those present, and it was resolved to hold a meeting at the "American Hotel" for a more thorough consideration of the matter, within a few days. Mr. Coleman's proposition now met with enthusiastic support on every hand. The result was that on the 17th the "Iowa City Manufacturing Company" was organized and articles of association adopted.<sup>1</sup>

Chauncey Swan was elected President of the company. Other men who prominently interested themselves in this new enterprise were: A. E. McArthur, Silas Foster, M. M. Montgomery, Thomas Snyder and David Switzer.

The management having been vested in a board of directors, it was resolved to commence operations just as soon as capital stock to the amount of \$5,000 had been taken. This amount was soon subscribed, and the erection of a dam was begun on the 18th of June, under the direction of A. B. Newcomb. By the middle of

<sup>1</sup> *Iowa Capital Reporter*, Vol. II, No. 20.

August the capital stock had swelled to \$10,000, and at the dam thirty hands were employed in hewing and digging.<sup>1</sup> During the fall months the work was pushed forward with wonderful vigor. At the same time a grist-mill was in the process of erection. By the 1st day of January, 1844, the dam and mill were so far completed that the officers and workmen, who surrounded the table at a rudimentary boarding house near by, were served with "corn dodgers" and mush made of meal ground that day by the water power of the Iowa River.

The location of the mill and dam was about two miles northwest of Iowa City at a point now known as Coralville. This site was donated to the company by Walter Butler, with, however, the reservation by him of the right of erecting a mill on the west bank of the river and of using water from the company's mill sufficient to run a saw mill with one saw. The Iowa River throughout its entire course afforded no better site; here the bed of the river was of solid rock with a beautiful fall below.

The dam when completed was perhaps the finest structure of its kind west of the Mississippi River. It was ten feet high, and with an ordinary stage of water contributed hydraulic force equal to seven hundred and eighty horse power.

Yet after all, it was not the erection of a great dam and the building of a gristmill, that gives the Iowa City Manufacturing Company a truly great significance in the history of Iowa City. This significance is found in the company's industrial system. As the Claim Association of Johnson County was operated on modern socialistic principles, so the Iowa City Manufacturing Company founded an industry on the principles of the modern coöperative labor system. Many of the stockholders

<sup>1</sup> *Iowa City Standard*, Vol. III, No. 32.

instead of paying for their shares in money—which to be sure they did not have—paid for them in the labor of their own hands; while some few, merchants, paid for their shares in goods and provisions. A rare spectacle it must have been to see the stockholders with their own picks, spades and axes, digging, shoveling and hewing, and wading deep in the Iowa River; while merchants, who had taken shares, contributed groceries and provisions for their support. So thoroughly was the system carried out that upon the completion of the dam, it is said, the books of the company showed a total expense of but *twenty-five dollars* in money.<sup>1</sup>

On the 5th of November, 1845, the mill and dam passed from the control of the Iowa City Manufacturing Company into the hands of Newcomb & Harris. But the immense power afforded by the dam was never efficiently utilized until after 1848, when the improvements were purchased by Ezekiel Clark. By the year 1850, Mr. Clark had put in a large and well equipped plant. The flouring mill was then “driven day and night, and furnished the greater portion of the flour for the inhabitants of the northwestern part of our State. It was no unusual sight to see fifty and sixty wagons ranged at this mill at one time, some of them from as far north as Woodbury County, and from all the intermediate settlements and from southern Minnesota.”<sup>2</sup>

NOTE.—Besides the mills at Coralville, there is another historic Iowa City mill. It is located about a half mile north of town, and is known as “Terrill’s Mill.” The dam for this mill was erected in the autumn of ’forty-three by Walter Terrill; the mill itself was built during the following year.

<sup>1</sup> *Annals of Iowa*, April, 1869, page 193.

<sup>2</sup> In 1855 Hon. Samuel J. Kirkwood bought an interest in these mills. And it was from this industry that he was afterwards called to become Iowa’s greatest Governor and most honored citizen.

### LOCAL POLITICS.

In early times Iowa City was an enthusiastic Whig town. Every one was interested in politics, for the "machine" and "ring" were then unknown. Men, however, did not seem to be so broad in their political views as they were later on. This narrowness was strikingly reflected in the editorials of the press, which were often insulting and scurrilous.

Being a Whig town the victory of William Henry Harrison was commemorated by an "Illumination." "The hearts of the people," it is said, "were given over to utter joyousness. Almost every habitation was resplendent with light. The square, the park, the avenue, indeed the whole city was one grand mass of embodied light from nine o'clock until about midnight. Men became boys and played their antics over again. Every moveable thing became a sleigh and every locomotive was put in requisition to give them impetus. The United States flag with her stars and stripes added beauty to the scene."<sup>1</sup>

Iowa City remained a stronghold of the Whigs until 1845, when in August the Democrats carried an election by a small majority.

### THE COUNTY SEAT.

The importance of the average American town is generally determined by its official relation to the state and county in which it is located. In these relations, Iowa City was doubly favored. As capital it was the first town in Iowa; and as seat of justice it became the center of Johnson County.

<sup>1</sup> *Iowa Standard*, Vol. I, No. 10.

Created by an act of the Legislative Assembly of Wisconsin, passed at the winter session of 1837-38, held at Burlington, Johnson County was temporarily attached to Cedar County. But the few inhabitants soon petitioned for a separate organization. There being at that time two rival communities in the county, the "Harris Community" and the "Gilbert Community," the former desired the location of the seat of justice to be made at the *proposed* town Osceola, while the latter maintained the superior importance of the *proposed* town Napoleon. The question was finally settled by an act of the Wisconsin Assembly, approved June 22nd, 1838. This act provided for the separate organization of the County of Johnson with the seat of justice at Napoleon. Situated on the left bank of the Iowa River about one and a half miles below Iowa City, the town of Napoleon never consisted of more than two houses. Yet in that place Johnson County had its official beginnings. There the District Court of the United States sat to hear a case of frontier horse-stealing.

On the 7th of October the court of county commissioners assembled at Napoleon for the last time; for that day the court "adjourned to meet to-morrow morning at eight o'clock at the house of F. M. Irish in Iowa City." Pursuant to adjournment, the court met with Henry Felkner, Robert Walker and Philip Clark present. From this time on it is very probable that Iowa City was in reality the official town of the county; for, having been created the capital of Iowa Territory in the preceding month of May, it was now the universal opinion that the county seat should be near the seat of government. In December, 1839, the re-location of the

seat of justice of Johnson County was authorized by the Legislative Assembly.<sup>1</sup>

Having met on the 27th day of January, the commissioners, upon the motion of Henry Felkner, repaired to view the several quarter-sections of land adjoining the seat of government. After due examination they decided upon the northwest quarter of section fifteen for the future seat of justice. Philip Clark was then authorized by the commissioners to repair to Dubuque and enter the quarter-section for county purposes. Furthermore, it was "Ordered that a memorial be forwarded to Congress, directed to the care of W. W. Chapman, requesting Congress to pass a law authorizing the aforesaid board to locate upon the aforesaid quarter-section of land for county purposes." In compliance with this request, Congress in an act approved August 1st, 1842, granted the right of preëmption at the minimum price for the fractional northwest quarter, east of the river, of section fifteen, containing one hundred and seventeen acres and sixty-four one hundredths of an acre, more or less, on the terms and conditions of an act passed May 26th, 1824, relating to county seats. In the meantime the commissioners had made satisfactory arrangements with Andrew D. Stephen the claimant of the land. (See Chapter I on "Early Land Claims.")

On the 9th of November, 1841, the board ordered the new county seat to be laid out as follows: "Twenty-four blocks to be surveyed off the north side at present, each block to be three hundred and twenty feet square, including alleys, the north and south streets to correspond with the streets which run north and south in Iowa City; and the streets running east and west to be eighty feet wide,

<sup>1</sup> Stat. Laws, Ia. Ter., Sess. 1839-40 of Leg. Ass'y, page 25.

each block to be divided into eight lots, and alleys to be twenty feet wide." The first sale of lots was held on the 24th and 25th of May, 1841; lots were sold to the amount of \$2,903.50. With this considerable sum it was resolved to begin the erection of necessary county buildings—jail and courthouse.

Experience led the county to erect the jail first. Jesse Berry and James Herron drafted the plans, according to which a small brick building was erected by James Trimble on the corner of Clinton and Prentiss streets. But this building, though better than an ordinary frame house, was not always efficient for jail purposes; in August, 1843, two prisoners broke through its walls and escaped. Again in 1852 another criminal broke jail and fled. In 1864, the "old jail" was sold to C. H. Berryhill for the sum of sixty dollars.

On the 8th of April, 1842, F. H. Lee, the agent for the County of Johnson, was instructed and authorized to receive proposals for the erection of a temporary courthouse. The building was to be twenty-eight by fifty-six feet, two stories high, and constructed of brick. And during the next few years such a courthouse was erected on block 8, lot 8, in the county seat. Previous to the completion of these two county buildings the county had rented different rooms and buildings in Iowa City for court and jail purposes.

#### EARLY JUSTICE.

The first District Court in Iowa City (the second one in the county) met on the 9th, 10th and 11th of September, 1839. The cases brought before the court at this session were for the most part cases relating to the violation of the law regulating the sale of liquors to



Indians.<sup>1</sup> At this session the following men were impanelled and sworn in as grand jurors:

ANDREW D. STEPHEN.	ALONZO C. DENNISON.
I. P. HAMILTON.	ISAAC BOWEN.
WM. STURGIS.	HENRY FELKNER.
JOHN HAWKINS.	S. B. MULHOLLAND.
FRED. DYSINGER.	WM. KELSO.
ABNER WOLCOTT.	JESSE McCART.
EBENEZER DOUGLASS.	WM. M. HARRIS.
ROBERT WALKER.	SAM'L H. McCRORY.

It must be remembered, however, that in frontier settlements law and justice were not administered by the courts alone. Criminals were not unfrequently punished other than by "due process of law." Cases involving real estate difficulties were generally settled by the "claim court." (See chapter I on "Early Land Claims.") While other offenses against the community or individuals of the community were often dealt with by the "vigilance committee" or the "mob."

And in the frontier settlements of the West the people were justified in taking the law into their own hands; for in the absence of courts and local government the vigilance committee was often absolutely necessary to the proper administration of justice.

To this pioneer method of administering justice, Iowa City was no exception. In one instance a prisoner was taken from the officers and whipped and choked till he confessed his crime; in another, the obnoxious citizen was drowned in the Iowa River.<sup>2</sup> In July, 1844, the

<sup>1</sup> For the law regulating the sale of liquors to the Indians see Stat. Laws, Ia. Ter., 1st Sess. of Leg. Ass'y, page 274.

<sup>2</sup> I refer to the drowning of Boyd Wilkinson in the Iowa River in 1858.

“vigilance committee” as chosen in Iowa City consisted of the following persons:<sup>1</sup>

WM. B. SNYDER.	WM. McCORMICK.
H. DOWNER.	G. T. ANDREWS.
E. T. LOCK.	S. WILLIAMS.
A. J. LUCAS.	L. D. GOBIN.
ED. EATMAN.	N. A. WHITE.
CHAS. CARTWRIGHT.	G. W. HAWKINS.
THOS. CAHILL.	D. CALHOUN.
JOHN PARROTT.	JOHN MATTHEWS.
I. N. SANDERS.	A. JONES.
JAS. ROBINSON.	WM. SHELADAY.

<sup>1</sup> See *Iowa Standard*, Vol. IV, No. 29.

## IV.

### THE TERRITORIAL CAPITAL.

#### COMING OF THE ASSEMBLY.

Iowa City did not become the capital of Iowa *in fact* until the 6th day of December, 1841. In the meantime Burlington remained the temporary seat of government. It was explicitly stated in the founding act of Iowa City,<sup>1</sup> that the Legislative Assembly should meet at Burlington for three years, until by proclamation of the Governor the Public Buildings at Iowa City were declared ready for its reception. But at the end of two years it had already become quite evident that the Capitol would not be in condition to receive the Legislative Assembly at the time contemplated in the above mentioned act. In view of this fact, an act passed in January, 1841, fixing the time for the meeting of the next Legislative Assembly as the first Monday in December, 1841, contained the special provision that if the Public Buildings at Iowa City were not in condition to receive the Legislative Assembly at that time *the Assembly would still meet in Iowa City in case other and sufficient buildings shall be furnished, rent free.* The citizens of Iowa City were not slow in informing the Assembly that "other and sufficient buildings" would be provided for their accommodation.

The whole town was now filled with enthusiasm.

<sup>1</sup> See Chapter III on "The Founding of Iowa City," page 18.

That one thing for which many of the inhabitants had crossed the prairie and endured the privations of pioneer life was about to be located in their midst. During the summer, Walter Butler—the most public-spirited of all his townsmen—erected a building for the accommodation of the coming Legislative Assembly.<sup>1</sup>

Butler's Capitol was a two-story frame structure, and was located on Washington street in block 80, just east of what is now Whetstone's drug store. Its dimensions were sixty by thirty feet.

And in this plain unattractive building the Legislative Assembly of Iowa first met in Iowa City on the 6th day of December, 1841. It was a cold day, made disagreeable by wind and rain and sleet. The Council, with nine members present, met in the second story and was called to order by the secretary, B. F. Wallace. Promptly at twelve o'clock M., Joseph T. Fales called the House to order in the rooms below. At this first meeting of the Representatives at Iowa City seventeen counties were represented, namely: Lee, Van Buren, Des Moines, Henry, Louisa, Washington, Muscatine, Johnson, Cedar, Jones, Linn, Scott, Clinton, Dubuque, Clayton, Delaware and Jackson. The session was opened with prayer by the Rev. Mr. Hummer. Only one session of the Legislative Assembly was held in Butler's Capitol; for by December, 1842, the Capitol on Capitol Square was so far completed as to accommodate the Legislative Assembly as well as the territorial officers.

<sup>1</sup> "Walter Butler agreed to put up a building if a certain number of citizens would obligate themselves to pay him the difference between the cost of the building and the price it would command when no longer required for use by the Legislative Assembly. But for some cause the pledges were never fulfilled, and Walter Butler sustained a great loss thereby."—F. M. Irish in *Annals of Iowa*, July, 1868, page 192.

ERECTION OF THE CAPITOL.

The historical importance of the first regular Capitol of Iowa justifies a detailed description of its erection. For to-day it is the most significant monument of the early history of Iowa. The story of its erection, its financial history, the legislative, judicial and educational memories that cluster around its walls, lend it a reverential distinction unparalleled by any other public building ever erected in the State. Begun in 1839, the building of the Capitol extends over the long period of fifteen years.

Immediately after his return from Dubuque in the latter part of June, 1839, Chauncey Swan, the Acting Commissioner, having procured tools and assistance, began opening up a quarry on the left bank of the Iowa River about six blocks north of Capitol Square. From this quarry rock was afterwards obtained for the foundations and a portion of the walls of the Capitol. Early in July a site was cleared, and in September men were employed to prepare the ground for the foundations. The turf and dirt removed at this time were deposited in Iowa Avenue on the east side of Capitol Square.

In the meantime the commissioners had adopted plans for the Capitol. John F. Rague was the architect; although it is said that the Rev. Samuel Mazzuchielli, a Catholic priest at Dubuque, was the original designer of the building.<sup>1</sup>

The following is a fair description of the Capitol as originally planned by the architect and afterwards erected by the Territory: Being located in the center of Capitol Square, "it is one hundred and twenty feet

<sup>1</sup>*Iowa Historical Record*, Vol. IV, page 102.

long north and south, and sixty feet east and west. It is to be ornamented by magnificent porticos, one on each side, supported by four massive pillars six feet and ten inches in advance of the walls of the building. The base of each portico is forty feet long and including the steps extends twenty-two feet and seven inches in advance of the walls. The exterior of the building is thus described: From the window sills of the basement, which will be level with the pavements, to the water table, the face of the walls is made of large blocks of cut stone. The water table, which is five feet one inch from the ground, is composed of forty-eight blocks, sixteen inches thick, from seven to nine feet long, said to weigh from six to eight thousand pounds each after they were dressed. These blocks form for the heavy basement walls, a kind of coping; from the outside of which the walls of the upper story make an offset of sixteen inches, leaving the water table for that width exposed to view entirely around the building, which adds much to the beauty and apparent strength of the work. On each of the fronts there are eight pilasters, three feet and ten inches wide, and projecting twelve inches from the face of the walls; these are to be surmounted by cut stone caps supporting the architrave, thus giving to the the building the appearance of being studded by pillars. [At the suggestion of the investigating committee the pilasters were dressed in the same manner as the doors, water table, jambs, etc.] It is the intention to use rough-cast or hard-finish on the whole building except where the dressed work may appear. The cornice if made to the plan will be highly ornamental.<sup>1</sup> \* \* \* The roof is to be surmounted by a cupola, which \* \* \*

<sup>1</sup> The cornice was not made highly ornamental.

will be ornamental but expensive. The base of the cupola is an octagon, supported by the interior vestibule walls. Upon this base stand eight corinthian columns crowned with handsome capitals supporting a spherical roof. Within the circle of the columns the space is enclosed by eight long windows placed also in an octagonal form by which light is communicated to the stairway descending in the middle of the building through the successive stories. As constructed the light is shut out from the main stairway which leads to the halls of the Assembly in the second story. The interior arrangement is as follows: The basement story is entered by two doors in the opposite ends, both opening into a hall seven feet wide, which runs directly through the building north and south, dividing it into two equal parts. There are four rooms on each side about twenty feet square, designed for committee rooms. There is also a large and convenient wood room, and a fire-proof vault, arched with brick, and covered with grouted masonry more than three feet thick, for the safety of public documents. On the next floor there is the same division north and south, and a broad hall or vestibule east and west entered from the porticos on each side of the building. North of the vestibule, east side, is a room forty-two by twenty-one and a half feet, designed for the Supreme Court; a corresponding room of the same size on the south of the vestibule, is designed for the use of the Secretary of the Territory. West of the north and south hall are four rooms, equal in size, designed for the use of the Governor, Auditor, Treasurer, and the Library. On the upper floor the north and south hall is omitted. In the south wing is the Representatives Hall, fifty-two feet and six inches by forty-two feet in

the clear. In the north wing are the Council Chamber and three small committee rooms, cut off from the west side of it."<sup>1</sup>

Proposals for the above described building having been published in the *Iowa News*,<sup>2</sup> at Dubuque, the contract for its erection was finally let to Rague & Co.<sup>3</sup> Early in the spring of 1840, Skeen and McDonald, contractors for Rague & Co., began operations on the Capitol with a large force of hands. The work was prosecuted so vigorously that by the 4th of July the contractors were ready to lay the corner stone; accordingly preparations were made for the laying of the corner stone of the Capitol on the national holiday.

Elaborate arrangements were made for this imposing ceremony. Governor Lucas came up from Burlington to deliver the oration. A great public dinner or barbecue was held in the city park, followed by toasts and speeches. And all the while the booming of guns was accompanied by the cheers of pioneers, shouting for "liberty" and "freedom," for "Iowa" and her "Capitol."

About this time Skeen and McDonald, having received \$10,000 for the work already done, quit their contract, leaving matters in a somewhat embarrassing condition. The erection of the Capitol, however, was continued under the personal direction of Chauncey Swan. But

<sup>1</sup> Taken from the report of the investigating committee appointed by the Assembly in December, 1840.— See House Jour., 3rd Leg. Ass'y, Ia. Ter., page 190. The description as it appears in the report was found not only to be incomplete but inaccurate as regards the measurements. I have therefore taken liberties with the quotation and changed it in many places.

<sup>2</sup> For advertising the proposals \$91.00 was paid to the *Iowa News*.— House Jour., 2nd Leg. Ass'y, Ia. Ter., page 123.

<sup>3</sup> This same company had just erected the state-house at Springfield, Illinois.



the work now progressed slowly. Rock for the water table was transported overland twenty miles from Cedar County. By the close of the year the inside walls of the building were raised to the second floor, the outside walls of the north end to the top of the second tier of windows, the east front to the center of the second tier of windows, and the south end and west front nearly to the bottom of the same. In this condition the walls were covered for the winter.

Doubts as to the ability of Chauncey Swan and a vague suspicion that accounts on the Public Buildings were not quite accurate led to the appointment of a committee by the Assembly to investigate affairs at Iowa City. This was in December, 1840. The committee proceeded to the capital, where they were cordially welcomed by the townsmen and invited to a public dinner. After examining the plans, material and workmanship of the Capitol, the committee thoroughly inspected all papers and accounts found in the office of the Acting Commissioner, the condition of all of which was embodied in a detailed report to the Assembly. This report, while it revealed the fact that some papers and accounts were not made out in the most business-like manner, contains no charges of corruption.

All this, however, led to a change in the management of affairs at Iowa City. An act passed in January, 1841<sup>1</sup> created two new offices, namely: the office of "Superintendent of Public Buildings" and the office of "Territorial Agent." The duties which had heretofore belonged to the Acting Commissioner were now divided between these two offices, the Superintendent of Public Buildings having charge of the erection of the Capitol and the

<sup>1</sup> Stat. Laws, Ia. Ter., Session 1840-41 of Leg. Ass'y, page 37.

Territorial Agent, acting as secretary and treasurer, having charge of the sales of lots. For the year 1841, Chauncey Swan was appointed Superintendent of Public Buildings, and Jesse Williams, Territorial Agent.

Agreeable to the directions of the Assembly, the Superintendent of Public Buildings now "proceeded with a vigorous prosecution of the work" on the Capitol. During the months of March and April a competent number of hands were employed and set to work. Yet it was impossible to put the Capitol in readiness to accommodate the Legislative Assembly in December. The condition of the building at that time was described as follows: "The walls of the Capitol on the east front are raised to the bottom of the cornice, being thirty-five feet from the ground. The walls of the west front and the ends of the building, are thirty feet from the ground. The east portico has also been raised this season."<sup>1</sup>

For the year 1842, Wm. B. Snyder was appointed Superintendent of Public Buildings, and John M. Coleman, Territorial Agent, both thoroughly efficient and competent men. Thinking that the rock that was being used in the Capitol was of an inferior quality, Mr. Snyder, after some preliminary examination, discovered a very promising bed of rock about ten miles northwest of Iowa City, on the right bank of the Iowa River.<sup>2</sup> This quarry—known from that time on as the "Old Capitol Quarry"—was opened, and boats were prepared for the transportation of rock down the river. On the 1st day of April the cutting of this new stone was begun at the Capitol. Much of the rock already laid in the

<sup>1</sup> Report of Territorial Agent, House Jour., 4th Leg. Ass'y, Ia. Ter., page 53.

<sup>2</sup> Report of Sup. Pub. Buildings.—House Jour. 5th Leg. Ass'y, Ia. Ter., page 32.

walls was replaced by the superior material from the new quarry. During this season the roof was raised and covered with "Alleghany shingles" purchased in Cincinnati.<sup>1</sup> The Capitol was in this condition when on the first Monday in December, 1842, the furniture having been removed from Butler's Capitol, the fifth Legislative Assembly of the Territory of Iowa met within its walls.

With an unfinished interior, semi-erected porticos and no cupola—thus the Capitol remained for a number of years. After Iowa had become a State, appropriations were made from time to time for its completion. But to this day the first Capitol of Iowa stands unfinished, the portico on the west front being entirely wanting.

#### FINANCIAL HISTORY OF THE CAPITOL.

The financial history of the Capitol, which to be properly understood must be separately considered, is truly significant. It explains the difficulties under which Iowa's first Capitol was erected, the long delayed completion of that Capitol, the interference on the part of the Territory with the price of Iowa City real estate, and the money famine that existed in Iowa City from 1841 to 1844. Furthermore, it illustrates admirably the law that bad money tends to drive out good money,<sup>2</sup> the parsimony of the early Legislative Assemblies, state opposition to corporations, and that tendency to over legislation characteristic of new commonwealths.

<sup>1</sup> The bill for these shingles was not paid until the Cincinnati property of William B. Snyder, the Superintendent of Public Buildings, was about to be seized, when the Legislative Assembly came to his relief and paid the full amount.—Stat. Laws, Ia. Ter., Session 1845 of Leg. Ass'y, page 97.

<sup>2</sup> I refer to "Gresham's Law."

In the first place, Congress donated to the Territory of Iowa \$20,000 for public buildings,<sup>1</sup> and a section of land on which to erect said buildings. This was certainly not a large donation; but from the outset it was the fixed policy of the Territory to erect its Capitol out of the funds created by the \$20,000 of cash and the proceeds of the lots laid out on the section of land selected as the site for the capital. It was the persistence on the part of the Territory in carrying out this policy that led to the financial difficulties involved in the erection of the Capitol, to its long delayed completion, and finally to the disgrace of the faith of the Territory.

No sooner was it discovered after the sales of 'thirty-nine, that the proceeds of the lots at the seat of government would not meet the immediate expenses of erecting the Capitol, than the Territory, ignoring the laws of supply and demand, appeared as a "bull" in the market and attempted to raise the price of Iowa City real estate. This was to be accomplished by means of legislative enactments fixing the average minimum price of the lots in Iowa City. The first legislation was exceedingly bold. By an act approved on the 24th of June, 1840,<sup>2</sup> the Assembly directed a valuation of the lots to be made that would not reduce the total valuation below the average sum of \$300 per lot, notwithstanding the fact that the average price paid for lots the preceding season was only \$146. But the interference on the part of the Territory to raise the price of lots met with no success. For in less than seven months after the approval of the act of June 24th, the Assembly ordered the average minimum valuation per lot reduced from \$300 to \$200.<sup>3</sup>

<sup>1</sup> U. S. Stat. at Large, Vol. V, page 239.

<sup>2</sup> Stat. Laws, Ia. Ter., Extra Session, 1840, of Leg. Ass'y, page 5.

<sup>3</sup> Stat. Laws, Ia. Ter., Session 1840-41 of Leg. Ass'y, page 60.

Again in February, 1842, the Territorial Agent was directed to reduce the average minimum price of the unsold lots, and of any and all lots which had become forfeited, fifty per cent. below the prices fixed thereon by the last valuation.<sup>1</sup> In 1843 the average minimum price was reduced to \$80 per lot.<sup>2</sup>

Even after these sweeping reductions lots could hardly be sold at any price. In 1845, Morgan Reno, the Territorial Treasurer, gave it as his opinion that the unsold lots would not sell for more than an average of \$30. In that year twenty lots were sold at the average price of \$14 per lot.<sup>3</sup>

The causes which compelled the Territory to make such great reductions are evident. The valuation in the first instance was much too high; the stream of immigration had ceased to flow in so rapidly; good desirable lots purchased at the first sales by speculators were afterwards offered at prices more reasonable than those fixed by the Territory upon the remaining unsold lots; and being short of money the Territorial Agents had issued large amounts of scrip for labor and material on the Capitol, which scrip was good for its face value only in payment for lots purchased of the Territory. Many laboring men who had purchased lots with this scrip would offer their lots at a sacrifice in order to get U. S. money. In competition with the speculators and the scrip-purchased lots the Territory was outdone.

In the meantime, while the Legislative Assembly was admirably illustrating the foolishness of the attempt to artificially raise the price of Iowa City real estate by

<sup>1</sup> Stat. Laws, Ia. Ter., Session 1840-41 of Leg. Ass'y, page 90.

<sup>2</sup> Report of Ter. Agent, House Jour., 6th Leg. Ass'y, Ia. Ter., page 283.

<sup>3</sup> Report of Ter. Treas., House Jour., 8th Leg. Ass'y, Ia. Ter., pages 248, 249.

means of legislation, the Acting Commissioner and Territorial Agents were evolving a novel monetary scheme, which in the end all but resulted in complete ruin.

In this Chauncey Swan took the initiative, when in 1840 he sold lots to the amount of several thousand dollars to be paid for in labor and material on the Capitol.<sup>1</sup> Men who worked on the Capitol were paid in Iowa City real estate certificates which were receivable at the office of the Acting Commissioner in payment for lots. In 1841, Jesse Williams, the Territorial Agent, went a step farther than his predecessor. Mr. Williams issued certificates of indebtedness to laborers and other creditors of the Territory on account of the Capitol, payable to the bearer and receivable in payment of any debts due the office.<sup>2</sup> Notes or certificates of indebtedness of this sort were issued during the year 1840 to the amount of \$4,285.60. Many of these certificates naturally found their way into the hands of men who were debtors of the Territory for lots purchased. Thus the certificates would in the course of time return to the office of the Territorial Agent.

It will be observed, however, that while the certificates of indebtedness served well enough as a medium of exchange, they as inferior money, drove the lawful United States currency out of the office of the Territorial Agent; and the difficulty now resolved itself into the problem, how to get enough good money to meet the demands of the office. There was but one recourse—a loan. Accordingly on the 28th of June, 1841, the Territorial Agent made a loan of \$5,000 of the Miners' Bank of Dubuque, and on the 30th of September of the same year an additional loan of \$500. Both loans were negoti-

<sup>1</sup> Report of Acting Com., House Jour., 3rd Leg. Ass'y, page 22.

<sup>2</sup> Report of Ter. Agent, House Jour., 4th Leg. Ass'y, page 36.

ated on the faith of the unsold lots in Iowa City. The \$5,000 note was to be paid at the Bank of America in the city of New York, eighteen months after date, with interest at the rate of seven per cent. per annum, payable quarterly at the State Bank of Missouri in the city of St. Louis; while the \$500 note, with the same rate of interest, was to be paid nine months after date at the State Bank of Missouri in the city of St. Louis.<sup>1</sup> But to the disgrace and humiliation of the Territory of Iowa, the \$500 note was protested at the Bank of Missouri, and the \$5,000 note was not fully settled until the year 1847,<sup>2</sup> being nearly five years after it had become due. And in the meantime, the Assembly of Iowa,<sup>3</sup> as well as the Constitution of 1846, had closed the doors of the Miners' Bank. When paid, the Treasurer's report shows that this debt amounted to \$6,931.23.<sup>4</sup>

It was, however, in 1842 that the monetary scheme adopted by the Territorial Agents came to its logical conclusion—*repudiation*. The large number of hands employed in March and April were all paid in scrip, issued and based exclusively on unsold lots, and made payable to the bearer and receivable at the office for all sales made *after the first day of May*.<sup>5</sup> The town was flooded with this scrip, and U. S. money began rapidly to disappear.

At the office of the Territorial Agent the money

<sup>1</sup> Report of Ter. Agent, House Jour., 4th Leg. Ass'y, page 36.

<sup>2</sup> Stat. Laws of Iowa, 1st Session Gen. Ass'y, page 43.

<sup>3</sup> Granted by the Legislative Assembly of the Territory of Wisconsin in November, 1836, the charter of the Miners' Bank of Dubuque was repealed by the Legislative Assembly of Iowa in May, 1845.— See Stat. Laws, Ia. Ter., Session 1845 of Leg. Ass'y, page 54.

<sup>4</sup> Report of State Treas., Stat. Laws of Iowa, Extra Session 1st Gen. Ass'y, page 105.

<sup>5</sup> Report of Ter. Agent, House Jour., 5th Leg. Ass'y, Ia. Ter., page 28.

famine took a serious turn. The laborers at the quarry and on the Capitol demanded at least money enough to supply their daily wants; for the scrip would not pass with the merchants for goods,<sup>1</sup> neither would it be taken by the farmers for provisions.<sup>2</sup> And all the while this scrip of 'forty-two, along with certificates of 'forty and 'forty-one, was being returned to the office in payment for lots and for redemption. In this almost hopeless condition the Territorial Agent, prohibited by the Legislative Assembly from making any loans, began to repudiate scrip and certificates issued by his own office. It was but a partial repudiation, based upon technical discrimination, and naturally caused much dissatisfaction throughout the town. The Territorial Agent was finally called upon to explain his actions to the Assembly. Whereupon he set forth the whole matter, seeking justification in the fact that his course of action was in keeping with the manifest intention of the Assembly to have the work on the Capitol carried on without further delay.<sup>3</sup> Good U. S. money was necessary to prosecute the work; and to obtain this money, repudiation was his only recourse. As to the technical discrimination, he explained that, the scrip of 'forty-two having been issued on the basis of unsold lots and receivable for lots sold after the first day of May, he did not consider himself bound to redeem it in any other way. Furthermore, in refusing to accept certificates of the issues of 'forty and

<sup>1</sup> A few merchants did receive scrip in payment for goods, but at a discount of nearly fifty per cent. The firm of Murry & Sanxay received scrip to the amount of several thousand dollars, with the expectation of having it redeemed when presented to the Territory. This scrip was finally redeemed, but not entirely until 1848.

<sup>2</sup> Report of Ter. Agent, House Jour., 5th Leg. Ass'y, Ia. Ter., page 28.

<sup>3</sup> *Ibid*, page 56.



'forty-one in payment for arrears on lots sold in 1839, he maintained that these certificates were based on lots sold in 'forty and 'forty-one and not on lots sold previous to

<p><b>\$1.00</b></p>	<p><b>N<sup>o</sup></b></p>	<p>OFFICE OF TERRITORIAL AGENT, Iowa City, 1842.</p>	<p><b>I Certify</b> that there is due the bearer <b>ONE DOLLAR</b>, which will be received at this office in payment for Iowa City Lots sold after the first day of May, <b>1842</b>.</p>
<p>Real Estate Security, Iowa City Lots, \$52,700.</p>		<p>Real Estate Security, \$52,700.</p>	

that time.<sup>1</sup> The plain fact in the matter was, the Territorial Agent resorted to *repudiation* because it was his only means of getting money, and he adopted a technical discrimination to give this repudiation the face of justice.

<sup>1</sup> See Report of Ter. Agent, House Jour., 5th Leg. Ass'y, Ia. Ter., pages 56, 57, 58.

NOTE.—The specimen of scrip given on this page is copied from a specimen of the issue of 1842.—See House Journal of the Fifth Legislative Assembly of the Territory of Iowa, page 58.

Territorial Agent.

## COST OF THE CAPITOL.

The reports of the Acting Commissioner and Territorial Agents are so compiled that it is impossible to work out with any satisfactory degree of accuracy the sums total of the receipts and expenditures involved in the erection of the Capitol. Some of the accounts of Chauncey Swan are exceedingly vague and indefinite. The reports are all too general and by no means uniform. Accounts on the Capitol are often inseparably connected with expenditures arising from the town surveys and improvements.

I will, however, venture several approximations, which, although not strictly correct, are of sufficient accuracy as general estimates. The receipts arising from the sales of lots from 1839 to 1846 amount to about \$75,000. The special cash appropriation of Congress was \$20,000. At the Miners' Bank, \$5,500 was borrowed. And after being admitted into the union the State made appropriations of between \$15,000 and \$20,000. This would make as receipts the total sum of about \$117,000. After deducting from this sum \$5,000 for expenses connected with the town surveys and incidental matters, there remains the sum of \$112,000 for the erection of the Capitol.

From another line of investigation I come to nearly the same estimate. After taking from the reports those accounts which seem to pertain to the Capitol alone, I find that they amount in total to nearly \$111,500. We may therefore, I think, safely estimate the cost of the Capitol in round numbers as \$112,000.<sup>1</sup>

<sup>1</sup> The cost has also been estimated at \$123,000.— See *Iowa Historical Record*, Vol. IV, page 107.

LOCAL GOVERNMENT OF THE TERRITORIAL CAPITAL.

As the territorial capital, Iowa City had no corporate form of municipal government. In this respect it was behind the other important towns of the Territory.

But it was certainly not the fault of the Legislative Assembly that Iowa City did not sooner become an organized municipal corporation; for as early as January 1841, an act was passed to incorporate the town under a special charter.<sup>1</sup> Rejected at the time of its first passage, this act was successively revived in 1842<sup>2</sup> and in 1844.<sup>3</sup> As to the rejection of the act after its second revival in 1844, the *Capital Reporter* comments editorially as follows: "We are gratified in being able to state that the good sense of our citizens has rejected the act for the incorporation of our city, revived at its last session by the Legislature. Had this act of incorporation gone into force, the consequences would have been in all probability, that our present taxes would have been at least doubled within one year—and the city but little benefited by the additional burden."<sup>4</sup> The dread of the extra burden of taxation undoubtedly had much to do with the rejection of the charter.

Another potent factor which meets us in the consideration of the attitude of the town towards municipal government is the peculiar circumstance which always confronts us when we attempt to analyze the character of Iowa City. I refer to the fact that Iowa City was originally founded and *owned* by the Territory.

During the first six years of its existence, Iowa City

<sup>1</sup> Stat. Laws, Ia. Ter., Session 1840-41 of Leg. Ass'y, page 97.

<sup>2</sup> Stat. Laws, Ia. Ter., Session 1841-42 of Leg. Ass'y, page 25.

<sup>3</sup> Stat. Laws, Ia. Ter., Session 1843-44 of Leg. Ass'y, page 156.

<sup>4</sup> *Iowa Capital Reporter*, Vol. III, No. 16.

was virtually controlled and managed by the officers who had charge of the affairs of the Territory at the capital. From 1839 to 1841 this officer was styled "Acting Commissioner." From 1841 to 1845, he was styled "Territorial Agent," and shared his duties and influence with another officer known as "Superintendent of Public Buildings." These officers, it is true, were clothed with no municipal authority; but by virtue of the high prestige of their office they had a great influence in local matters.<sup>1</sup>

<sup>1</sup> The following is a list of the influential men from 1839 to 1846:

1839	. .	Chauncey Swan	. .	Acting Commissioner.
1840	. .	Chauncey Swan	. .	Acting Commissioner.
1841	. .	Jesse Williams	. .	Territorial Agent.
1841	. .	Chauncey Swan	. .	Superintendent of Public Buildings.
1842	. .	John M. Coleman	. .	Territorial Agent.
1842	. .	Wm. B. Snyder	. .	Superintendent of Public Buildings.
1843	. .	John M. Coleman	. .	Territorial Agent.
1843	. .	Wm. B. Snyder	. .	Superintendent of Public Buildings.
1844	. .	Anson Hart	. . .	Territorial Agent.
1845	. .	Anson Hart	. . .	Territorial Agent.
1845	. .	Morgan Reno	. . .	Territorial Treasurer.

## V.

### EDUCATIONAL BEGINNINGS.

“It is with a reverence such as is stirred by the headwaters of some mighty river that one looks back” to the educational beginnings in the town, which, having become the seat of the State University, is now the center from which comes the inspiration to higher education.

These beginnings, although tiny when contemplated in the light of our present institutions, do, nevertheless, reflect much credit upon the character of the early inhabitants of Iowa City and the Territory of Iowa. Such a luxuriant growth of schools as sprung up during the first decade certainly indicates a richness of soil; and if they died prematurely, that was due to their over-abundance. Education, at first confined to private schools, was taken up after a few years by academies and colleges, which in turn were succeeded by the former system of private enterprise. The private schools reigned for about six years, when they were superseded by the free public schools established by the town council.

It was in the year 1840 that Jesse Berry opened the first school in Iowa City in a one-story frame building, which he had erected on College street in block 84, just west of what is now known as “Coldren’s Grocery.” Here, in this building—which was used as school house,

church and courthouse—the children of Iowa City first met to learn to read and write and spell and count. Jesse Berry was a “school-master” of the “old school days” of which the present generation knows but little.<sup>1</sup> He was a faithful teacher and highly respected throughout the town. Sometime during the same year, I. M. Choate opened another private school on Market street, in that little old frame building which still stands on the north side of block 78, just back of the English Lutheran church.

<sup>1</sup> The following extracts are from the original note-book of Jesse Berry, which has been preserved in the library of the Iowa State Historical Society. These extracts are fitting illustrations of the cost of education in a pioneer community; of the way in which tuition was paid; and of the annoyances with which the early school-masters had to contend.

JESSE BERRY. Iowa City, 1840-41.

F E Jones	<i>Dr.</i>	
to tuition up to the time he ran away . . . . .		9.00
by washing up to the same time . . . . .	<i>Cr</i>	2.00
Walter Butler . . . . .	<i>Cr.</i>	\$ Cts.
By cash . . . . .		5.62½
By 100 brick . . . . .		60
To tuition up to the 20 of August 1840 . . . . .		15.87½
Sanford Harned	<i>Cr.</i>	
by washing one pair pantaloons . . . . .		1.00
John Crum	<i>Dr.</i>	
To tuition . . . . .		12 00
To house rent . . . . .		5.00
By hauling one load of posts . . . . .		75
1 chicken . . . . .		12½
April 7th, received payment by taking a due bill . . . . .		16.12½
Benjamin Weiser . . . . .	<i>Dr.</i>	
To tuition up to the 20 Aug. 1840 . . . . .		8.00
	<i>Cr.</i>	
By 3 days work @ \$1.75 per day . . . . .		5.25

MECHANICS' ACADEMY.

The movement in favor of higher educational institutions was inaugurated by the "Mechanics' Mutual Aid Association of Iowa City" in 1842—notwithstanding the incorporation of a certain "Iowa Seminary" as early as December, 1840. This Mutual Aid Association was organized on the 6th of January, 1841, by seven Iowa City mechanics. It was a thoroughly public-spirited association and at once became very popular, increasing

David A Burns	<i>Dr.</i>	
To tuition up to Aug. 20. 1840 . . . . .		8.00
By mending 1 pair of shoes . . . . .		87½
George Ressler	<i>Cr.</i>	
by hauling brick and mortar . . . . .		38
C K Ward	<i>Cr.</i>	
by 1 lb candles . . . . .		25
Sanford Harned	<i>Dr.</i>	
To tuition . . . . .		4.75
To \$1.00 tax paid sheriff . . . . .		1.00
	<i>Cr.</i>	
By washing . . . . .		50
By 1½ days work . . . . .		2.62½
Joseph Stover	<i>Dr.</i>	
to tuition 48½ days . . . . .		3.25
George T. Andrews	<i>Dr.</i>	
to tuition 120 days . . . . .		8.00
Walter Butler	<i>Dr.</i>	
3 spelling Books . . . . .		1.75
to county order . . . . .		5.00
Benjamin Weiser		
2 Spelling Books . . . . .		51
B P Moore . . . . .	4 bushel potatoes	M B
Evans . . . . .	34 bushel Ruta Bagas	M B @ 25
Butler . . . . .	17 " " " "	@ 25
Butler . . . . .	25 bushel corn	M B
Kelby . . . . .	1 " onions	" @ 50

its membership from seven to sixty in the course of one year. The greatest work of the association was the founding of the "Mechanics' Academy."

The academy building was erected in 1842 on the "School Reserve" east of the "City Park," the south half of which reserve was donated in 1842,<sup>1</sup> and the north half in 1844<sup>2</sup> to the Mechanics' Association, for literary purposes. On the 14th of June the corner stone was laid; and a proud day that was for the members of the association. "Agreeable to invitation, the citizens assembled about 2 o'clock in the temporary State House<sup>3</sup> for the purpose of forming a procession and marching to the building to witness the ceremony of laying the corner stone of the Mechanics' Academy. Business was suspended and all classes left their occupations, and devoted the afternoon to the recreations attendant upon the occasion. The procession formed about 4 o'clock, and after marching through the principal streets of the city, proceeded to the ground. At the head of the procession we noticed different clergymen of the city, next came the invited guests of the Association, then the officers of the Association, the teachers and children of the different schools, and a large concourse of citizens brought up the rear. The choir of the Methodist Protestant Church lent their aid in the entertainment."<sup>4</sup> The oration of the day was delivered by the Rev. John Libby.

Filled with enthusiasm for the enterprise so favorably begun, the mechanics pushed forward the work on the

<sup>1</sup> Stat. Laws, Ia. Ter., Session 1841-42 of Leg. Ass'y, page 5.

<sup>2</sup> Stat. Laws, Ia. Ter., Session 1843-44 of Leg. Ass'y, page 79.

<sup>3</sup> Butler's Capitol. See Chapter IV on "The Territorial Capital," page 58.

<sup>4</sup> *Iowa Capitol Reporter*, Vol. I, No. 29.



Academy with much vigor. As in the erection of a dam by the Iowa City Manufacturing Company, little money was required to carry on this educational enterprise. For the stock-holders paid for their shares in labor and material; the mason contributed his labor in the laying of the walls, and the carpenter his skill and his lumber. In this novel manner the mechanics erected a two-story brick building fifty-four and a half feet long by twenty-six and a half feet wide. When completed it was the finest school building in all the Territory. Within its walls the State University of Iowa had its beginning.

In 1860 the University rented the academy building for a period of five years at an annual rent of \$300. By this time the bulk of the stock had fallen into the hands of Robert Hutchinson,<sup>1</sup> who in a deal with the University gave up all his claim to this property in exchange for a lot on College street,<sup>2</sup> which had come into the possession of the University on the foreclosure of a mortgage. In 1866, however, the General Assembly declared that the original "School Reserve" as granted to the Mechanics' Mutual Aid Association had reverted to the State because it had been used for other than "literary purposes;" and in order to give the University a clear title to the property the General Assembly redonated the "Reserve" to the University.<sup>3</sup>

The Academy was divided into two departments: a "male department" and a "female department." The female department was opened to students as early as June, 1843; while the male department was first organized in October. During the winter session of 1843-44,

<sup>1</sup> The original stock-holders sold their shares to Mr. Hutchinson at a great discount.

<sup>2</sup> See Archives of the State University, Record A, page 266.

<sup>3</sup> Stat. Laws of Iowa, 11th Gen. Ass'y, page 58.

one hundred and twenty students were enrolled. Messrs. W. Hamilton and H. Hamilton assisted by Mrs. Hampton conducted the school under the direction of the trustees.

With all its favorable and promising beginnings the Mechanics' Academy was soon abandoned. The members of the association lost interest in the institution and left it to die for want of proper support. It is, nevertheless, very probable that it would have developed into a first-class academy had not so many other schools sprung up about that time to rob it of its patronage.

#### SNETHEN SEMINARY.

The "Snethen Seminary"<sup>1</sup> was established in 1844, by the Illinois Conference of the Methodist Protestant denomination. According to the original plan of organization there was to be a preparatory, a collegiate and a theological department. W. B. Snyder was the chief promoter of the institution, and W. K. Talbot was the principal teacher. The Methodist Protestant church on Iowa Avenue was used for recitation purposes. Snethen Seminary was never a strong school, and when trouble arose with the principal, Mr. Talbot, it went down rapidly. Its total existence fell short of two years.

#### IOWA CITY COLLEGE.

By an act of the Legislative Assembly approved February 15th, 1843, "Iowa City College" was incorporated.<sup>2</sup> Established by and under the auspices of the Methodist Episcopal church, this college was to be

<sup>1</sup> Named in honor of Nicholas Snethen, of Cincinnati, a prominent clergyman in the Methodist Protestant denomination.

<sup>2</sup> Stat. Laws, Ia. Ter., Session 1842-43 of Leg. Ass'y, page 75.

founded upon "a plan most suitable for the benefit of the youth of every class of citizens and of every religious denomination, who shall be freely admitted to equal advantages and privileges."<sup>1</sup> The Board of Trustees together with the Faculty were granted the power "to confer upon the deserving any and all degrees in the arts and in the learned professions." The north half of block five was donated to the college, provided that a college edifice be erected thereon within a limited time.<sup>2</sup>

On the 3rd day of April, 1843, the Board of Trustees were sworn in with the Rev. James L. Thompson as President; and in April, 1846, the College was organized by James Harlan,<sup>3</sup> who took charge of the institution as "President and Professor of Mental and Moral Science." Mr. Harlan was assisted by an additional professor and several instructors. The grade of studies actually taught was preparatory. For recitation and other school purposes the College occupied the edifice on Iowa Avenue formerly owned and occupied by the Methodist Protestant denomination. (The Methodist Episcopal church had recently purchased this building from the Methodist Protestants.) Like its predecessors, Iowa City College was in active operation less than two years. It was brought to a close primarily by the resignation of Mr. Harlan.<sup>4</sup> During its existence it was satisfactorily successful as a college preparatory school.<sup>5</sup>

<sup>1</sup> Stat. Laws, Ia. Ter., Session 1842-43 of Leg. Ass'y, page 76.

<sup>2</sup> *Ibid*, page 80.

<sup>3</sup> Now the Hon. James Harlan, of Mt. Pleasant.

<sup>4</sup> Mr. Harlan resigned because he had been elected Superintendent of Public Instruction in Iowa.

<sup>5</sup> The facts relating to Iowa City College were given to me by Hon. James Harlan, who is still living.

## IOWA CITY UNIVERSITY.

Of all the early educational projects, that of the Iowa City University was the most elaborate in its scheme of organization and the most detailed in its plan of operation. In short it was to be a university; and in this sense it was the precursor of the present State University.

Iowa City University was incorporated by an act of the Legislative Assembly approved June 2nd, 1845.<sup>1</sup> The act provided: that the University shall be under the direction of a board of thirty regents,<sup>2</sup> who shall hold their first meeting at the Capitol on the first Monday in June, 1845; that the first Board of Regents chosen by the stockholders shall be elected on the first Monday in March, 1845, and ever afterwards once in every three years; that the stock of said University shall consist of shares of twenty-five dollars each; that the Governor of Iowa shall be, ex-officio, President of the Board of Regents; that the Board of Regents shall have power to connect with the University a Law School and a Medical School, and may admit charity students, receive donations and bequests for the University, and confer any and all degrees in the arts and in the learned professions—and in conferring such honors any person entitled to a seat in the Council or House of Representatives shall be entitled to a seat and vote with the Board of Regents.

<sup>1</sup> Stat. Laws, Ia. Ter., Session 1845 of Leg. Ass'y, page 61.

<sup>2</sup> Regents were: Smylie H. Bonham, Charles R. Fisk, H. D. Downey, William K. Talbot, James Robinson, Robert Gower, A. H. Davenport, Edward E. Fay, Morgan Reno, Edward Johnson, G. W. Jeffries, A. B. Robbins, James Clark, M. D. Talbot, John McConnell, E. B. Turner, Josiah H. Bonney, Joseph B. Teas, William Patterson, Moses Beers, George S. Hampton, Joseph B. Davis, E. Metcalf, F. Springer, R. F. Shinn, William Abbe, Thomas S. Wilson, John Brophy, and G. H. Walworth.

Besides the articles of incorporation, the only other source of information regarding this University is a small bundle of letters and papers preserved in the library of the State Historical Society. From these we learn that James Robinson was President of the Iowa City University, and in the absence of the Governor, served as President of the Board of Regents; that George S. Hampton was Secretary; that agents were sent out to solicit "donations and bequests;" and that "the multiplicity of agents for the various benevolent causes and the Society to aid Western Colleges" were a "great hinderance" to these University agents. Furthermore from these same papers we learn that it was resolved: "That there be a preparatory department to the I. C. University which shall go into immediate operation, and also that classes be organized for the University itself as fast as students may be obtained or are sufficiently advanced for the purpose;" that "any selected professor of the University who shall obtain funds sufficient to endow a professorship shall be permanently continued;" that the practical duties of religion may be recommended by the professors to the students of the University, yet no sectarian tenets shall be taught to the students of said University; that students who are unable to defray the expense of tuition, on producing evidence thereof, shall be entitled to have their tuition free, provided they evince a scholarship to entitle them to this favor."

The committee appointed to employ instructors for the preparatory department reported that they had secured the services of the Rev. W. R. Talbot, the Rev. W. D. Talbot and the Rev. Charles R. Fisk as said instructors.

A committee also recommended "that the Sessions of

each Department consist of five calendar months each, and that all, except such as with whom a special agreement is made at entrance, by the trustees or professors, be taxed for not less than a whole session, unless in the opinion of the trustees they are detained by sickness, and the prices of tuition be per session, as follows:

For Orthography, Reading, Writing, Mental Arithmetic . . .	\$3.75
For Orthography, Arithmetic, Grammar and the commencement of Latin . . . . .	6.00
Modern and Ancient Geography, History, Elements of Astron- omy, Natural, Mental and Moral Philosophy, Mineralogy, Geology, Botany, Rhetoric, Logic, Mathematics, etc., and the remaining Collegiate studies . . . . .	8.50

To the above prices \$1.00 per session to be added where payment is delayed to the close of the Session.

Agents of the Iowa City University went as far south as Kentucky and as far east as Boston to solicit donations. In the library of the State Historical Society there are about one hundred and forty volumes, some of them over one hundred years old, which were presented to the University.<sup>1</sup>

The only evidence that the University was ever put into actual operation is, that in the latter part of March, 1846, there was a public examination, and at the public exhibition given on the 1st and 2nd of April "the original addresses, dissertations, dialogues and disputations of the young ladies and gentlemen, a portion of which were in Greek and Latin, were all respectable, and many of them of superior quality."<sup>2</sup>

<sup>1</sup> These same books were afterwards donated to the "Iowa Female Collegiate Institute."

<sup>2</sup> *Capitol Reporter*, Vol. V, No. 10.

## FROM PRIVATE TO PUBLIC SCHOOLS.

The whole movement toward higher education was premature. There was neither wealth nor patronage in Iowa adequate for its proper support. Consequently the birth of Academy, Seminary, College and University, all within the period of five or six years, proved fatal. There was not patronage enough for all; and in the struggle for existence they strangled each other. Not one of these larger institutions survived; and education was again left to private individual enterprise.

Thus in proportion as these more ambitious attempts failed, private schools flourished. Mr. Choate's school had continued all the while; and as early as September, 1841, Mrs. Hulin opened a school for young ladies<sup>1</sup> in a little house on block 61, near the corner of Linn and Washington streets. From the *Standard* we learn that in 1843 there were two private schools in operation: one conducted by Dr. W. Reynolds, called the "Select School" and numbering forty pupils; the other numbered thirty-five pupils and was managed by Mr. Hart.<sup>2</sup>

In 1844 there was still another private school, known as the "Iowa City Institute."<sup>3</sup> Three years later, H. W. Lathrop (now librarian of the State Historical Society) opened a school in the basement of the old Methodist Protestant church. From 1847 to 1853, private enterprise in education reached the acme of its success.

But the transition from private to public education had already set in as early as 1847. Iowa City township<sup>4</sup>

<sup>1</sup> *Iowa City Standard*, Vol. II, No. 13.

<sup>2</sup> *Iowa Standard*, Vol. III, No. 32.

<sup>3</sup> *Iowa Standard*, Vol. IV, No. 46.

<sup>4</sup> The number of school children returned for the whole township in 1847 was 416; and the school fund apportionment for the same year was \$170.60.

was then divided into two districts, *viz.*: No. 1, southern, and No. 2, northern. On the 25th of May, 1847, Mr. A. G. Gower opened the first free public school<sup>1</sup> in the building, which by that time had become noted as a school edifice — the Methodist Protestant church<sup>2</sup> on Iowa Avenue. (It was at the close of Mr. Gower's first term that Mr. Lathrop opened his school in the same building.) But for six years after this beginning, the free schools were of little consequence, there being no adequate funds for their support. There was no local taxation for educational purposes, and the apportionment from the State was meager.

The change from the private to the public system of education is interestingly illustrated in the experience of H. W. Lathrop in the northern district. When the free school was closed for want of funds, Mr. Lathrop would organize private classes. But when the state apportionment was received he would secure the contract for the free school, take his private pupils with him and become a public teacher. When the public funds were exhausted he would again organize his private classes. But after the incorporation of Iowa City in 1853, all this came to an end, and an efficient system of ward schools was established by the town council.

#### IOWA FEMALE COLLEGIATE INSTITUTE.

As the period of educational beginnings was coming to a close a final attempt was made to establish a large educational institution. The scheme this time was inaugurated by the Independent Order of Odd Fellows, and aimed at the founding of a female seminary. As the

<sup>1</sup> *Iowa Standard*, New Series, Vol. I, No. 47.

<sup>2</sup> Called at this time the "College Building."



originator of this project, the Rev. A. Russell Belden first laid his plans before the lodge on the 20th of July, 1853. On the records of the next meeting of the lodge appears the following: "Resolved, That this lodge subscribe \$600.00 for the erection of a Female Seminary in Iowa City, under the articles of incorporation proposed by Bro. A. R. Belden, etc."<sup>1</sup>

Under the name of the "Iowa Female Collegiate Institute" the proposed institution was incorporated for a period of twenty years, beginning with the 29th day of July, 1853. The capital stock, which was divided into shares of twenty-five dollars each, was not to exceed twenty-five thousand dollars nor be less than five thousand dollars, and was to be "raised by voluntary donations to the institution by encampments, lodges, members of the Independent Order of Odd Fellows and other friends of the enterprise." One hundred dollars in stock secured a fellowship consisting of free tuition in all branches of the collegiate department for twenty years or for life. "The sole government of the school, together with the use of the buildings, appurtenances, and profits of said school shall be vested in A. Russell Belden and Sarah L. Allen during the period of twenty years under the direction of the Board of Trustees. The Board of Trustees shall consist of the principals of the institution and two persons chosen annually from each lodge of the Independent Order of Odd Fellows in Iowa City."

The new enterprise had the confidence of the community and the lodges, and six thousand dollars was speedily raised. The use of the west half of College

<sup>1</sup> Historical Sketch of Kosciusko Lodge, I. O. O. F., Iowa City, page 11.

Green (now known as College-hill Park) was granted by the town council<sup>1</sup> as a site for the seminary building, which was located near the southwest corner. The corner stone<sup>2</sup> was laid in October. C. O. Waters, of Muscatine, delivered the address on this occasion, and R. H. Sylvester read a poem.

The erection of the seminary building was under the personal direction of Mr. Belden, who indeed was the chief promoter of the whole undertaking. As planned by Mr. Banbury, the building was to be constructed of brick, thirty by eighty feet and three stories high. By the month of August, 1855, the walls of the basement and first story were completed, when Mr. Belden suddenly died of Asiatic cholera. This sad death proved disastrous to the Iowa Female Collegiate Institute; for no one could be found with the ability and enthusiasm necessary to carry on the work so successfully begun.

In 1856, C. Billings Smith made an attempt to revive the fallen enterprise but met with complete failure. College Green reverted to the town, and in the course of time the half-completed walls were torn away. With the downfall of the Iowa Female Collegiate Institute, Iowa City witnessed the last failure to establish a large educational institution in her midst. State institutions now became the principal factors in Iowa City's educational history.

#### SCHOOL FOR THE BLIND.

By an act of the General Assembly approved January 18th, 1853,<sup>3</sup> an "Asylum for the Blind" was established

<sup>1</sup> See Ordinance No. 20 in City Ordinances published in 1857.

<sup>2</sup> The contents of the box placed in the corner stone are preserved in the library of the Iowa State Historical Society.

<sup>3</sup> Stat. Laws of Iowa, 4th Gen. Ass'y, page 47.

at Iowa City under the principalship of Samuel Bacon. The institution was opened for the reception of students on the 4th of April. Mr. Bacon was assisted by T. J. McGittigen as instructor in music, and by Mrs. Sarah K. Bacon, as matron. As principal, Mr. Bacon, though blind himself, conducted the institution with eminent success. In August, 1862, the school was removed from Iowa City to Vinton, in Benton County.

#### SCHOOL FOR THE DEAF AND DUMB.

The State "Institution for the Deaf and Dumb" was established at Iowa City in accordance with an act of the General Assembly approved January 24th, 1855.<sup>1</sup> At that time, out of the three hundred and one deaf mutes in the State, fifty attended this state school. W. E. Ijams, who in fact had started the institution as a private school, was made principal; but in 1862 he resigned and Benjamin Talbot was appointed in his stead. In 1866 a strong effort was made to remove the institution to Des Moines, which failed. Soon afterwards, however, it was removed to Council Bluffs.

#### CHURCHES.

It can hardly be charged that Iowa City was the seat of infidelity; for the growth of her churches was as luxuriant as the growth of her schools, and far more persistent. Almost from the very beginning the inhabitants of Iowa City were surrounded by the most favorable religious conditions. Within a single decade seven different societies had been organized and seven church buildings erected.

<sup>1</sup> Stat. Laws of Iowa, 5th Gen. Ass'y, page 133.

The impetus and diversity given to religious development in these early years were, however, in a measure the result of an outside stimulus as found in the liberal policy of making certain land donations. This policy was outlined by Chauncey Swan in 1839, when on the town plat he caused four half-blocks to be reserved for church purposes.<sup>1</sup> (See Chapter II on "The Founding of Iowa City," page 30.) In keeping with Mr. Swan's policy the Legislative Assembly in July, 1840, passed "AN ACT to grant certain lots of land in Iowa City, for Church and Literary purposes." According to this act any religious denomination then existing in the United States was entitled to one equal half of any of the reserved half-blocks, "conditioned that they will erect and finish on said lot a meeting house or place of worship within three years from the passage of this act." The conditions of the act, it will be observed, necessitated immediate action on the part of those denominations wishing to obtain the benefits of the land donations.

From 1840 to 1843, there seems to have been a general religious movement in Iowa City, which resulted in the organization of local branches of the following denominations: Methodist Episcopal, Methodist Protestant, Catholic, Presbyterian, New School Presbyterian, Baptist and Universalist. Of these all but the Presbyterian and New School Presbyterian built on lots reserved and granted by the Territory in accordance with the conditions above named.

<sup>1</sup> Church street derived its name from the circumstance of having been the street on which two of the reservations were located. No churches, however, were ever erected on Church street.

## VI.

### THE STATE CAPITAL.

#### FIRST CONSTITUTIONAL CONVENTION.

Iowa City is preëminently the historical capital of Iowa. For not only was it the permanent capital of the Territory of Iowa, but, upon the admission of the Territory into the Union, it also served as capital of the State for a period of twelve years.

Two years and ten months after the first meeting of the Legislative Assembly at Iowa City, "AN ACT to provide for the expression of the opinion<sup>1</sup> of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa" was passed by the Assembly and approved February 12th, 1844.<sup>2</sup> At the township elections held in the month of April following the passage of this act, the people of the Territory decided by large majorities in favor of a constitutional convention. Accordingly at the next regular election seventy-two delegates were chosen to attend such a convention.<sup>3</sup>

On Monday, October 7th, 1844, the delegates from

<sup>1</sup> Before the Assembly had ever met at Iowa City, State Government had already been talked of in parts of the Territory.—*Bloomington Herald*, Vol. II, No. 6.

<sup>2</sup> Stat. Laws, Ia. Ter., Session 1843-44, page 13.

<sup>3</sup> In the election of delegates the Democrats were victorious, electing a majority of the delegates.

the different counties of the Territory assembled in the Capitol at Iowa City to draft a constitution for the future State. The convention was called to order by Gen. Francis Gehon, of Dubuque County, and upon his motion Ralph P. Lowe, of Muscatine, was appointed President *pro tem*. The Rev. Mr. Snethen opened the convention with prayer.<sup>1</sup> After the delegates had presented their credentials, committees were appointed to examine these credentials and prepare rules for the government of the convention.<sup>2</sup>

On the day following, Shepherd Leffler, of Des Moines County, was unanimously elected President of the convention. After listening to a short speech by Mr. Leffler the delegates at once vigorously applied themselves to the task before them in a business-like manner.<sup>3</sup> A constitution having been formulated, the first constitutional convention, after a session of twenty-four days, adjourned *sine die* on the morning of November 1st, 1844.<sup>4</sup>

#### THE BOUNDARY DISPUTE.

But when the constitution of 1844 was presented to Congress a dispute arose between Congress and the people of the Territory over the question of state boundaries. As fixed by the constitutional convention the boundaries of the future State were:

Beginning in the middle of the main channel of the Mississippi river opposite the mouth of the Des Moines river; thence up the said river

<sup>1</sup> A motion to have the convention opened each day with prayer was, after considerable discussion running through several days, indefinitely postponed.— See Journal of Convention, page 31.

<sup>2</sup> Journal of Convention, pages 3, 4.

<sup>3</sup> *Iowa Capital Reporter*, Vol. III, No. 40.

<sup>4</sup> Journal of Convention, page 211.

Des Moines in the middle of the main channel thereof, to a point where it is intersected by the Old Indian Boundary line, or line run by John C. Sullivan in the year 1816; thence westwardly along said line to the "Old North-west corner of Missouri;" thence due west, to the middle of the main channel of the Missouri river; thence up in the middle of the main channel of the river last mentioned to the mouth of the Sioux or Calumet river; thence in a direct line to the middle of the main channel of the St. Peter's river, where the Watonwan river (according to Nicollet's map) enters the same; thence down the middle of the main channel of said river to the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said river, to the place of beginning.<sup>1</sup>

Congress was not satisfied with these boundaries, and in an act approved March 3rd, 1845, ordered that part of the constitution which referred to boundaries to read:

Beginning at the mouth of the Des Moines river, at the middle of the Mississippi, thence by the middle of the channel of that river to a parallel of latitude passing through the mouth of the Mankato or Blue-Earth river, thence west along the said parallel of latitude to a point where it is intersected by a meridian line, seventeen degrees and thirty minutes west of the meridian of Washington city, thence due south to the northern boundary line of the state of Missouri, thence eastwardly following that boundary to the point at which the same intersects the Des Moines river, thence by the middle of the channel of that river to the place of beginning.<sup>2</sup>

In April the new state constitution was submitted to the people of the Territory. But the people, unwilling to concede to the few changes made in the boundaries by Congress, rejected the constitution entire.

When the Legislative Assembly met in June, 1845, an act was passed ordering the constitution to be re-submitted to the people of the Territory upon the first Monday of August for their ratification or rejection: "*Provided*, That the ratification of the constitution shall not be construed as an acceptance of the boundaries fixed by Con-

<sup>1</sup> Journal of Convention, page 187.

<sup>2</sup> U. S. Stat. at Large, Vol. V, page 742.

gress in the late act of admission, and the admission shall not be deemed complete until whatever condition may be imposed by Congress, shall be ratified by the people.”<sup>1</sup> At the August election the constitution of 1844 was again rejected by the people of the Territory.

#### NEGRO SUFFRAGE.

In these early days there existed in Iowa a predominant sentiment against negro suffrage. Accordingly the provisions relating to suffrage incorporated in the constitution drafted in 1844 read: “Every *white* male, etc.” Yet there did exist a small minority who advocated negro suffrage; and when the convention of 1844 met at Iowa City to draft a constitution for the future State, a petition, praying that all the rights and privileges of other citizens be granted also to people of color, was presented and read to the convention. A few days after the reading of the petition, the committee appointed to consider it reported that in their opinion it would be *inexpedient* to grant the prayer of the petition. And in support of their position the committee attempted to reconcile the doctrine of expediency with the social compact theory of government, as will be seen in the following:

That all men are created equal, and are endowed by their Creator with equal unalienable rights, your committee are free to admit: That so far as nature is concerned those rights are as sacred to the black man as the white man, and should be so regarded. This however is a mere abstract proposition, and although strictly true, when applied to man in a state of nature; yet it becomes very much modified when man is considered in the artificial state in which government and society places him. Thus the infant is not entitled to liberty or the pursuits of happiness until he arrives at the age of twenty-one years. Females by the

<sup>1</sup> Stat. Laws, Ia. Ter. Session 1845, page 32.



arbitrary rules of society are excluded and debarred from many things which males consider rights and high privileges—such as the elective franchise, holding office, &c. Now in these cases the female and infant are denied what we abstractly term unalienable rights, and they submit without complaint or murmur. No one thinks of sympathizing with them in their deprivations. The philanthropist has never had occasion to commiserate their fate, still it is in those respects the same as the *citizen of color*. The negro is surely no better than our wives and children, and should not excite sympathy when they desire the political rights which they are deprived of.

The great error that exists in the minds of our citizens, who reason in favor of negro suffrage and citizenship, arises from their mingling the natural and artificial rights of man, and treating the artificial institutions of government as sacred and as undeniable to *man* as the abstract rights of nature; a position which is untrue in point of fact, and in opposition to the experience of the whole world. Governments are strictly conventional, and although based upon the laws of nature, they are necessarily limited and circumscribed in their operation. It is made for those who are to be benefitted by it, and is not bound to unbar its doors and receive every vagrant who may take refuge in it.

Government is an institution or an association entered into by man, the very constitution of which changes or modifies to a greater or less extent his natural rights. Some are surrendered, others modified. The compensation for these sacrifices, is found in the greater security in those rights retained, and a cheapening of the expense of protecting them. It is a means sought by man to make more available, secure, and certain his *unalienable* rights of life, liberty and the pursuits of happiness. Thus the citizen acquires a species of property in his government, which he has a right to enjoy without molestation and without disturbance. In forming or maintaining a government it is the privilege and duty of those who have or are about to associate together for that purpose to modify and limit the rights or wholly exclude from the association, any and every species of persons who would endanger, lessen or in the least impair the enjoyment of these rights. We have seen that the application of this principle limits the rights of our sons, modifies the privileges of our wives and daughters, and would not be unjust if it excluded the negro altogether.—'Tis the party to the compact that should complain, not the stranger. Even hospitality does not sanction complaint under such circumstances. True, these persons may be unfortunate, but the government is not unjust.

If your committee are correct in their views, the question presented for consideration is plainly this: Would the admission of the negro as a citizen tend in the least to lessen, endanger or impair the enjoyment

of our governmental institutions—in other words would the accession of a negro population produce any of these consequences. If it would we should be unwise to admit them, if it would not, then it would be wanton and wrong to exclude them. The whole subject should be properly treated as a question of policy or contract where self interest is just as properly consulted, as in the promotion of a commercial treaty or a private contract. 'Tis the *white* population who are about to form a government for themselves—no negro is represented in this convention, and no one proposes to become a member of the compact. 'Tis the white population of this Territory who petition for the admission of the negro. They necessarily believe that the introduction of such a population as citizens would not interfere with the enjoyments of the white citizens, or they place this admission on the ground that the negro has the arbitrary claim, based as a natural right. The proposition would stand thus:

1st, That the negroes are a desirable or at least a harmless population:

2nd, That the negro has a *natural* right to be admitted as an equal citizen.

The former proposition begs, the latter commands.

Can the negro be admitted to those privileges and not impair the rights of the whites? your committee think not. The Government then would be unjust to admit them. The negro not being a party to the government has no right to partake of its privileges.

However your committee may commiserate with the degraded condition of the negroes, and feel for his fate, yet they can never consent to open the doors of our beautiful State and invite him to settle our lands. The policy of other States would drive the whole black population of the Union upon us. The ballot box would fall into their hands and a train of evils would follow that in the opinion of your committee would be incalculable. The rights of persons would be less secure, and private property materially impaired. The injustice to the white population would be beyond computation. There are strong reasons to induce the belief that the two races could not exist in the same government upon an equality without discord and violence, that might eventuate in insurrection, bloodshed and final extermination of one of the two races. No one can doubt that a degraded prostitution of moral feeling would ensue, a tendency to amalgamate the two races would be superinduced, a degraded and reckless population would follow; idleness, crime and misery would come in their train, and government itself fall into anarchy or despotism. Having these views of the subject your committee think it inexpedient to grant the prayer of the petition.<sup>1</sup>

<sup>1</sup> Journal of Convention, page 52.

SECOND CONSTITUTIONAL CONVENTION.

The constitution of 1844 had been rejected; but by an exceedingly small majority. The sentiment in favor of state government was still strong throughout the Territory; and on the 17th day of January, 1846, an act of the Legislative Assembly was approved providing for the election of delegates to a convention to form a constitution and state government.<sup>1</sup> In pursuance of this act thirty-two delegates were elected at the township elections held in April.

On the 4th day of May, 1846, the second constitutional convention convened at Iowa City in the halls of the Capitol. Enos Lowe was elected President of the convention. As in 1844 there was a business-like disposal of the work in hand. There was no loafing, no waste of public funds. In the course of two weeks the labors of the convention were completed, and final adjournment was made on May 19th. The constitution adopted by this convention was subsequently accepted by the people of the Territory on the 3rd day of August, 1846, by a vote of 9,492 to 9,036.<sup>2</sup>

The two important questions discussed in the convention of 1846 related, the one to state boundaries, and the other to corporations (especially banking corporations). After much debate the question of state boundaries was settled by the adoption of those lines which to this day obtain for the State. The discussion on corporations was more intense and resulted in the total prohibition, for a time, of all banking business within the limits of Iowa.

<sup>1</sup> Stat. Laws, Ia. Ter., Session 1845-46, page 37.

<sup>2</sup> *Bloomington Herald*, New Series, Vol. I, No. 22.

## THE ABOLITION OF BANKS.

The hostility toward banking corporations, which was so effectually incorporated in the constitution of 1846, was as old as the Territory. It first manifested itself in repeated attacks on the Miners' Bank of Dubuque. Inherited from the Territory of Wisconsin,<sup>1</sup> the Miners' Bank never was cherished by the people of Iowa. Indeed it was looked upon by them with a feeling of jealousy and suspicion. Intensified by the hard times that followed the panic of 1837, this feeling began to call for the repeal of the Bank's charter. At the same time a general movement against banking corporations was inaugurated throughout the Territory.

The strength of this sentiment in 1844 may be gauged by section 3 of article IX of the State constitution drafted in that year, which section reads:

The Legislature 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 the votes of the qualified electors of this State, cast for and against it.

In 1845 the Legislative Assembly repealed the charter of the Miners' Bank of Dubuque and provided for "winding up the affairs of the same."<sup>2</sup> This action of the Assembly was based upon the charge that the charter had been abused or misused. On the other hand, the Miners' Bank maintained that there had been no such abuse or misuse, and resisted the enforcement of the act. The matter was then taken to the courts, and a decision rendered against the Bank by the Supreme

<sup>1</sup> See Chapter IV on "The Territorial Capital," page 69, foot-note 3.

<sup>2</sup> Stat. Laws, Ia. Ter., Session 1845 of Leg. Ass'y, page 54.

Court.<sup>1</sup> Whether the Assembly was justified in abolishing the Miners' Bank, I do not know. But in repealing the charter without at the same time making satisfactory arrangements for the payment of certain just debts<sup>2</sup> due the Bank from the Territory, the Legislative Assembly certainly committed a disgraceful breach of faith.

The movement against banking corporations did not end with the repeal of the charter of the Miners' Bank. In 1846 it reached the point where the total abolition of all banks and banking business was demanded. And to satisfy this demand the following provision was incorporated in the constitution under which Iowa became a State:

No corporate body shall hereafter be created, renewed or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The General Assembly of this State shall prohibit, by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating paper to circulate as money.<sup>3</sup>

Iowa remained without banks until 1857, or for about twelve years. By the new State constitution drafted in 1857, banking business was again legalized.<sup>4</sup> In 1858, "AN ACT to Incorporate the State Bank of Iowa"<sup>5</sup> and "AN ACT authorizing General Banking in the State of Iowa"<sup>6</sup> were passed by the General Assembly.

<sup>1</sup> Morris Reports (Iowa), page 482.

<sup>2</sup> See Chapter IV on "The Territorial Capital," pages 68, 69.

<sup>3</sup> Article IX, Section 1 of Constitution (1846).

<sup>4</sup> Article VIII of Constitution (1857).

<sup>5</sup> Stat. Laws of Iowa, 7th Gen. Ass'y, page 125.

<sup>6</sup> *Ibid*, page 215.

## AN ERA OF PROGRESS.

It has already been observed that the growth and development of Iowa City during the first two years of its existence was phenomenal.<sup>1</sup> But as early as 1842 a reaction had set in. There was a great decrease in real estate values; business congested; and the ambitious attempts in education failed completely. However, with the admission of Iowa into the Union in 1846, with all the privileges and powers of a sovereign State, the tide of fortune again turned in favor of the capital city.

The constitutional conventions of 'forty-four and 'forty-six had added much to the reputation of Iowa City abroad. For throughout the Territory the constitutions were discussed and incidentally Iowa City would receive mention in the same breath. Then besides there was the added dignity of being the *State* capital. With the increase of population there had been a corresponding increase of public business. The Assembly expanded, and new public offices were created. And all this helped to intensify the activities at the capital.

The re-invigoration was soon perceptible. In May, 1847, the *Standard* records that: "At no time within two or three years past has there been such a show of active business operations in our city as at present. The merchants have fine stocks of goods and seem to be driving a profitable trade in their respective lines; the mechanics are busily employed; the citizens enjoy good health; and in every part of the town there is a general righting up of houses, door-yards, gardens and enclosures, indicating a reaction of public spirit. The country

<sup>1</sup> Chapter III on "The Beginnings of Municipal Life," pages 37, 38.

having taken a healthy start, we may now look forward to a steady improvement.”<sup>1</sup>

And this, let it be remembered, was the glorious period in the history of Iowa City, the era of progress — from the meeting of the first two constitutional conventions in 1844 and 1846 to the meeting of the third convention in 1857. Just beginning to realize the vast possibilities of her resources, Iowa felt strong in the vigor of youth; and as the capital, Iowa City partook of this robust and exuberant feeling. Furthermore the town was now influenced by the touch of such high-minded men as Robert Lucas, John Chambers, James Harlan, W. Penn Clarke and Samuel J. Kirkwood.

Iowa City was the seat of high courts of justice. The Supreme Court of Iowa met in the northeast room on the lower floor of the Capitol. And from time to time the United States District Court met in the same room.

During this period Iowa City became historic as the birth-place of the fundamental principles of Iowa law and jurisprudence. The three state constitutions, as well as the code of 1851, were all drafted in Iowa City.

#### EARLY RAILROAD PROJECTS.

Iowa City was just beginning to feel the impulse of a renewed life, when by the entrance of railroads into the city of Chicago, there was aroused throughout the West a general interest in railroad construction. In Iowa this interest was most active in and around Dubuque,<sup>2</sup> where on the 11th of March, 1848 a large public meeting<sup>3</sup> was held for the purpose of taking steps in

<sup>1</sup> *Iowa Standard*, New Series, Vol. I, No. 45.

<sup>2</sup> *Ibid*, Vol. II, No. 26.

<sup>3</sup> “Dubuque” in *Iowa Standard*, New Series, Vol. II, No. 26.

reference to a railroad that would connect Lake Michigan with the Mississippi<sup>1</sup> and extend into Iowa. At the same time the people of Bloomington<sup>2</sup> (Muscatine), Iowa City, Keokuk, Davenport and Burlington were not asleep to the advantages of railroads. Moreover, Iowa City, being the capital of the State, was naturally the objective point of all the early railroads projected within the limits of Iowa.

The first railroad proposed within the limits of Iowa was to run from Dubuque to Keokuk via Iowa City through the counties of Dubuque, Jones, Linn, Johnson, Washington, Henry and Lee. And so considerable was the interest taken in this scheme that in January, 1848, the General Assembly memorialized Congress for lands to be appropriated in the construction of a railroad from Dubuque to Keokuk.<sup>3</sup>

In December, 1848, the board of directors for the Dubuque & Keokuk Railroad met at Iowa City and elected Maj. L. H. Langworthy, of Dubuque, President; P. R. Skinner, of Anamosa, Secretary; and J. H. Fisher, of Iowa City, Treasurer. At this meeting the directors listened to a report of the engineer appointed to make a reconnoissance of the proposed route. According to this report the length of the route was estimated at about one hundred and ninety-six miles. The superstructure contemplated was to consist of "longitudinal sills, cross sills and rails, all of timber, the rails surmounted with iron plates." As estimated, the cost of

<sup>1</sup> This was known as the Chicago & Galena Railroad.—*Iowa Standard*, New Series, Vol. II, No. 17.

<sup>2</sup> See *Bloomington Herald*, New Series, Vol. II, Nos. 83, 86.

<sup>3</sup> Stat. Laws of Iowa, Extra Session, 1847-48, page 100.



the road completed and ready for cars was to be \$2,071.-788.00.<sup>1</sup> The detailed report of the engineer was presented to the General Assembly, and accepted by that body in January, 1849, in a joint resolution memorializing Congress a second time for a grant of lands to aid in the construction of the proposed road.<sup>2</sup> In 1851, the company was granted a right of way;<sup>3</sup> but the Dubuque & Keokuk Railroad was never constructed.

Besides the Dubuque and Keokuk project the other proposed roads were: The Davenport & Council Bluffs Railroad, to run "from Davenport via Bloomington (Muscatine), Iowa City and Fort Des Moines to some suitable point near Council Bluffs on the Missouri River;"<sup>4</sup> the Camanche & Council Bluffs Railroad, to run "from Camanche in Clinton County via Dewitt, Tipton, Iowa City and Fort Des Moines to Council Bluffs on the Missouri River;"<sup>5</sup> and the Lyons Iowa Central Railroad, to run "from the Narrows of the Mississippi River in the town of Lyons, in Clinton County [via Iowa City] to Council Bluffs."<sup>6</sup>

#### DAVENPORT & IOWA CITY RAILROAD COMPANY.

On the 14th day of October, 1850, the Davenport & Iowa City Railroad Company was organized by a few of the citizens of Iowa City who on that day met at the office of George S. Hampton. James P. Carleton was elected President; LeGrand Byington, Treasurer; and

<sup>1</sup> Stat. Laws of Iowa, 2nd Gen. Ass'y, Resolution No. 5, page 171.

<sup>2</sup> *Ibid*, page 171.

<sup>3</sup> Stat. Laws of Iowa, 3rd Gen. Ass'y, page 129.

<sup>4</sup> Stat. Laws of Iowa, 2nd Gen. Ass'y, Resolution 15, page 184.

<sup>5</sup> Stat. Laws of Iowa, 3rd Gen. Ass'y, page 70.

<sup>6</sup> *Ibid*, page 95.

Henry W. Lathrop, Secretary.<sup>1</sup> Five thousand dollars had already been subscribed to the capital stock of the company.<sup>2</sup>

The people of Davenport had already expressed their willingness to concur with the citizens of Iowa City in this new enterprise, when, on the 21st of October, 1850, at a special meeting of the Board of Directors held at Iowa City, LeGrand Byington was authorized to proceed to Davenport and Rock Island for the purpose of procuring the services of an engineer to make a survey of the proposed route.<sup>3</sup> Soon afterwards the necessary surveys were made by one, Richard P. Morgan.<sup>4</sup> The notes of the survey, along with an estimate of the cost of constructing a road and of the probable amount of business, were then published in pamphlet form and distributed throughout the East, the object being to get eastern capitalists interested in the proposed railroad.<sup>5</sup>

At a regular meeting of the Board of Directors held at Iowa City on the 2nd of November, it was resolved to send a memorial to Congress praying for a grant of lands.<sup>6</sup> In January, 1851, the use of "Center Market"<sup>7</sup> in Iowa City was granted to the company by the General Assembly as well as a right of way through the State.<sup>8</sup>

It was, however, not so much the sincere object of the Davenport & Iowa City Railroad Company to build

<sup>1</sup> Original MS. Records of the D. & I. C. R. R. Co., page 1.

<sup>2</sup> *Ibid*, page 1.

<sup>3</sup> *Ibid*, page 3.

<sup>4</sup> *Ibid*, page 9.

<sup>5</sup> Oral testimony of the company's Secretary, H. W. Lathrop.

<sup>6</sup> Original MS. Records of the D. & I. C. R. R. Co., page 5.

<sup>7</sup> Stat. Laws of Iowa, 3rd Gen. Ass'y, page 19.

<sup>8</sup> *Ibid*, page 22.

a railroad as it was their purpose to survey a route, obtain a right of way, show up the feasibility of building railroads in Iowa, and, when the opportunity should present itself, to transfer their rights and property to the first railroad company that proposed to enter the State, provided Iowa City be made a point in the construction and operation of the road.<sup>1</sup> The desired opportunity came with the organization of the Mississippi & Missouri Railroad Company at Chicago in 1853.

#### MISSISSIPPI & MISSOURI RAILROAD COMPANY.

At the meeting of the Mississippi & Missouri Railroad Company in Chicago in May, 1853, LeGrand Byington represented the interests of the Davenport & Iowa City Railroad Company, and W. Penn Clarke, assisted by LeGrand Byington, was delegate on behalf of the people of Iowa City. After the Chicago meeting the leading men of the M. & M. R. R. Co. appeared in Iowa City, and at a public meeting unfolded their plans as follows:

1. They assumed to build the first division of the main line to Iowa City in two years.
2. To extend a branch from Iowa City to the Minnesota line, through Cedar Rapids.
3. To construct and operate another branch from Iowa City through Washington to the Missouri at St. Joseph.

4. To pay all interest on county and city bonds issued until the road paid dividends at the rate of 10 per cent.

In consideration whereof they required local stock subscriptions to the amount of about \$140,000.

About \$30,000 was immediately subscribed by the

<sup>1</sup> Oral testimony of the company's Secretary, H. W. Lathrop.

citizens. Soon afterwards bonds were voted by Johnson County to the amount of \$50,000 and by Iowa City to the same amount. And the Davenport & Iowa City Railroad Company transferred to the M. & M. R. R. Co., all their rights, franchises, property and stock on the conditions heretofore named.

The work on the main division of the road from Davenport to Iowa City, which was begun at once, was to be completed by the 1st day of January, 1856. As the eventful day approached there was great excitement and stir in Iowa City. The citizens resolved to hold a grand railroad festival on the 3rd of January, and donated \$2,600 to meet expenses. Invitations were sent out to prominent citizens of Chicago, Rock Island, Dubuque, Burlington and other Iowa towns.

On the last day of December it was feared that the road would not be finished that day. Whereupon a number of the citizens of Iowa City laid hold of the work with their own hands. Their labors were continued far into the night and in the light of large wood fires and burning tar barrels presented a dramatic scene.

At two o'clock January 3rd, the booming of guns announced the arrival of seven cars filled with guests, who were received by the citizens and escorted to the Capitol. Here they were welcomed by LeGrand Byington, the President of the day. Dr. Maxwell, of Chicago, responded on behalf of the guests. Then followed the banquet with toasts and speeches. The old stone Capitol never witnessed a more joyous occasion. It was long after midnight when the last strains of music hushed and the last foot-falls resounded through the corridors of the Capitol.

Having reached Iowa City in January, 1856, the M. & M. R. R. Co. did not for several years extend their

road farther west. This fact contributed much to the importance and growth of Iowa City; for, being the terminus of the only railroad in Iowa, the traffic and immigration to interior Iowa necessarily passed directly through the town. The era of progress which had set in about 1847, continued; and Iowa City now grew rapidly, notwithstanding she was about to lose her distinction as the capital city.

#### A MUNICIPAL CORPORATION.

Without an organized form of municipal government for a period of fourteen years, Iowa City was finally incorporated under special articles of incorporation passed by the General Assembly and approved on the 24th of January, 1853.

Previous to this, however, there had been an attempt to maintain a town government which after a trial of several months proved ineffectual. The officers elected at the time were: James Robinson, Mayor; Anson Hart, Secretary; Thomas Ricord, Treasurer. Ebenezer Sangster, who had been appointed Marshal, at once proceeded to carry out the duties of his office by ordering the inhabitants to clean up the streets and alleys. These orders, unfortunately, led him into difficulty; for the inhabitants were so unaccustomed to the commands of a town officer that in many cases they flatly refused to obey. But the real crisis of this administration came when the officers, finding it necessary to obtain money for the support of the government, levied a municipal tax. This tax the people refused to pay. Whereupon the officers, disgusted at being left without financial support, dropped their official duties and returned to their ordinary pursuits.

On Wednesday, the 6th of April, 1853, the following officers of Iowa City took the oath of office before George S. Hampton, Clerk of the Supreme Court of Iowa: Jacob DeForest, Mayor; Anson Hart, Recorder; C. H. Buck, Treasurer; Robert Hutchinson, Marshal; Benjamin King, Assessor; and Edward Lanning, William H. Hunt, Thomas Snyder, Franz P. Brossart, William Penn Clarke, Peter Roberts, Peter Statzer and John Van Fleet, Aldermen. On the evening of the same day these officers held their first meeting in the Capitol.

#### MUNICIPAL IMPROVEMENTS.

Up to the time of its incorporation Iowa City must certainly have presented a ragged appearance. The streets were neither paved nor graded. In many places they were almost impassable on account of brush and stumps of trees. With the exception of a few hundred feet on Clinton street there were no sidewalks. One hundred and fourteen dogs ran loose untaxed; and droves of hogs, running at large, rooted in the streets and before private door yards. Indeed the hog had become an obnoxious public nuisance.

To the task of remedying this condition of affairs the new administration at once applied its energies. An ordinance to "provide for Cleaning of Streets, Roads and Sidewalks" passed by the City Council on the 13th of April was soon followed by others relating to nuisances, street grading, the removal of brush and stumps, and sidewalks. Hogs were prohibited from running at large; and all dogs were taxed. In February, 1855, a Board of Health was created. In December, 1856, a permit to light the town by gas for twenty years was granted to David R. B. Nevin & Co.

## A POLITICAL CENTER.

From 1839 to 1857, Iowa City, being the capital, was the nerve-center of Iowa politics. It was the seat of the General Assembly and the town of public conventions of all kinds. From January to January the atmosphere was full of politics. During the sessions of the General Assembly discussions naturally became more vehement and heated; for all eyes in the State were then turned towards the capital. Lobbyists appeared at the hotels and plied their profession with much zeal; yet the lobby in those days is insignificant when compared to the body of persons that now hovers about the Capitol at Des Moines to "influence" public officials.

Then too the members of the earlier Assemblies were not so open to political intrigues and jobbery. Mostly farmers, they were as a rule straight-forward honest men, and did what seemed to them their duty towards their fellow citizens. It is true that their narrow-mindedness sometimes led them into blunders; but such mistakes were due to ignorance and not to corruption. In a certain respect they were at one with their successors. They were parsimonious. In practicing their economy they were over-zealous. Their conception of public business was narrowed by their ideas of private enterprise. To appropriate more money than could be readily counted on one's fingers was to them a great waste of public funds.

Full of life and energy while the General Assembly was in session, Iowa City was certainly dull when the members had finished their public business and departed to their homes. During the period of adjournment the town was even more forsaken than it now is after commencement.

## VII.

### REMOVAL OF THE CAPITAL.

#### AGITATION FOR REMOVAL.

The same argument that led to the location of the capital in Johnson County in 1839, forced its removal to Des Moines in 1857. I refer to the argument that the capital of a Territory or State ought to command a *central* location, both geographically and with respect to the future mass of population.

No sooner had Iowa become a State than it was observed, especially by the inhabitants of the Des Moines valley, that the location of Iowa City was far from the geographical center of the State as bounded by the constitution of 1846. Hence the public mind began to look forward to an ultimate change in the location of the capital.<sup>1</sup> But the change did not come without a struggle.

At the first session of the General Assembly which met at Iowa City in December, 1846, the question of removal was first brought up, and at the time was discussed with considerable interest. The argument based on the principle of *central* location was a strong one; but the opposition were undoubtedly in the right when they maintained that immediate removal would be premature. For the center of population had not yet passed Iowa

<sup>1</sup> Stat. Laws of Iowa, 1st Gen. Ass'y, page 204.



City. Shortly before the close of the session the discussion ended in a compromise, that proposed to leave Iowa City in possession of the State University upon the removal of the capital farther west. With this understanding "AN ACT to provide for the location of the Seat of Government of the State of Iowa and for the selection of land granted by Congress<sup>1</sup> to aid in erecting Public Buildings" was passed by the General Assembly and approved on the 22nd of February 1847.<sup>2</sup> By this act, John Brown, Joseph Hoag and John Taylor were appointed commissioners to meet in the month of May, 1847, and examine the State for the purpose of selecting land and of making a location for the permanent seat of government, which location must be near the geographical center of the State.<sup>3</sup>

#### MONROE CITY.

In accordance with their instructions from the General Assembly the above named commissioners met in Henry County<sup>4</sup> and proceeded to examine such parts of the State as they deemed expedient; and after an examination of a considerable portion of the unsettled as well as the settled parts of the State, they selected five sections of land in Jasper County, namely: Sections four, five, eight, nine, the west half of section three and the west half of section ten, all in township seventy-eight north, range twenty west of the fifth Principal Meridian.<sup>5</sup> On

<sup>1</sup> Five sections of land were granted by Congress in an act passed March 3rd, 1845.—U. S. Stat. at Large, Vol. V, page 790.

<sup>2</sup> Stat. Laws of Iowa, 1st Gen. Ass'y, page 85.

<sup>3</sup> *Ibid*, page 85.

<sup>4</sup> Report of Commissioners, House Jour., 2nd Gen. Ass'y, page 199.

<sup>5</sup> *Ibid*, page 199.

these lands the commissioners caused to be laid out a town which they called MONROE CITY.<sup>1</sup>

After Monroe City had been surveyed and platted the commissioners gave notice of a public sale of lots. The sale was begun on the 28th of October and continued from day to day until the 2nd of November. Four hundred and fifteen lots were sold at these sales. One of the commissioners alone purchased thirty-eight lots—for which he paid the average price of about \$6.50 per lot.

The location of Monroe City, however, met with general disapproval throughout the State. The people of the Des Moines valley, for whose special benefit the removal had been made, called a public meeting to protest against the action of the commissioners. Even those who had so strongly advocated removal, now that the location had been made nearer the geographical center of the State, began to feel that it was absurd to remove the capital while yet the center of population remained east of Iowa City. Indeed, so universal was the dissatisfaction that at the next session of the General Assembly an act was passed vacating the town of Monroe City.<sup>2</sup> Thus the first agitation for removal proved abortive and Iowa City remained the capital ten years longer.

NOTE.—The proceeds of the sale of the five sections of land, granted by Congress to the State of Iowa and selected by the commissioners in Jasper County as the location for the capital, were afterwards appropriated for the use and benefit of the Iowa Agricultural College in the original act establishing said College in 1858.—See Stat. Laws of Iowa, 7th Gen. Ass'y, page 774.

<sup>1</sup> Report of Commissioners, House Jour., 2nd Gen. Ass'y, page 199.

<sup>2</sup> The act vacating Monroe City also provided for refunding all money received in payment for lots purchased in said town.—Stat. Laws of Iowa, 2nd Gen. Ass'y, page 147.

DES MOINES.

The Monroe City episode had the immediate effect of weakening the party in favor of removing the capital. But they still argued for a *central* location,<sup>1</sup> and finally, when the 5th General Assembly met at Iowa City in the winter of 1854-55, succeeded in passing "An Act to relocate the seat of Government."<sup>2</sup>

This act, which was approved on the 25th of January, 1855, provided, that five commissioners, appointed by the Governor, shall select a site within two miles of the junction of the Des Moines and Raccoon rivers in Polk County; and that "it shall be the duty of the commissioners in making the relocation to obtain at least as much land as is necessary for the capital buildings, and may be practicable to obtain without charge to the State, and also any and all grants and donations of land and town lots, within their power to the State."<sup>3</sup>

In compliance with the above act the commissioners appointed by the Governor selected as a site for the permanent seat of government of the State the land upon which the present Capitol of Iowa stands in the city of Des Moines on the east side of the Des Moines River.

THIRD CONSTITUTIONAL CONVENTION.

On the day previous to the one on which the act to relocate the seat of government was approved, an act of equal importance received the signature of the Governor. This was an act submitting to a vote of the people the question of a constitutional convention to revise and

<sup>1</sup> See House Jour. of 3rd Gen. Ass'y, pages 236, 289.

<sup>2</sup> Stat. Laws of Iowa, 5th Gen. Ass'y, page 105.

<sup>3</sup> *Ibid*, page 106.

amend the constitution of 1846.<sup>1</sup> At the general election held on the first Monday in August, 1856, the people decided in favor of revision—they had grown weary of the clause in the constitution of 1846 which abolished banks—and on the Tuesday after the first Monday in November elected delegates to a convention.

This convention, the third of its kind called into existence by the people of Iowa, assembled at Iowa City on the 19th day of January, 1857.<sup>2</sup> The General Assembly being yet in session at the Capitol, the convention held its meetings for a few days in the Supreme Court room, which on account of its size was somewhat inconvenient.<sup>3</sup> On the 20th, permanent organization was effected with Francis Springer as President.<sup>4</sup> On the 29th the General Assembly adjourned, after which the convention occupied the more convenient halls of the Assembly. After a session of forty-five days the third constitutional convention adjourned *sine die*.<sup>5</sup>

The constitution drafted by this convention—known as the constitution of 1857—was submitted to the people and approved by them at the general election in August, 1857.

The constitution of 1857, like the constitutions of 1844 and 1846, contained an elaborately drawn bill of rights, defined the conditions of suffrage, and besides prescribing the form of government in its legislative, executive

<sup>1</sup> Stat. Laws of Iowa, 5th Gen. Ass'y, page 114.

<sup>2</sup> Journal of Convention, page 3.

<sup>3</sup> Familiar with the situation the city councils of both Dubuque and Davenport offered to entertain the convention and furnish suitable accommodations in case the convention decided to remove from Iowa City.—See Journal of Convention, pages 6, 7.

<sup>4</sup> *Ibid*, page 10.

<sup>5</sup> *Ibid*, page 389.

and judicial departments, embraced detailed legislation respecting state debts, corporations, education and school lands, and miscellaneous topics. The several constitutions of Iowa have alike conformed to the general tendency in American commonwealths to legislative enactments by constitutional conventions. This tendency, developed no doubt by the desire to secure permanence in legislation, marks on the one hand the confidence of the people in itself, while on the other hand it intimates a suspicion of the shifting caprice of successive Assemblies. It is an incident to democratic government, at least in its formative period, and constitutes in its most pronounced form the American type of the Swiss referendum. The location of the State University at Iowa City by the constitutional convention of 1857 is a fine example of an enactment by the convention purely legislative.

#### THE GREAT COMPROMISE.

The struggle over the permanent location of the capital was a long one. Begun at the first session of the General Assembly of the State, it was waged incessantly for a period of eleven years. It generated a feeling of sectional jealousy so strong that from the beginning it was evident that the question could be settled only by a compromise.

Accordingly the first formal proposal for the removal of the capital farther west contemplated the establishment of a State University at Iowa City. This compromise was reluctantly entertained by the people of Iowa City—they insisted on holding the capital. But when, in the course of time, they saw that the argument in favor of central location would ultimately prevail, they

acquiesced and petitioned the General Assembly for the State University. Thereupon two acts were passed by the General Assembly in February, 1857, one providing for the relocation of the capital, and the other establishing the State University at Iowa City. The location of the capital in Jasper County, however, was disapproved, and the organization of the State University delayed.

When the third constitutional convention assembled at Iowa City in January, 1857, Des Moines had already been selected as the site for the capital and the State University had been put into actual operation at Iowa City. To make the arrangement more binding the convention incorporated this great compromise into the new constitution:

The Seat of Government is hereby permanently established, as now fixed by law, at the City of Des Moines, in the county of Polk; and the State University at Iowa City in the county of Johnson.

In the fall of 1857, the capital was removed to Des Moines. The archives of the State were all transported overland; for the Mississippi & Missouri Railroad Company had not yet extended their road beyond Iowa City. The snows of the winter of 1857-58 had begun to fall when the public safe, the last article to be removed, was loaded on two bobsleds and drawn by ten yoke of oxen from the old capital to the new.

CONSTITUTION AND RECORDS

OF THE

CLAIM ASSOCIATION OF JOHNSON COUNTY

IOWA

WITH

INTRODUCTION AND NOTES

BY

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## PREFACE.

WHILE preparing a monograph on "*Iowa City*" (published by the Iowa State Historical Society, in 1893), my interest was aroused in an old manuscript, which at that time I had occasion to refer to under the title of "*The Constitution and Records of the Claim Association of Johnson County.*"<sup>1</sup>

This manuscript, which may be found and consulted in the Library of the Iowa State Historical Society, is still in a fairly good state of preservation, although some of its pages are badly torn and many more soiled and faded. Uncovered and loosely held together by a coarse thread, the whole consists of about one hundred and seventy-seven pages of closely written matter. The size of a page is about seven by thirteen inches. The paper is plain, moderately heavy and, with the exception of faint pencil lines here and there, unruled. The handwriting throughout is uniform and distinct, and undoubtedly the work of Mr. Samuel H. McCrory, the clerk of the Association.

The contents of the manuscript fall naturally under the following heads: I. Constitution and Laws; II. Minutes of the Meetings of the Association; III. Recorded Claims; IV. Recorded Quit Claim Deeds or Transfers of Claims. The constitution occupies a little more than six full pages in the original; while the signatures of members, a list of two hundred and eighty-two, are spread over four pages. In this

<sup>1</sup> *Iowa Historical Record*, Vol. IX. No. 1, p. 44.

publication I have placed the minutes of the meetings immediately after the constitution and laws. But this is not their position in the manuscript. On the contrary, they occupy in the original six pages between pages twenty-one and twenty-two of that part of the manuscript devoted to the record of quit claim deeds. I cannot, however, believe this to be their first or true position; but that, being detached, they were subsequently pasted in this unnatural place. The descriptions of claims, covering fifty-nine pages, come next after the minutes of the meetings. The remainder, considerable over one half of the entire manuscript, is devoted to the record of quit claim deeds.

In editing the Constitution and Records of the Claim Association of Johnson County, I have made a strictly literal interpretation of the original manuscript. That is to say, I have made no reasonable allowances for unconscious errors, but have edited the manuscript literally, retaining, as far as the change from pen to type would allow, sentences, words, capitals, punctuation, and marks, just as they appear in the manuscript. At the same time I am satisfied that many of the errors are due rather to the haste and carelessness of the recorder than to his ignorance.

For helpful suggestions in the preparation of this publication, and in my study of claim associations in general, I am grateful to Professor Isaac A. Loos of the State University of Iowa.

B. F. S.

*June 1st, 1894.*

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INTRODUCTION.



## I.

### THE CLAIM ASSOCIATION.

RECENT tendencies in the study of American history indicate that we can no longer consider our civilization as wholly an inheritance from Europe. The new environment working upon many different races, classes and characters of men is bringing forth a development characteristic of America. Our history, our politics and our institutions, therefore, cannot be justly estimated from the Old World standpoint alone, nor from the standpoint of that part of America which has, in a measure, always retained the European bias, namely, the East. On the contrary "the true point of view in the history of this nation is not the Atlantic coast, it is the Great West."<sup>1</sup> "Too exclusive attention has been paid by institutional students to the Germanic origins, too little to the American factors."<sup>2</sup> To which let us add, that in the study of American institutional beginnings and developments too exclusive attention has been paid to Eastern forms and systems, too little to Western influences and factors. Yet the new point of view in American history and the scientific interest which is awakening in the field of Sociology will undoubtedly give an impetus to the investigation and study of those factors in our history and politics which are more distinctively American. And, as I have intimated, the field for such investigation and study is the Great West.

<sup>1</sup> *The Significance of the Frontier in American History*, by Professor Frederick J. Turner--See Annual Report of the Am. Hist. Association, 1893, p. 200.

<sup>2</sup> *Ibid*, p. 201.

In discussions, political and social, it is not infrequently held by the extreme socialist that our institutions are unnatural and oppressive, and that if men were free to make choices, society would be revolutionized. Now, what nineteenth century men would do, what customs and institutions they would adopt, in short what choices they would make, need not be wholly a matter of speculation. For, in the settlement and growth of the West there has been "a recurrence of the process of evolution in each western area reached in the process of expansion."<sup>1</sup> Is the institution of the family unnatural? The frontiersman could have abolished the home and lived in a state of promiscuity. Is all government obnoxious to the American? The pioneers were not compelled to adopt a line or submit to a letter of governmental regulation. Is the system of private property in land oppressive unnatural and a hinderance to progress? The "squatters" of the West were as free to adopt the communal system as they were to breathe the air around them. It is the bearing which it has upon questions like these, that a study of institutions such as the claim association becomes important to students of History, Politics and Sociology. In this place, however, it is not my purpose to enter upon either a detailed or a general discussion of these questions. Here I desire simply to indicate the setting of the records which follow this introduction, by briefly outlining the conditions which gave rise to the claim association and determined its leading characteristics.

The government of the United States, partly through cessions on the part of the original States and partly through treaty and purchase on the part of the United States, obtained a vast and unoccupied Public Domain. This vast territory was under the supervision and at the disposal of Congress, which, from time to time regulated its survey, sale and occupation. In 1807 an act was passed, which prohibited any

<sup>1</sup> *The Significance of the Frontier in American History*, by Professor Turner—See Annual Report of the Am. Hist. Association, 1893, p. 200.



and all persons from taking possession of, surveying, marking off or occupying any portion of the lands ceded or secured to the United States by any treaty made with a foreign nation or by a cession of any State. The President of the United States was authorized to use force, if necessary, in removing trespassers. This act, however, was never rigidly enforced; for it was found impracticable, if not wholly impossible, to keep settlers off the Public Domain. In fact, Congress rather encouraged the violation of its provisions by granting special pre-emption privileges to settlers who had made improvements upon public lands. And yet the act of 1807, notwithstanding its impotency, was revived in March 1833 with special application to that part of Iowa known as the "Sac and Fox Cession of 1832." It was made lawful for the President of the United States to direct the Indian agents at Prairie du Chien and Rock Island to execute and perform all duties required in the act of 1807 in such mode as to give full effect to the act in and over the lands acquired from the Sac and Fox Indians. The act of 1807, however, virtually remained a dead letter, notwithstanding this heroic attempt at resuscitation. Settlers crossed the Mississippi river even before the Indian title had been extinguished; and no sooner had the Indians vacated the lands in June 1833 than hundreds of improvements were made west of the Mississippi. By the spring of 1836 some ten or twelve thousand people had made settlement. In 1838 the population reached twenty-two thousand. Instructions for the survey of these lands were issued in 1836; and by November 1st, 1837, the whole district had been surveyed as to exterior township lines, and about forty townships had been divided into sections. But not until 1838 were any of the lands proclaimed for sale; the first sales were held in the fall of that year.

Observe the constitutional status of these early settlers. Having gone upon the Public Domain in violation of an act of Congress, they occupied and cultivated lands to which they held no legal titles from the General Government. It may

even be said that they were virtually without the pale of all constitutional government. The rights, privileges and immunities of citizens of the United States did not *in fact* extend to them. It is true that in 1834 this whole district west of the Mississippi was attached to Michigan, the inhabitants thereby becoming entitled to the same privileges and immunities and subject to the same laws, rules and regulations in all respects as the other citizens of Michigan. But in reality this statute meant nothing to the settlers west of the Mississippi; for the Territory of Michigan was so far removed from them that it secured to them no governmental privileges whatsoever. The establishment of the territorial government of Wisconsin in 1836, and the erection of the Territory of Iowa in 1838 gave the early settlers, for the first time, something more than a fictitious constitutional status. Yet the territorial governments of Wisconsin and Iowa did not fully provide for the peculiar needs arising from what may be called *pioneer environment*. In fact no laws, national or territorial, adequately met the conditions of frontier life in the West. And it was to meet the conditions of this western life and to provide for the peculiar needs arising therefrom, that the early settlers organized and established the institution of the claim association.

The claim association is distinctively a Western institution. And the conditions which led to its organization among the early settlers in Iowa are in general the same as those which have given rise to like organizations from the days of the self-governing commonwealths of Watauga, Cumberland and Transylvania down to the settlement of Oklahoma. Although extra-constitutional, the claim association has, nevertheless, been a part of our politics and history, and should be studied along with constitutions and statutes. As Professor Macy, in writing on institutional beginnings in Iowa, has so aptly put it: "If there are persons who regard the bare statutes of a new country as a reliable guide to the history of the growth of its local institutions, a careful comparison of the

statutes of Iowa with the local institutions of the State will disabuse them of such a notion. The real local institutions of the early settlers of Iowa are not recorded in any statute books, and many of the institutions recorded in statute-books, never had any existence."<sup>1</sup>

<sup>1</sup> *Institutional Beginnings in a Western State.*—*Johns Hopkins University Studies*, Vol. II. Consult also in this connection Professor Macy's article on *The Relation of History to Politics* in the Annual Report of the American Historical Association for the year 1893.

## II.

### HISTORY OF THE JOHNSON COUNTY CLAIM ASSOCIATION.

AFTER extended inquiry I am led to believe that the Claim Association of Johnson County was, in its organization and administration, one of the most perfect, not only in Iowa, but in the West. And of still greater importance is the fact that this Association has left adequate manuscript records,—records so complete that they afford invaluable material for the study of claim associations in general.

At the first session of the Legislative Assembly of the Territory of Iowa, which met at Burlington in the winter of 1838-39, an act was passed providing for the location of the Seat of Government of the Territory in Johnson County. Up to this time the few settlers who had made improvements in Johnson County had not felt the necessity of organizing a claim association. But when they learned that the Capital of the Territory was to be located in their county, they immediately set about to organize an association for the better protection of what they called their "rights in making and holding claims." After several preliminary meetings a constitution was adopted March 9th, 1839, at a meeting attended by nearly every settler in the county. Samuel C. Trowbridge, who at that time held the office of Sheriff in Johnson County, was made the first president of the Claim Association.

The Johnson County Association received the hearty support of the inhabitants of the entire county. Men of all classes and positions signed the constitution and became members. Along with the signatures and marks of unknown

“squatters” are the names of Robert Lucas, at that time Governor of the Territory, S. C. Hastings, delegate to the Legislative Assembly and subsequently Chief Justice of Iowa and also of California, William McCormick, Judge of Probate, William C. Massey, Constable, and Robert Walker, Justice of the Peace.

The constitution and resolution were, for the most part, strictly observed throughout the county. Indeed, I have been able to learn of only two cases of “claim jumping.” In the one instance the offender was soundly whipped and thus brought to recognize the regulations of the Claim Association as the supreme law of the community against which no man dared raise his hand.

The other case is related by a member of the Association as follows: “In the month of November, 1839, a man named Crawford took possession of a claim lying about one mile north of Iowa City, that belonged to William Sturgis, and refused to give it up. The Marshal of the Claim Association notified all the members to meet in Iowa City on the 7th day of November at ten o’clock A. M., sharp, at the tavern of Asaph Allen. When the time came, about sixty stalwart men were on hand, who marched in a body to where Crawford had built his cabin. They found a good substantial log house, with clapboard roof, and Mr. Crawford on the inside finishing it off ready for occupancy. The company surrounded the house, and then called a parley. The trespasser was asked if he was willing to abandon his claim. He refused to leave and cautioned those present not to molest him at their peril. Mr. Sturgis then came forward and offered to pay him for what labor he had done if he would relinquish all claims to the premises without any further trouble. This offer was also refused. Without a moment’s delay, the men ascended the corners of the house, and in fifteen minutes there was not a vestige of it left standing. Mr. Crawford was left in amazement, with axe in his hand, in the center of the vacant space once occupied by his cabin. Some of the

parties suggested that the Iowa River was not far away; but milder counsels prevailed, and the company dispersed. But soon after this the members of the Association were again notified to meet, and were informed that Crawford had rebuilt his house, and was occupying it with his family. The members of the Association made arrangements with Walter Butler to take care of Mr. Crawford's family, and procured a team to bring them down to town. A committee then started ahead with the team to take charge of Mr. Crawford's wife and children. They met Mr. Crawford in a more meek and humble mood than when they last parted from him. He said he was willing to settle the matter; so he and Mr. Sturgis held a private conference, and in a short time Mr. Sturgis announced that the trouble was adjusted to his [Mr. Sturgis'] full satisfaction. The company then dispersed and went quietly to their homes; and the Association was never again called out for such a purpose. Mr. Crawford afterwards made an attempt to bring some of the parties before a legal tribunal for punishment; but, as it was almost impossible to find a judge, lawyer or juror in Iowa who was not a claimholder, his effort was not crowned with much success."<sup>1</sup>

From the minutes of its meetings we learn that the Johnson County Association was concerned with but two government land sales. The one was held at Dubuque in 1840; the other at Marion in 1843.

In January, 1840, the President of the United States issued a proclamation declaring that a public sale of lands would be held at Dubuque in the month of May, and that township seventy-nine in ranges five and six west of the fifth principal meridian would be among the lands offered for sale on that day. This proclamation took the settlers of Johnson County by surprise. They hardly expected that these lands would be brought into market so soon after the surveys had been made. A meeting was called, and a petition, requesting a

<sup>1</sup> From an unfinished history of Johnson County by Cyrus Sanders and Henry Felkner.

postponement of the sale of lands in Johnson County, was sent to Washington. About the 1st of May it was announced that the sale had been postponed until the 3rd day of August, 1840. At a meeting of the Claim Association on the 10th of July, 1840, S. H. McCrory was elected "bidder," and Cyrus Sanders "assistant bidder," for townships seventy-nine north, range six west of the fifth principal meridian, and seventy-nine north, range five west of the fifth principal meridian.

Cyrus Sanders, a member of the Association, gives the following account of the sale: "On the 30th day of July a number of settlers started to the land sales that were to take place at Dubuque on the 3rd of August. A majority of them were provided with money to buy their claims, though some were expectant of meeting capitalists at the sale, of whom they could borrow the money. Some forty or fifty settlers composed our company and we started for Dubuque in two-horse wagons, supplied with provisions and camp equipage. We traveled by easy stages, and reached Dubuque on Saturday, August 1st. On Monday morning early we had made all arrangements for the sale. The bidder and assistant bidder had furnished themselves with large plats of the two townships to be sold, with each claimant's name plainly written on the subdivision which he wished to purchase. When the time came for the sale to begin, the crier stepped out on the platform, and inviting the bidder and assistant to take places on the platform beside him, took hold of one side of the plat, and began at section No. 1, and called out each eighty acre subdivision as rapidly as he could speak. When he came to a tract with a name written on it, he would strike his hammer down, and give the name to the clerk. He thus proceeded, taking the sections in numerical order. The two townships were offered in less than thirty minutes. During this time the claimants stood in a compact semicircle in front of the platform in breathless silence, not a sound being heard except the crier's voice. The purchasers were then admitted, two or three at a time, to pay for the land and receive their

certificates. This was a tedious process, as the land office accepted no money for land except United States coin, or notes on the State Bank of Missouri. Nearly all the money paid was in silver, and it consumed a great deal of time to count it and sort out the spurious coin. On the 5th of August we started for home, many of us enjoying the comfortable feeling of being owners of real estate for the first time in our lives."

In the minutes of February 11th, 1843, I find it recorded that S. H. McCrory and Robert Hutchinson were elected "bidders" for township seventy nine north, range six west of the fifth principal meridian; Henry Felkner and Cyrus Sanders for township eighty north, range six west of the fifth principal meridian; and Henry Felkner and Cyrus Sanders for township eighty, range five west of the fifth principal meridian. It is further recorded that, "On motion the association adjourned to meet at Marion on the 20 of this month." Aside from these two fragments I have found no information relating to the land sale at Marion in 1843.

Soon after the land sale at Marion the Claim Association of Johnson County disbanded. During the four years of its existence the settlers were secured in their rights to their claims. They were fully protected against the "speculator," "land shark" and "claim jumper." And finally, at the government land sales they were privileged to purchase their claims at the minimum price of \$1.25 per acre. Having obtained patents to the land from the government, the settlers no longer needed the protection of the Claim Association. The conditions which called it into existence having been eliminated, the Association itself dissolved.

There were two things that made the Claim Association of Johnson County especially necessary to the welfare of the early settlers. First, the location of the Seat of Government of the Territory of Iowa in the county brought on a flood of immigration. And this influx of "new-comers," and land speculators would undoubtedly have deprived many honest and in-



dustrious settlers of their claims and improvements had it not been for the powerful arm of the Association. Second, Congress, in an act providing for the donation of a section of land to the Territory of Iowa for the purpose of erecting public buildings thereon, reserved the contiguous sections from sale, either at public auction or by private entry. This clause, which prevented many settlers from purchasing claims which they had made and improved before the location was made, was not repealed for over three years. During this period the claim-holders were in special need of the protection of a claim association.



CONSTITUTION AND RECORDS OF THE  
CLAIM ASSOCIATION OF JOHNSON  
COUNTY. (IOWA.)



I.

CONSTITUTION AND LAWS<sup>1</sup>

CONSTITUTION AND LAWS FOR THE GOVERNMENT OF THE  
CITIZENS OF JOHNSON COUNTY IN MAKING AND HOLDING  
CLAIMS—AS ADOPTED MARCH 9TH 1839.

Article 1st

section 1st This association shall be known by the name and  
Title of the Claim association of Johnsons County

sect 2. The officers of this association shall be one President,  
one Vice President One Clerk or Recorder of claims  
deeds or transfers of Claims, seven Judges or adjust-  
ers of claims or boundrys. One of whom shall be  
qualified to administer the oath or affirmation and  
whoos duty it shall be to attend all judicial courts of  
the association and two Marshalls. all of whom  
shall be elected as herein after provided and directed.

sect 3. The President and Vice President, shall be elected  
annually by ballot of the association and there term  
of office shall be for one year commencing with the  
eleventh day of March 1839. and ending the day  
preceding said eleventh day of March of each and  
every year here after.

<sup>1</sup> The so-called "constitution" or "laws" of the claim associations were usually nothing more than a set of resolutions. This constitution is an exceptionally perfect one.

- sect 4 The President shall have full power to keep order at all meetings of the association decide on all questions of Order and where the association is equally divided as is customary in deliberative assemblies and such other powers as is here in after express and defined and none others
- sect 5 The Vice President shall in the absence of the President exercise all the duties powers and privaleges of the President and shall be governed by the laws and regulations governing the President.
- sect 6. The President shall have power to call a meeting of the association at any time he may think public interest demands it provided all such meetings be called in pursuance of ten days public notice there of and such public notices specify the time and place of such meeting and that said public notices be posted at five or more of the most public places in the County.
7. The Clerk or Recorder shall be elected annually by ballot of the association for a term of One year commencing with the eleventh day of March 1839 and ending with the day preceding said 11 day of March of each and every year here after.
8. The duties of the Clerk or recorder shall be to keep a fair record of all procedings of the association at each and every meeting, record all claims that may be left with him and in the order they may be deposited and indorsed the time such claim was handed in for record and record all Transfers or Deeds or assignments of Deeds regularly and in the order they may be deposited and indorse the same with the time they ware deposited and the

page they have been recorded on<sup>1</sup> the Clerk shall have some stated place of residence and in case of removal he shall give public notice there of and state where he has removed to. and previous to his entering on the duties of his office he shall apply to the President for a certificate of Election and take an oath or affirmation that he will well and truly discharge all the duties of his office with out fear favour or affection to the best of his abilities and it shall further be the duty of the clerk to furnish a Book for the association and enter all the proceedings in such Book and make all records in said Book and carefully preserve all papers belonging to the association. the clerk or Recorder may deputize any person to assist or act in his absence but shall be responsible for all acts of said Deputy in the capacity of Clerk or Recorder——

sect. 9. The Judges or adjusters of Claims shall be elected annually and for a term of one year commencing with the 11 day of March 1839. and ending with the day preceding said eleventh day of March of each and every year here after.

The duties and powers of the judges or adjusters of claims shall be to decide on all questions of dispute relative to the rights of claims or parts of claims as the case may be and settle all disputed lines or boundaries. between members of this association or members of this association and any other individuals and make return in writing to the Clerk the manner all cases brought before them has been disposed of— any five of the judges elect shall compose a court and any three of such court agreeing in any case

<sup>1</sup> The Clerk fell far short of his duty in keeping the index perfect. So fragmentary is the index in the original manuscript that it has seemed best to omit it altogether in this publication.

brought before them shall be a final decision in the case. no evidence shall be received but such as is recognized by the laws of the Territory as legal in common law. and all evidence shall be on oath or affirmation the Judges or adjusters shall be required previous to there entering on the duties of there office to apply to the President of the association for a certificate of election and take an oath or affirmation that they will well and truly discharge the duties of there office with out fear favour or affection to the best of there abilities.

sect. The Marshals shall be elected as other officers and there term of office shall commence and expire as other officers of this association and there duties shall be to serve all processes that may be handed them and make return there of as directed and to enforce all decisions of the judicial court. and all other laws of the association and they shall have full power to demand the assistance of a sufficient number of the members of this association if they find it nesasary to carry all decisions and laws in to effect<sup>1</sup>

article 2.

Section. 1. The sallerys of the officers of this association shall be as here in after provided for.

The Clerk or Recorder shall receive Twenty five cents for recording each and every claim and fifty cents for every deed or conveyance to be paid by the persons wishing such record made and in all cases he may require his fees in advance and Twelve & a half cents for the privalege of examining his Books provided however members having entered there claims shall have the privalege of examining

<sup>1</sup> On the 7th of November, 1839, the Marshal called out *all* the members of the Association.



said Books for information relative to there own claim free of any charge—

Articl 2. <sup>1</sup>

Sect. 2. The Judges shall receive on Dollar & fifty cents and the Marshals shall receive one Dollar and fifty cents for every day spent in discharge of the duties of there respective offices

Article 3

Section. 1. All members. of the association shall be required in making claims to stake them off or blaze them in such a maner that the lines of such claims can be easily traced or followed and all claims thus made in order to be respected must be entered on record and there as fully and accurately described as practacable giving the names of the creek River or branch where such shall be the boundrys on any side and where bounded by other claims give the owners name of such claim if known and where the lands have been surveyed they shall be required to give the range Township and qr section as is customary in describing surveyed Lands. and further persons making claims shall be required to put the initials of there names either on a tree or stake at each corner of there claims, no person shall hold more than 480 acres or three quarter sections of land <sup>2</sup> by making claim thereto. and this quantity shall in all cases be recognized and constitute a claim let the same lye in a boddly or detached parcels. provided however that

<sup>1</sup> Repetition due to the continuation of the article on another page in the original.

<sup>2</sup> Compared with the regulations of most of the claim associations this allowance is very large, the usual number of acres being one hundred and sixty or three hundred and twenty.

said claim is not in more than three separate and detached parcels. all persons wishing there claims recorded shall hand them in to the recorder in writing with there signature there to All Deeds of conveyance shall be admitted to record and all assignments of Deeds and the first on record or admitted for Record shall have the prefferance

persons purchasing claims or parts of claims shall in all cases be required before the clerk to state on honour. that the amount specified in the deed or transfer is the actual amount paid for such claim or part of claim as the case may be and that the purchase is valid and in good faith and that it has not been made to evade the law restricting persons in making claims to 480 acres or three quarter sections. this clause shall not be so construed as to deprive persons who sells there claims or a part there of taking another or a part as the case may be nor shall it be so construed that persons purchasing shall be deprived of the privilege of making a claim. nor shall any person or persons be intitled to make a claim from the fact of there having swaped <sup>1</sup> or exchanged claims any person purchasing a claim and refusing to pay for it shall forfeit all claim there to and such claim thus forfeited shall revert back to the person selling such claim <sup>2</sup>

### Article 3.<sup>3</sup>

Section 1st. All persons having sold or purchased claims previous to the organization of this association and the adoption of the laws for the government of said association shall be entitled to all the privileges and rights the laws of this association extend to those selling or purchasing after the adoption of said laws.

<sup>1</sup> A term meaning to exchange, to barter.

<sup>2</sup> For additions to this section see minutes of February 3rd, 1840.

<sup>3</sup> Repetition due to the continuation of the article on another page in the original.

sect. 2 Any white male person over the age of eighteen can become a member of this association by signing the laws rules and regulations governing the association. no member of the association. shall have the privilege of voting on a question to change any article of the constitution or laws of the association unless he is a resident. citizen of the county and a claimholder. nor shall any member be entitled to vote for officers of this association unless they are claimholders. Actual citizens of the County.<sup>1</sup> over the age of seventeen who are acting for them selves and dependent on there own exertions, and labour, for a lively hood, and whoos parents doe not reside with in the limits of the Territory can become members. of this association and entitled to all the privaleges of members. <sup>2</sup>

no member can be declared elected an officer of the association unless such person shall have received a majority of the votes of the members presant, entitled to vote when such election shall take place Any law or article of the constitution of this association may be altered at the semianual meetings and at no other meetings provided however. that three fifths of the members presant who are resident citizens of the county and actual claim holders shall be in favour of such change or ammdement, *except that section fixing the quantity of land that every member is entitled to hold by claim and that section shall remain unaltered* <sup>3</sup>

section 3 The semianual meetings of This association shall take place on the first monday of Febuary and August of each year yere after and the election of all officers,

<sup>1</sup> A citizen of the county was one who had resided within the limits of the county for a period of two months. See Art. III. section 5, and the minutes of February 3rd, 1840.

<sup>2</sup> Few associations made such detailed regulations of the suffrage .

<sup>3</sup> These words are italicized in the original.

shall be had at the February meetings <sup>1</sup> after the first which first election shall be had immediately after the adoption of the foregoing laws

- sect 4. In case of a vacancy in any of the offices of the association the president shall have power to fill such vacancy until the first semianual meeting that may occur after such vacancy may have taken place. and then there shall be a special election held to fill such vacancy, until the anual election.
- sect 5 all persons who have resided with in the limits of the County for Two months. shall be recognised and considered as citizens of the County. <sup>2</sup>

### Articl 3

Sect. 6., Members of the association who are not citizens of the County shall be required in making claims to expend in improvements on each claim he or they may have made or may make the amount of fifty Dollars with in six months of the date of making such claim or claims and fifty Dollars every six months there after until such person or persons becomes citizens of the county or forfeit the same—

7 All persons residing in the county at the adoption of the foregoing laws shall be entitled to the privilege of voting at this meeting but after this it shall require two months residence to become a citizen of the county.

8 All claims made after the adoption of the foregoing laws shall be registered or offered for record with in

<sup>1</sup> According to Art. I. sections 3, 7, 9, and 10 the term of office began on March 11th. The officers, therefore, were elected one month before they were installed into office.

<sup>2</sup> For an addition to this section see minutes of February 3rd, 1840.

ten days after the making there of and all persons making claims after the adoption of the foregoing laws. shall be required in presenting his or there claim for record to state on honour before the recorder that such claim or claims has not been previously made or if made that that they have been forfeited by the laws of this association to his or there personal knowledge.

9. All resident members whoos claims has been made previous to the adoption of the forigoing laws shall have the privalege of thirty days to have the same recorded in— And those who have made claims previous to the adoption of the forigoing laws. who are not citizens of the county shall have ninety days to have the same recorded in. And no person or persons shall have the privalege of registering claims in the name of nonresident persons
10. All trials or disputed cases shall be brought before the judicial Court in the following manner. any member of the association or the agent of any member of the association who is authorised to act as agent in writing for such person or persons believing their rights have been intruded on shall apply to any one of the seven judges who compose the judicial court and the judge so applied to shall appoint a place and time for a meeting of the court and in writing authorise the marshalls to summons a sufficient number of judges to attend to compose a court at such place as he may deem most expedient to hold said court and further the judge so applied to shall in writing authorise the marshall to summons all persons whoos testimony may be be nesasary in said case and to authorise the marshalls to notify the defendant. in such case of the place and time of

holding such court and summons all witnesses that either of the parties may require the court may previous to there proceeding to investigate any case require the plaintiff and defendant to deposit a sufficient sum of money in there hands to defraay the expenses of said sut or the costs of said suit. and should either party refuse to deposit such sum of money the court may render judgment against such person refusing to doe the court shall in all cases brought before them be governed in their decisions by the laws of this association equity and justice<sup>1</sup>

sect II. Any member refusing to be governed by the laws of the association or decision of the court shall no longer be considered a member and his name shall be stricken from the association for the faithfull observance and mantanance of all the foregoing laws we mutualy pledge our honours, and subscribe our names here unto.

S H McCrory	Wm Morford
A D Stephen	Wesley Morford
G L Douglass	A D Packard
David Switzer	John A Street
John Morford	Wm C Massey
Wm Sturges	Jacob Earhart
I P Hamilton	Allin Baxter
Pleasant Harris	A Wolcott
John G Coleman	John Miller
Joel Dowell	P Crum
Wm M Harris	Benjamin Miller
John Willison	Joseph. Stover
John Burge	Jesse McCart
Saml Bumgardner	Nathaniels Fellows.
Yale Hamilton	John Trout

<sup>1</sup> Justice, I think, here means principles of right growing out of the conditions of the environment.

S P Hamilton	Thomas. P. Mulholland
Elias Secor	Thomas Holdren
John Earhart	Stephen Brown
Green Hill	Henry Felkner
Philip Clark	Oliva. Curry.
Henry G Reddout	P. C. Brown
Elijah Hilton	E M Adams
S B Mulholland	Christopher Gove
Wm Willson	William Baker
Robert Walker—	Perry Gourden
William Jones	Wm H. Downey
Eli Myers—	Israel. S. Clark
J G Morrow	William Felkner
S. C Trowbridge.	Jesse Williams
Elijah Hurley.	H. Van Antwerp
James S Wilkinson	Isaac McCorkel
John. Kight.	James Miller
Anthony Sells	Louis Rauzahn
Griffeth Shreck	Azariah Pinney
Jeremiah Stover	I. N. Sanders
Joseph Walker	Isaac Bowen
S. C. Hastings	David Cox
W. B. Snyder	James Haiden
William Miller	Morgan Kidder
Sion Hill	George [            ]
Nelson Hastings	John Mathews
S. H. Starr	Thomas Hall
Alexander McBaker	David Odell
Adison C Chapman	John Shoup
John Abbott	Robert Small
Robert Waterson	George G Oyler <sup>1</sup>
Jonas Hartman	John Horner
John Frierson	John McCohan
Cyrus. Sanders	John Lee
Samul Welch	Wm Bagley
Suel Foster	Henry Custer

<sup>1</sup> Perhaps Geo. G. Ogler.

J M Trift	Andrew T McIvain
Moses Adams	Charles C Morgan
John Royal	Lorenzo. D Swan
Jno Parrott	Thomas Green
Wm McCormick	Joshua Switzer
Asaph Allen	———Hedley
C. L. Allen	Henry Brown
Geo. T. Andrews	Samuel Frost
E. K. Morse	John D Wolf
George. Shigley	William Wain
Francis Kerr	Abraham. Miller
Oliver Lindley	Jonathan Harris
John B Adams	H A Usher
James Wamsley	J. V. Felkner
Jesse Berry	S. A. Abel
Robert McKee	Edwin Berch
Saml Lovejoy	Jacob H Stover
E D Stephen	F A. A Cobbs
A B Boge	Francis Thompson
C S Foster	Frederick Harter
A. Abel	Benjamin. P. Moore
Alphius Russell	Henry H Brown
Theodore Jennings	Thomas B Brown
Daniel Duval	Wm W. Porter
Elihu Duel	David Garard
Walter Clark	Nathan Odell
Jackson Ponyue	Peter A Douglas
J D Abel	Jas. Woodworth
S. B. Gardner	S. S. White
Austin Cole	John M. Kidder
Allen Stroud	William Murdock
Matthew. Tenick	Wm Murdock
John Reed	James Smith
James Rock	Bradford Henry
Benjamin M Horner	John Hawkins
Robert Hutchinson	Wm Jayne



William Robinson	W Harrison
David. Lindley	James Lee
George Hepner	Joseph Shell
David Linley	Wm Kemp
Lewis B Costley	David Henry
S S Swan	F. H. Kimble
J G Gilmore	Wm Kemp
Robert Lucas	Peter Trimble
Azro Blake	Robt. M. Secrest
John Cohick	A Willis
Walter. Terrell	Walter. Butler
James Hill	Chas. M. Calkin
,C. J. Vredenburg	John Sturgis Jr
Smiley. H. Bonham	Ezra Bliss M
Johanna Fesler	L De Forest
Titus R Fry	Gurdon Hutchinson
Jacob Overholser	Geo S Hampton
Corydon C Brown	Seth Hanes <sup>2</sup>
Andrew Mitchell	Philo Costley
James Sehorn	Wm P Doty
George Weiss	Martin M Montgomery
P. H. Patterson	John Nortery
Daniel Barrett	James Wells
F H Lee	David Ralston.
A E McArthur	Lyman Dillon
H S Coe	H B Enos
Franz [ ]	Jams Williams
[ ]	C. C. Catlett
John Rylert	Thomas E Torrance
Thos. M Henry	E B Costley
Joseph henry	R Willey
D. A. Dewey. <sup>1</sup>	I N Blanten
Moses Croner	R Willis
James P Carleton	Wm Kemp
Josiah Crawford	Jno Choate
William Corcoran	S. M. Ballard

<sup>1</sup> Perhaps D. H. Dewey.

<sup>2</sup> Perhaps Seth Hines.

Elijah P Yost	William Mitchell
P Arthur	Robt. Smith
R Ralston	John Cochran
Moses Hale	James Cochran
Thomas Jaytor	L Wright
Henry Jaytor	J B McGrew
Morgan Reno	Martin Harless
James Trimble	John Aglein
William Henry	J. H Alt
Warren B Morey	A T Alt
S B Morse	John Eagan
Silas Foster	Cabeb J. Vredenburg
John N Hedly	John R. Vanfleet
Joshua Switzer	Julius G. Brown
Garrett Packard	Eran Dollarpid
Lewis D Houtz <sup>1</sup>	Samuel [                    ]
Buel Tyler	Warren Stiles
Rebecca Tyler	J H Hopin

<sup>1</sup> Perhaps Louis R. Foutz.

## II.

### MINUTES OF MEETINGS.

Napoleon Johnson County Febuary 3rd 1840

The Claim association of Johnson County met pursuant to adjournment Mr A. D. Stephen in the Chair—on motion of Mr C Sanders the constitution of the association was red. On motion of S. H. M'Crory, the following amendment or addition was made to the third article and first section of the constitution of the association Viz all persons holding over a half section of land either by purchase or making claim there to shall be required to Expend in improvement or labour fifty Dollars every six months hereafter from this date for every quarter he or they may . . . . .<sup>1</sup> & above the half section or forfeit the same to . . . . . or labour to be done on any part of the persons . . . . . claim they may deem proper to put it on.

On motion of S H M'Crory the following amendment or addition was made to the 3 article and 5 Section. Viz. Provided they doe not change their permanent residence for a longer period than six months at any one time

On motion of S H M'Crory, the following addition or amendment was made to the 3 article & first sect Viz all persons holding claims on lands that have been surveyed—since the making of said claims shall be required to hand the number of qrs range & Township to the Clerk. whos duty it shall be to anex the same to the description of such claim free

<sup>1</sup> This and the following omissions are due to the mutilated condition of the original manuscript.

of any charge & further whenever any lands hereafter are surveyed. it shall be the duty of all persons holding claims thereon to hand in their numbers as aforesaid or forfeit the same —no other amendment being offered The association proceeded to Elect officers for the ensuing year where . . . .  
 I N Sanders was declared duly [President] . . . . .  
 S H M'Crory [was elected Clerk or Recorder]

Iowa. City. July 10th 1840 .

The claim association of Johnson County, pursuant to adjournment I N Sanders President in the chair the object of the meeting having been stated by the president. On motion of S. C. Trowbridge S H M'Crory was nominated Bidder for Townsh 79 N R. 6. west. and Cyrus Sanders assistant Bidder On motion of Wm. B Snyder the same bidders serve for Township 79 N R 5 west all of which was agreed to on motion the association adjourned.

S H M'CRORY. Sect.

Iowa City Febuary. 1st 1841

The Johnson County claim association met pursuant to adjournment, the President not being in attendance on motion of Judge M'Cormick was called to preside On motion of Sqr. Stephen the constitution was read and the following amendment proposed which was proposed, and unanimously adopted Viz Claims that have been or that may be recorded hereafter No further amendments being offered on motion resolved that the association now proceed to the election of officers for the ensuing year whereupon . [Allen] Stroud was duly elected President and Philip Clark [Vice] President . . . .  
 S H M'Crory Clerk or recorder. A D Stephen Robert W[alker] . . . [William] Sturgis David Switzer Henry Felkner S B Gar[dner] . . . . . judicial committee  
 . . . . Able and E K [Morse] . . . . . Marshal  
 . . . . .

S H M'CRORY Clerk

Iowa City February 7 1842

The Johnson County Claim association met pursuant to adjournment. Mr David Switzer in the Chair On motion the Constitution of the association was read after which the association went into an Election of officers for the ensuing year where on A D Stephen was Elected President Jacob Stover Vice President Wm P Doty and H G Reddout Marshalls Samuel H M'Crory Recorder. A D Stephen David Switzer Henry Felkner Robert Walker Cyrus Sanders Wm M'Corrick & C S Foster judicial committee On motion the association adjourned  
S. H. M'CRORY Sect.

Iowa City July 2 1842

In pursuance of Public notice a meeting of the Johnson County Claim association was called A D Stephen President in the Chair On motion of C Sanders a committee of five persons was appointed to draft resolutions for the for the meeting whereon the following persons—was appointed said committee H Felkner S H M'Crory J Harris E Myers & Mr Weir—the committee retired and the constitution was read after which the committee made the following report

Resolved. that more effectually to sustain settlers in their just claims according to the custom of the neighborhood and to prevent difficulty and discord in society that we mutually pledge our honors to observe the following resolutions rigidly That we will not associate nor countenance those who do not respect the claims of settlers and further that we will neith neighbor with them . . . . Trade bater deal with them in any way whatever . . . . enemies of justice and good order

Resolved that to avoid difficulty growing out of the circumstance of persons extending their improvements accidently on the claims of others before the Lines were run thereby giving the first setl'r an opportunity or advantage of Preemption over the right ful owner that any person who hold such

advantages shall immediately relinquish all claim there to to the proper owner and any one refusing so to do shall forfeit all claim to the right of protection of the association

4 Resolved that we discountenance any attempts on the part of any and every person to intrude in any way upon the right ful claims of another and that the presumption is that a person thus attempting to take away a portion of the hard earnings of the enterprising and industrious settler is dishonest & no Gentlemen On motion the resolutions were unanimously adopted

On motion resolved that the proceedings & resolutions of this meeting be published in the Reporter & Standard

On motion the association adjourned

S H M'CRORY Sect.

Iowa City February 6 1843

The Johnson County Claim association met pursuant to adjournment A D Stephen President in the Chair On motion of F M Irish the association adjourned to meet on Saturday next at 10 o'clock A M which was agreed to

S H M'CRORY Sect

Iowa City February 11 1843

The Johnson County Claim association met pursuant to adjournment. A D Stephen President in the chair the association being called to order on motion On motion the constitution was red. On motion of S C Trowbridge the officers of the association for last year to be continued this which was agreed to On motion of Judge Trimble the association now proceed to the election of bidders for Township 79 N R 6 west. whereupon S H M'Crory & Robert Hutchinson were duly Elected. On motion of A I Willis the association proceed to Elect bidders. for Town 80 N R 6 W. where on H. Felkner & C Sanders was duly Elected. On motion of H Felkner the association proced to the Election of Bidders for Town 80 N Range 5 west where on H Felkner & C Sanders was duly Elected On motion of F M Irish a committee of 5

be appointed to draft resolution for this meeting whereon the Following gentlemen were appointed committee J P Carlton David Switzer John G Coleman and Wm M'Cormick & Mr D Jewett, the committee retired a short time & reported the following Resolution which on motion was received adopted Whereas from the proclamation of the President of the United States there is to be a sale of the Townships yet unsold in this County at the town of Marian<sup>1</sup> on the 20 of this month & the 6 of March next and where as for the purpose of protecting the claimants and securing to him his just right & for the purpose of preventing the speculator from takin from the settler the hard earned fruits of his Labour— Therefore be it Resolved. that the members of this association hereby pledge themselves to unite their influence. to secure to each and every member of this association any claim to which he is justly entitled by preventing any other person or persons from entering the same without the claimants consent

. . . . . will at all times pledge  
 . . . . . , . . . . and hereby pledge ourselves  
 to cooperate with each other in enforcing all just measures  
 that may be adopted for the protection of the claimants and  
 settlers in their respective townships

Resolved that for the purpose of garding our rights against the speculator we hereby pledge ourselves to stand by each other and to remain on the ground until all the sales are over if it becomes necessary in order that each and every settler may be secured in the claim or claims to which he is justly entitled by the Laws of this association

Resolved that the same protection which is hereby pledged to the members of this association before the sale we hereby pledge ourselves to extend the same to all such members as may be unable to enter their claims at the sale after such sale and until the same may be entered by them

On motion Resolved that the editors of the Reporter and

<sup>1</sup> Marion in Linn County.

Standard be requested to publish the proceeding of the association at this their meeting

On motion the association adjourned to meet at Marian on the 20 of this month

S H M'CRORY Sect.

A D STEPHEN Prest  
J H STOVER V P



### III.

#### RECORDED CLAIMS.

[1]<sup>1</sup>

Description of a Claim made by Robert Moore on the twelfth day of March 1839 situated on Old mans Creek in the County of Johnson & Territory of Iowa about one and a half miles from the House now Occupied by Mr Seacord in a west or North westerly direction beginning at a marked Red Oak tree marked R Moore & running a westerly Direction as marked supposed to be about half a mile to a marked Bur Oak Tree on the bank of the creek, then Southerly across the Creek One mile to a Stake marked and stuck in the Prairie then Easterly one half mile to a marked stake then northerly to the place of beginning supposed to contain about three hundred and twenty acres. of Land.

ROBERT MOORE

Handed in for record March 14th 1839.

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March 11 1839. A claim made by myself commencing at the N E Corner of the supposed school section running one mile west to the N W corner of the school section thence A half mile North thence one mile East joining Royals & Woolcotts claims, thence a half mile South to the place of commencing containing 320 acres the above claim made 27 March 1838.

PETER CRUM

<sup>1</sup> The numbers running through the body of the text indicate pages in the original manuscript.

Also 160 acres commencing at the N. W. Corner of the Parsons Claim joining the parsons Claim on the North running half a mile East. thence a half a mile South thence a half a mile west thence to the place of commencement.

Handed in for record March 14th 1839. PETER. CRUM

The following is a description of my Claim made the latter part of October or forepart of November 1837 — Described as follows. the North west quarter. of section Twenty Three and the North half of section Twenty Two. Township seventy nine North Range six west of the fifth principal meridian according to a survey made by George Bumgardner — given under my hand this fifteenth day of March 1839. the above claim is bounded on the west by the Iowa River & on the South by Philip Clark

16th March 1839.

A D STEPHEN<sup>1</sup>

[2]

The Following is the Description of my Claim made on or about the tenth of June 1838<sup>2</sup> being the south west quarter of section Twenty Three Township seventy nine North Range six west of the fifth principal meridian according to a survey made by George Bumgardner given under my hand and seal this 16 day of March 1839.

16th March 39.

S. B. MULHOLLAND.

This is a description of a claim that I want you to record for me Commencing at the N. W. Corner with Steven Chase and Running South 160. rods. thence east one mile then 160 R N. then one mile west. Bounded on the north by the com-

<sup>1</sup> At one time President of the Johnson County Claim Association.

<sup>2</sup> It will be observed that many of the claims here recorded were made long before the organization of the Claim Association.

panys claim on the west. by Steven Chases on the south Eli  
Myers claim. JOHN WILLISON.

(—) March 1839.

The following is a description of my claim that I wish re-  
corded commencing on the bank of the Iowa River on the line  
or corner—between my self and Joel Dowell and running one  
& a half miles due west to a Stake in the Prairie thence due  
South half a mile to a Stake in the Prairie thence due East  
one and a half miles or to the Iowa River thence up the river  
to the place of beginning the above claim is About one and a  
half miles below old mans creek this claim was made the 3 of  
June last

JAMES S WILKINSON

March 19. 1839.

19 March 1839.

[3]

The following is a description of my claim made about the  
15 of January 1838. that I wish recorded. Situated on Rapid  
Creek About Two Miles above Felkners & Myers mill John-  
son County Iowa Territory Commencing about 20 Rods South  
of Rapid Creek at a double white Oak Tree Blazed & 3  
notches on one side and 4 on the other and then running West  
three fourths of a mile to a double white Oak on the east side  
of a small branch Blazed and marked as before described then  
running North about three fourths of a mile to a white Oak  
tree Blazed and marked as before then running East about  
three fourths of a mile to a small Bur Oak tree on the west  
side of Rapid Creek marked and blazed as before mentioned  
then running South crossing Rapid Creek to the place of be-  
ginning

GRIFFITH SHRECK

March 20th 1839.

20 March 1839.

The following is the descriptions and boundrys of our claims as given by actual survey by G. S. Douglass <sup>1</sup> (to wit) the entire sixth section of Township seventy nine north Range five west of the fifth principal meridian and the south East quarter of section thirty one Township Eighty North range five west likewise the North west quarter of section five Township seventy nine North range five west. beeing six quarter sections in the county of Johnson & Territory of Iowa. which claims was made between the tenth and fifteenth of May 1838— The above claims are staked and blazed on each side and the Innitials of our names are marked at each corner so that they may be easily found and the lines easily followed.

Witness

GREEN <sup>his</sup> X HILL  
mark

G. S. Douglass

SION HILL

handed in for record. March 21st 1839. }

March 22 1839. A Claim made by myself commencing on the N. E. Corner with John Royal running half a mile south thence a Half mile west thence half mile North thence to the place of commencement, containing 160 acres also 320 acres lying west on the old mans Creek. one mile commencing under the Bluff. on the south east corner. on the south side of the creek running one mile north thence a half a half mile west cornering with the claim I sold Peter Crum thence running on his line one mile south thence to the place of commencement. the east and west lines crossing the old mans creek so to include all the timber on the creek.

ELIAS SECORD.

The above claim was made in May 1838 handed in for record March 23rd 1839.

<sup>1</sup> Note the fact that some of the settlers had private surveys made of their claims.

[4]

The following is a description of a Claim I made in November 1837. situate on the Iowa River commencing at a Red Oak Tree on the bank of the river with the letters J. W. cut on it and then running due south about three fourths of a mile<sup>1</sup> to a small maple tree on the bank of Iowa River thence with the meandrings of the River to the place of beginning the above claim is below rapid creek and about. oposite to the mouth of Cleer Creek on the other side of the Iowa River.  
handed in for Record March 23rd 1839. JOSEPH WALKER

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The following is a description of a Claim made by S H McCrory & A D Stephen in May or June 1838. situated and beeing in the County of Johnson & Territory of Iowa. the same beeing the South East quarter of section Thirty one and the south west quarter of section thirty Two Township seventy North range five west of the fifth principal meridian the above land or claim lyes on Gilberts Creek & about two miles due east of Gilberts Trading House and embraces a Grove of timber S H McCrory has the undivided three fourths of the above claim & A D Stephen the undivided one fourth  
S H McCRORY & A D STEPHEN  
handed in for Record March 25th 1839.

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The following is a description of a part of a claim made by S. H. McCrory in June or July 1838. the same beeing the south half of the south East quarter of section thirteen Township seventy nine North range 6 west of the fifth principal meridian also the south half of the south west quarter of section Eighteen Township seventy nine North range five west of the fifth principal meridian  
Lying and beeing in the county of Johnson & Territory of

<sup>1</sup> Descriptions are frequently indefinite in cases of unsurveyed claims.

Iowa. and joining a claim I purchased on the North  
SAML H McCRORY.  
 handed in for Record March 26th 1839.

---

The following is a description of a claim I made about the first of April 1838 which I wish Recorded. the same beeing the North Half of the south East quarter of section seventeen & North East. quarter of section seventeen & the south East quarter of section Eight and the south half of the North East quarter of section Eight all in Township seventy nine North Range five west of the fifth principal meridian and bounded on the west by Charles Jones Claim Johnson County Iowa Territory

WILLIAM <sup>his</sup> JONES  
 mark.

handed in for Record March 26 1839.

[5]

The following is a description of a claim I made about the Eighteenth of March 1839. commencing on the North East corner. of the school section<sup>1</sup> of seventy Nine North range five west, of the fifth principal meridian at a marked bur or white Oak' Tree with the letters C J marked there on then running North West to a white Oak or Bur Oak Tree Marked as before mentioned supposed to be a mile and a quarter then East with a blazed line about one mile or thereabouts to a marked Black Oak then south about one mile to a marked Bur Oak. then west to the place of beginning supposed to contain three quarter sections which I wish record in my name.

CHARLES <sup>his</sup> JONES.  
 mark

handed in for Record March 26th 1839.

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<sup>1</sup> Section sixteen of the township was reserved for school purposes.

The following is the description of Two quarter sections of Land that I made claim to about the middle of April 1838 lying in a N. E. direction from Napoleon<sup>1</sup> about one and a half miles distant and bounded as follows on the south by Wilcox claim on the East by S H McCrory On the North by Elijah Hilton on the west by William Sturgis the above quarters are the south west quarters of sections Twelve and Thirteen Township seventy nine North range six west of the fifth principal meridian also the North East quarter of section nineteen Township seventy nine North range 5 west of the fifth principal meridian bounded on the North by Street or Hastings claim on the east by G L Douglass on the west by Sewell Foster. and not known by whom on the south I made claim to the above quarter section about the 5 of March 1839. Johnson County Iowa Territory which I wish recorded to me handed in 26 March. 39. S. C. TROWBRIDGE<sup>2</sup>

The following is a description of a Claim I made on the 25 day of March 1839 which I wish recorded to me bounded on the East by Green Hill on the North and west by Felkner & Myers. the same beeing the south west quarter of section Thirty One Township 80 North Range five west of the fifth principal meridian also the south East quarter of section thirty six Township Eighty North range six (6) west of the fifth principal meridian the above land is principally Barrons<sup>3</sup> and Lying and beeing in the county of Johnson & Territory of Iowa.

handed in 26 March

PATRICK <sup>his</sup> SMITH  
 X  
 mark

<sup>1</sup> Napoleon, now extinct, was located about one and a half miles south of Iowa City. It was the first town in Johnson County and also the first county seat. See Shambaugh's *Iowa City*, pp. 20-22, 52.

<sup>2</sup> Mr. Trowbridge was the first sheriff and the organizer of Johnson County.

<sup>3</sup> Barrens in this connection meant open land without timber.

[6]

The following is a description of a claim I made on the 27 day of March 1839. which I wish recorded to me the south west quarter of section Thirty one Township seventy nine North range 5 west and the south East quarter of section thirty six Township 79 North range 6 west and bounded on the east by McCrorys & Stevns claim & not known whom on the other sides the above claim has been staked of and the letters J K. written on each corner.

JOHN. KIGHT

handed in 28th March 1839.

The following is a description of a claim I wish Recorded commencing at a hicky Elm on the bank of the Iowa River about ten rods above the mouth of a little branch that emtys in at the North end of Napoleon then running east of North up the branch to a hickry Elm at the mouth of a slough that runs out of the Iowa river then running up the slough a North west course to a small Red Oak on the bank of the River Iowa then down the River to the beginning the above claim was made about the tenth of May 1838.

handed in 26 March 1839.

BENJAMIN MILLER

The following is a description of claims which we wish recorded Viz the East half of section 25. Township 80. North Range 6 west

The North half of the N E. quarter 36. T. 80 N. R 6 west

The west half of the S. W. quarter Sect 36 T 80 N. R 6 W.

The east half of section 35. Township—80 N R 6 W

The North East quarter of section 2. Towns 79 N. R 6. W.

The above claims are situated on Rapid Creek. five miles N. East of Napoleon and were made about the middle of December 1837.

HENRY FELKNER.

handed in March 28th 1839.

ELI MYERS—



The following is a description of a claim I made on the 27 day of March 1839. situate and lying in the county of Johnson. & Territory of Iowa the same beeing the East half of section Thirty Two. and the south half of the North East quarter. of section Thirty one & the south half of the North West quarter of section Thirty Two. Township seventy nine North Range 5 west of the fifth principal meridian the above claim, is surveyed and staked off and the letters W B. S. placed on every corner. situated on Gilberts Creek. & about 2 miles East of Gilberts old trading house<sup>1</sup> & joining a claim I purchased of McCrory & Stephen  
 W. B SNYDER—  
 handed in March 28th 1839.

[7]

Description of a Claim to a tract or parcel of land Claim made there unto by by Asby. D. Packard about the 10 of June 1838. .A. D. lying and beeing on Old mans Creek about five miles above the claim made by Parcins & Bounded as follows commencing at a Red Oak stake in the Prairie the west from said Stake a half mile to a hickry Stake in the Praire at the foot of the Bluff. then south across the creek one mile to a Black Oak tree then East half a mile from said tree to a white oak tree thence North across the creek to the place of beginning containing one half section of land more or less

ASBY. D. PACKARD—

handed in for record March 23rd 1839.

Described as follows. Commencing at a certain Oak Tree at the North East corner Running South 1 Onile to a certain Stake at the South East Corner thence west  $\frac{1}{2}$  mile to a Certain stake at the south west corner thence North 1 mile to a

<sup>1</sup> An Indian trading house established in Johnson County at an early day.

certain Bur Oak Tree at the North west corner thence East  
 ½ mile to the place of beginning containing 320 Acres  
 I therefore State upon Onour that W M M HARRIS  
 there is no other claim on the same  
 Sent in 29 March 1839

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The following is a description of a claim which I wish to have  
 Recorded Viz the south half of the south west quarter of Sec-  
 tion Twenty five Town 80 range 6 west and the North west  
 quarter of Section 36. Town & Range aforsaid the N W qr  
 of Sec 12 Town 79 Range 6. west ELIJAH HILTON  
 the two first named tracts are bounded  
 on the North by Mr Fosters claim on the East by  
 Myers & Felkner. on the south by J A Street & Wilcox  
 & on the west by Myers & Felkner—  
 handed in 29 March 1839.

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William Morfords Claim is as follows. beginning on the bank  
 of the Iowa River at Bur Oak thence running Eastward  
 (bounded on the south with coalman & Culver) one & half  
 miles to the surveyd lands. thence North (bounded on the  
 East with the surveyd lands) Eighty Rod to a post thence  
 west (bounded by John I Burge on the North) to the Iowa  
 River thence down said River to the place of beginning  
 March 21st 1839

handed in March 29th 1839

WILLIAM <sup>his</sup> × MORFORD  
 mark

[8]

North East Corner a Cotten Wood tree from thence to the  
 River thence up the river to a Hickery Elm tree thence with  
 the meanderings of the River to a Black Oak tree thence  
 with the River to a white Oak tree thence south to a jack

Oak tree thence back to the place of beginning three quarter sections included the above claim was made in April 1838 handed in March 29th 1839

ALLEN. BAXTOR

John G Colemans Claim in Johnson County on Old mans Creek. made by Mr Wolcott about the first of January 1839. for which said Coleman paid said Wolcott five Dollars as hire<sup>1</sup> beginning at the south west corner at 2 Stakes on a little rise in the prairie thence North one mile to a post thence East  $\frac{3}{4}$  of a mile to a white Oak thence one mile South to a white Oak thence west.  $\frac{3}{4}$  of a mile to the place of beginning the middle or west fork of said creek runs through near the middle of said claim I doe hereby pledge my honour, that there is no persons on said claim and that there is no other claimant to my knowledge March 20th 1839.

handed in 29th March 1839

JOHN. G. COLEMAN—

A description of a Claim which I wish to have Recorded commencing at the south east corner at a Cotten Wood tree standing on the bank of the River Iowa which corners with W. M. Massey. then running three hundred and Twenty Rods. to the south end of a little grove corners at a Bur Oak corners with William Massey then running Eighty Rods North to a Stake cornering with J Miller then running three hundred and Twenty Rods. East to a Stake on the River Bank then Running down the river back again the above claim was made September the 15. 1837.

handed in March 30th. 1839.

WILLIAM MILLER

A description of this claim which I wish to have recorded commencing. at the North East corner. at a Black oak on

<sup>1</sup>Note the case of Mr. Coleman paying a man \$5.00 to make a claim—an unusual occurrence.

the river marked W. M. cornering with Wm Massey. then running one hundred and sixty rods west to a cotton wood then south eighty rods. to a red oak cornering with I P Hamilton then running one hundred and sixty rods to the River Iowa to a Cotton wood tree then to the beginning the above claim was made September 15th 1837

handed in March 30 1839

WILLIAM MILLER

[9]

This is the description of a Claim I wish to have recorded, commencing at a Stake at the S. E. corner then running North 160 Rods to a Stake then west 360 Rods then South 160. to a Stake then East 360 Rods said claim is Bounded on the E by the Iowa River N by the school Section West by Uncle Sam<sup>1</sup> South by John Miller said claim is in Johnson County Iowa Territory made September 15 1837.

handed in March 30th 1839.

BENJAMIN MILLER

This is the description of a claim I wish to have Recorded Situated on the west side of the Iowa River oposite of the Town of Napoleon bounded of the E by the Iowa River commencing at a cotten wood tree at the N E corner. and then running west  $\frac{3}{4}$  of a Mile to a certain Stake then south  $\frac{3}{4}$  of a Mile to a stake thence  $\frac{3}{4}$  of a mile to the Iowa River said claim is bounded on the N by William Miller on the West by I P Hamilton on the the South by William Millers. & on the East by the Iowa River as above named said claim is situated in the county of Johnson & Territory of Iow Made the 4 day of April 1838

handed in March 30th 1839

WILLIAM C MASSEY

A description of this Claim which I wish to have recorded Commencing at a Stake at the N. E. Corner cornering with

<sup>1</sup> "Uncle Sam" i. e. government lands.

B. Miller then running west 320 Rods then 80 Rods South cornering with William Miller then Running 320 East to a Stake on the River then up the River 80 Rods to the Beginning the above claim was made the 15 of September 1837 handed in March 30th 1839

JOHN MILLER

This is a description of a claim I wish to have recorded on the beginning at a certain Dry Elm stub thence running west One mile to a certain white Oak tree thence south  $\frac{3}{4}$  of a mile to a certain hickory Stake<sup>1</sup> Standing in the Prairie then East to a certain black oak tree standing on the Bank of the River thence North a  $\frac{1}{2}$  mile to the place of beginning

Made September 12th 1838

YALE. HAMILTON

[ 10 ]

Commencing at a Stake East of old mans creek. and on the North Line of Peter Crums Claim Running west three fourths of a Mile thence North one mile thence East three fourths thence south one mile to place of beginning handed in April 1st 1839

A. WOLCOTT.

April 1st 1839.

Commencing at the river about 60 or 80 Rods north from the mouth of the creek. from thence Three fourths of a mile East Thence south one half mile thence west of the River the above creek mentioned is known by the name of Turkey Creek about three miles above Rapid Creek the above claim was made by me on or about the first of May 1838.

handed in April 1st 1839.

WILLIAM STURGIS

<sup>1</sup> On the prairie stakes were stuck in the ground to mark the boundaries of claims.

The following is a description of a claim I made in May 1838 which I wish recorded to me the same beeing the East half of section thirty four T 80 N. Range 6 West & the North E. quarter of section three Town 79. North Range 6 west the above claim lyes on Rapid Creek Johnson County Iowa Territory.

HENRY. G. REDDOUT.

handed in April 2nd 1839.

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The following is a description of a claim I made which I wish Recorded to me situated and lying in the County of Johnson & Territory of Iowa the same lying and beeing on the Prairie North East from the trading House about one & a half miles and embracing a small grove of timber at the head of some low lands lying N. E. of the trading House the above claim commences at the S. E. Corner on the township line and runs one mile due west then half a Mile North then one mile due East then half a mile due South to the place of beginning containing one half section which was made the 3 day of January 1839. Also one quarter section the same beeing the south west quarter of section one Town 79. North R. 6. west of the 5 principal meridian the claim to this quarter was made about the last of Febuary 1839.

JOHN. A. STREET.

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The following is a description of a quarter section of land which I. have laid claim to this day that I wish recorded the same is situated on the Prairie N. E. of the Trading House about 2 miles and commencing on the N. E. Corner of a claim I swaped with Henry G Reddout & running with said Reddouts line west  $\frac{1}{2}$  mile then half a mile North then half a mile East to the Township Line then south  $\frac{1}{2}$  a mile to the place of beginning.

JOHN. A. STREET

April 2nd 1839.

handed in April 2nd 1839—

[ 11 ]

The following is a description of a Part of a claim I wish recorded that was made in October 1837. the same beeing two fractions the south west fractional quarter of Section Ten<sup>1</sup> & the south East fractional quarter of section nine Lying on the Iowa River Town 79. N. R 6. W. Johnson County Iowa Territory containing 160 acrs. SAML BUMGARDNER  
handed in 3rd April 1839

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The following is a description of a Claim made by me on the third day of April A D 1839 situated and bounded as follows. commencing at the South west corner. on a white Oak Tree thence North one Mile to a white Oak tree. thence East Three fourths of a mile to a white Oak thence south one mile to a white Oak thence thence west three fourths of a mile to the place of beginning beeing three quarter sections situated two miles North of Rapid Creek with the enetials of my Name on each corner which claim I wish recorded to me  
Big Grove<sup>2</sup> April 4th 1839 NELSON. HASTINGS  
handed in April 4th 1839.

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The following is a description of a claim made by me on or about the twenty sixth of March 1839. it beeing the West half of Sect 20. Town 79 N. R. 5 west also the North half of the south E. qr of do 20 " 79 N R 5 do likewise a certain tract or parcel of land situated in or near section Ten Town 79. N. R. 5. W. of 5 Principal meridian the claim is timber and described as follows commencing at the N E. Corner. at a white oak with several marked Trees in the vicinity thence

<sup>1</sup> First claim made to any part of the present site of Iowa City.

<sup>2</sup> "Big Grove," lying between the Iowa and Cedar rivers, was pronounced to be one of the largest and best bodies of timber in the Territory of Iowa—See Shambaugh's *Iowa City*, p. 26.

running west one quarter of a mile by a blazed Line to a Black Oak. Thence south half a mile another Black Oak thence East one quarter of a mile to another Black Oak. And supposed to contain Eighty acres of land the last described Claim is bounded on the North by Elijah Hurley. the above described claims are staked blazed and marked according to law. and I wish them recorded to me      LUKE DOUGLASS<sup>1</sup>

Big Grove April 2nd 1839

handed in April 4th.

A Description of a claim of Prairie made by me bounded on the south McCart Harris and Shattucks Claim west by Stakes and Trees North by blazed Trees and east by the Iowa River also a claim of Timber of the East side of the River beginning oposite the south Line of the Prairie running East by blazed Trees to a white Oak. thence North. to a Bur Oak thence west to a white Hickery on the Bank of the River thence down the River to the place of beginning the whole supposed to contain 320 acres. the above claim was made March 1st 1838.      JOHN. EARHART.

handed in 4 April 1839.

[ 12 ]

Description of a claim to a Tract or parcel of land claim made there Unto by Asby. D. Packard May 20th 1838 lying on Old mans Creek about three quarters of a mile south of the house Parcins bilt and occupied for a time and is bounded as follows Commencing at a white Oak Tree About five Rods east of said Creek thence west across the Creek a half mile to a Red Oak Stake stuck in the Prairie South across the creek a half mile from said Stake to a white Oak Stake in the Prairie on the side of the hill thence east half a mile from said Stake to a Black Oak Tree thence North one half a Mile to

<sup>1</sup> First clerk of Johnson County.



the place of beginning containing one quarter section of Land handed in April 4th 1839. ASBY. D. PACKARD.

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The following is a Description of my claim the North East quarter of section 26, Town 79. N R. 6. W. and One quarter section bounded as follows On the East by Mr A Street On the South by Henry Reddout the same beeing the south west qr of S. 24 Town 79. N. R. 6 west situated on the Prairie N E of the trading House. <sup>1</sup>

handed in April 6th 1839.

SAMUEL. BUMGARDNER

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The following is the description of a claim I wish to have Recorded situated on the Iowa River in the County of Johnson commencing on the bank of the Iowa a a maple Tree and then running half a Mile North to a Elm Tree then one mile west to a Red Oak. then half a Mile south to a white oak on the bank of the River then with the River to the place of beginning containing about 320 acres the above claim was made in February. 1839

handed in 6 April 1839.

WESTLEY <sup>his</sup> × MORFORD.  
mark

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The following Claim was made by me on or about the fifteenth of January 1839. Viz the west half of the South west quarter of section 25. & the south west quarter of section Two according to a survey made by Luke Douglass the above mentioned claims are in Township 79 N R 6 west April 6th 1839

handed in 6 April

WILLIAM STURGIS

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<sup>1</sup> Gilbert's trading house.

The following is a Description of a Claim I wish Recorded situated in the County of Johnson & Territory of Iowa the same being the west half of the N. West qr of Sect 7. Ton. 79. N R 5 west bounded on the East. by Jones on the N by Green Hill West by McCrory & Wilcox on the South by McCrory which was made in April 1838.

handed in 6 of April 1839

ELIJAH HURLEY

[13]

The following is a description of a claim made April the 1st 1839. which I wish to have recorded Viz beginning at the south East corner at a white oak tree thence North one mile to a white Oak tree thence west half a mile to another white Oak Tree thence south one mile to a white oak Tree then East to the place of beginning the above claim is situated in Town. 80 North Range 5. or. 6 West.

handed in April 6th 1839.

S. H. STARR

Description of a Claim of Timber made by me on the 14 day of May 1838 beginning at a soft maple on the North bank of the Iowa River running North to a white Oak. thence Easterly adjoining John Earharts to another white Oak. thence south to a white Elm. on the Bank of the River thence up the River to the place of beginning also a claim of Prairie bounded South by Clear Creek west by Nathaniel Fellows. North by a line of Stakes East by a claim Bought of John Earhart by McCart Harris Shattuck & Fuller—also the undivided third part of a claim made by Fuller. Harris & my self. bounded East by Nathaniel Fellows. North by Blazed Trees West by Thomas Bolsters now in the possession of John Hedley South by Blazed Trees on the south side of Clear Creek to the foot of a grove of timber then down clear creek. following the meanderings of the Creek to the west line of Nathaniel Fellows. the whole supposed to contain 480 acres

handed in April 6th 1839.

JESSE. McCART

The following is a description of a made by McCrory and Stephen On or Near the first of April 1839 situated on the Prairie N E from the trading House <sup>1</sup> about one & a half miles and embraces a small Grove of Timber & the same beeing the N E. qr of Section Thirty six Town 79. N R 6 west. & Bounded on the South by Kight on the East by Hilton <sup>2</sup> handed in April 7th. 1839.                    McCRORY. & STEPHEN

The following Claim was made by me on or about the 15 of January 1839. is situated on the Iowa River beeing a fraction on the river containing part of the East half of the S W qr of Sect. 3 Town 79. N R 6 west on the East side of the River. handed in April 6th 1839—                    WM. STURGIS

[14]

You will record the following described Claim bounded as follows *Viz* beginning at G Shrecks South East corner thence South to the N. E. corner of S E qr sect. 30. Town 80. N R 5 west thence west to N W corner of same qr. thence North one hundred and Twenty Rod to said Shrecks line thence East to the place of beginning supposed to contain 120 acres April 9th 1839 also the North w. qr of Sect 31. Town 79 North R 5 west of the fifth Principal meridian & Bounded on the south by Kight on the west by McCrory & Stephen. handed in April 9th 1839.                    ELIJAH. HILTON

The following is a description of a claim I made about the last of March which I wish recorded to me the same beeing the west half of the North west. quarter of. Section One Town 78

<sup>1</sup> Gilbert's trading house

<sup>2</sup> This claim was afterwards relinquished by McCrory and Stephen to Williams and Van Antwerp.

North Range 6 West of the fifth Principal meridian lying and  
 being in the County of Johnson & Territory of Iowa  
 handed in April 8th 1839. WILLIAM WILLSON

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The following is a description of a claim made the 6 day of  
 April 1839 being bounded South by Saml Bumgardner On  
 the west by the River on the East by A Street. running North  
 from Bumgardners claim one half mile lying on Rapid Creek.  
 Supposed to contain a quarter Section WILLIAM WILLSON  
 handed in April 8th 1839.

N W qr of sect 34. T. 80 N R. 6. W.

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The following is a description of a claim we made about the 15  
 of June 1838. being the N. W. qr of Sect 11 & the North half  
 of section Ten Town 79 N R 6. West of 5 principal meridian  
 which we wish recorded to us <sup>1</sup>  
 handed in April 8th 1839 SAMUEL. B. MULHOLLAND

WILLIAM. WILLSON.

[15]

A description of a Claim I wish recorded the same being the  
 N E. qr of Section 23 Town 79 N R 6 west & the S. E. qr  
 of sect 3. T—79 N R 6 west  
 April 8th 1839— SAMUEL BUMGARDNER  
 handed in April 9th 1839

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A Description of a part of a Claim being bounded on the  
 South By Henry Reddout from his North west corner Running

<sup>1</sup> This was the first claim made to the north half of section ten, the section on which the seat of government of Iowa Territory was located on May 4th, 1839. The territorial commissioners allowed Messrs. Mulholland & Willson to bid in the land on which their claim cabin stood at a nominal price.

North to the River where J Walker & Stover made then North East Corner on Henry Reddout old line beeing bounded on the west by H Reddout Old Line & the River on the North by William Willson on the East by A Street the same supposed to contain about one hundred & sixty acres handed in April 9th 1839

SAMUEL BUMGARDNER

Description of Alexander McBakers claim made March 6. 1839 in Johnson County Iowa Territory beginning at a Stake supposed to be on the west line of the N W. qr of sect. 19. T. 80 N R 5 W thence East 240 Poles <sup>1</sup> to a Stake thence North 240 Poles to a Large white Oak. thence west 240. poles to three white Oaks. on the west bank of a large Slue <sup>2</sup> thence south 240 Poles down the west side of said Slue to the place of beginning

ALEXANDER MCBAKER

handed in April 9. 1839

[16]

The following is the description of our Prairie Claim <sup>3</sup> made on the 13 of day of April 1838 situate about one mile from the Iowa River in the County of Johnson. commencing at the N E Corner at a marked Stake in the Prairie then running west about one mile to a marked Stake then south to a Stake Three fourths of a mile then East one mile to a Stake then North  $\frac{3}{4}$  of a mile to the place of Beginning and bounded on the west by John Galer—on the East by Adam Galers claim on the North by William Galers claim of Prairie containing about 3 qr Sections also a Timber Claim <sup>3</sup> situated on the Iowa River commencing at a small branch called Indian Run at the mouth of said Run at 3 Bur Oaks. then running west one mile to a

<sup>1</sup> In these records distance is variously designated by miles, rods, feet poles and chains.

<sup>2</sup> Slough.

<sup>3</sup> In some communities it was customary for each settler to make two claims—a prairie claim and a timber claim.

marked white Oak. then running south  $\frac{3}{4}$  of a mile or thereabouts to a Black Oak then East One mile to an Elm on or near the Bank of the River at the mouth of a small Run <sup>1</sup> then North to the place of beginning with the meanderings of the River the above timber claim contains about 3 qr Sections & bounded on the west by John Galers Claim of Timber on the south by Martin Harlins Prairie Claim

handed in April 13th 1839

ADISON C CHAPMAN  
JOHN ABBOTT

A description of a claim made by me on the Prairie south of Jesse McCarts Claim and part of Mr Shattucks Claim beginning at a Stake at the N. W. Corner. running a southerly direction to a Bur Oak Tree thence running an easterly direction by Stakes to a nother Bur Oak Tree thence a northerly direction by Stakes to another Bur Oak tree thence westerly direction to the above mentioned supposed to contain half section of land also another quarter Section of timber land situated on the south side of Nathaniel Fellows Claim marked around by blazed<sup>2</sup> Trees. claim made June 1838

handed in 14th April 1839

OLIVIA CURRIER.

C. P. Browns Claim. Commencing at the N. E. Corner of Mr Culvers. claim from thence running North on the west line of Mr McBakers Claim 120. poles. from thence west 560. poles from thence south 120 Poles from thence East 560 poles—

P. C BROWN

<sup>1</sup> A small stream.

<sup>2</sup> It has perhaps been noticed that the boundaries of claims in the timber are designated by *blazed trees*. A blazed tree is one which has been hewed out on one side for the purpose of exposing a surface that can be marked. On the exposed surface the claim-holder frequently cut or burned the initial letters of his name.

E M Adams Claim

Commencing at the N E Corner of P. C. Browns Claim & running west & North in like manner as his—

handed in 14 April 1839

E M ADAMS—

The Following Eighty acre lot of land I wish Recorded to me the same beeing the East half of the N W qr of section One Town 78 North. Range 6 west situated on or Near Gilberts Creek in the county of Johnson & Territory of Iowa. & Bounded on the west by William Willsons claim the above claim is Prairie & staked of with the initials of my name on the corners. made about the 15 of April 1839.

JOHN KIGHT

handed in 17 April 1839.

[17]

Description of a claim of Timber made by us on the 15 day of April 1839 beginning at a white oak running in a Northerly direction to a Red Oak thence an Easterly direction to a Red Elm on the Bank of the Iowa River thence down the River bank to the place of beginning also a claim of Prairie bounded East by Chapmans and Knappers south west and North by Stakes with our full Names on each Corner the whole sup-  
to contain 640 acres.

handed in April 19 1839.

ROBERT WATTERSON

handed in 19 April 1839

JAMES. HARTMAN

The following is a Tru description of a claim (mostly Praire) which is the Only One I have made in Johnson County Viz Beginning at a small cherry marked with my name in a hazel pach a mile & a half. East of Mr Jones. thence North a half mile to a stake in the Prairie thence East half a mile to another Stake in the Prairie thence west half a mile to another

Stake thence south  $\frac{1}{2}$  a mile to the place of beginning the area Marked off includes a Small Clump of scattering Bur Oaks. several of which are Blazed and my name written thereon

JOHN FRIERSON

April 22nd 1839.

handed in 22nd April 1839—

The following is a description of a claim which I have made in Johnson County Iowa Territory beginning at a Stake in the Prairie about one half mile N E of a grove claimed by E Hurley and L Douglass thence North One mile to a Stake thence East one half mile to a Stake thence south one mile to a Stake near the N. E. extremity of a small grove thence west  $\frac{1}{2}$  mile to the beginning Also Eighty acres of Timber lying  $\frac{1}{2}$  mile west of aforesaid claim & bounded by E Hurleys claim on the south said claim is distinctly marked out and the initials of my. name marked on Oak Trees at each Corner

April 22d 1839—

CYRUS SANDERS<sup>1</sup>

handed in 22

[18]

Description of a claim to a Tract or parcel of land Claim made there unto by David Switzer on the 12 day of March 1839. lying and beeing on old mans Creek and described as follows. Beginning for the out lines of the same at a Stake Stuck in the Prairie about  $\frac{1}{2}$  mile west of the Claim said Switzer lately purchased of Jonathan Harris & running west from said stake half a mile across the Creek to a stake then south one mile to a stake then East half of a mile to a stake then north to the place of beginning containing one half section of land more or less.

DAVID SWITZER

handed in March 29th 1839.

<sup>1</sup>First surveyor of Johnson County.



The following is a description of a Claim I made in Febuary 1839. which I wish recorded situated in Johnson County Iowa Territory Bounded as Follows. On the South by Jones Claim On the west and North by Green Hills containing 320 Acres  
 handed in April 26. 1839

CHRISTOPHER GOVE

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The following is a description of a Claim I made in April which I wish recorded situated in the county of Johnson and on the east side of the Iowa River and about 10 miles above Napoleon commencing at the south west corner. at a white Elm Near the bank of the Iowa River then East with Blazed Lines about one mile to a Marked white Oak. then North about half a mile with blazed Lines to a Linn Tree then west. about one mile with Blazed Line to a Linn Trree Near the the River then south with the meanderings of the River to the place of beginning the corners have my name on each of them supposed to contain half section May. 7. 1839.  
 handed in May 7th 1839

WILLIAM BAKER.

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The following is a description of a Claim. I. made in April which I wish recorded situated on the East side of the Iowa River about 8 or nine miles above Napoleon commencing at the South west Corner. at a Iron wood. Tree near the bank of. the River then Running East one mile with Blazed Lines to a trree then North half a mile with Blazed Lines to a White Oak then west one mile with Blazed Lines to a Red Oak Near the Bank of the River then with the meanderings of the River south to the place of beginning supposed to contain half a section the corners of the above claim have my name on them May 7th 1839.  
 handed in May 7th 1893.

PERRY. JORDEN

[19]

The following is the description of a Claim I made in February which I wish recorded the same beeing the North half of \_\_\_\_\_ of the south west quarter of section 25. & the south half of the North west quarter of same section the same beeing in Town 80 N. Range six west & the west half of section Nineteen Town 79 N Range 5 west of the fifth principal meridian according to a Survey of claims made by Douglass. the above claim is blazed and staked of & my name on the corners May 9th 1839  
handed in May 9th 1839.

SUEL FOSTER

The Following is a description of a claim I made in Jany. or Febuary. which I wish recorded to me situated on the west side of the Iowa River commencing at the N East Corner. on the Bank of the Iowa River at a marked buch tree then running south one mile with Mr George Denizens line to a Elm stake in the Prairie then west one half mile to a Marked Hickery Stake <sup>1</sup> then North one mile to a burch Tree on the Bank. of. the River then East. with the meanderings of the River to the place of beginning supposed to. contain half section. the initials of my name have been placed on each corner of the above claim. May 9th. 1839  
handed in May 9 1839.

ISRAEL. L. CLARK

The following is a description of a Claim I made on or about the last of February 1839. situated on the Iowa River about 10 Miles above Napoleon commencing on the bank of the River at an elm Tree marked with my name & then running East or Near east about  $\frac{3}{8}$  of a mile to a Red Oak Tree then North one mile with blazed Lines to a ash tree then west with blazed

<sup>1</sup> Stakes used to mark claim lines on the prairie were frequently marked, as were the blazed trees, with the initials of the claimant's name.

Lines. about  $\frac{3}{8}$  of a mile to a white walnut near the Bank of the River then with the river to the place of beginning the above claim embraces a sugar Grove & I believe it is the first sugar grove on the River above Napoleon.

Handed in May 15th 1839.

WILLIAM <sup>X</sup><sub>his</sub> MORFORD  
mark

[20]

Mr McCrory. sir I wish you to record the following described claim The South East quarter of section Twenty six Township 80 North Range six west the same beeing made by me this 22. May 1839.

ELIJAH. HILTON

handed in May 22nd 1839

The Following described claim. I. wish Recorded the south half of the N E qr of section 36. Town 80. N. Range. said claim was made this 25th May——1839——

handed in May 27th 1839.

WILLIAM FELKNER

March the 1839.

Claimed by A. Sells that tract of land land on and Near the mouth of silver Creek in the Neighborhood of Parks and Westlins<sup>1</sup> commencing Near the mouth of the east branch of said Creek thence running creek one half mile thence North half a mile thence west half mile thence to the place of beginning handed in May 27th 1839——

A. SELLS

The Following is a description of a claim which we made on on the 28 day of May 1839. it beeing the N E. quarter of sect

<sup>1</sup>A neighborhood or community not unfrequently took the name of a prominent inhabitant.

36 Town ship 79. N R (6) west also the S. E. Quarter (25) of said Township and Range also the South half of section (30) of Township 79. & Range (5) which claim we want recorded—the above claim is Stake of and our names placed on the corners—Johnson County Iowa Territory.

May 28th 1839<sup>1</sup>

H. VAN ANTWERP

handed in. May. 28th. 1839

JESSE. WILLIAMS

May 1839. Isaac McCorkles Claim made and bounded as follows. beginning at the Iowa River at the south East Corner stake & name thence North 1 Mile corner on a white Oak thence west  $\frac{1}{2}$  Mile corners on white oak (Division) thence west—to corner on yellow Oak thence south to Pond. corner on watter Birch supposed to contain 480 acres. the same supposed to be Lying and beeing in Johnson County Iowa Territory.

ISAAC McCORKELL

handed in May 30th 1839

[21]

The following is a description of a Claim I made on the 30 of May 1839 Lying in the County of Johnson. and Territory of Iowa the same beeing Bounded on the East by a Sells Claim North corner on a white Oak tree about three hundred yards north of Conleys Creek running west one fourth of a Mile to Iowa River from thence running down Iowa River one mile to a Hack berry Tree thence east one fourth to a white oak thence north crossing Colys Creek at the forks to the white Oak above named. the same contains a mill Site about 200 yars Below Forks.

JAMES MILLER

handed in June 1st 1839—

<sup>1</sup>This claim is marked "Forfeited" in the original. Forfeiture of claims was not uncommon.

Beginning at the North west corner of the claim sold by A  
 Wolcott to Louis Ranzahn thence north One half mile thence  
 East one mile thence south One mile & a half thence west to  
 the place of beginning  
 June 1st 1839

LOUIS. RANZAHN

---

Mr McCrory I wish to have the following  
 described claim Recorded Viz the N E qr of section one  
 Town 79 Range 6 west. bounded on the north by P Smiths  
 claim on the East by Mr Matthews on the south unknown  
 On the west by Wilcox claim SAMUEL. BUMGARDNER  
 handed in June 3rd 1839.

---

The following is a description of a Claim I made on or about  
 the the 17 of May 1839. situated Lying and beeing in the  
 County of Johnson & Territory of Iowa situated N W. of F &  
 Myers mill about three miles commencing at a white oak tree  
 on the N W Corner then running south about half a mile to a  
 Elm Tree then East about half a mile to a white Oak tree then  
 North half a mile to a white Oak tree then west to the place  
 of beginning the above claim has my name on Each corner—  
 containing more than a quarter section  
 handed in June 6.

DAVID. COX

[22]

The Following is a description of my claim that I wish recorded  
 it beeing and about two miles and a half North of Myers and  
 Felkners mill <sup>1</sup> commencing at the south East corner on a dry  
 oak stub running north one half mile to a white oak thence  
 west one half mile to a white Oak thence south one half mile  
 to a white Oak thence East to the place of beginning made

<sup>1</sup> First saw mill in Johnson County.

June the 5th. 1837. and joining Adams and Browns on the East\_\_\_\_\_

handed in June 6th 1839.

THOMAS. HOLDREN

The following is the description of my claim that I. wish recorded Lying and beeing about three miles and a half of Felkners and Myers mill North west. Situated as follows. commencing at the south East Corner made on a Bur Oak Tree Then running North one hundred and sixty Rods to a white Oak Tree. then west one mile to a white Oak Tree. corner with Smiks claim then——running south to silver Creek. then running with the Creek to the beginning. Made on the 5. of. June.

handed in June 6th 1839.

STEPHEN. BROWN

In Obediance to the custom of the County we have Taken the following pieces of Ground (towit) the North half of section 24. Town 79. N R. 6. of the 5 P.M. also the North half of the N E.  $\frac{1}{4}$ . Sect. 12. same Town and range aforsaid also the S. E.  $\frac{1}{4}$  Sect. 1. & Town range aforsaid the above N.  $\frac{1}{2}$ . of the N E  $\frac{1}{4}$  Sect. & the South E.  $\frac{1}{4}$  Sect. 1. as above described are taken subject. to the decission of the board of Managers in deciding the justice of claims who have taken them under similar. circumstances subject to the claim of Mr Wilcox Illinois

Monday May 7. 1839

J. & I. Bowen

handed in first May 7

The of forfeiture<sup>1</sup> to the right of the above described Land having come we therefore procede to make & Claim the same this 8 day of June 1839.

Lifted and handed in June 8.

J. & I. BOWEN

<sup>1</sup> Mr. Wilcox not having complied with the regulations of the Association forfeited his claims.

[23]

Sir you will please to record the following described Claim viz the East half of the N. W. qr of section one Town 79 N Range 6. also the East half of the South west quarter. of Section 36. Town 80. Range six west now subject to the claim of Nathaniel G. Wilcox—

handed in June 3rd 1839.

SAML BUMGARDNER.

The time having expired that Mr Wilcox had to have his claim recorded I wish it now recorded to me Lifted & handed in June the 8.—SAMUEL. BUMGARDNER

The Following is a description of a Claim I made this day which I wish recorded situated in Johnson County N. E. of William Jones about  $2\frac{1}{2}$  Miles commencing at the N. W. Corner at a Hickry Tree Then running south to Luk Douglasses N Line to a Stake then East to a small Bur Oak Tree then North to a Bur Oak Tree then West to the beginning containing Three quarter sections marked & Blazed with the Iniceals of my name on the corners.

June 8th 1839

ELIJAH HURLEY

handed in June 8th 1839—

The following is description of my claim which I made on the 3 day of June 1839 which I wish recorded to me the same Lying in the following manner first one quarter section Lying N E of William Jones Claim & cornering on the S. E. with C Goves Claim and running East half mile to a stake in the Prairie then north half a mile to a Stake then west  $\frac{1}{2}$  mile to a Bur Oak Tree then south  $\frac{1}{2}$  mile to the place of beginning Also 80 acres. cornering at William Jones Corner & running East  $\frac{1}{4}$  mile then North half a mile to a Stake then west  $\frac{1}{4}$  mile to a Black Oak Tree then south to the place of beginning. also one quarter section of Prairie Butting<sup>1</sup> on the

<sup>1</sup> Butting in this connection means joining.

School Section on the S. E. corner. Staked and Blazed of with my Name on all the corners handed in June 8th 1839. JOHN MORRIS. JUNR.

[24]

you will please record the following described Claim which I have made in Johnson County Iowa Territory Viz the west half of the South west quarter of Section 19. Town 80. N R. 5 west. CYRUS. SANDERS

---

You will record The Following Claim to me the the same beeing the S. E. qr of sect 23 T. 79. N R 6. west of the 5 Principal meridian which I made claim to in march last. handed in June 11th 1839— PATRICK SMITH

---

The following is a description of a Claim I made on the 8 day of June which I wish recorded to me Commencing on the south East. at a white Oak Tree cornering with E M Adams. then running west near half a Mile to a white Oak Tree. then N  $\frac{1}{2}$  M to a white Oak Tree Then E  $\frac{1}{2}$  m to a white Oak Tree then south  $\frac{1}{2}$  m. to a white Oak Tree. to the place of beginning. containg about one hundred & sixty acres situated N. W. of F & Myers Mill about 3 Miles and the Iniceals of my Name on Each Corner DAVID. COX  
handed in June 11th 1839—

---

The following is a description of our Claims made by James Haden & Co commencing near the Iowa River at the N. W Corner. of Mr Sturges Claim beeing the south west corner of said Claim and Gowing down East one mile thence North one mile and from thence proceding one mile west then turning south about a quarter then west a quarter & from then south to the River the River beeing the line to the place of



beginning supposed to contain one Section 2 Claim Bounded South by Charles & Hastings west by Charles Jones. North by Hill & Gove East by Morris & William Jones supposed to contain a half section the initials of our Names are placed on Trees or stakes at Each Corner. of the above Claims handed. in June 12th 1839——

JAMES HADEN<sup>1</sup>  
MORGAN HADEN<sup>1</sup>  
GEORGE HADEN<sup>1</sup>

[25]

The Following is a description of a claim which I made & wish to have recorded to me which is the North half of the N. W. qr of sect. Twenty five Town Eighty North Range six west. of the fifth principal meridian according to a survey of Douglass. handed in June 12th.

JOHN MATHEWS

The following is a description of a claim I made on or about the third day of April 1839. it beeing N E. qr Sect 20. Town 79 N R five west. 5 P M. which claim I. have staked off. and placed the innitials of my name on each corner. and wish recorded to me Napoleon May 7th 1839—— handed in June 12 1839——

J G MORROW

The following is a description of my claim made to day which I wish recorded. bounded as follows. commencing on the Iowa River and bounded on the south by William Willson claim and on the East by H G Reddout. supposed. to be one quarter section be the same more or less. given under my hand this 18 day of June 1839 handed in June 18. 1839——

SAML BUMGARDNER——

<sup>1</sup>A name is not always spelled the same throughout the records. This name should be spelled with an *i*—Haiden.

I wish you to record the following described Claim the the S. E. qr of sect 27. Town 80 Range 6 west it beeing situated North of Rapid Creek & bounded & bounded on the south by John A Street claim which he obtained of me commencing at the S. E. Corner Near the House on Said Streets Claim thence N  $\frac{1}{2}$  mile thence west half mile thence south half a mile thence east to the place of beginning.

handed in June 18th. 1839.

HENRY. G. REDDOUT

May 18th 1839. Johnson County Iowa Territory A description of my claim to be recorded made by me this day Joining Bumgardners Claim above the mouth of Rapid Creek commencing on the River at the North west corner. and running east on his line one half mile thence North three fourths of a mile thence west to the River then with the River to the place of beginning.

THOMAS HALL

handed in June 19th 1839.

[26]

The following is the description of my claim made this day which I wish recorded to me the same beeing the N E qr of sect 26. To <sup>1</sup>80 N R. 6 west and the N E qr of sect 23. T. 80 N R 6. west the above claim is blazed off and the innitials of my name on each Corner——

June 20th 1839——

handed in June 20.—

DAVID. ODELL

The Following is a description of a Claim I made this day which I wish Recorded to me the same beeing the SE qr of sect. 23. Town 80 N R 6 west situated N W of F & Myers Mill the above claim is blazed of and the innitials of my Name on Each Corner.—June 20th 1839——

handed in June 20th

PHILIP. CLARK

<sup>1</sup> Township.

This is a description of our claim that we wish recorded it beeing and Lying one mile north of F & Myers Mill it beeing a Claim known by Cullers and Friersons claim the claim contains  $\frac{3}{4}$  of a section commencing at the south East Corner on a white Oak running one mile North. to another white Oak. thence west one mile to an other white Oak. then south half mile then East  $\frac{1}{2}$  mile then south Half mile then East half a mile to the place of beginning June 8th 1839.

handed in June 22nd 1839

S. B. MULHOLLAND  
T. P. MULHOLLAND

The following is a description of a claim I made about the 20 of June 1839. which I wish recorded to me beeing the south East qr of sect 19. Town 79 N R 5. W. 5 P. M. according to a survey of claims made by Douglass—it beeing staked-out

THOMAS. HOLDREN

John Shoups Claim is in Township seventy nine N R 5 west supposed to be N. W. qr. of sect. 21. containing one qr sect. & bounded on the East by John Morris & on the North the school Sect. & William Jones including a haw bush & Elm thicket where my house now stands this claim was made June 20th. 1839. & has my name & date on each corner—

handed in July 1st 1839

JOHN. SHOUP

[27]

The Following is the description of my claim made this day which I wish recorded to me the same Lying & beeing in Johnson County. Iowa Territory the N.  $\frac{1}{2}$  N W. qr. of sect. 32. & the N  $\frac{1}{2}$  N E. qr. of section 31. Town 79. N. R. 5 W. of 5 P M. bounded by Snider East & South. North partly by Van Antworp & Williams west by Felkner—July 3rd 1839. handed in July 3rd. 1839—

ROBERT SMALL

This Claim taken June 25th 1839—

Know all men by these presants that I. John McCahun have taken the following claim to Viz. commencing at the south west Corner at a white Oak stub marked J. McCahun running E. to a white Oak Tree mark as McCahun then North to a Lin tree then running west on the other side of spring Creek to a Lin Marked J McCahun then running south to said Stover and Fowles, Line the end or termination supposed to contain 80 acres. the above described claim is from one to three miles below Pawashicks village <sup>1</sup> bounded by the Iowa River handed in July 8th.

JOHN MCCAHUN

---

This Claim was taken June 25 1839—

Know all men by these presants that I John McCahun have taken the Following claim to Viz commencing at A white Oak stake Marked. J McCahun beeing the East corner. and running west. to a certain white Oak Stake & Bounded by the Iowa River. & marked as above. then running North to a Bur Oak Tree. mark as above then continuig on to a Black Oak Tree J. McCahun which tree is known as a corner. of McCormucks and Thrifts thence running with there Line to a white Oak. tree marked J. McCahun. then running East. to a white Oak Tree marked J McCahun then Running south to the place of beginning containing 400 acres—

JOHN. MCCAHUN

---

A Claim made by me March 11. 1839. the south west corner with P Crum N W corner Running half mile East joining Wolcott on the East running one mile north thence half a mile west thence to the place of commencement by my

<sup>1</sup> This was an Indian Village located about four miles below the present site of Iowa City on the Iowa River. It contained about one thousand Sac and Fox Indians. Powashick was the chief.

request you will please record this claim in John Royals name

JOHN ROYAL.

JOHN ROYAL

handed in March 14—

but not registered until John Royal signed the constitution<sup>1</sup> }

[28]

My Clear Creek Claim made July Eighth 1839.

is bounded on the East by James Douglass commencing at a Stake on his west line and on the North side of the Creek running west up the creek over a Bluff and then past three trees standing together then at a short distance past a Lone tree by a ravine to a stake at the East side of a marsh thence south across the creek to a small burr. oak thence East to 2 hickory. saplings. thence North across the creek to the place of beginning including one quarter section more or less. the corners has my name cut in the wood J SHOUP handed in July 11th 1839.

July 9th 1839. Sir, the following is the description of a claim which I wish Recorded beeing in Johnson County Iowa Territory situated on the East side of the Iowa River about one mile & a half above Turkey Creek beeing bounded south by John Green & Haden on the East by Haden on the North and west by the Iowa River supposed to contain one quarter section H G REDDOUT handed in July 15th 1839.

The following is a description of our claim made by us on the 11 day of May 1839. which we wish recorded situated Lying & beeing in the county of Johnson & Territory of Iowa. On the Iowa River commencing on the south west corner. at a Stake Near the bank of the River thence a Northerly direc-

<sup>1</sup> Note the fact that a claim would not be recorded until the claimant had signed the constitution.

tion about one & a fourth miles to a Black Oak then East one & a fourth miles to a Oak Tree then S. one & a fourth miles to a Bur Oak thence a westerly direction to the place of beginning supposed to contain one & a half sections of Land. the above claim has our names on the corners. supposed to be ten miles above the Seat of Government<sup>1</sup> on the E Side of the Iowa River there is a small branch running from the N E. corner to the S. E. Corner on the East Line or Near the East line handed in July 15th 1839.

JOHN LEE  
WM BAGLEY

[29]

The following is a description or a claim I made this day situated on old mans Creek commencing At the N E Corner at a Stake thence W.  $\frac{3}{4}$  of a mile then south  $\frac{3}{4}$  mile then E.  $\frac{3}{4}$  mile thence to the place of beginning adjoining the claim I purchased of J G Coleman July 1st 1839. handed in July 17 1839.

HENRY CUSTLER

This is a description of a claim I made on the 26 day of May 1839. situated Lying and beeing in the County of Johnson & Territory of Iowa about 10 miles above the City of Iowa commencing on the S. W. Corner in the bend of the River about  $\frac{1}{4}$  mile above Powashicks Village<sup>2</sup> on the East side of the Iowa River then running North  $1\frac{1}{2}$  miles to a Oak Tree then East  $\frac{3}{4}$  of a mile to a small oak Tree then south  $1\frac{1}{2}$  miles to a scycamore thence west to the place of beginning the above claim is blazed out & my name placed on the corners. containing  $\frac{3}{4}$  of a Section July 20th 1839—handed in July 20th 1839

J. M. THRIFT.

<sup>1</sup>Iowa City, the seat of government for the territory of Iowa.

<sup>2</sup> See note on page 58.

Please record the following Described piece of Land—  
 Commencing at Ely Myers North East Corner—running  
 one hundred & sixty Rods East thence South One hundred &  
 Sixty Rods thence west One hundred & Sixty Rods thence  
 north to the Starting place  
 handed in July. 29th 1839

MOSES ADAMS.

This is a description of a claim I made on the 26 day of May  
 1839 situated lying and being in the County of Johnson &  
 Territory of Iowa. about 10 miles from the Seat of Govern-  
 ment<sup>1</sup> for the Territory commencing on the N E. Corner of  
 J M Thrifts claim thence running East 1 mile to a Black Oak  
 thence South  $\frac{3}{4}$  of a mile to Bank of the Iowa River thence  
 up said River to corner of said Thrifts claim  
 August 19th 1839—

WILLIAM McCORMICK<sup>2</sup>

[30]

This is a description of a claim that I wish recorded the same  
 being the. N. W. quarter of Three Town 79 N R 6 west  
 being and Lying one half mile North of the City of Iowa.  
 August 19th 1829.  
 handed in August 20th 1839—

H G REDDOUT.

This claim made out the 21st of August 1839—By Morgan  
 Haden & Company is thus situated commencing at the south  
 East corner of a claim that was made by Elijah Hurley—  
 now belonging to Morgan Haden thence running East  $\frac{3}{4}$  of a  
 mile thence N half mile thence W  $\frac{3}{4}$  mile and from thence to  
 the place of beginning supposed to contain half Section—  
 handed in August 26th 1839—

JAMES HADEN  
 MORGAN HADEN.

<sup>1</sup> Iowa City.

<sup>2</sup> First judge of probate in Johnson County.

Description of my Claim as Follows—

eginning at the N E corner at a Hickory Tree near the Iowa River. thence running south to a Oak Tree then running west to a Stake on the East Line of Oliva Currys Claim then running in a northerly direction to a Burch Tree on the Bank of Clear Creek thence with the meanders of said Stream East to the mouth. then by the meanders of the Iowa River to the place of beginning containing  $\frac{1}{2}$  Sect August 27th 1839—

I. N. SANDERS<sup>1</sup>

handed in August 27th—

The following is the description of a claim which we made on or about the 10 day of August 1839 the same beeing and Lying in the county of Johnson & Territory of Iowa Viz. the Entire Twenty Eighth & Twenty Ninth sections in Township seventy nine North Range Five west of the fifth principal meridian likewise the south half of the S. E qr of section Twenty & the south half of the S. W. qr of section Twenty One Township & Range aforsaid which claim we have had surveyed & staked out and the initials of our names marked on the corners & we wish the same recorded to us. given under our hands this sixth day of september 1839—

ASAPH ALLEN<sup>2</sup>

handed in September 6th 1839.

C L ALLEN

G T ANDREWS

[31]

claim made by E. K Morse on the 24 day of September 1839 in Johnson Co. Iowa Territory commencing at the N. E. corner of a claim made by Alexander McBaker thence running E. one half of a mile to a white Oak tree on the E. Bank of slue<sup>3</sup> thence down said slue<sup>3</sup> to rapid Creek and corner with a claim

<sup>1</sup> At one time president of the Claim Association,

<sup>2</sup> Mr Allen opened the first tavern in Iowa City.

<sup>3</sup> Slough.



made by G Shreck supposed to be one mile thence West one half a mile to Alexander McBakers S. E. corner thence North by Bakers Line to the place of beginning

Handed in Sept 26th. 1839.

E. K. MORSE

sir you will please to record the following described claim the North west quarter of section thirty one (31) Township Eighty North (80) Range Six (6) west.

Handed in September 26th 1839

FRANCIS KARR

The following claim I wish recorded to me the same being the North half of section seventeen Town 79 N. R 6 west. made about the first of October 1839

October 18th 1839.

handed in Octo 18th

SAMUEL LOVEJOY

The Following part of a claim I wish recorded to me made July 1839. the same being the south half of the south East quarter of section seventeen Town seventy nine N. R. five west of the 5 principal meridian

October 26th 1839.

WILLIAM <sup>his</sup> X JONES  
mark

handed in Octo 26.—

The following is a description of a claim which I. wish recorded made October 28. 1839. designated as Follows the south East quarter of section Eight Town 79. N R 6 west

handed in October 29. 1839.

E D STEPHEN }

[32]

The following I wish recorded to me the same beeing and Lying in the county of Johnson and Territory of Iowa situated between Cyrus Sanders & Thomas Holdrens the same beeing a strip about Eighty Rods wide and 160 Long situated north of Felkners Mill also the N. W. qr of sect 33 Town 79. N. R. 5 west of the fifth principal meridian

October 29th 1839.

handed in Octo 29th 1839

J. B. ADAMS

This is a description of a Claim made by me and Charles Berryhill commencing at the head of a certain Slew<sup>1</sup> it beeing the N. E. corner thence running west along the South line of Town 78  $\frac{3}{4}$  of a mile. then South down the meanders of the Slew. to a certain Tree thence East following the meanders of the Iowa River one mile thence North to the place of beginning

ISAIAH. P. HAMILTON<sup>2</sup>

handed in Octo 30th 1839—

The following is a description of of a claim I made this day situated Lying and beeing in the county of Johnson & Territory of Iowa the same beeing the S. W. qr of sect one Town 78. N R. 6 west of the 5 principal meridian October 29th 1839—

HENRY. G REDDOUT.

The following claim we wish recorded to us. lying and beeing in the county of Johnson & Territory of Iowa the same beeing the south half of Section 33. & the N E qr of Sect 33. & the W half of Sect 34 Town 79. N R 5 west of the 5 principal

<sup>1</sup> Slough.

<sup>2</sup> First recorder of Johnson County.

meridian the above claim we have placed our Names on the  
 corners November 1st 1839  
 handed in  
 November 1st 1839.

JESSE. BERRY<sup>1</sup>

JAMES WAMSLEY

[33]

The following is the description of a claim which we have  
 made lying about three and a half miles North or nearly  
 North of Iowa City in Johnson County on the south side of  
 the Iowa River commencing with a Tree marked with our  
 names together with the day of the month (Oct 29th. 1839)  
 running west one half mile thence south one mile thence East  
 one half thence North one mile the trees are blazed round it  
 and our names are on the corners. there beeing no previous  
 claims upon said tract of land

Iowa City Octo 29th. 1839.

C. S. FOSTER

handed in November 2nd 1839.

A. ABEL

The following is a description of my claim beeing in the  
 County of Johnson Laying on the Iowa River near three  
 miles above Iowa City and Laying North of Mr Halls Claim  
 south of Mr Sturges East of the Iowa River containing one  
 quarter Section said claim was made about the first of Octo-  
 ber 1839.

handed in November. 9th. 1839.

A. RUSSELL

I wish to have Recorded the East half of Section Ten & the  
 N W qr of Sect 10 T 79 N. R 5 west in the county of John-  
 son & Territory of Iowa this 11 day of January 1839.

THEADORE JENNINGS

<sup>1</sup> First school teacher in Iowa City.

I Walter Clark do this day certify that I have marked out & placed stakes Round the south half of section seventeen & claimed said half section the 16 of November 1839.

N B having Bought the said half section of Thomas. Morrison handed in November 17th. 1839. W. CLARK

[34]

Johnson County Iowa Territory

July A D 1839—

The following is the description claim made by me in the County and Territory above named to wit the East half of the south west quarter of section nine Town 79 N R 5 W. also the west half of the North west quarter of sect Town & Range aforsaid

JOHN. PARROTT.

handed in

November 19th 1839.

I wish to have Recorded the south west quarter of section Ten North west quarter of sect 15. south east quarter Section Nine in Township 79. N R. 5 west in the County of Johnson & Territory of Iowa

DANIEL. DUVAL.

November 11th 1839—

handed in Nov 20th 1839

The following is a description of a claim I have made it beeing situated on the west side of the Iowa River supposed to be three & a half miles above Iowa City commencing at the N. E. Corner at a small white Oak Tree standing on the Bank of the River thence running one half mile west thence south one & one half mile thence East one half mile thence North to the place of beginning one & a half miles consisting about seventy five Acres of Prairie & the Remainder in tim-

ber I have placed my name on the corners and on it there are  
no previous claims

JOHN D ABEL

Iowa City Octo 30th. 1839—  
handed in November 21st 1839—

---

The following is a description of my claim which I made  
December 2. 1839. which said Claim was claimed by Wil-  
liams & Van Antwerp said Claim or claims having being  
forfeited I wish you to record the same to me described as  
follows. N E qr of Sect 36 & the S. E. quarter of section 25.  
Town 79 N R 6 west of the fifth principal meridian—  
handed in E. D. STEPHEN  
December 3rd 1839.

[35]

The following is a description of my claim which I made  
December 2nd 1839 the said claim beeing forfeited by Wil-  
liams & Van Antwerp I wish you to record the same to me  
as described below South East quarter of Section 30. Town-  
ship 79. N R 5 west of 5 principal meridian Decem 2nd  
1839— ELIHU DUEL—  
handed in December 3rd 1839

---

The following is a description of my claim which I made  
Dec 2nd 1839 said Claim or claims was made by Williams  
and Van Antworp said claim or claims being forfeited I wish  
you to record the same to me described as follows. the S W.  
qr of Sect 30 T. 79 North Range 5 five west of the 5  
principal meridian December 2nd 1839.  
handed in December 4th 1839— J. B. ADAMS—

---

J Ponyues Claim December. 4th 1839—

commencement at a B Oak tree on the west Bank of the River thence west one mile corner on a Bur Oak Oak thence North  $\frac{3}{4}$ . of a mile corner on a black Oak Thence E One mile corner a white Oak. thence south to the place of Beginning supposed to be  $\frac{3}{4}$  of a Section supposed to be two miles & a Half above Iowa City  
 handed in December 4th 1839

JACKSON PONYUE

The following is a description of a claim which I wish to have recorded Viz. the S W. qr of Sect. 24. Town 80 N Range 6 west and is bounded. on the East by Mulholland claim on the south Mathews Claim on the west Mr Hastings Claim made by me on or about the first of December 1839—  
 handed in December 14. 1839

J B Adams—

The following claim I wish to have recorded to me the same beeing the west half of the N W qr of sect. 22. & the west Half of the S. W qr of Sect. 15 Town 79 N R 6 west of the 5 principal meridian the above claim having been recorded before but a change having been made in the lines with A D Stephen made in Sep 1837—  
 handed in Decem 17th 1839—

JOHN MILLER

[36]

The following described Claim I have purchased of Mr Chancy Ward and wish the same recorded as a claim to me situated Lying & beeing in the county of Johnson & Territory of Iowa and Bounded as follows Viz commencing at the N W Corner of Sect 16. Town 78 N R 6 west and running due South 187. Rods to a Bur Oak Tree Blazed on the S & W. & N sides & marked with the letters. F. C. also one line

commencing at the first described corner & running due west  $\frac{3}{4}$  of a mile to two Bur Oaks one Blazed on the East side & the other on the North side from said trees the line runs due south 30. Rods to a Stake from thence to the first described tree containing one hundred & sixty Two acres——also the following quarter which I made claim to on the 21st of this month the same beeing the S. E. qr of sect 31. T 80. N R 6 west.

THOMAS LACUP

handed in Decem 27th 1839——

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In addition to holding the Larger part of the following 80 acre lot of land by the old claim lines I purchased by. I record the same as a claim made by me June 9th 1839— theme 80 acre lot beeing the south Half of the N W qr of sect 12. T 79 N R 6 west also the North W qr of sect. 30. T. & Range aforsaid claim laid to the quarter this day.

S H McCRORY.

January 1st 1840.

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commencing at the N E. corner of the school section and running and Extending 80 Rods west thence south then south one mile then East to the southwest corner—of said school Section then North to the place of beginning

A. WOLCOTT

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Austen Cole & S B Gardner. wishes entered of Record the following described claim to wit all that part of the South half of section four Town 79 N R 6. west which Lyes East of the Iowa River Johnson County Iowa Territory supposed to contain 12 or 15 acres January 6th 1839

STEPHEN B GARDNER

handed in January 10th 1840

AUSTEN COLE

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The following described claim beeing forfeited I the undersigned have this day made the following claim which I wish recorded by the Clerk of the claim association of Johnson County Iowa Territory to wit the S W qr of Sect 11 T 79 N R 6 west in said County & Territory. bounded on the North by Irish & Judson on the South by Adams on the west by part of the Town Plat of Iowa City<sup>1</sup> & on the East by Sturgis Claim as. supposed January 11th 1840  
handed in Jany 12th 1840

ALLEN STROUD

[37]

The following claim having become forfeited We Austen Cole and Stepen B Gardner have this day made the following claim Viz the N. E. qr of Sect 20 in Township Seventy nine Range 5 west of the fifth meridian in the county of Johnson & Territory of Iowa containing one hundred & sixty acres  
January 12th 1840  
handed in January 12th 1840

STEPHEN B GARDNER  
ATSTEN. COLE

The following is a description of a claim or part of a claim I. made on the 10 of July 1839. commencing at an Oak Tree on the west line of N Hastings claim that he made & had recorded thence North half a mile to an Oak Tree thence west half a mile Crossing the south Branch of Turkey Creek to an oak Tree thence south half a mile crossing said Creek to an Oak Tree thence East to the place of beginning supposed to contain one hundred & sixty acres—  
handed in Jany 13th 1840

S. C. TROWBRIDGE

The following claim I wish recorded to me the same beeing the. N. E. qr of Sect. 30. Town 79 N R. 6 west of the fifth principal meridian January 17th 1840.  
handed in January 17th 1840.

C. S. FOSTER

<sup>1</sup> Section 10.



E  $\frac{1}{2}$  S. E.  $\frac{1}{4}$  S 21 T. 79. Range 5 West. W.  $\frac{1}{2}$  S. W.  $\frac{1}{4}$  S 22. Town 79. Range 5. W. N E qr. S 9 T 79. N R 5 & The E  $\frac{1}{2}$ . N. W. qr Sect 9. Town 79 N R 5 West the above claim I wish recorded January 20th 1840

handed in January 20th 1840

BENJAMIN. HORNER—

The following is a description of a claim I have made which I wish recorded commencing at the S E Corner on a marked Red oak thence with the meanders of the River North about 1 mile to a white Oak then west about half a mile to a White Oak then south about  $\frac{1}{2}$  mile to 3 white Oaks then East to the place of beginning the above claim lyes in Johnson County Iowa Territory about. 5 or 6 miles North of Iowa City made about the 13th of January 1840

JAMES. ROCK

handed in January 20th 1840

[38]

The following is a description of a claim I wish recorded situated lying and being in the county of Johnson & Territory of Iowa bounded as follows commencing at the S E corner at a Stake thence N  $\frac{3}{4}$  of a mile to a Stake then W 1 M to a Stake then S.  $\frac{3}{4}$  M to a Stake then East to the place of beginning the above claim is bounded on the East by Hosten claim on the W by E Douglass on the south by Harter & Sprage the above claim I made in June 1839

handed in January 20th 1840.

H. A. ASHER

The following claim I wish to have registered the same lying & being in the county of Johnson & Territory of Iowa the same being the N  $\frac{1}{2}$  of S- 13. T 79 N R 7 west & the N half of the S. E. qr of Sect 12 Town & Range aforesaid & that part of the North half of section 9. that is not embraced in the claim I purchased of Baxter supposed to contain 80

acres in town 79 N R 6 west which claim I have staked off according to the requirements of the claim association

January 22nd 1840

ROBERT HUTCHINSON

handed in January 22nd 1840—

---

The following claim I wish recorded to me situated Lying & beeing in Johnson County Iowa Territory on old mans Creek commencing at the N. E. Corner on the bank of the Creek at 2 White Oaks. then with the Creek west about  $\frac{1}{2}$  a mile to a Red Oak Tree Near the Bank of the Creek then south one mile or there about to a Large white oak tree then East  $\frac{1}{2}$  mile to a Oak Tree then North one mile to the place of beginning the above claim contains about half a section made in July last

January 25th 1840

A. T. McLEWAIN

handed in January 25th 1840

---

My claim made this 18. day of January 1840

Bounded on the South. by Reddout. beginning at the N E. corner of Reddout claim & running N. across the. N. Branch of Rapid Creek half a mile then west half a mile then S.  $\frac{1}{2}$  M. then E. to Reddouts N. E. corner each corner has my name written on them supposed to be the N. E. Quarter of sect. 27 T 80. R 6.

JOHN SHOUP

The above claim since it has been surveyed falls on the S. W qr of section 23. Town 80 N R 6 W<sup>1</sup>

handed in January 26th. 1840

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<sup>1</sup> Mr. Shoup supposed that his land was in section twenty-seven; but after the government surveys had been made, it was found that the land claimed and described by him was in section twenty-three. After the public surveys had been made it was customary for the claim-holders to make a readjustment of their claims. Disputes arising from necessary changes were arbitrated and settled by the claim court.—See Constitution and Laws Art. I. section 9.

the following claim we wish recorded it beeing a claim we sold to William H. Downey in May last that I was to Hold for him and not having made improvement sufficient to hold it for him we record it as a claim of ours the same beeing the N. W. qr. of sect 5. T. 79. N R 5 west & the E  $\frac{1}{2}$  of the. S. E. qr. of sect 31. T 80 N R 5 W. of the 5 principal meridian

GREEN <sup>his</sup> HILL & S. HILL

[39]

This is a correct statement of a claim I made on Monday the ninth day of December 1839. commencing with a Cotten Wood at the N. E. Corner. running west with the River then South with the River to a Bur Oak thence running west to a linn Wood tree & then to the cotten wood tree where commenced containing abought half a Section the distance of this claim from Iowa city lies 3  $\frac{1}{2}$  miles north west of said Town

witness ANDREW NOBLE  
handed in Febuary 3rd 1840

THOMAS. GREEN

Record the west half of Section 20. Town 79. N Range 6 W. also the N W qr of Sect 19. Town & range as the other Made april 10th 1839.  
handed in Febuary 10th 1840.

ABRAHAM MILLER

The following claim I wish recorded to me the same lying & beeing in Johnson County Iowa Territory the same supposed to be the W  $\frac{1}{2}$  of the S. W. quarter of Section 26. & the East half. of the N E. quarter of Section 27. Town 80 N. Range 6. west of the fifth principal meridian.

Febuary 10th 1840  
handed in Febuary 10th 1840

JOHN A STREET

This claim finally marked & Staked on the 4th Feby 1840 lying about one mile South of Switzers mill & about the same distance from Clear Creek beginning at a Stake marked. W. W. Stuck in the prairie at the N. W. corner of said Claim then running east half a mile to a Oak tree marked as aforesaid then south one mile to a Stake marked as the first then west  $\frac{1}{2}$  mile to a small Oak Bush marked W. W. then to the beginning Stake (North one mile) containing one half section more or less  
 handed in February the 1840

WILLIAM WAIN

The following is the description of a claim that we made on the 28 day of January last in Johnson County on old mans Creek about Two & a half miles above Hardsocks commencing at the N W corner at a Stake in the Prairie then South about one mile to a white Oak Tree then E. about one mile to a Bur Oak Tree then North to a Stake in the Prairie then west to the place of beginning with our names on the corners. containing about one section.  
 handed in February 10th 1840

DAVID COX

JOHN. D. WOLF.

[40]

I wish you to record the following described Claim to me made February. 16th 1840 Viz the N. E. quarter of sect 26 Town 80 N R 6 west.  
 handed in February 24th 1840

J. V. FELKNER

This is a Statement of a claim I made on the 1st day of January 1840 it lies west of Iowa City about 3 miles on section Thirteen in the unsurveyed Township the South half of said section begins at half mile stake of sect. 18. runs one mile west to a red Oak Stake half a mile South to a red Oak

Stake one mile East to the South west corner of sect 18.  
 half a mile North to the place of beginning  
 handed in February 25th 1840— SARAH: ANN. ABEL<sup>1</sup>

This is a correct statement of a claim which I made on the  
 fifteenth day of November 1839 it lies about four miles up the  
 Iowa River a North east direction of Iowa City on the west  
 side of said River Commencing at Linn tree the N. E. Cor-  
 ner then west to a Bur Oak then South to a Red Oak then  
 East to a white Oak joining with John Abels Claim on the  
 river thence to the place of beginning running with the  
 River supposed the same to contain a half section  
 handed in February 24th 1840 ALEXANDER ABEL

The Following claim I wish recorded to me the E  $\frac{1}{2}$  of the  
 S. W. qr. Sect. 26. and the N W qr. of sect 26. Town 80  
 N R 6 west of the 5 principal meridian made the 21st of  
 February 1840

handed in February 24th 1840 EDWARD <sup>his</sup> × BERK  
 mark

Allen Stroud and Stephen. B. Gardner have this day made  
 made the following claim Viz commencing at a Black Oak at  
 William Alts S. E. corner thence running in a N W direction  
 about 400 yards to a Black Oak on said Alts line thence in a  
 Eastward direction about 400 yards to a Black Oak thence  
 south about  $\frac{3}{4}$  of a mile to a white Oak then west  $\frac{1}{4}$  mile to  
 a Black Oak thence North to the place of beginning sup-  
 posed to contain about 300 acres of Land Broken Prairie &  
 small Groves of Timber in parts a small run of water passing  
 through the same on which there is about 100 acres of Botum

<sup>1</sup> Note the case of a woman making a claim. In the rights of property  
 the Claim Association did not discriminate against women.

Prairie this claim is situated in Johnson County Iowa Territory about one & a half miles west of the Iowa River & 4 miles N. W. from Iowa City

February 18th 1840

ALLEN STROUD

handed in

S. B. GARDNER

February 26th 1840 }

[41]

Record the following claim made by me the undersigned Towit. Beginning at a Bunch of Maples at the mouth of a small run on the west bank of the Iowa River thence South East up said river about 500 yards to a large Sugar tree near the foot of the Bluff. thence East with said Bluff to a white Oak on the west Bank of said River thence up said river with the meanders then of to the place of beginning supposed to contain about 200 acres the above claim is situated in the County of Johnson & Territory of Iowa and lying in the Bottom about 1 ½ miles N. E. of Mr Gailers Claim & about 8 miles N. W. from Iowa City it is all heavily timbered with Oak Ash Sugar tree Walnuts Lynn &c. February 18th 1840

handed in February 26th 1840

STEPHEN. B. GARDNER

This is a description of my claim that I wish recorded it beeing situated as follows. beeing & Lying About three miles N of Felkners mill commencing at the N. E. Corner on a Bur Oak then S. ½ M. to a white Oak then ½ M west to a Red Oak then N ½ M to a Black Oak then East to the place of beginning it is bounded on the west by Browns Claim made February 17th 1840

handed in February 26th 1840

THOMAS. P. MULHOLLAND

Walter Clark has this day made the following Claim Towit all of that party of the N W qr of Sect 15 in Township 79

N R 6 west which Lyes west of the Iowa River in Johnson County

Febuary 26th 1840

WALTER. CLARK

handed in Febuary 28th 1840

---

The following is the description of a Claim I have made which I wish recorded. Viz the west half of Sect 28 T 79. N. N 6 W. Johnson County. Iowa Territory.

Febuary 22nd. 1840.

JAMES. ROCK

handed in Febuary 27th 1840

[42]

The following is a claim made by S J Frost Febuary 28. 1840 Lying in the Township seventy nine N Range 7. west. the west half of sect. 12. & the. N. E. qr of Sect 24. please Record the same to me Johnson County Iowa Territory

Iowa City March 1st 1840

S. J. FROST

handed in March 2nd 1840

---

The following Claim I wish recorded to me Lying between old mans Creek & English River about 2 miles west of Mr McCleurs commencing at the South. E. Corner. at a Elm Stake with the Letters F. H There on & running N. 1. M to a Bass wood Stake then west  $\frac{3}{4}$  of a mile to a willow Tree Near a Brook then south. 1. M. to a Oak Stake then East to the place of Beginning supposed to contain  $\frac{3}{4}$  of a Section the above claim was made the latter part of Febuary 1840.

handed in March 5th 1840

FREDERICK HARTER.

---

The following claim I wish recorded lying on Cleer Creek about 7 miles above Switzers mill commencing at the N. E. corner on a Stake in the Prairie then west  $\frac{3}{4}$ . M. to a stake in the Prairie then  $\frac{3}{4}$ . of a mile to a Stake in the Edge of the

Timber then East  $\frac{3}{4}$ . of a mile to a Stake in the Prairie then N. to the place of Beginning Bounded on the N by James Douglass.<sup>1</sup> & Hall made April last. March 10 1840 the above claim has my name on the corner—

handed in March 10th, 1840

THOMAS. B. BROWN

---

Claim made by me June 1838

Beginning on the west bank of the Iowa River about 5 miles above Cleer Creek beginning at a Tree thence meandering the River up to the mouth of a Small Creek thence running a Southerly direction across the Hill to the first mentioned bound. said Claim is timber with Sugar tree oak lin & various kinds of Timber February 26th 1840 said Claim is supposed to contain three lots

handed in March 14th 1840

NATHANIEL FELLOWS.

---

The following described claim I wish to have recorded to me the same beeing a claim I purchased of Stephen Chase on the 22 day of November 1839. Known as the Old Trading House Claim Bounded on the North by J. H. Stover claim on the west & South by the Iowa River on the East by John Willison containing about half section.

March 16th 1840

WM. W. PORTER

handed in March 16th 1840

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[43]

The following claim I wish recorded to me the same beeing the South half of the S. W. qr. of Sect 27. T. 80. N R 6. west of the fifth principal meridian the Above claim made March 1st 1840

handed in March 23rd 1840

JOHN KIGHT

---

<sup>1</sup> Mr. James Douglass is one of a number of men who held claims that are not recorded in these records.



The Above claim having become forfeited I hereby wish the same registered to me the same beeing the N. E. qr of Sect 23 Town 80 N R 6 west of the fifth principal meridian Lying in the County of Johnson. I. T. the above claim having been marked out according to the requirements of the claim association. March 21st 1840  
 handed in March 23. 1840. NATHAN. ODELL.

---

This is to Certify that I have made claim this 1st day of May 1840. on the following described land to wit commencing at E. K. Morses North East corner thence running East 160. rods. to a mound thence south 320 to a mound thence west 160. rods. to E. K. Morses South East Corner. thence North to the place of Beginning  
 handed in May 1st 1840 LEWIS. B. COSTLEY

---

The following claim having become forfeited I do this first day of May 1840. Lay claim to the following described tract or parcel of land. to wit. the undivided half of the claim known as the A. Baker. claim Bounded on the N by E Browns. Claim & Henryons on the South by C Sanders. on the west by Blazed Lines and on the east by a claim that E. K. Morse made the claim is 320 purches North & south lying on Bouth sides of the Dubuke Road.<sup>1</sup>  
 handed in May 1st 1840 E. K. MORSE

---

The following claim having become forfeited Is this day made by the undersigned. Towit — the west half of the North West. quarter of Section No Three in Township No seventy

<sup>1</sup> A "military road" laid out between Iowa City and Dubuque.—See Shambaugh's *Iowa City*, p. 42.

Nine Range six west containing Eighty acres Lying in the County of Johnson and Territory of Iowa handed in April 2nd 1840.

AUSTIN COLE

[44]

The following a description of a claim which we made on the fourth instant and which we wish recorded to us to Viz said Claim is situated in the county of Johnson and Territory of Iowa about one and a half miles south from Clear Creek & about the same distance from Switzers mill commencing at a Large cherry Stake on the side hill at the N. E. corner Marked W and D. thence west by a line of Stakes and blazes. one mile to another large Stake marked W. & D. thence south by a line of Stakes and blazes one mile to another Stake Thence East by a line of Stakes to another Stake marked W. & D. thence North one mile to the place of beginning with several small Groves of Timber<sup>1</sup> on it and a small branch extending trough it and supposed to contain six hundred & forty acres——

JOE WOODWORTH.

Iowa City April 6th 1840

handed in April 6th 1840

PETER A DOUGLASS——

you will record the Northwest quarter of Section Twelve the South half of the South west qr of Section one Township 79 N R 5 west. of the 5 principal Meridian handed in April 6th 1840

JOSEPH G GILMORE

The following claim I wish recorded to me the same beeing The same beeing the west half of section 35 Town 79 N R

<sup>1</sup> It was customary to state whether there was any timber on the claim; the kind of timber is also frequently given.

6 west of the fifth principal meridian the above claim was made in the spring of 1839 Johnson County Iowa Territory—  
handed in April 18th. 1840 JOHN. TROUT

---

Record the following described claim Beginning at the South west corner of the East half of the S. W. quarter of Section 19. Town 80 Range 6 west thence North  $\frac{1}{2}$  mile thence east  $\frac{1}{2}$  mile thence South 40 Rods to Shrecks North Boundry. thence west 100 Rods to Shrecks North west corner thence South a long Shrecks west Boundry.  $\frac{1}{2}$  mile thence west to the place of beginning containing 80 Acres—

April 12th 1840 J. V. FELKNER—  
handed in May 4th 1840

---

The following is a description of my claim which I made to day which I wish to have recorded Bounded as follows Viz—commencing at the S. E. corner at a white Oak Tree thence North one mile to a white Oak Tree thence west one half mile to a Cherry Tree thence South one mile to a Swamp Elm Tree thence East one  $\frac{1}{2}$  mile to the place of beginning and beeing on the Iowa River & also on Turkey Creek about 5 miles above Iowa City May 11th 1840  
handed in May 17th 1840

his  
STEPHEN X BROWN  
mark

[45]

The Following claim I wish recorded to me the same Lying and beeing in the County of Johnson & Territory of Iowa 4 miles above Iowa City commencing at the N. E. Corner on a Red Oak & running 1 mile west to a white Oak then about  $\frac{1}{2}$  mile South corners on a Red Oak then East one mile to a white Oak. then North to the place of beginning supposed to

contain 3.80 acre Lots. or 240 acres the above claim was made the 16 day of May 1840 Joinings Browns claim on the west.

May 1840

Handed in May 18th 1840

his

EDWIN X BERCH

mark

Record the following described claim the east half of the N. E. qr Sect. 31. the E.  $\frac{1}{2}$  S. E. Sect. 30. the W.  $\frac{1}{2}$  S W qr. Sect. 29. & W.  $\frac{1}{2}$  N W. qr sect 32 Town 80. R. 5 W. May 29th 1840

CHARLES GILLON

Handed in May 31st 1840

This claim made this 18 day of June 1840 by Caleb J Vreden Burgh Bounded as follows. commencing at E K Morses N E. corner at a stake thence running East one half mile by E Costleys N Line to a stake thence N. one-half mile by a Blazed Line to a Bur Oak thence west  $\frac{1}{2}$  mile to a stake thence S  $\frac{1}{2}$  mile by C & B Henyons E Line to the place of beginning this claim supposed to be the N. E. qr of Sect 17—Town 80 N R 5 west

Also one quarter section commencing at L Costleys S. E. Corner at a stake thence running East one half mile to a stake thence North one half mile to a stake thence west  $\frac{1}{2}$  mile along the south Line of Sect 16. to a stake then south by a Blazed Line on the East side of L Costleys claim to the place of beginning supposed to be the N. W. qr of Sect 21 Town 80 N. Range 5 west

handed in June 19th 1840

C. J VREDENBURGH

The following claim I purchased of John Kight in Febuary 1839. & I wish it registered to me as a claim made as I have not got his deed with me the same beeing the S W qr of S

14. & that part of the S  $\frac{1}{2}$  of S 15. that Lyes East of the Iowa River—T 79 N. R. 6 W. July 3rd 1840  
handed in July 3rd 1840 ROBERT LUCAS<sup>1</sup>

[46]

Two hundred and forty acres of land here in described has been claimed by Wm Jayne and is no respectfully submitted to the notice of the Johnson County Recorder of claims the land is situated in the County of Johnson. I. T. and about 5 miles N. E. from Iowa City commencing at a Stake (marked. W. Jayne) about 1 mile N. E. from Green Hills House & about  $\frac{1}{4}$  of a mile N of a small Stream and thence due North 40 chains to a similar marked stake thence 60 chains East to an oak Sapling marked as above then south 40 chains to a stake marked as before and thence 60 chains west to the place of beginning

WM JAYNE

Also certain Tract of Barrons & Prairie that Lyes between the Timber and Prairie I purchased of Cyrus Sanders supposed to contain three Eighty Acre Lots the above claim I have staked of  
handed in July 8th 1840.

WM JAYNE

The following claim we wish to have registered mad in Febuary last Lying. N. E. of Felkners mill about 1  $\frac{1}{2}$  miles commencing at the N. E. Corner. at a white Oak then west about 1 mile to a white Oak Tree. then south  $\frac{1}{2}$  mile to a white Oak Tree then East 1 mile to a Black Oak. then North to the place of beginning supposed to contain about half section the above claim is blazed round and has our names on the Corners—

September 17th 1840.  
handed in September 17—

FRANCES KERR  
CHARLES GILLON

<sup>1</sup> Robert Lucas was the first Governor of the Territory of Iowa. It is said that Gov. Lucas paid \$200 for this claim.

I wish to have the following claim recorded Viz the S E qr of Sect 26 Town 80. N. R. 6. west of the 5 principal meridian made September 20th 1840.

JOHN TROUT.

handed in September 21st 1840

---

The following claim having become forfeited by the regulations of the claim association I hereby lay claim the. N. E qr. of sect 23 Town 80 N Range 6 west of the 5 principal meridian Johnson County I T. Oct 3rd 1840

handed in Oct 3rd 1840

EZRA BLISS

---

The following claim I wish recorded to me the same beeing the S. W. qr of the. N. E. qr. of Sect 27. Town 80. N R. 6 west of the 5 principal meridian Lying in the County of Johnson & Territory of Iowa October 14th 1840

handed in October 14th 1840.

JOHN. A. STREET

---

The following claim we wish to have recorded situated in Johnson County Iowa Territory Lying. N. E. of Felkners. & Myers mill about 2 miles. or more. on the N Fork of Rapid Creek commencing at the S. W. corner at 3 small Bur Oaks Trees thence North 1 mile to a Hickry Tree then E. 1 M to a small Bur Oak Tree then South 1 M. to a small Black Oak Tree then west to the Beginning supposed to contain one section the above claim embraces. a small Grove of Timber the Prairie is of a Barroney<sup>1</sup> order and the creek runs directly through it and has our names marked on the corners made the 24 day of October 1840.

WM & ABRAHAM <sup>their</sup> × JONES  
mark

handed in April 3rd 1840

<sup>1</sup> See note on page 29.

[47]

The following claim we wish recorded. situated on old mans. Creek about 7 miles from Iowa City commencing at the N. W. Corner at a Black Oak Tree then East  $\frac{3}{4}$  M then south about  $\frac{3}{4}$  of a mile then W.  $\frac{3}{4}$  M. then N to the place of beginning supposed to contain 3 quarter sect. the above claim is timber—also three quarter sections of Prairie Lying near the above timber claim and is staked

{	off & has our names. on the corners—	}	WM MURDOCK
	handed in Febuary. 4th 1840 & lifted		
	for correction & handed in		
	again November 3rd 1840—		

C. C. MORGAN  
A. ABEL

The following claim we wish registered the same lying on old mans Creek containing 3 quarter sections of Prairie which is staked of & has our names on the corners. the above claim joins 1 we had previously registered

WM MURDOCK  
C. C. MORGAN  
A. ABEL

handed in Novem 3rd 1840.—

The following is a description of a claim made this day by me and which I wish to have recorded commencing on the N. E. side of the Iowa River about 100 rods. below the mouth of Turkey Creek. and adjoining a claim previously made by me and running about three fourths of a mile E to the S. E. corner of said claim thence south about 80 Rods thence west to the River thence to the place of beginning

Iowa City November. 13th 1840

WM. STURGIS

The following claim I wish recorded commencing at the South W. corner at a stake running N. 80. Rods then East  $\frac{1}{2}$  m. joining Trowbridges. then south 80 Rods joining clarks—then west along Shoups—North Line to the place of commencing handed in November 23rd 1840—

JAMES. HILL

My claim made December 25. 1840. beginning at a Linn on the sect Line near the S. W. corner of S. 23. Thence North  $\frac{1}{2}$  mile to a stake thence W.  $\frac{1}{4}$  m to a white oak. thence S. to the S. bank of Sanders creek thence east  $\frac{1}{4}$  mile with my name on Each Corner. beeing the E  $\frac{1}{2}$ . of S. E qr Sect 22 Town 80 N Range 6 west 5 principal meridian handed in January 20th 1841—

J SHOUP

Description of a claim made by John Kight & Chauncy R Ward the S. W. corner. commencing at a small gray ash tree on the E side of the Iowa River & running due East. one half mile to a large white Oak Tree thence one half mile North to a white Oak Tree thence west to a white walnut Tree immediately on the Bank of the Iowa River thence south to the place of beginning the above claim is bounded on the south by lands formerly claimed by one Hall on the East by John Shoup on the N by Lands formerly claimed by Sturges and on the west by the Iowa River handed in Febuary 1st 1841.—

JOHN KIGHT. & CHANCY R WARD

Johnson County Territory of Iowa.

The following is a claim made by me October 3rd 1839—and reblazed December 15. 1840. said claim lyes on the west side of the Iowa River—bounded South by Ables and Fosters and North by John. D. Ables Claim supposed to contain half section.

handed in Febuary 1st 1841

SAML. J. FROST

[48]

A Claim made by E K Morse this the 25. day of Jan 1841 described as follows. commencing at the N. E. Corner of Cono-



logue claim at a Stake thence North  $\frac{1}{2}$  M thence E  $\frac{1}{2}$  M to a Stake thence S  $\frac{1}{2}$  M to a Stake then west to the place of beginning the claim embraces the field cultivated by J. Williams in 1841. the above claim was made by Dickinson and sold by Williams to Hyrus also Eighty Acres commencing at the. S. E. corner of the above described claim thence S.  $\frac{1}{2}$  M to a Stake thence E  $\frac{1}{4}$  M to a Stake then N  $\frac{1}{2}$  M to a stake thence west  $\frac{1}{4}$  M to the place of beginning  
handed in Febury 13th 1841 E K MORSE

A Claim made 5th March 1841 by Renselear Welby. description as follows. commencing at the. N. E. corner of. E. K. Morses claim running E. 1 mile to a Stake thence S.  $\frac{1}{2}$  M to Stake thence west 1 mile to a Bur Oak Tree.  
handed in March 5th 1841. R WELBY

#### R Wills Claim

Beginning at the S. E. corner of. C. C. Catlett thence south  $\frac{1}{2}$  mile mile to David Pratts S. W. corner thence west  $\frac{1}{4}$  mile to Adams Line thence North  $\frac{1}{2}$  mile to C. C. Catletts-S. W. Corner thence East  $\frac{1}{4}$  mile to the place of beginning containing 80 Acres. Land situated Lying & beeing in the County of Johnson I. T. on the waters of Turkey Creek said claim was made on the 1st day of March 1841—  
handed in March 5th 1841— R WILLIS

#### C. C. Catletts Claim

Beginning at a Stake in the Barrens. E. A. Browns. N. E. Corner thence S  $\frac{1}{2}$  mile to a white Oak. Tree thence W.  $\frac{1}{4}$  mile to a Red Oak Tree thence North  $\frac{1}{2}$  mile to a white Oak Tree in the Edge of Barrens thence East  $\frac{1}{4}$  M to the place of Beginning the same Lying & beeing in the County of Johnson Iowa Territory & on the waters of Turkey Creek & is bounded on the N by G. S. Hampton on the E by E A Brown on the South by Wilis & on the west by Adams said



May 10th 1841. Description of Thomes E Torrences Claim  
 The following claim was made by Thomes E Torrence this  
 10 day of May 1841. commencing at a Stake in the S E  
 Corner of E K Morse claim and running south according to  
 the true meridian 320 rods to a small Bur Oak which is  
 blazed & my name written upon. the said line is supposed to  
 be on line & the first  $\frac{1}{2}$  mile is bounded by on the east by  
 L. B. Costleys<sup>s</sup> claim thence west 160 rods to a white Oak  
 two Feet in diameter thence north 320 Rods to a stake thence  
 east 160 rods to the place of beginning the above claim com-  
 prizes the S. W. qr of sect 20. & the N W qr of sect. 29. T.  
 80 N. Range. 5. W. 5 principal meridian  
 handed in May 12th 1841 ——— THOMES E TORRENCE

[50]

May 10th 1841

The description of L. B. Costleys claim

The claim which I am about to describe is the South W qr of  
 Sect 17. Commencing at the east corner and running west  
 160 rods and bounded by the North East quarter of section  
 20 which is included in my former claim thence running 160:  
 North at a stake with my name written upon thence running  
 160 Rods E. at a stake thence running S. 160. Rods. at the  
 place of beginning bounded on the East by the School Sec-  
 tion

handed in May 12th 1841———

handed in May 12th 1841———

L B COSTLEY

A claim commencing at the North East of the Conloge  
 claim running one mile north to a stake then a half mile. W.  
 to a stake then a mile South to a Stake then a half mile E to  
 to a stake Started from including the Dickson Claim  
 handed in May——— JAMES WILLIAMS

Jany 25th 1841

A claim made and purchased by Seth Hines including the North part of the dickeson claim bounded South by E. K Morse running N  $\frac{1}{2}$  M. & 1 M E. taking in the Elm Grove on the South including one half section Also an undevided half of the timber claim made by Dickenson and Conloge in Co

SETH HINES

The following is the description of a claim I made on the 18 day of May 1841 said claim is the west half of Sect. 21. T 80 N R 5 W. it has a Stake in each corner and marked

WM B SNYDER

handed in May 20th 1841

[51]

The following claim I wish Recorded made April 1840 commencing at the S. W. corner cornering with C & R Henyan then East  $\frac{1}{2}$  mile to a Black Oak then N  $\frac{1}{2}$  mile to a Post then W.  $\frac{1}{2}$  M to a Bur Oak Saplin then S  $\frac{1}{2}$  M to the place of Beginning Bounded by Costley on the South & Henyan on the West & has my name on each Corner.

May 27th 1841.

WM P DOTY

handed in May 27.—

This is to certify that we have this day made a claim bounded as follows commencing at a Stake at the South West corner of T. E Torrences claim then West one hundred & sixty Rods to A Large Oak Stub then S 320. Rods to A Ash Tree then E 120 Rods to a Black Oak Thence North 320 Rods to the place of Beginning including one half section

May 31st 1841.

R WILLEY

handed in May 31st 1841

A B KIRKPATRICK

I N BLANTEN

& Co.

S W Quarter of Section 35 T. 81. N R 5 West

N. E. " " " 2 T 80 N R 5 "

E  $\frac{1}{2}$  N W. " " " 2 T. 80 N R 5 "

To be Recorded in the Name of I N Blanten

Made on Friday June 4th 1841

handed in June 7th 1841

I N BLANTEN

[52]

The following claim I wish recorded to me as a forfeited claim of Leshes the same beeing N E qr of and the W  $\frac{1}{2}$  of the S. E. qr of Sect 34 T. 80 N. R 6 West of the 5 principal meridian the above claim has been Taken by Montgomery & Norley as a forfeited claim but in my opinion the claim was not subject to Entry at the time they had it Registered as it was then not forfeited<sup>1</sup>

JOHN A STREET

August 4th 1841.

handed in August 4th 1841

I have this day made the following claim to Land Lying in the County of Johnson & Iowa Territory the S. W. qr of Sect 3. Town 80. Range 5 W also the S. E qr. in Sect 4. in Township 80 Range 5 West according to the surveyd lines

September 13th 1841

GEORGE S HAMPTON

handed in September 18th. 1841

The following claim having become forfeited I have made claim to the same this day the same beeing the N  $\frac{1}{2}$  of the S. W qr of Sect 25 & the S  $\frac{1}{2}$  of the N W qr of same section Town 80 N R 6 west

S. H. McCRORY

handed in Oct 1st 1841

[53]

I have this day made the following claim Land (it being surveyed) Situated Lying and being in the County of Johnson

<sup>1</sup>For Montgomery and Norley's record see page 88.

and Territory of Iowa towit the N  $\frac{1}{2}$  of Sect 21. T.80 N Range 5 west and also the N W. qr of Sect 25 in Range 5 west Township 80.

W C ROLSTON

November 8th 1841

handed in Novem 10th 1841—

I have this day made the following claim to Land (it being surveyed) situated Lying and being in the County of Johnson & Territory of Iowa Viz. the W.  $\frac{1}{2}$  of Sect 11 in R 5 W Township 80 N. and also the W  $\frac{1}{2}$  the N E qr. & the W  $\frac{1}{2}$  of the S. E qr of Sect 11. Range 5 W. Township 80.

November 8th 1841.

R RALSTON

handed in November 10th 1841—

The following claim I wish recorded to me the same being the W  $\frac{1}{2}$  of The S. E. qr. of Sect 30 Town 80 N R. 5 west of the 5 principal meridian

November 15th 1841—

MOSES. HALE

handed in November 15th 1841—

I have this day made the following Claim to land lying in the County of Johnson & Territory of Iowa towit the S.  $\frac{1}{2}$  of Sect 35 in Range 5 west Township 81. North November 15th 1841—

HENRY TAYLOR

handed in November 17th 1841—

[Pages 54 and 55 are not to be found in the original manuscript.]

[56]

This is to Certify that I have this 20 day of April made a claim it being the North half of Sect 10 Township 80 North Range 5 west & have written my Name on the mile & half mile post at each corner of said Claim

N B MORSE

handed in April 1842

Iowa City August 9 1842 the following is a description of a Claim which I am informed is forfeited which I wish recorded to me (to wit) the N. W qr of Set No 3. in Township No 79 N R 6 west with the Exception of the one undivided fourth of the same the part I wish to claim is that part that has heretofore been claimed by men by the name of Coe  
handed in August 10th 1842 DANIEL BARRETT

The following is a description of a claim (having been forfeited by Robert Lucas)<sup>1</sup> towit the S. E. qr of Sect 15. in Township 79 N R 6 west which I wish Recorded in my Name (handed in August. 11 1842) JESSE WILLIAMS

The following claim having become forfeited I wish the same Recorded to me the same being the S. W. qr of Sect 14 T. 79 N R 6 west of the 5 pr meridian

August 12th 1842  
handed in for Record  
August 12th 1842

JOHN B ADAMS

[57]

The following fraction or part of a claim formerly claimed by Robert Lucas<sup>1</sup> having become forfeited I wish the same Recorded to me the same being that part of the S. W. qr of Sect 15 T 79 N R 6 W of the 5 pr meridian that lyes east of Ralstons Creek or that part of said quarter that John Miller has not Registered to him August 12th 1842

MORGAN RENO<sup>2</sup>

Handed in for Record August 12th 1842

The following Claim I wish Recorded to me the same being the N W qr of Sect 33. the E  $\frac{1}{2}$  of the N E qr of Sect 32 S. E qr of the S. E qr of Sect 29 Town 79 N R 7 West of the 5

<sup>1</sup> See page 82 for the record of Gov. Lucas' claim.

<sup>2</sup> Mr. Reno was at one time Treasurer of the Territory of Iowa.

pr m the above Claim I purchased of James Seahorn for one hundred & sixty Dollars.

Septem 9th 1842

handed in Sep 9th 1842

LEWIS R FOUTZ

The Following claim I wish Recorded to me the same being the W.  $\frac{1}{2}$  of the N E qr of Sect 31—Town 80 Eighty North Range 5 west

September 21st 1842

JOHN W EGBERT

Handed in Sept 21st 1842

[58]

I Elish Pierson have this day to wit September the 26 1842 made the following Claim that is to say the E. half of the SE qr of Sect 31 Town 80 N Range 5 west of the 5 pr meridian lying & being in the County of Johnson & Territory of Iowa containing 80 Acres more or less which 80 Acre lot I have this day claimed by marking out the same & placing my name on the Corners. there of & which lot is said to have been claimed by Wesley Jones and Co but by them forfeited agreably to the laws of the claim association of said County & Request the same to be entered on the Record of the said claim association witness my hand this 26 day of September 1842

Handed in for Record

ELISHA PIERSON

Oct 8th 1842

Following claim having become forfeited I wish the same Recorded to me the same being the E.  $\frac{1}{2}$  of the N W qr of Sect 3 T. 79 N R 6 west of the 5 pr meridian this 10 day of November 1842

AUSTEN COLE

Admitted to Record }

November 26 1842 }

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RECORDED CLAIMS.

The following claim having become forfeited I wish the same  
 Recorded to me the same being the S. E. qr of the S W qr  
 of Sect (2) Two Town 79. N R 6 west of the 5 pr meridian  
 Novem 13th 1842 D H DEWEY  
 Admitted to Record  
 Novem 13th 1842

[59]

James Robinson Claim

Is that part of the N W Fractional qr. of Sect 9. T 79 N R 6.  
 W. which Lyes East of the Iowa River supposed to contain  
 about 24 Acres JAMES ROBINSON  
 Iowa City May 1841.  
 Handed in for Record }  
 January 14th 1843 }

Beginning at the S. E. corner of Sect 33. T 80 N R 6 west  
 thence N 160 Rods to the qr Sect Stake on the E line of  
 said Section thence west 80 Rods to a Stake from which  
 an Iron wood 4 Inches in diameter bears N 37 E. 3 Links  
 then S 80. Rods to a stake from which a Bur Oak 15 Inches  
 in diameter bears S 36.° 45 E. 48 ½ Links thence West 20  
 Rods to a stake from which a White Oak 24 Inches in dia-  
 meter bears S 62 ½ W. 27 Links —————  
 Thence south 80 Rods to a Stake from which a Hickry 30  
 Inches in Diameter bears N 24.° E 32 Links thence East 100  
 Rods to the place of beginning STEPHEN B GARDNER  
 Admitted to }  
 Record Jany 14th 1843 }

This agreement made and entered into this the 30 day of  
 October A D 1843. between John Horner of the first part and  
 James Hill of the second part bouth parties of the County of  
 Johnson & Territory of Iowa witnesseth<sup>1</sup>

<sup>1</sup> The agreement is found in this fragmentary state in the original manu-  
 script.

#### IV.

### RECORDED QUIT CLAIM DEEDS OR TRANSFERS OF CLAIMS.

[In an act approved December 3rd 1836, the Legislative Assembly of Wisconsin declared, "that all contracts, promises, assumpsits, or undertakings, either written or verbal, which shall hereafter be made in good faith and without fraud, collusion, or circumvention, for sale, purchase or payment of improvements on the lands owned by the government of the United States, be deemed valid in law or equity and may be sued for and recovered as in other contracts;" and, "that all deeds of quit claim or other conveyances in writing, bona fide made for the transfer or conveyance of all improvements upon such public lands, shall be as binding and effectual in law, for conveying the title of the grantor in and to the same, as in other cases."—See Laws of Wisconsin, p. 35. Consult also, in this connection, "AN ACT to prevent trespass and other injuries being done to the possession of settlers on the public domain and to define the extent of the right of possession on the said lands," approved, January 19th 1838.—See Laws of Wisconsin, pp. 504 and 505.

The two acts of the Wisconsin Legislative Assembly, above referred to, were subsequently re-enacted by the Legislative Assembly of Iowa—See Laws of Iowa, 1838, pp. 388 and 389.

The attitude of the Supreme Court of the Territory of Iowa may be briefly stated as follows:

A sealed note, given for improvements on public lands, is not part of an illegal contract, and it is collectible.—*Hill v. Smith, Morris*, 70.

Merely selling lands belonging to the United States, where no deception is practiced, is not a fraud upon the purchaser. The traffic in public lands is not illegal.—*Standard et al. v. McCarty, Morris*, 124.

A parol contract for the sale of improvements upon public lands is valid, and is not such an interest in lands as the statute of Frauds and Perjuries contemplates.—*Zickafosse v. Hulick, Morris*, 175.

A note executed in consideration of a quit claim to certain lots of land, the title to which is in the United States, but containing improvements upon them, is collectible.—*Wilson v. Webster, Morris*, 312.

A "claim" on the public lands is a good consideration for a contract.--  
Starr & Burgess v. Wilson, Morris, 438.

See also, McCoy v. Hughes, 1 Green, 370; Doolittle v. Bridgeman, 1 Green 265; Ellis v. Mosier, 2 Green, 246; Pierson v. David, *et al.*, 1 Iowa, 23; Spry v. Sleppy, 15 Iowa, 409.]

[1]<sup>1</sup>

This quit claim Deed made this third day of January 1839 witnesseth that I. Samuel Bumgardner has this day bargened and sold and by these presants doe bargen and convey to Andrew D Stephen (boath partees of the County of Johnson and Territory of Iowa) all my right title interest and claim in and to the following Tract or parcel of Land lying and beeing in the county and Territory aforesaid the same beeing the North west quarter of section Fourteen North east quarter of section fifteen and that part of the North west quarter of section fifteen that lyes East of the Iowa River the above quarters beeing in seventy Nine North six west of the fifth principal meridian for the sum of seventy five Dollars. to me in hand paid by the said Andrew D Stephen given under my hand and seal and date above written

SAMUEL BUMGARDNER. [L S]<sup>2</sup>

attest.

*Samuel. H. McCrory*

*Samuel C Trowbridge.*

admitted to record March 15th 1839.

### QUIT CLAIM DEED

This Indenture made this 3 day of January 1839 between Andrew D Stephen of the first part and Samuel H McCrory of the second part boath parties of the County of Johnson & Territory of Iowa witnesseth that Andrew D Stephen of the first part for and in consideration of one hundred and fifty Dollars.

<sup>1</sup> At this point in the original manuscript the pages are again numbered 1, 2, 3, etc.

<sup>2</sup> *Locus Sigilli*, place of the seal.

paid by the said S. H McCrory of the second part the receipt of which is hereby acknowledged have granted bargened and Sold to Samuel H McCrory the one equal & undivided half of the North east quarter of section No Twenty Two of Township No. Seventy Nine North range No 6 west of the fifth principal meridian by these presents have granted bargened and sold to the said S H McCrory. all my right title interest claim and demand in and to the afforsaid described land as well as in possession as in expectancy given under my hand and seal this day and date above written

Test

A D STEPHEN [Seal]

*Samuel C Trowbridge.*

Admitted to record March 15th 1839.

#### QUIT CLAIM DEED

This Indenture made this first day, of March Eighteen hundred & thirty nine by and between Andrew D Stephen of the first part and Samuel Bumgardner of the second part both parties of the County of Johnson & Territory of Iowa witnesseth that the said party of the first part has this day sold and quit claimed unto the said party. of the second part all his right title interest and claim in and to the within piece or parcel of land lying and beeing in the County and Territory aforesaid that is to say the North west quarter of section fourteen the above quarter being in seventy nine North six west of the of the fifth principal meridian for the sum of fifty Dollars. to me in hand paid by the said party of the second part the receipt of which is here by acknowledged given under my hand and seal this day and year first above Written

Test

A D STEPHEN

*Samuel H McCrory*

handed in for record

March 15th 1839.

[2]

This quit Claim witnesseth that I Elias Secor of the county of Johnson Territory of Iowa for and in consideration of Twenty five Dollars. the Receipt of which is here by acknowledged have this day bargened and sold and quit claimed all my right title interest and claim to a certain tract of land lying and beeing in the county and Territory above mentioned Knowing by these bounds South east corner with Elias Secor running one mile North cornering with Secor thence three fourths of a mile west thence one mile south thence to the place of commencement lying both sides of the old mans creek Unto Peter Crum of the county and Territory aforesaid to him his heirs and assigns to hold for ever also warrents and defends the said tract of land from all claims up to this date witness my hand and seal this the second day of March 1839

Witness

ELIAS SECOR

*Samuel C Trowbridge*

This Indenture made this second day of June one thousand Eight hundred and thirty Eight between John Morford of the one part & Philip Clark of the other part. and boath partees of the county of Johnson & Territory of Wisconsin<sup>1</sup> witnesseth that the said John Morford for and in consideration of the sum of three thousand Dollars. in hand paid by the said Philip Clark the receipt of which is hereby acknowledged hath bargened. granted and sold and by these presents doe grant bargin and sell release and confirm unto the said Philip Clark his heirs and assigns all the right title interest and claim of him the said John Morford in and to his farm or claim on and to a certain tract or parcel of land lying and beeing in the county of Johnson and Territory of Wisconsin the same tract or parcel of land lying on the Iowa

<sup>1</sup> Several of the deeds herein recorded date back to the time when Iowa was still a part of Wisconsin Territory.

River & Bounded on the south by Gilbert and Clarks claim which they purchased of Massey on the west by the Iowa River on the North by Andrew D Stephens Claim and on the east by the Prairie with all the appurtenances there unto belonging to the said Philip Clark his heirs and assigns and to the only proper use of him the said Philip Clark. the said John Morford warrents and defends the title or claim in and to the afforsaid tract or parcel of land above described against all persons claiming under by or through him the said John Morford and none other in witness where of I have here unto set my hand and seal this day & date above written

attest

JOHN MORFORD

*S H McCrory.*

handed in for Record

March 23 1839.

[3]

This Quit Claim deed made this twenty seventh day of Febuary one thousand Eight hundred & thirty nine witnesseth that Elijah Hurley of the first part has this day sold and quit claimed to Charles Jones of the second boath parties of the county of Johnson and Territory of Iowa a certain tract or claim in and to a certain parcel of land for the sum of one hundred and fifty Dollars. paid to me by the said Charles Jones the Receipt of which is hereby acknowledged for and in consideration of said sum of money. I doe here by convey and confirm unto the said Charles Jones. all my right title claim and demand as well in expectancy as possession in and to the following described lands lying & beeing in the county of Johnson. Territory of Iowa and beeing the west half of section seventeen Township seventy nine North range five west and the south west quarter of section Eight. Township seventy nine North range 5 west & the East half of the North west quarter of section seven & the west half of the North East quarter of section seven Township seventy nine North range

five west of the fifth principal meridian given under my hand and seal this day and date above written ELIJAH HURLEY  
witness

*S. C. Trowbridge*

handed in for record March 27. 1839.

(Delivered)

Know all men by these presents that I Samuel Henderson of Wisconsin Territory for and in consideration of the sum of fifty Dollars. to me in hand paid do grant bargain sell and convey to Messrs Turner and McCrory of Napoleon in Territory aforesaid all my Right Title for ever to a certain tract of land known and described as follows. commencing south of an Oak tree 80 Rods then East one mile to a stake in the Prairie then due North to a white Oak tree thence due west to a Black Oak tree thence south to the place of beginning three miles North of Napoleon in Testimony where of I hereunto sign my name & affix my seal April 11th 1838

Attest

SAMUEL HENDERSON

*John Gilbert*

handed in for record March 27th 1839.

[4]

#### ASSIGNMENT OF. A DEED.

For and in consideration of the sum of forty six Dollars. I doe here by assign sell and convey all my right title & claim in and to the with in claim to Samuel H McCrory—of the Territory of Iowa.

November 23rd 1838.

JAMES. S. TURNER—

By S H McCrory his attorney in fact.

Samuel H McCrory is fully empowered by me to make a deed of my claim to any person that wishes to purchase the same.

JAMES S TURNER

Napoleon June 28th 1838

This quit claim Deed made this 5 day of March A D 1839 witnesseth that we Eli Myers & Henry Felkner have this day sold unto Elijah Hilton the west half of section 30 Town 80 range 5 west for the sum of Twenty five Dollars. in hand paid as witness our hands this date above written

ELI. MYERS.

handed in for Record March 28th 1839. HENRY. FELKNER.

Anarticle of agreement made this day between John. A. Street of Iowa. and Nelson Hasting of Bloomington<sup>1</sup> the agreement is this that the said John A Street. agrees to sell a certain Claim and rails and what there on the claim lies North East of Napoleon 3 miles in the County of Johnson Iowa Territory and sold to said Nelson Hastings for the sum of Two Hundred Dollars to be paid in Two Instalments namely one hundred to be paid the first of April and one hundred the by the first day of July Next If the money is paid a cording to agreement. from the said Nelson Hastings to the Said John A Street then this agreement is in full force and if not paid a cording to agreement. then this is nul and void January 2nd 1839.

JOHN A STREET

witness

*Robert. Walker*

handed in for record March 27 1839

(Delivered)

[5]

Know all men by these presants that we Saml H McCrory & Andrew D Stephen for and in consideration of the sum of one hundred and seventy five dollars. to us in hand paid the receipt of which we doe hereby. acknowledge have bargened sold and forever quit claimed unto William B Snyder. all our right title interest estate and demand whatever to all those

<sup>1</sup> Now Muscatine.



certain tracts or parcels of land Known as the south East quarter of section thirty one & the south west quarter of section Thirty Two Township seventy nine North range five west of the fifth principal meridian Lying on Gilberts Creek & about two miles due east of Gilberts trading House including the Grand view Grove Against the claim or claims of all persons except the United States<sup>1</sup> we will for ever warrent & defend to this date syned seald and delivered this the 28 day of March A D 1839

In presants  
*S. C. Hastings*  
*Luke Douglass.* .D.<sup>2</sup>

S H McCrory [L S]  
 A D STEPHEN [L S]

By S H McCrory attorney in fact  
 handed in for record March 28th 1838.

(Delivered)

I doe hereby authorise Samuel H McCrory to attend to my claims in my absence.  
 March 16th 1839.

A. D. STEPHEN

#### Quit Claim Deed

This Indenture made this second day of March 1839 by and between Samuel B Mulholland of the first part and William Willson of the second part. both parties of the county of Johnson & Territory of Iowa witnesseth that the said party of the first part has this day sold quit Claimed and conveyed to the said party of the second part all his right title interest and claim in and to the with in described piece or parcel of land here in after mentioned that is to say the one equal and undivided half of the south west quarter of section Twenty Three Township seventy nine North range 6 west of the 5 principal meridian for the sum of fifteen Dollars to me in

<sup>1</sup> The claimants always respected the rights of the United States.

<sup>2</sup> Delivered.

hand paid by the said party of the second part the receipt of which is here by acknowledged in witness where of I have hereunto set my hand and seal this day and year first above written

S. B. MULHOLLAND

Test

Delivered

*A. D. Stephen.*

[6]

This quit claim deed made this Twentieth day of Febuary One thousand Eight hundred & Thirty nine witnesseth that A D Stephen has this day bargened sold and conveyed and & by these presants doe bargaen sell and convey to William Willson boath parties of the county of Johnson & Territory of Iowa A certain tract parcel or claim of land lying & beeing in the county of Johnson & Territory of Iowa the same beeing the North west quarter of section fifteen Township seventy nine North Range 6 west of the 5 principal meridian according to a survey made by George Bumgardner<sup>1</sup> for the sum of Two hundred Dollars. the receipt of which is here by acknowledged given under my hand this day and date above written

A D STEPHEN

handed in March 16th 1839. (Delivered)

This Indenture made this 2 day of June one thousand Eight hundred and Thirty Eight between Philip Clark of the one part and John Morford. of the other part and boath parties of the county of Johnson and Territory of wisconsin witnesseth that the said Philip Clark for and in consideration of the sum of Three Thousand dollars in hand paid by the said John Morford the receipt of which is hereby acknowledged. hath bargened granted and sold and by these presants doe grant bargaen sell release and confirm unto the said John Morford

<sup>1</sup> Three different persons seem to have made surveys of claims in Johnson County, namely, George Bumgardner, Luke Douglass and Cyrus Sanders.

his heirs and assigns all the right title Interest & claim of him the said Philip Clark in and to his farm or claim on & to a certain tract or parcel of land lying being in the county of Johnson & Territory of Wisconsin the same tract or parcel of land lying on the Iowa River and Bounded on the North by I N Lesh on the East by the Bluff on the south by the farm or claim of Weaver on the west by the Iowa River with all the appurtenances there unto belonging to the said John Morford his heirs and assigns. and to the only proper use and behoof the said John Morford the said Philip Clark warrents and defends the title or claim in and to the aforesaid tract or parcel of land above described against all persons claiming under by or through him the said Philip Clark and none others in witness & whereof I hereunto set my hand and seal this day and date above written

attest

PHILIP CLARK [L S]

*Saml. H. McCrory.*

handed in March 29th 1839.

[7]

This Quit Claim Deed made this Eighteen day of August Eighteen hundred and thirty Eight witnesseth that John Smith of Johnson County & Territory of Iowa has this day bargened and sold & by these presants doth grant bargin and sell unto David Switzer of the County and Territory aforesaid all the right title or claim of him the the said John Smith in & to the following described tract or parcel of land situated Lying & beeing in the county & Territory aforesaid and claims of parcels of Land lying and being on the Iowa River & bounded as follows. on the west by the Iowa River on the south by Odells claim on the East by Bradley Claim on the North by Martin Smiths. Claim and also a tract a tract of Land for a timber Claim situated in the bend of the river & south of Martin Smiths claim to have the aforesaid claims or parcel of land.

with all the apertinances there unto belonging to him the said David Switzer his heirs and assigns. and the said David Switzer having paid the said John Smith Two hundred and fifty Dollars. for the aforsaid Claims the receipt whereof is hereby acknowledged and the said John Smith warrents and defends the above claims to the said David Switzer against all Persons claiming under or through him and none others. in witness where of the said John Smith has hereunto set his hand and affixed his seal this day and year above written

attested by

JOHN SMITH [seal]

*Jonathan Harris.*

handed in for record March 29th 1839.

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This Deed made this Eighteen day of August Eighteen hundred & thirty Eight between Jonathan Harris of Johnson county & Territory of Iowa of the one part and David Switzer of the same place of the other witnesseth that the said Jonathan Harris for and in consideration of the sum of one thousand Dollars. to him in hand paid by the said David Switzer the receipt whereof is hereby acknowledged hath granted bargened and by these presants doth grant bargen and sell unto the the said David Switzer all his right title and claim of him the said Jonathan Harris in and to a tract or parcel of Land situate on the west side of the Iowa River and bounded as follows. on the south by a line of agreement between the said Jonathan Harris & his father Pleasant Harris on the east by the Iowa River on the North by a line running due East from or through a small grove against the Bluff to the River & Bounded by Wards claim and on the west by the school section also a timber claim across old mans creek of a quarter section as marked & Bounded & Recorded by said Jonathan Harris to have and to hold the aforsaid claims or parcels of Land together with all the improvements. & apertinances there unto belonging to him the said David Switzer. his heirs and assigns and the said Jonathan Harris will warrent and de-

fend the said claims to the said David Switzer against all persons claiming under or through him and none other in witness whereof the said Jonathan Harris has hereunto set his hand and affixed his seal this day & year above written

JONATHAN. HARRIS [S Eal]

handed in for Record March 29th 1839.

[8]

Know all men by these presants that I John Gilbert of Johnson County and Territory of Iowa for and in consideration of the sum of Two hundred and fifty Dollars. to me in hand paid by James Massey of the Territory aforesaid the receipt thereof is here by acknowledged I doe hereby grant. bargin sell and convey unto said Massey all my right title and interest to a certain piece or parcel of land described as. Follows. being the N west Quarter Section thirty five in Township 79 North also a fraction between it and the Iowa also the timber lying opposite in Testimony whereof I herunto set my hand and affix my seal this 18 day of August 1838

Test

JOHN GILBERT. Seal

*S. C. Trowbridge.*

August the 20 1838 I hereby assign all my right title and Interest to Lewis D Jones of Iowa Territory to the claim above described

JAMES. W. MASSEY Seal

I here by assign all my claim right and title to the with in described tract or parcel of Land in witness where of I have here unto set my hand and and affixed my seal this 15th day of March 1839. LEWIS. D. JONES. handed in 29 March

---

This Indenture made this 14 day of March in the year 1839. between pleasant Harris of Johnson County & Territory of Iowa of the first part and David Switzor of the county & Ter-

ritory aforesaid of the second part. witnesseth that the said Pleasant Harris for and in consideration of the sum of nine hundred Dollars. to him in hand paid the receipt where of the party of the first part doth hereby acknowledge hath bargened sold & quit Claimed unto the party of the second part all his right to the following described tract or parcel of land lying & being in the County aforesaid bounded as follows. beginning at a Stake on the east bank of the Iowa River about seventy rods south of where the said Harris now lives thence west fourteen Rods thence North twenty Rods thence west to the East line of the school section thence North to the south west corner of said Switzors claim thence East following the south line of said claim to the Iowa River thence south following the meanderings of said River to the place of beginning containing Two hundred acres. more or less which said right the said Pleasant Harris doth quit Claim and for ever relinquish to the said David Switzor. his heirs or assigns In witness where of I the said Harris doth hereunto set my hand & seal this date above      PLEASANT. HARRIS [seal]

*A Wolcott*

handed in March 29. 1839.

[9]

Know all men by these presants that I Nelson Hastings for and in consideration of One hundred Dollars to me in hand paid have bargened sold and quit claimed unto S C Hastings all my right title and interest to one undivided half of all that tract or parcels of land known as the east half of section Eighteen and the south East quarter of section seven in Township seventy nine North range five west in the county of Johnson. as witness my hand and seal this 30 day of March 1839

NELSON HASTINGS

handed in for Record April 2nd 1839.

(delivered)

---

Know all men be thes presants that I John A Street has this day swaped or exchanged the following tract or parcel of land with Henry G Reddout the said land lying and beeing on the Prairie North East from the Trading house about one & a half miles & embracing a small Grove at the head of some low lands lying N. E. of the trading house the above claim commences at the south East corner at a Stake on the Township Line and runs thence one mile due west then half a mile due North to a stake then one mile due East to a stake then half a mile due south to the place of beginning containing half a section for a certain tract or parcel of land as described in said Reddouts deed of conveyance to me. I hereby Quit claim all my right title in and to the above described tract or parcel of land to the aforesaid Henry G. Reddout his heirs and assigns given under my hand & seal this 2 day of April 1839 JOHN A STREET [Seal]  
handed in for Record March 2nd 1839. (Delivered)

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Know all men by these presants that I Henry G Reddout has this day swaped or exchanged the following tract or parcel of land with John A Street the same beeing the East half of section thirty four Township 80 North range six west for a certain tract or parcel of land as described in said Streets deed of conveyance to me. I hereby quit claim all my right Title in and to the above described tract or parcel of land to John A Street his heirs and assigns given under my hand and seald this 2 day of April Eighteen hundred and thirty nine HENRY G REDDOUT [L S]  
handed in for record March 2nd 1839

[ 10 ]

Know all men by these presants that I James Massey of Johnson County & Territory of Wisconsin for and in consideration of the sum of three Hundred & fifty Dollars. to me in

hand paid by Philip Clark & John Gilbert of the county and Territory aforesaid the receipt whereof is hereby acknowledged I doe hereby give grant sell and convey unto said Clark and Gilbert their heirs and assigns forever all my right title and interest to a certain piece or tract of land known and described as follows. North half of Section thirty five & south half of section Twenty six. bounded west by the Iowa River North by John Morfords claim south by John Gilberts Claim also one quarter section of Timber lying oposite the above described claim on the Iowa River said Massey agrees and firmly binds him self under the forfeiture of a perportionable part of the payment of said claim if Pleasant Harris or William Harris should by force or otherwise occupy any or all of said Claim in Testimony whereof I have here unto set my name and affixed my seal this 31st day of March 1838  
 a copy taken from the original filed with J Gilberts Decd Papers. this 1 day of April 1839. S. H. McCrory.

JAMES MASSEY [L S]

Know all men by these presants that I James Massey of the County of Johnson and Territory of Iowa. have this day bargened and sold unto Isaiah P Hamilton of the county & Territory aforesaid a certain claim beeing and Lying in the county aforesaid Known to be the west half of the Claim made by William Massey for and in consideration of four hundred Dollars. lawful money of the United States to be paid by the said Isaiah P Hamilton in two payments unto the said James Massey his heirs executors or administrators for which sum the said James Massey of the county & Territory aforesaid conveys all his right and title and Improvements unto the said I P Hamilton his heirs executors and administrators where unto I have this day signed with my hand and sealed with my seal  
 August 31st 1839

JAMES MASSEY L S

attest *Frederick Loue*

The Conditions of the above obligation is such that if the said Isaiah P Hamilton of the County & Territory aforesaid shall



discharge two certain promissory notes given by him payable unto the said James Massey or order then the said I P Hamilton to be the rite and lawful owner but if the said I P Hamilton fails in any wise to discharge the same notes on or before the demand then the said I P Hamilton forfeits the said claim with all the Improvements made there on by the said Isaiah P Hamilton whereunto I have this day signed with my name and sealed with my seal this August 30 1838

ISAAH P HAMILTON

a copy taken from the original in William Masseys hands this 1st day of April 1839

[ 11 ]

This quit Claim Deed made this 1 day of April 1839 witnesseth that I John A Street of the first part has this day sold to Samuel Bumgardner of the second part a certain tract or parcel of land lying and beeing in the county of Johnson and Territory of Iowa the same beeing the southwest quarter of section one Township seventy nine North R 6. W of the 5 principal meridian for the sum of fifteen Dollars to me in hand paid by the said Samuel Bumgardner the Receipt of which is here by acknowledged in consideration of the aforesaid sum of fifteen Dollars. I doe hereby convey release & confirm all my right title interest and claim in and to the before mentioned quarter of land to the said Samuel Bumgardner. his heirs and assigns given under my hand and seal this this day and date above written.

JOHN A STREET

handed in April 2nd 1839.

This quit Claim Deed made the Thirty first day of January 1839-witnesseth that I Samuel. C. Trowbridge of the County of Johnson & Territory of Iowa has this day bargened and sold and by these Presants do bargen and sell and convey unto Elijah Hilton of the County and Territory aforesaid all my

my right Title & Claim in and to a certain quarter section of land lying and beeing in the county aforesaid the same beeing the N. W. qr of Sect 13 Town. 79 N R 6. west of the fifth Principal meridian (according to a survey of claims made by George Bumgardner.) the aforesaid quarter is situated and lyes. between my Prairie quarter & Timber quarter for and in consideration of the sum of fifty Dollars to me in hand paid by the aforesaid Elijah Hilton I doe hereby Release convey and confirm to the said Elijah Hilton all my right title and claim to the aforesaid described land given under my hand this day & date above Written

attest

SAMUEL. C. TROWBRIDGE. [L. S.]

*A D Stephen*

*S H McCrory.*

handed in April 3rd 1839.

no seal

[12]

Know all men by these presants that I Isaac N Lesh of Johnson County. & Iowa Territory have bargened and sold and doe by these presants grant bargin and sell unto Eli Myers of said County and Territory all my right Interest & claim as well in possession as in expectancy to a certain tract or parcel of land lying on the east side of the Iowa River and bounded as follows towit commencing at the N E. Corner. of John Morfords claim thence a westerly direction along said Morfords North Line to the Iowa River thence Northwardly along said River to a certain leaning white Elm in the Edge of the bottom Prairie said Elm is blazed thence East to a stake in the side of the Bluff in the Prairie thence south to the place of. beginning for and in consideration of the sum of fifteen hundred Dollars to him in hand paid the receipt of which is hereby acknowledged to have and to hold the said premises with all and singular the appurtenances there unto belonging unto the said Eli Myers his heirs executors or assigns. and the said Lesh. the aforesaid land unto the said Eli Myers his heirs and assigns against the claim of each and every per-

son claiming in through or under him will warrent and defend.  
in Testimony whereof I. have hereunto set my hand and seal  
this 24 day of October 1838

*Henry Felkner*

Delivered

ISAAC N LESH

handed in April 4th 1839.

This quit Claim deed witnesseth that I Samuel Bumgardner of the County of Johnson & Territory of Iowa. deeded bargend and sold & by these presants do bargin and sell and convey unto William Sturgis of the County aforsaid all my right title and claim in and to the following Tract or parcel of land lying in the County aforsaid for the sum of Twenty five Dollars. the Receipt of which is hereby acknowledged the aforsaid Tract or parcel of land beeing the south East quarter of Section fourteen Township 79 N R 6. west of the 5 principal meridian according to a survey made by George Bumgardner given under my hand and seal this day and date this the sixteenth day of Febuary 1839.

Delivered

handed in April 6th 1839.

SAMUEL BUMGARDNER [L S]

[13]

This Indenture made and concluded this the 17 day of May in the year 1838 between John Earhart of Johnson County and Territory of Wisconsin of the first part and Jesse McCart. Stephen Harris Samuel C Fuller and M F Shattuck of Ogle County & state of Illinois of the second part witnesseth that the said party of the first part. for and in consideration of the sum of one hundred Dollars. to him in hand paid the receipt where of he doth hereby acknowledge hath bargend bargened sold & quit claimed and by these presants doth bargin sell & quit claim unto the party of the second part all his right and Title to the following described tract of land (towit) beginning on the west bank of the Iowa River at the

mouth of the Creek commonly called Cleer creek in said county of Johnson thence west 160 Rods thence North 160 Rods thence east to said River thence south following the meanders of said River to the place of beginning containing about one hundred & sixty acres more or less. also about 100 acres of timber land east of the above described lot and adjoining the River together with all the appurtinances there unto belonging unto the party of the second part their heirs or assigns. In witness whereof I have hereunto set my hand & seal this date above written

*Pleasant Harris*

handed in April 6th 1839.

his  
JOHN X. EARHART  
mark

This Indenture made and concluded this 24 day of September 1838 between Stephen Harris of the first part and Jesse McCart of the second part. witnesseth that the said party of the first part for and in consideration of One hundred Dollars to him in hand paid the receipt where of he doth hereby acknowledge hath bargened quit claimed and by these presants doe bargen sell and quit claim to the said Jesse McCart. all his right & title to the following described tract of land in the County of Johnson & Territory of Iowa beginning at the mouth of Cleer Creek running North up the River half a mile thence west half a mile thence N W  $1 \frac{1}{2}$  miles thence south to said Cleer Creek. thence down said Creek to the place of beginning also his right and title of the undivided one third part of a claim of timber lying East of the River & opposite the above described tract or parcel of land. bounded by a line beginning opposite the North line of the first mentioned tract running up a certain ravine to the River again also his undivided one third part of a claim bounded East by the west line of Wrights Claim & west by the East line of Bolsters embracing all the timber on each side of the Creek bounded North & South by lines running east & west. through said



tree thence East down down the south side of the Grove to an Elm Tree on the south side of Clear Creek thence North across the Prairie to the place of beginning supposed to contain a half section of land In witness where of I have here unto set my hand & seal this 20. day of May 1838  
handed in April 6th 1839. ISAIAH P HAMILTON

---

Know all men by these presants that I Samuel Bumgardner for and in consideration of the sum of one hundred Dollars to me in hand paid the Receipt where of is here by acknowledged have bargened sold and for ever quit claimed unto John Kight all my right title interest claim estate and demand what ever to all those tracts or parcels of land known and described as follows the same beeing two fractional quarters. containing about one hundred and sixty acres and situated on the Iowa River. the same beeing the south west fractional quarter of Section Ten and the South East fractional quarter of section Nine Town 79. N. R 6 west of the 5 principal meridian lying & beeing in the County of Johnson & Territory of Iowa against the claims of all persons Except the united states I warrent & defend the claim above mentioned up to this date given under my hand & seal this 4 day of April 1839.  
handed in April 6th 1839. SAMUEL BUMGARDNER [L S]

[15]

This quit Claim Deed witnesseth that I William Sturges of of the County of Johnson & Territory of Iowa deeded bargened and sold and by these presants and by these presants doe bargin sell and convey to Samuel Bumgardner. of the County aforsaid all my right title & claim in and to the following tract and parcels of land beeing in the county aforsaid for the sum of Ten Dollars. the Receipt of which is here by acknowledged the aforsaid Tract of land beeing the west half of the South west quarter of section Two Township seventy

nine North Range 6 west of the 5 principal meridian according to George Bumgardners Survey given under my hand & seal this day & date April 6th 1839  
 handed in April 6th 1839. WILLIAM STURGIS

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This quit claim deed made this 29 day of March A D. 1839. witnesseth that Elijah Hilton. has this day bargened and sold and by these presants doe grant barginen and sell unto Henry Felkner all his Right interest and claim in and to a certain tract of land known and designated as follows. Viz the South half of the S W. qr of Section 25. Town 80 N. R 6. W & the N. W. qr of Sect 36. Town & Range aforesaid for the consideration of fifteen Dollars to him in hand paid the Receipt of which is here by acknowledged in Testimony whereof I do hereby set my hand and seal this the date above written.  
 handed in April 8. (Delv) ELIJAH HILTON

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Know all men by these presants that I Elijah Hurley for and in consideration of the sum of Twenty Dollars to me in hand paid the Receipt of which I doe here by acknowledge have bargened and sold and by these presants doe bargent grant Sell and for ever quit claim Unto William Jones all my right Title interest Estate or claim what Ever in and to a certain tract or parcel of land lying and beeing in the county of Johnson & Territory of Iowa Known and described as follows. the same beeing the west half of the N. W. qr of Sect. Seven town 79 N R 5 west containing about 80 acres & Bounded on the East. by Charles Jones on the North. by Green Hill on the west by McCrory and Wilcox on the south by. Samuel H McCrory. given under my hand & seal this 8 day of April one thousand Eight hundred & thirty nine  
*S. C. Trowbridge.* ELIJAH HURLEY [L S]  
 handed in April 8th

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This quit claim deed made this 25 day of February 1839. witnesseth that Henry G Reddout has this day bargened & sold & by these presents doe bargin & sell and convey unto Luke Douglass a certain claim tract of land the same containing one hundred & sixty acres or one qr Section it being the N E qr of Sect 2 Town 79. N R. 6. west of the 5 principal meridian for the sum of twenty five Dollars the receipt of which is here by acknowledged. given under my hand & seal this day and date above mentioned

Test

HENRY G REDDOUT [seal]

*Samuel H McCrory*

handed in April 8th 1839

[16]

Know all men by these presents that I. Samuel Bumgardner for the Sum of Twenty Dollars. the Receipt of which is here by acknowledged I do bargin & Sell unto Henry Reddout his heirs and assigns all my right title and quit claim in and to the following described tract or parcel of land Viz one quarter Section bounded on the East. by A Street. on the south by Henry Reddouts claim and one quarter Section beeing the N E. qr of Sect 26. Town 79 N R 6 west. of the 5 principal meridian according to a survey made by George Bumgardner. the same beeing in the County of Johnson & Territory of Iowa given under my hand this 8 day of April 1839  
handed in 8th April 1839 SAMUEL BUMGARDNER [L S]

This quit claim Deed made this 15 day of February 1839. witnesseth that I. Elijah Hilton of the County of Johnson & Territory of Iowa. have bargened and sold & by these presents doe bargin and sell and convey to Samuel Bumgardner of the County aforesaid all my right title and claim in and to the the following Tract or parcel of land lying & beeing in the County of Johnson for the sum of. One hundred Dollars the



receipt of which is hereby acknowledged the aforsaid tract or parcel of land Beeing the North East qr of Sect 14. the S E & N E quarters of Sect 11. Town 79 N R 6 west of the 5 principal meridian (according to a survey made by George Bumgardner) given under my hand & Seal this day and date above written (Delivd) ELIJAH HILTON [L S]

For and in consideration of the sum of one hundred & fifty Dollars to me in hand paid by William Sturges the receipt of which is hereby acknowledged I. doe here by assign to the said William Sturges all my right title claim & demand in and to the above deeded land with all the appurtinances there unto belonging given under my hand & seal this 22 day of Febuay 1839. SAMUEL BUMGARDNER [L S]  
handed in April 9th 1839 (Delivrd)

This quit Claim Deed made this 12 day of April 1839 witnesseth that Elijah Hilton has bargened and and sold and doth by these presants grant bargin and sell unto Henry Felkner all his right Title interest and Claim in & to the N. W. qr of section 31 Town 79 N Range 5 west for the consideration of Twenty seven Dollars & Fifty cents to him in hand paid the receipt of which is here by acknowledged April 12th 1839  
handed in April 12th 1839 ELIJAH. HILTON

[17]

Know all men by these presants that I Samuel Bumgardner of the County of Johnson & Territory of Iowa for and in consideration of the sum of Twenty five Dollars to me in hand paid by William Sturges the receipt of which is hereby acknowledged I doe bargin sell and and by these presants have bargened sold and conveyd unto William Sturges all my right title claim interest and demand whatever in and to the following tract or parcel of land lying and beeing in the County of Johnson & Territory aforsaid the same containing

about one hundred & sixty acres and bounded on the south by Henry Reddout. on the west by Reddouts old line & the River on the North by William Willson on the East by John A Street. given under my hand and seal this 12 day of April 1839  
 handed in April 12th 1839

SAMUEL BUMGARDNER  
 Delivd.

Know All men by these presants that I Nelson Hastings for and in concideration of fifty Dollars have bargend sold and qut claimed to S. C. Hastings one undivided One half of a Timber Claim supposed to contain three quarter sections more or less. about Two miles from Felknrs Mill. and Taken by me in the month of April A D 1839. and recorded in my name and bounded by Blazed Trees and the initeals of my name marked there on as witness my hand & seal this the 17 day of April 1839  
 handed in April 17th 1839

NELSON HASTINGS

Know all men by these presants that I John Kight. of the County of Johnson & Territory of Iowa for and in concideration of the sum of Twenty five Dollars to me in hand paid the receipt of which is hereby acknowledged have bargened and sold unto William Willson of the County afor said and by these presants do bargen sell and for ever quit claim convey unto the said William Willson all my right title claim and demand for ever in and to the following Tract or parcel of land lying and beeing in the County of Johnson & Territory afor said the same beeing the East half of the N W qr of section One Town 79 N R 6 west of the fifth principal meridian given under my hand & seal this 25 day of April 1839.

.Test  
*S H McCrory.*  
 handed in 25th April 1839

Delivered

JOHN. KIGHT

[18]

Know all men by these presents that I William Wilson of the County of Johnson & Territory of Iowa for and in consideration of the sum of thirty Dollars to me in hand paid the receipt of which is hereby acknowledged have granted bargened and sold unto John Kight and by these presents doe grant bargin sell convey & for ever quit claim unto the said John Kight all my Right title interest claim & demand whatever in and to the following tract or parcel of land situate on the Iowa River at the mouth of Rapid Creek bounded as follows. on the west by the River on the East by John A Street on the south by Samuel Bumgardner. and running north from Bumgardners North line half a mile supposed to contain a quarter section given under my hand & seal this 9 day of April 1839

WILLIAM WILSON

handed in April 23rd 1839

N. W  $\frac{1}{4}$  sect. 34. T. 80 N R 6. west

## Johnson County Iowa Territory

This is to show that I Green Hill have this day sold sold and conveyed a certain Claim of land to Christopher Gove for the sum of Fifteen Dollars. The said Claim beeing North of and joining of the said Green Hills Claim and also the same claim that I Bought of James Walding whereunto I have set my hand and seal. this date 18 day of Febuary 1839.

witness Present

X

*James Hill*

GREEN . HILL [seal]

handed in April 26th 1839:

Deliverd

Know all men by these presents that I Samuel H McCrory for and in concideration of the sum of Three hundred & fifty Dollars to me in hand paid the Receipt of which is here by acknowledged have bargened & sold & by these presents doe

quit claim sell & convey Unto Jesse Bowen all my right claim & demand in & to the following tract or parcel of land Lying & beeing in the County of Johnson & Territory of Iowa the same tract. or. claim of land beeing the west half of section Eighteen & the southwest quarter of section (7) seven Town ship 79 North Range 5 west of the fifth principal meridian according to a survey of Claims made by George Bumgardner given under my hand & seal this 2 day of May 1839

Delivered SAML. H. McCrory [Seal]  
handed in May 3rd 1839.

[19]

Know all men by these presents that I Nathaniel Fellows of the County of Johnson and Territory of Iowa for and in consideration of the sum of seventy five Dollars to be paid on or before the 4 day of July next by Isaac. N. Sanders. of the County of of Louisa & Territory aforsaid the receipt of a Note of this date for the above amount is hereby acknowledged. I do hereby release and give a quit claim unto Isaac N Sanders of the County & Territory aforsaid. all my right and title to the following described tract of land (to wit) beginning at the North East corner at a hickory Tree near the Iowa. River. from thence running south to a white oak Tree thence running west to a stake on the east line Olivia Curriers Claim thence running in a north west direction to a Birch Tree on the bank of Cleer Creek thence with the meanderings of said stream East to the mouth thence by the meanders of the Iowa River to the place of beginning in witness whereof I have hereunto set my hand and seal this 8 day of may 1839

Note NATHANIEL FELLOWS [L S]

The above Claim is known as Shaddocks claim and supposed to contain one half section of Land.

attest Deleverd.

*J Bowen.*

handed in May 8, 1839

[20]

Know all men by these presants that I William. C. Massey of Johnson County and Territory of Iowa in concideration of One Hundred Dollars to be paid by Nathaniel Fellows of the County & Territory aforsaid the receipt where of I doe hereby acknowledge have released and quit claimed unto the said Nathaniel Fellows all my right and title to the following described tract of land (Towit)

beginning at the North East corner at a Hickory Tree thence running south to a white Oak tree thence running west to a stake of the East line of Olivia Curriers claim thence running North west to a birch tree on the bank of Cleer Creek. thence with the meanders of Clear Creek to its mouth Thence down the Iowa River to the place of beginning the above described Tract is known as a claim made by Millins F Shattuck and is supposed to contain Three Hundred and Twenty acres. In witness whereof I have here unto set my hand and seal this day of April 25. 1839.

handed in May 8th 1839.

WILLIAM. C. MASSEY.

Know all men by these presants that I Elijah Hilton for and in concideration of the sum of One hundred & seventy five Dollars. to me in hand paid the receipt of which is here by acknowledged have bargened and sold & for ever quit claim. unto John Kight all my right Title claim & demand in and to the Following tract or claim of land lying and beeing in the county of Johnson & Territory of Iowa. and described and Known as follows. the same beeing the the N W quarter of section Twelve (12) & the North west quarter of section Thirteen Town 79 N R 6 W of the fifth principal meridian according to a survey had of Claims given under my hand & seal this 4 day of May 1839.

ELIJAH. HILTON

handed in May 6th 1839. Deliver

For and in concideration of the sum of Four hundred Dollars

to me in hand received I assign the within deed to I. N. Sanders. June 6th 1839.

Witness

*David. Cox*

Delivered

JOHN KIGHT

[21]

This indenture made this 4 day of May in the year 1839 between Jesse McCart of the County of Johnson & Territory of Iowa of the One part and David Switzer of the county and Territory aforesaid of the other part witnesseth that the party of the first part hath this day sold released and quit claimed and by these presents doth sell release and quit claim unto the said David Switzer his heirs and assigns all his right title and claim to the following described tract or parcel of land situated in the County aforesaid and designated as follows. beginning on the bluff at a small black Oak Tree on the south side of Cleer Creek and adjoining the west line of John Hakins claim thence north one mile to a Stake thence west about three fourths of a mile to a Stake and east Line of Briant Denis' Claim thence south one mile to a Stake thence east to the place of beginning containing four hundred acres more or less to have and hold the said tract of land and all my right and title there to In witness whereof I have here unto set my hand and seal this date above

Attest

JESSE McCART [Seal]

*Pleasant Harris.*

handed in May 6..

[*At this place in the original manuscript the minutes of the meetings (see pp. 17-22) of the Claim Association are found inserted between pages 21 and 22. It is possible, that, being detached, they were subsequently pasted in this unnatural place.*]

[22]

Know all men by these presents that we Green Hill and Scian Hill for and in consideration of the sum of one hundred

and sixty Dollars to us in hand paid the receipt of which is hereby acknowledged have granted bargened & sold and by these presants doe for ever sell and quit Claim unto William H Downey the following described tract or claim of land lying and beeing in the County of Johnson & Territory of Iowa the same beeing the North west quarter of section five Township seventy nine North Range five west and the East half of the south East quarter of section Thirty one Township 80 North Range five west of the fifth principal meridian according to a survey of Claims made by Luke Douglass given under our hands and seals this 6 day of May 1839

Delivered his  
GREEN × HILL [Seal]  
mark  
SIAN. HILL [seal]

[23]

This Indenture made the 29 day of April 1839. between David Switzor of Johnson County and Territory of Iowa of the one part and Samuel Wesh of the same place of the other part. witness that the said David Switzor in concideration of the sum of Two hundred & fifty Dollars. to him in hand paid by the said Samuel Wesh the receipt where of is hereby acknowledged doth Quit claim sell and confirm unto the said Samuel Welch his heirs and assigns all the following described tract or parcel of land situated Lying and beeing on the East side of the Iowa River in the county and Territory aforsaid and bounded on the west by Robert Walker's claim and the Iowa River on the south by the claim of Mr Odell & running one mile from the River On the east by a line drawn due North & bounding part of the Distance on an 80 acre claim made by Robert Walker one mile to a section line then west bounding on Walkers claims by a straight line one mile to the place of beginning beeing and including all the claim Deeded by John Smith to David Switzor & also that tract or parcel of land. Deeded by the said John Smith to Enos

Cook. to have and to hold the same as aforesaid Described with Every part and parcel there of to the said Samuel Welch his heirs and assigns for ever. and the said David Switzer doth hereby relinquish all right and claim to the same and will for ever warrant and defend the said parcels of land against him and his heirs and none others in witness where of he has here unto signed his name and affixed his seal this day and year above written  
handed in May 6.

D SWITZER [Seal]

[24]

Know all men by these presents that I William Jones of the County of Johnson and Territory of Iowa for and in consideration of the sum of forty Dollars the receipt whereof is hereby acknowledged have bargened and sold and by these presents do Quit claim sell and convey all my right and claim unto Jsse Bowen to the following described tract or parcel of land Lying and beeing in the County of Johnson and Territory of Iowa the same tract or claim of land beeing the west half of the N.W. qr of Sect. seven Township seventy nine North Range 5 west of the 5 Principal meridian according to a survey of claims made by George Bumgardner. given under my hand & seal this 9 day of May 1839.

Deliverd

WILLIAM <sup>his</sup> X. JONES  
mark

Attest

*David. B. Cox*  
handed in May 9.

[25]

For and in consideration of the sum of Forty Five Dollars. to me in hand paid the receipt of which is hereby acknowledged I doe here by assign sell & convey unto William Wilson all my right title claim and demand in and to the with in claim or parcel of Land given under my hand & seal this 18 day of



May 1839. the same Land beeing the west half of section 30  
Town (80) Eighty North Range five west.  
handed in May 18. ELIJAH HILTON

[*The following record appears in the original manuscript  
between pages 25 and 26, and is numbered page 110.*]

[110]

Know all men by these presants that I. William Sturgis for  
and in concideration of the Sum of Two hundred Dollars to  
me paid by John Sturgis the receipt of which is hereby  
acknowledged have bargened and do forever quit claim unto  
the said John Sturgis all my right and interest in and to the  
following described tract or claim of Land the same being the  
.S. East quarter of Section fourteen Town seventy nine North  
Range Six west of the fifth principal meridian given under  
my hand and seal this the 9 day of March 1843—  
handed in March 9th 1843 WM STURGIS [seal]

[26]

This Indenture made this 18 day of May 1839 between Chris-  
topher Gove of the one part & Green hill of the other part  
witnesseth that the said Gove hath for the concideration of  
sixty Dollars bargened and sold and doth by these presants  
grant bargin and sell the following claim bounded as follows  
towit On the west and North by Green Hills Claim & on the  
south by Jones Claim supposed to contain 320 acres May 18th  
1839 CHRISTOPHER GOVE  
handed in May 20. By HENRY. FELKNER

---

This is to certify that I Christopher Gove have this day author-  
ised Henry Felkner of Johnson County Iowa Territory to sell  
or dispose of the following claims or tracts of land towit one  
half section lying east of E Hiltons Claim on Rappid Creek  
& joining on Green Hills claim on ths south & one half section

joining William Jones claim on the South and Green Hill on  
the North & west

April 26th 1839

CHRISTOPHER. GOVE

[27]

Know all men by these presants that I Samuel Bumgardner for and in concideration of the sum of two hundred Dollars to me in hand paid by A D Stephen the receipt of which is hereby acknowledged I have bargened and sold and by these presants doe sell convey and for ever Quit Claim unto the said Andrew D Stephen all those tracts claims or parcels of land Lying and beeing in the county of Johnson & Territory of Iowa the same beeing known and described as follows— the south East quarter of section three Town (79) seventy nine N R 6 west of the 5 principal meridian and the west half of the south west quarter of section two Township 79 N R. 6. west of the N West quarter of section fourteen Town seventy nine North Range six west. of the fifth principal meridian according to a survey had of Claims given under my hand and seal this 28 day of May One thousand Eight hundred & thirty nine

SAML BUMGARDNER [Seal]

handed in May 28th 1839.

[28]

Know all men by these presants that I. Samuel Colver of Green County State of Illinois have this day granted bargened and sold and by these presants do grant bargaen sell and for ever quit claim unto John G Coleman of the County of Johnson & Territory of Iowa all my right title interest and claim to a certain tract of land purchased of Joseph Stover in January last by the said Colver and Coleman for which the said Colver paid for Two thirds and the said Coleman one third and it is the two thirds part of said claim that Colver now sells and disposes of to the said Coleman Now the above mentioned claim was improved by Joseph Weaver and sold by him to

Joseph Stover and by said Stover to John G Coleman and Samuel Colver and said tract of Land is situated between the claims of Joseph Stover & that of William Morford and is bounded on the west by the Iowa River and on the East by Congress land or unsurveyed land Now the above description beeing deemed sufficient I the said Samuel Colver do relinquish all my title claim and interest to the above mentioned claim of land for the consideration of nine hundred and fifty Dollars to me in hand paid the receipt where of is here by acknowledged in witness where of I have here unto set my hand and seal to this Instrument on the day and date first above written

SAMUEL COLVER

handed in May 29. 1839.

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Know All men by these presants that I Elijah Hilton for and in consideration of the sum of forty Dollars. to me in hand paid have bargened sold and qut claimed to Samuel B Mulholland all my right title claim and interest to the South East quarter of Section Twenty six Township Eighty. Range six west the receipt of which is hereby acknowledged as witness my hand and seal this thirtieth (30) day of May A D 1839.

handed in 1st of June— Deliverd ELIJAH HILTON

[29]

Know all men by these presants that I. S. B Mulholland for and in consideration of the sum of seventy Dollars to me in hand paid have bargened sold and quit claimed to Azariah Pinney all my right title claim and interest to the south East. quarter. of section Twenty (26) six. Township Eight North Range 6 west the receipt of which is. here by acknowledged as witness my hand and seal this 1st day of June 1839

handed in June 1st 1839 (Delivered) S. B. MULHOLLAND

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This Indenture made this 22 day of May in the year 1839. by and between Abner Wolcott of the county of Johnson and Territory of Iowa of the first part and Louis Ranzahn of the County and Territory aforsaid of the second part Witnesseth that the party of the first part for and in consideration of the sum of Two Hundred Dollars to him in hand paid the receipt where of the party of the first part doth hereby acknowledge hath bargened sold released and quit claimed and by these presants doth bargin sell release and quit claim unto the party of the second part all his right Title claim or interest to the following described Tract of land. situated in the county aforsaid and bounded as follows. Beginning about one half mile North of the school Section in Township 78 North. of Range Seven west. at a Stake standing at the east side of the the presant Plowd ground and on the North line of Peter Crums Claim thence west Three quarters of a Mile thence North one mile thence East three fourths of a mile thence south one mile to the place of beginning containing about four hundred acres to have and hold the said tract of Land and all the right Title and interest of the party of the first part to same and every part and parcel there of forever in witness where of the party of the first part hath here unto set his hand and seal the date above signed in the presants of *Pleasant. Harris.* A. WOLCOTT  
handed in June 1st.

[30]

Know all men by these presants that I David Cox for and in consideration of the sum of Eigh Dollars. to me in hand paid the receipt of which is here by acknowledged I doe here. by bargin sell and for ever qut Claim to Thomas P Mulholland and Stephen Brown the following Tract claim or parcel of land Lying and beeing in the county of Johnson & Territory of Iowa and about 3 miles N. W. From Felkners and Myers mill commencing at the N W corner at a white Oak tree

and running south about half a mile to a elm Tree then running east about half a mile to a white Oak then running North about half a mile to a white Oak then west to the place of beginning containing something more than a quarter section given under my hand and seal this 6 day of June 1839.

handed in June 6th 1839

DAVID. COX [seal]

Know All men by these presants that I Samuel H. McCrory for and in concideration of the sum of One hundred and fifty Dollars to me in hand paid the receipt of which is here by acknowledged have granted bargened & sold and by these presants doe for ever quit claim unto Andrew. D. Stephen of the County of Johnson & Territory of Iowa all my right Title claim interest and demand. what ever as well in expectancy as in possession in and to the following claim Tract or parcel of land Lying and beeing in the County of Johnson & Territory aforesaid the same beeing the One equal undivided half of the N E quarter of sect. Twenty Two Town Seventy nine North Range 6 west of the fifth principal meridian according to a survey had of claims by George Bumgardner given under my hand & seal this 10 day of June 1839

Attest

SAML H McCRORY [seal]

*Saml B Mulholland*

*S C Trowbridge.*

handed in June 10th 1839.

[31]

This Indenture made this second day of January 1839 between Samuel Bumgardner of Johnson County and Territory of Iowa of the one part and J G Morrow of the County of Muscatine of the Territory aforesaid of the other part Witnesseth that the said Samuel Bumgardner for and in concideration of the sum of fifty Dollars. to him in hand paid by the said J G Morrow. the receipt whereof is hereby acknowledged has bargened

sold and quit claim deed given to the said Morrow to a certain tract of Land claimed by him described as follows. beeing the south East quarter of Section Ten (10) Town 79 N R 6 west and the south West quarter of section Eleven Town 79 N R. 6. W. beeing one mile and a half from the Town line of Napoleon bounded on the west by the Iowa River the said Bumgardner for and in consideration of the amount of money paid is also to build the said Morrow upon said claim a House of the following dimensions Viz sixteen by 14 Feet wide to be put up and covered in a substantial manner with Doors & windows said House to be finished by the 16 day of March A D 1839. witness our hands and seals this 2 day of January 1839.

witness  
*Philip. Clark*  
*A. D. Stephen*

<sup>his</sup>  
 SAMUEL X BUMGARDNER [seal]

<sub>mark</sub>  
 J G MORROW [seal]

handed in June 12th. 1839.

[32]

Know all men by these presants that I Samuel Bumgardner for and in consideration of the Sum of fifty Dollars to me in hand paid by Samuel B Mulholland & Thomas P Mulholland the receipt of which is here by acknowledged have have bargened and sold and by these presants do forever quit claim unto the said Saml. B. Mulholland and Thomas P Mulholland the following tract claim or parcel of land Lying and beeing in the County of Johnson & Territory of Iowa the same beeing the N. E. qr of Section One Town Seventy Nine North Range six west of the fifth principal meridian according to a survey had of Claims given under my hand & seal this 17 day of June 1839.

(Delivered)

handed in June 17.

SAMUEL BUMGARDNER [seal]

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Know all men by these presents that I Henry G. Reddout. for and in consideration of the sum of Forty Dollars to me in hand paid by Samuel Bumgardner the receipt of which is here by acknowledged doe hereby sell convey release and forever Quit claim unto the said Samuel Bumgardner. all my claim right &. Title what ever in & to the following claim tract or parcel of land Lying and beeing in the County of Johnson & Territory of Iowa the same beeing the N E qr of sect. Three Town 79. N R 6 west & the N E quarter of section Twenty Five Town 79 N. R. 6 west according to a survey had of Claims given under my hand & seal this 18 day of June 1839.

HENRY G REDDOUT [seal]

handed in June 18th 1839.

[33]

Know All men by these presents that I Samuel Bumgardner for and in consideration of the sum of Seventy five Dollars. to me in hand paid by William Sturges the receipt of which is hereby acknowledged I have bargened sold & by these presents do for ever Quit claim unto the said William Sturges all my. right title claim and demand whatever in and to the following Claim Tract. or parcel of land Lying & beeing in the County of Johnson & Territory of Iowa the same beeing the N. E. qr of section Twenty Three Town seventy Nine North R 6 west of the fifth principal meridian according to a survey had of Claims given under my hand & Seal this 19 day of June 1839

SAMUEL. BUMGARDNER [seal]

handed in June 19th 1839.      Delivered

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Know all men by these presents that I Samuel C. Trowbridge for and in consideration of the sum of one thousand Dollars to me in hand paid by George G Oyler & John Horner the receipt of which is hereby by acknowledged. I doe here by bar-

gen sell and by these presents have bargened and for ever quit Claimed unto the said George G Oylor & John Horner the following Tract claim or parcel of land Lying & being in the County of Johnson & Territory of Iowa the same being the South west qr of Section Twelve and the South west quarter of Section Thirteen Town seventy nine N R 6. W. 5. P. M. according to a survey had of Claims this Said Samuel C Trowbridge warrents and defends the title to the above claim or parcel of land against the claims up to this date given under my hand and seal this 6 day of July 1839. the said S C. Trowbridge has reserved the one half of the Crop on said Claim & it is agreed that the said Trowbridge is to have the East half of said Crop adjoining on to McCrory.

attest

*Saml. H. McCrory*

Delivered

SAMUEL. C. TROWBRIDGE [seal]

[37]

This quit Claim Deed made this 5 day of July A D 1839 witnesseth that John Morris of the County of Johnson and Territory of Iowa of the first part has this day sold and quit Claimed to John Parrott of the County and Territory aforesaid a certain tract or claim in and to a certain parcel of land for the sum of seventy five Dollars. paid to me by the said John Parrott of the second part the receipt of which is here by acknowledged for and in consideration of the said sum of money I doe hereby convey and confirm all my right title claim and demand as well in expectancy as possession in and to the following described lands lying in the County & Territory above named and known as the west half the south west  $\frac{1}{4}$  of sect 9 T 79 N. R 5 west also the N.  $\frac{1}{2}$ . N E  $\frac{1}{4}$  of S. 8 T. 79. N R 5 W. also. 80 acres Lying due North of said lot. number not known also (160) one hundred and sixty acres prairie adjoining section sixteen & bounded. on the west side by Mr Shoups Claim and has a furrow ploughed around said Tract.



making in all five Eighty acre lots claimed and recorded by me given under my hand and seal this day first above written.

witness

*John Shoup.* Delvd JOHN MORRIS Junr [seal]  
*Elijah Hurley.* (handed in 8 of July 1839.)

W  $\frac{1}{2}$ . N W.  $\frac{1}{4}$  S. 22. T. 79. R 5 }  
 E  $\frac{1}{2}$  N. E  $\frac{1}{4}$ . S. 21. " " " 5 }

J PARROTT.

This Quit Claim deed made this 5 day of July A. D. 1839. witness that William Jones of the first part has this day sold and quit claimed to John Parrott of the second part both parties of the County of Johnson & Territory of Iowa. a certain tract or claim in and to a certain parcel of Land for the sum of Twenty five Dollars. paid to me by the said John Parrott of the second part the receipt whereof is hereby acknowledged, for and in consideration of said sum of money I doe hereby convey and confirm unto the said John Parrott all my right title claim and demand as well in expectancy as in possession in and to the following described lands lying and being in the County & Territory aforesaid & Known as the South half of the N E qr. of Section Eight. Township seventy nine North Range five west of the fifth principal meridian given under my hand & seal this day and date above written

witness

his

×

*John Shoup* (handed in July 8th 1839) WILLIAM JONES.  
*E Hurley.* Del mark

[35]

Iowa Territory Johnson County the 3 of July 1839.

Know all men by these presants that J G Coleman for and in consideration of the sum of fifty five Dollars. to me in hand paid by Henry Crestler the receipt of which is here by acknowledged. have granted and sold unto the said Crestler all

my right title interest and claim belonging to a certain parcel of land on old mans Creek one claim which was made by Wolcot for the said John G Coleman about the month of February or March last & bounded as per record of said claim it beeing the one undivided half of said claim & I J G Coleman do warrent. & defend from all claims claiming under me unto the said Crestler except the claims of the united States

Signed in the presence of

JOHN. G. COLEMAN

<sup>her</sup>

*Rachel* × *Morford*.

<sup>mark</sup>

handed in July 17th 1839

This quit claim deed made this ninth day of July one Thousand Eight hundred and thirty nine witnesseth that Elijah Hurley of the first part. has this day sold and quit claimed to Morgan Haden of the second part boath parties of the County of Johnson & Territory of Iowa a certain tract or claim in and to a certain parcel of Land for the sum of fifty Dollars. paid to me by the said Morgan Haden of the second part the receipt of which I doe hereby acknowledge for and in concideration of said sum of money. I doe hereby convey and confirm unto the said Morgan Haden all my right title claim and demand as well in expectancy as in possession in and to the following described lands Lying in the county aforsaid beeing situated two miles and a half or three miles. N.E. of Wm Jones containing three quarters of a section bounded on the south by L Douglass on the E by a certain Slough on the North by Cyrus Sanders. claim On the west by land that is yet unclaimed given under my hand & seal this day and date above written

witness

ELIJAH HURLEY.

*James Haden*

handed in Augst 26th 1839.

[36]

Know all men by these presants that I Henry G Reddout have this day sold all my right and title to a claim or parcel of Land to Silas S Swan in and of the County of Johnson Territory of Iowa said Land is bounded as follows to wit,

East and North by land claimed by Hadens west by Iowa River and South by Green and Hayden Containing one Quarter section of land and I doe hereby in concideration and for the sum of Twenty five Dollars to me in hand paid by said Silas sell make over and transfer to him his Heirs and assigns all my right to said Lands

Given under my hand and

seal this 11 day of August 1839

handed in by Reddout

at Iowa City

August 23rd 1839

HENRY G REDDOUT. [S E A L]

Know all men by these presants that I Alexander McBaker for and in concideration of fifty Dollars to me in hand paid have bargened & sold quit Claimed unto E. K. Morse and George Shagley all my right title and interest to that tract or parcel of land Known and situated as follows in Johnson County Iowa Territory beginning at a Stake supposed to be on the W. Line of of the N. W. qr of Sect 19. T 80 N. R 5 W thence East 240 poles to a Stake thence North 240 poles to a large white oak thence west 240 poles to three white oaks on the west Bank of a large Slue thence south 240 poles down the west side of said Slue to the place of beginning given under my hand & seal this 24 day of November 1839 handed in 24 of September ALEXANDER MCBAKER

[37]

Know all men by these presants that I Samuel Bumgardner for and in concideration of the sum of one hundred and forty five Dollars to me in hand paid by Francis Kerr the receipt

of which is here by. acknowledged I have this day bargened and sold and by these presants do quit claim and forever release and convey all my right and title in and to the following claim or tract of land Lying and beeing in the County of Johnson and Territory of Iowa the same beeing the East half of the N. W. qr. of Sect. one Town 79. N. R. 6. west & the East. half of the south west qr of Sect 36. Town 80 North Range 6 west given under my hand and seal this 26. day of September 1839.

Test.

*E K Morsc.*

handed in September 26th 1839

Delivered

SAMUEL BUMGARDNER [L S]

[38]

This Quit Claim Deed made this twenty fourth day of October A D 1839 witnesseth that Luke Douglass of the County of Johnson & Territory of Iowa for and in concideration of the sum of Four hundred Dollars cash in hand paid to me the receipt of which is hereby acknowledged. have this day granted bargened sold and quit Claimed unto Oliver Lindley of Tazwell County State of Illinois all my right title interest and expectancy unto a certain tract of Land the same beeing and Lying in the County & Territory aforsaid to wit the North west quarter of Section Two in Township seventy nine North & Range six west of the fifth principal meridian which title is hereby warrented and defended against all claims and titles except the title of the United States given under my hand and seal this twenty fourth day of October, A D 1839. Delivered in the presants

of *C L Allen*

*ƒ E G Naylor*

Handed in Oct 24th

LUKE DOUGLASS [Seal]

Delivered

[39]

Know all men by these presants that I Robert Small for and in concideration of the sum of forty Dollars to me in hand paid

the receipt of which I do hereby acknowledge have bargened sold and forever quit claimed unto William B Snyder all my right title interest estate and demand what ever to all those certain tracts or parcels of land known as the North half of the N E qr. of Sect 31. and the N Half of the N W. qr of Sect 32. Town 79 N R 5 W. of the principal meridian against the claim or claims of all persons except the United States I will for ever warrent and defend to this date signed seal and delivered this the 25 day of October A D 1839.

The presents of            handed in            }            ROBERT SMALL  
*Wheten Chase*    October 25th 1839 }

Know all men by these presents that I David Odell for and in consideration of the sum of five Dollars to me in hand paid by Anthony B. Bogs I have this day bargened and sold & by these presents doe for ever quit claim to the said Bogs the following claim or tract of land Lying and beeing in the County of Johnson & Territory of Iowa the same beeing the N E qr of Sect 26. Town 80 N R 6 west & the N E qr. of Sect 23. Town 80 N R 6 west given under my hand and seal this 2 day of October 1839.            DAVID ODELL [L S]  
 handed Octo. 29. 1839.

[40]

Know, all men by these presents that I Isaiah P Hamilton have this day bargened sold released by Quit claim Deed unto Henry Reddout of the County of Johnson and Territory of Iowa all my right title & interest in a Certain claim of Timber supposed to be in section (No 3 Three Town 78. Range six west Supposed to contain one hundred acres more or less it beeing the undivided half of a claim owned by Hamilton & Berryhill in company. said claim is bounded as follows to wit East by Jacob Stover claim west by John Gardner North by the south Line of Town 79. South East by the

Iowa River now for and in consideration of fifty Dollars to me in hand paid by the said Henry Reddout. I warrant and defend the above described claim against the claims of all but the United States and further agree that in dividing the said Claim that in dividing it the said Henry Reddout shall have the choice where unto I have this day signed my name and fixed my seal

Octo 29th A D. 1839

ISAIAH P HAMILTON [S L]

In presents of

*Mathias Lauer*

handed Octo 30th 1839.

Know all men by these presents that I William Wilson has this day bargened and sold & by these presents do for ever quit to John Kight the following claim tract or parcel of land for the sum of one hundred Dollars the receipt of which is here by acknowledged the same claim tract or parcel of Land lying and beeing in the County of Johnson & Territory of Iowa and beeing the one equal undivided half of the N W. qr of Sect 15. Town 79 N R 6 west of the fifth principal meridian given under my hand & seal this first day of November 1839

handed in November 1st.

WILLIAM WILSON [Seal]

[41]

Know all men by these presents that I Andrew D Stephen have this day bargened and sold and by these presents do for ever quit claim to William Willson the following tract or claim of land for the sum of four hundred Dollars to me in hand paid by the said Willson the receipt of which is hereby acknowledged the same tract or claim of Land Lying and beeing in the County of Johnson & Territory of Iowa the same beeing the N. W. qr of sect 23. Town 79. N Range 6 west & the west half of the South west quarter or Sect two Town 79. N.

R. 6 west of the fifth principal meridian given under my hand and seal this 1st day of November 1839  
handed in November 1st 1839.      A D STEPHEN [S L]

---

Know all men by these presants that I William Willson for and in concideration of the sum of four hundred Dollars to me in hand paid the receipt of which is hereby acknowledged I have bargened and sold and by these presants do for ever quit claim to Andrew D Stephen the following claim tract or parcel of land Lying and beeing in the County of Johnson & Territory of Iowa the same beeing the one Equal undivided half of the N. W. qr of Sect 15. Town 79. N. R. 6. west and the one Equal undivided half of the S. W. qr of Sect Twenty Three (23) Town 79 N. R. 6. west of the fifth principal meridian given under my hand and seal this 1st day of November 1839. handed in November 1st 1839.      WILLIAM WILSON [Seal]

[42]

Know all men by these presants that I Samuel Lovejoy of the County of Johnson and Territory of Iowa have this day for and in concideration of the sum of one hundred Dollars the receipt of which is here by acknowledged granted bargened and Quit Claimed and sold and by these presants do grant bargen Qut claim and sell unto Charles S Foster of the County and Territory aforsaid all my right title interest and expectancy unto a certain claim tract or parcel of land the same beeing and lying in the County and Territory aforsaid to wit the North Half of Section Seventeen (17) Town Seventy nine North (79) Range Six (6) west of the fifth (5) principal meridian which claim I agree to warrent and defend against all persons titles except the title of the United States In testimony where of I have hereunto affixed my hand & seal the first day of November A D. 1839

*James Wamsly*      witness      SAMUEL LOVEJOY [Seal]

Handed in November 2nd 1839

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[43]

Know all men by these presants that I Charles Jones for and in concideration of one hundred Dollars to me in hand paid by Theodore Jennings the receipt of which I do here by acknowledge I I have bargened and sold and by these presants doe forever quit claim to the said Jennings all my right and Title whatever to the following claim tract or parcel of land Lying and beeing in the County of Johnson and Territory of Iowa situated about two and a half miles of where I now reside the same tract or parcel of land containing Three quarter sections the same beeing recorded by me as a claim the same beeing the southwest quart of Sect two & part of the N. W. qr. of Sect. two and the N W qr of Sect Eleven and part of the S E qr. of Sect (Two 2 all in Town 79 N R 5 W. of the fifth principal meridian given under my hand and seal this 11. day of November. 1839. Deliverd  
handed in Novemb 15th 1839.

his  
CHARLES X. JONES [Seal]  
mark

[44]

Know all men by these presants that we James George & Morgan Hadens. for and in concideration of the sum of Three hundred and twenty Dollars to us in hand paid by Theodore Jennings the receipt of which we do hereby acknowledge. we have bargened and sold and by these presants do for ever quit claim to the said Jennings all our right title and appurtenances there unto belonging to the following claim tract or parcel of Land Lying and beeing in the County of Johnson and Territory of Iowa situated about six miles from Iowa City a little North of East the same tract beeing described as follows. commencing at a point on the Township line between 79. & 80 one mile west of a certain large white Oak Tree marked as a section Corner<sup>1</sup> and bee-

<sup>1</sup>The government marks were often placed on trees.



ing on L Douglasses claim Running East until it Strikes Douglasses Claim thence North forty Rods thence running on Douglasses line until it strikes the Township Line again thence East to a point one mile from the aforsaid described white Oak Tree thence North half a mile thence west half a mile thence North Half a mile thence west a mile and a half. thence south to the place of beginning we warrent and defend all other Claims except Goverment at this time given under our hands and seals this 22 day of November 1839

witness

Delivrd

JAMES HAIDEN

*Daniel J. Duval.*

GEORGE HAIDEN [Seal]

handed in 14 of Decem 1839.

MORGAN HAIDEN

I relinquish my right to all the abe descibed claim I purchased of the Haidens except what is embraced in the following lines. Viz. commencing half a mile west of the Sect corner. of 2. & 3. 35. 34. and the Township line between. 79. & 80. N. thence E. to Douglasses Line then with Douglasses Line N. 40 Rods then E. with Douglasses line to the Township Line. then N  $\frac{3}{4}$  of a mile to a Stake then W  $\frac{3}{4}$  M to a stake then south to the place of Beginning

July 23rd 1840

THEODORE JENNINGS

[45]

Johnson County }  
Iowa Territory } Know all men by these presants that I Alexander McBaker of Cedar County Iowa Territory for and in conideration of the sum of fifteen dollars. the receipt whereof I hereby acknowledge do quit Claim bargen sell and transfer unto Cyrus Sanders. of Johnson County Iowa Territory all my right title interest and claim in and to the following described claim tract of Land or claim (Viz) the N. W. quarter of Sect 19. Town 80 N R 5 west of the fifth principal

meridian in witness where of I have here unto set my hand & seal this the 12 day of June A D 1839—

*Henry Felkner*

ALEXANDER Mc BAKER [Seal]

*Eli Myers.*

Delivered

handed in

January 6th 1840

Know all men by these presents that I George Bumgardner Administrator of Samuel Bumgardner Decd. has this day bargened and sold and by these presents do for ever quit claim unto Matthew Tenick the following claim Tract or parcel of Land lying & beeing in the County of Johnson and Territory of Iowa the same tract or parcel of land beeing the N E quarter of Section Twenty five Ton 79 N R 6 W of the 5-principal meridian for the sum of twenty six Dollars to me in hand paid by the said Matthew Tenick the receipt of which is hereby acknowledged against the claims of all persons except the United States I warrent and defend the above claim up to this date given under my hand and seal this seventh day of January 1840

Test Delivered GEORGE BUMGARDNER [Seal]

*S H McCrory*

(handed in the 7 of Januy 1840)

[46]

Know all men by these presents. that I George Bumgardner Administrator of Samuel Bumgardner Decd. has this day bargened and sold and by these presents do for ever quit claim unto John Reed the following claim tract or parcel of Land lying and beeing in the County of Johnson & Territory of Iowa the same tract or parcel of land bounded as follows On the west by the Iowa River on the South Wm Willson claim On the East by Henry G Reddouts. Claim supposed to contain one quarter Section the above claim beeing registered by Samuel Bumgardner Decd. the 18 day of June 1839 for the

sum of fifty Dollars to me in hand paid by the said George Reed the receipt of which is hereby acknowledged against the claims of all persons except the United States I warrant and defend the above claim up to this date given under my hand & seal this the 7 day of January 1840

Test

GEORGE BUMGARDNER [Seal]

*S. H. McCrory*

(handed in Jan'y 7th 1840)

Know all men by these presents that I William Willson for and in consideration of the sum of Twenty Dollars to me in hand paid by Henry G Reddout the receipt of which is hereby acknowledged I have bargened and sold to the said Henry G Reddout and by these presents do for ever quit claim and confirm unto the said Reddout the following claim tract or parcel of Land Lying and beeing in the County of Johnson & Territory of Iowa the same beeing the N. W. qr of Sect One Town (78) seventy Eight North Range Six west of the fifth principal meridian given under my hand and seal this 29 day of October 1839  
 WM WILSON [L S]  
 handed in January 7th 1840

[47]

This quit Claim Deed made and concluded this thirteenth day of January A. D. 1840 witnesseth that I Samuel. B. Mulholland of the County of Johnson and Territory of Iowa have this day granted bargened and sold unto Charles L Allen of the County and Territory aforesaid and for and in consideration of the sum of sixty four Dollars and fifty cents cash in hand to me paid do grant bargin sell and convey unto said Allen all my right title interest and expectancy unto a certain tract of land the same beeing and Lying in the County and Territory aforesaid and described as follows to wit the East half of the North west quarter of section Three (3) in

Township (79) seventy nine North and Range six (6) west of the fifth principal meridian which claim I agree to warrant and defend against all titles except the title of the United States up to this date Given under my hand & seal this day and date above mentioned

*Luke Douglass*

S. B. MULHOLLAND [Seal]

handed in January 18th 1840

Delivered

Know all men by these presents that I Allen Baxter has this day bargened and sold and by these presents do forever quit claim unto Robert Hutchinson the following claim tract or parcel of land for the sum of fifty Dollars to me in hand paid by the said Hutchinson the receipt of which is hereby acknowledged the same tract or parcel of land lying and being in the County of Johnson and Territory of Iowa the same tract or parcel of land embracing all that part of my claim as recorded that lyes on Section nine and all that part of my claim as recorded that is on section Three on the west side of the Iowa River in 79 N Range 6 west of the fifth principal meridian given under my hand and seal this 25 day of January 1840

handed in January 29th

ALLEN. BAXTER [seal]

[48]

Know all men by these presents that I Walter Clark has this day bargened and sold and by these presents do for ever quit claim unto Charles C Morgan the following claim tract or parcel of land for the sum of fifty two Dollars. to me in hand paid by the said Morgan the receipt of which is hereby acknowledged the same tract or parcel of land lying and being in the County of Johnson & Territory of Iowa Known & described as the south Half of section seventeen (17) Town seventy nine North (79) Range (6) Six west of the

fifth principal meridian given under my hand & seal this 23 day of January 1840

Attest

WALTER CLARK—[Seal]

*F M Irish*

handed in January 27<sup>th</sup> 1840

[49]

Know all men by these presants that I William H Downey do constitute and appoint Green Hill of Johnson County Iowa Territory my lawfull attorney to sell and dispose of the following described property Viz a claim of land lying and beeing in the County of Johnson and Territory of Iowa the same beeing the N. W. quarter of Section five Town 79 N R 5 west and the East half of the South East quarter of section Thirty one (31) Town Eighty (80) North R five west of the fifth principal meridian & authorize said Green Hill to make a sufficient title to said land as if it had been done by myself this 26 day of May 1839.

WM. H. DOWNEY

handed in for Record January 28th 1840.

Know all men by these presants that I Samuel B. Mulholland have bargened and sold & by these presants do for ever quit Claim unto Morgan Haiden the following claim of land lying and beeing in the County of Johnson & Territory of Iowa for the sum of fifty Dollars to me in hand paid the receipt of which is here by Acknowledged the same claim or tract of land beeing the one equal undivided half of the south west quarter of Section Twenty Three (23) Township Seventy nine North (79) range six west of the 5 principal meridian given under my hand and seal this 18 day of January A D 1840

handed in Febuary 3rd 1840 S. B. MULHOLLAND [Seal]

[50]

Know all men by these presents that I Henry G Reddout for and in consideration of the sum of Twenty five Dollars to me in hand paid by Samuel B Mulholland the receipt of which is hereby acknowledged I have this day bargened & sold & by these presents do for ever quit claim release & confirm unto the said Mulholland the following claim tract or parcel of land lying and beeing in the County of Johnson & Territory of Iowa the Same beeing the N. W qr of Section Three Town Seventy nine North Range Six west of the fifth principal Meridian given under my hand and seal this 30 day of October 1839.

Test

HENRY G REDDOUT [Seal]

*Saml. H. McCrory*

handed in Febuary 3rd 1840

Know all men by these presents that I William Sturges of the County of Johnson & Territory of Iowa of the first part for the sum of fifty Dollars to me in hand paid by Samuel B Mulholland of the same place of the second part the receipt of which is hereby acknowledged have granted bargened & sold and by these presents do for ever quit claim to said Samuel B. Mulholland the following piece or parcel of Land Lying and beeing in the County and Territory aforesaid the same beeing the East half of the South west quarter of Section two (2) Township Seventy Nine North Range Six west of the fifth principal Meridian given under my hand and seal this 19 day of July 1839.

WILLIAM STURGIS [Seal]

handed in Febuary 3rd 1840—

This quit claim deed made this 5 day of March 1839 witnesseth that Samuel Bumgardner has this day sold to John A Street a certain tract or parcel of land Lying and beeing in

the County of Johnson & Territory of Iowa the same beeing the south East quarter of Section Two & the west half of the N W quarter of Section one Town Seventy nine N R 6 W of the fifth principal meridian I do hereby release convey and confirm unto the said John A Street all my right title claim and demand in and to the aforesaid lands for the sum of seventy five Dollars. to me in hand paid by the said John A Street the receipt of which is hereby acknowledged given under my hand & seal this day and date above written handed in Febuary 3rd 1840

SAML BUMGARDNER [L S]

[51]

Iowa City Johnson County January 3rd 1840

Know all men by these presants that I David Cox has this day Granted bargened and sold and quit claimed to Francis Thompson a certain trat or parcel of land lying in Johnson County situated about  $3\frac{1}{2}$  miles N W. of F & Myers mill on Rapid Creek bounded on the East by E M Adams claim beginning at the S W corner of Adams claim on a white Oak Tree tree then running west about one half mile to another white Oak Tree thence N. about one quarter of a mile to another white Oak Tree then East about one half mile to another white Oak Tree thence south to the place of beginning supposed to contain about one quarter of a Section or one hundred & sixty acres for the concideration of fifteen Dollars said claim was made & recorded in the Johnson County claim association About the 18 day of may last with the initials of my name on the corners which claim I do warrent and defend from all others except the United States given under my hand & seal this day and date above written

Attest

Delivrd F. D.

DAVID COX

*Robert McKee*  
*Mathias Lauer*

{ handed in Febuay 5th 1840 }

Iowa City Johnson County Febuary the 5 1840

Know all men by these presants that I Francis Thompson of the above named place have this day granted bargened and sold & for ever Quit claimed to Walter Clark & Charles C Morgan a certain tract or parcel of land lying in Johnson County & situated about 3½ miles N W of Felkners & Myers. mill on Rapid Creek and bounded on the East by E M Adams Claim beginning at the South west corner of Adams claim on a white Oak Tree thence running west about ½ mile to another white Oak tree then North about one quarter of a mile to another white Oak Tree thence East about one half mile to another white Oak tree thence South to the place of beginning supposed to contain one quarter section or one hundred & sixty acres for the concideration of thirty Dollars the receipt of which is hereby acknowledged

continued

[52]

said Claim was made and recorded in the Johnson County as-  
sociation about the 18 day of May 1839. with the initials of  
David Cox who made the claim on the corners now for the  
concideration above named I hereby warrent and defend the  
said claim from all others except the United States up to this  
date witness my hand and seal this fifth day of Febuary 1840

attest

FRANCIS THOMPSON [seal]

*Wm Black*

handed in Febuary 5th 184

Know all men by these presants that I James Morgan &  
George Haiden for and in Concideration of the sum of One  
hundred Dollars to us in hand paid by Theodore Jennings the  
receipt of which we do hereby acknowledge have bargened  
and sold and by these presants do for ever quit claim unto the  
said Theodore Jennings all our right and Tittle whatever to a



certain claim tract or parcel of land lying and being in the county of Johnson & Territory of Iowa being the N W qr of Section Eight (8) and the East half of the North East quarter of Section Seven Township Seventy nine North Range 5 West of the fifth principal meridian. the same being recorded by us as a claim made and we furthermore warrant and defend against all other claims except the government, at this time given under our hands and seals this 20 day of December 1839

Witness

JAMES HAIDEN [Seal]

*Henry. Humphrey—*

GEORGE HAIDEN [Seal]

handed in February 12th 1840

MORGAN HAIDEN [Seal]

[53]

Know all men by these presents that I John A Street for and in consideration of the sum of one hundred and fifty Dollars to me in hand paid by James & Morgan Haiden the receipt of which is hereby acknowledged have this day bargened and sold and by these presents do forever quit claim to the said James & Morgan Haiden all of my right title and interest whatever to the following described claim tract or parcel of land lying and being in the County of Johnson & Territory of Iowa the same being the west half of the N. W. quarter of Section One Township Seventy nine North Range (6 six) west of the fifth principal meridian and recorded by me as a claim and I furthermore warrant & defend against all other claims except government at this time given under my hand and seal this 10 day of February 1840

attest

*John Matthews*

JOHN A STREET [Seal]

handed in February 12th 1840

Know all men by these presents that I Green & Sion Hill have this day bargened and sold & by these presents do forever Release convey & quit claim unto John Matthews all

our right title claim & demand whatever in & to the following claim tract or parcel of land for the sum of One hundred & fifty Dollars. to us in hand paid by the said John Matthews the receipt of which we do here by acknowledge the same tract or parcel of land lying & being in the County of Johnson & Territory of Iowa described & Known as follows. the South west quarter of Section six and all of the North West quarter of Section six except Twenty five Acres and fifty seven poles on the east side of said quarter as per survey made by Cyrus Sanders. & corners established according to his Survey in Township Seventy nine (79) North Range five (5) west of the fifth principal meridian given under our hands & seals this 15 day of February 1840

Test

GREEN <sup>his</sup> X HILL [Seal]

<sup>mark</sup> SION HILL [Seal]

*S H McCrory*

handed in Feby 15th 1840

[54]

Know all men by these presents that I William Feikner of the County of Kosciusko and State of Indiana have for the consideration of five Dollars to me in hand paid the receipt of which I do hereby acknowledge bargened & sold and by these presents grant bargin sell & quit claim unto J V Felkner all my right interest and claim in and to the following tract or parcel of land situated in the County of Johnson Iowa Territory namely the south half of the N. E. quarter of section Thirty six Town Eighty range six west in testimony whereof I hereunto set my hand & seal this this 23 day of September 1839

WILLIAM FELKNER

handed in February 24th 1840

Delvd

Know all men by these presents that I Henry Felkner of Johnson County Iowa Territory have for the consideration of five Dollars to me in hand paid the receipt of which is hereby acknowledged bargened and sold and do by these presents grant bargin sell and quit claim unto Joseph V Felkner of the County & Territory aforesaid all my right interest and claim in & to the following tract or parcel of land Viz the N W qr of Sect 36 T 80 N Range 6 west in testimony where of I do hereunto set my hand & seal this 28 day of October 1839 handed in Febuary 24th 1840 Delvd HENRY FELKNER

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This Indenture made this 16. day of November 1839 between Thomas Morrison of the Territory of Iowa & County of Johnson of the first part & Alexander Abel of the County & Territory aforesaid of the second part witnesseth that the said party of the first part for and in consideration of the sum of thirty one Dollars in hand paid by the party of the second part the receipt of which is hereby acknowledged has given granted bargened sold remised released aliened & confirmed & by these presents does give grant bargain sell remise release alien and confirm unto the said party of the second part to his heirs assigns for ever the south half of section (9) nine range (6) six north west of the 5 principal meridian. together with all the singular the appurtinances there unto belonging to have & to hold the same unto the said party of the second part his heirs & assigns & the said party of the first part does consent to warrent against previous claims the title to said premises against the claim of all and every person whatever except the claim of the United States in Testimony whereof the party of the first part has set his hand & seal this day & year first above written

THOMAS M MORRISON

witness { *C S Foster* } handed in  
 { *J D Able* } Febuary 24th 1840

[55]

Articles of Agreement made and entered into this 17 day of June 1839 by and between Stephen S Phelps of the County of Warren in the State of Illinois of the first part and Jacob H. Stover of the other part witnesseth that the said Stephen S Phelps has this day bargened & sold unto the said Jacob H Stover all his right interest and claim in and to the trading House claim on the North side of the Iowa River lying immediatly on said River Known and designated as the trading House claim being the same on which Mr Wheten Chase now resides as Tennant together with the rent of twelve Bushels of Corn to the acre for Twenty acres & the same rent for the balance of the field provided it should have an average crop with said Twenty acres. but should it not turn out to be so good to pay in proportion to the crop said Crop to be delivered in the crib by the said Mr Chase & to be received by the said Mr Stover when ever called upon by the said Tenant Mr Chase for and in consideration of the sum of fifteen hundred Dollars. One thousand Dollars of which sum has been paid & the said Stover having executed his note for the payment of five hundred Dollars. on the first of March next. and the said Phelps agrees on the payment of said note to deduct. seven percent per annum interest for the same— and the said Phelps further agrees on the payment of said note at maturity to give peaceable possession of said claim in testimony whereof the said Phelps has hereunto set his hand & seal this day and date first above written

Test

*J. B. Patterson*

STEPHEN S PHELPS [Seal]

handed in February 26th 1840

[56]

## QUIT CLAIM DEED

Know all men by these presants that I James Davis Administrator of the Estate of John Gilbert late of Johnson County

T. Decd. have this day sold and quit claimed as administrator of said Estate of Jonathan Harris of Johnson County I T. all the claim of the said John Gilbert to the undivided half of a quarter section of land on which the trading House of said Gilbert Stands and also the timber claim of the said Gilbert which is oposite the above named quarter section upon which the said Trading House stands beeing on the west side of the Iowa River immediately on the River be the same more or less also the Balance of the Prairie quarter east of the first named tract on which the said Trading House stands on be the same more or less for the sum of One hundred & seventy five Dollars one half cash Down one half of the Balance in Three months and the other half in six months from this date Johnson County I. T. June 14 1839

JAMES DAVIS Administrator

For Value received I assign the with in Quit Claim Deed

to Jacob H Stover

JONATHAN. HARRIS

handed in

February. 26th 1840 }

[57]

This indenture made and entered into this 15 day of May 1839. by and between James Davis of the County of Desmoin and Territory of Iowa of the first part and Jonathan Harris of the County of Johnson and same Territory of the second part. witnesseth that the said Davis has this day sold unto the said Harris the undevided half of the following claim Viz. the undivided half of one quarter section of land beeing the S. W. qr of Section 35 and at the intersection of the base line with the Iowa River and beeing the land on which the Indian Village recently stood & bounded on the west by the Iowa River & on the North by the boundery line which divided the lands of the United States from the lands of the Indians in what is called the Black Hawk purchase for the sum of four hundred Dollars to the said Davis in hand paid by the said Harris the

receipt of which is here by acknowledged the said claim is the claim on which John Gilbert late of Johnson County resided on & said Davis obtained his right to the undivided half of said claim of John Gilbert Decd. & now conveys said right to said Harris as above described done in Johnson County Iowa Territory on the day first above written

attest

JAMES DAVIS

*William M Harris.*

For Value received I assign the with in Quit claim Deed to Jacob H Stover

handed in }  
Febuary 26 th. 1840 }

JONATHAN HARRIS

[58]

Know all men by these presants that I S. C. Hastings for and in concideration of the sum of one Dollar to me in hand paid I have presented and sold to William B Snyder my claim near Felknors Mill containing three quarter sections of land this 27 day of Febuary A D 1840 S. C. HASTINGS handed in Febuary 28th 1840

Know all men by these presants that I Stephen Brown for and in concideration of the sum of Thirty five Dollars to me in hand paid the receipt of which I do here by acknowledge I do hereby sell and for ever quit claim to Frederick Harter the west half of the following described peace of land as made by David Cox lying and beeing in the County of Johnson and Territory of Iowa & about three miles N. W. from F & Myers Saw mill commencing at the N. W. corner on a white Oak Tree running west about half a mile to an elm tree then running South to a white oak tree then running East to

a white Oak tree then running to the place of beginning given under my hand & seal this 27 day of February 1840

STEPHEN <sup>his</sup> × BROWN [Seal]  
mark

in the presants of  
*Philip Clark.*

handed in March 5th 1840 }

Know all men by these presants that I Theodore Jennings for and in concideration of the sum of Two hundred Dollars to me in hand paid the receipt of which I do hereby acknowledge have bargened & sold and by these presants do for ever quit claim unto Samuel. S. White all of my. right and title whatsoever in and to a certain claim tract or parcel of land lying & beeing in the County of Johnson & Territory of Iowa & the same beeing the N W quarter of Section Eigh & the East half of the N E quarter of Section Seven Township Seventy nine N. R 5 west of the fifth principal meridian given under my hand & seal this 24 day of February 1840

THEODORE JENNINGS [seal]

handed in March 6th 1840

[59]

This is to certify that I have sold to David Garard my interest in a claim of land in Iowa Iowa Territory. Johnson County Bought of Mr Trowbridge containing one hundred & sixty acres. for which I paid the sum of five hundred Dollars

attest

GEORGE. G. OGLER—

*John Horner*

handed in March 19th 1840

Know all men by these presants that we Green and Cion Hill for our selves and as attorney for William H Downey do

this day bargin and sell & by these presants do for ever quit claim to A. R. Gardner the following claim tract or parcel of land for the sum of One hundred & Eighty Dollars to us in hand paid by the said Gardner the receipt of which is here by acknowledged the same tract or parcel of land lying and beeing in the County of Johnson & territory of Iowa known and described as follows. the N. W. qr of Sect (5) five Town (79) seventy nine north range five (5) west of the fifth principal meridian we warrent and defend the aforesaid claim or tract of land against the claim of all persons up to date except the government of the united States. given under our hands and seals this 11 day of April One thousand Eight hundred & forty

attest  
*S. H. McCrory*

their  
GREEN & CION HILL [Seal]

×

mark

WM. H. DOWNEY [Seal]

handed in April 11th 1840 By Green Hill

[60]

Iowa Territory April 15th 1840

Know all men by these presants that I Thomas P Mulholland the party of the first part do sell to C & B Henyan the party of the second part a certain tract of land lying on the North of a claim that is owned by E K Morse for the sum of thirty Eight Dollars. and warrent and defend it from all rights except the Government. it beeing one quarter of a Section

attest

T. P. MULHOLLAND

*John M Kidder*

(handed in April 16th 1840)

This indenture made and entered in to this 16 day of April A D 1840 between Samuel B Mulholland & Thomas P Mulholland Johnson County Iowa Territory of the first part and John M Kidder of Muscatine County Iowa Territory of the



second part. witnesseth that Samuel B Mulholland & Thomas P Mulholland for and in consideration of the sum of two hundred Dollars to us in hand paid the receipt where of we do here by acknowledge have this day bargened sold and forever quit claimed to the said John M Kidder all our right title claim & demand whatever in and to a certain tract of land situated in the County of Johnson & Territory of Iowa and described as follows- To wit Bounded by Cyrus Sanders & E. K Morse on the North & west by E M & D. Adams & Brown & south  $\frac{1}{2}$  mile by John Adams & west half a mile from thence half East from thence one mile North to the place of beginning to have & to hold said tract or parcel of land with all the appurtenances belonging unto John M Kidder his heirs and assigns for ever and the said S. B. & T. P Mulholland for themselves their heirs executors & administrators will warrent and defend the title to the said tract of land against them selves their heirs executors & administrators. and against all other claiments whatever up to this date in testimony whereof we have set our hands and seals this day & year above written.

in the presants of

*Gurdon Hutchinson*

*Bradford Henyan*

*Asa Adams*

handed in April 11th 1840

S. B. MULHOLLAND

T. P. MULHOLLAND [L S]

[61]

Know all men by these presants that I John Trout has this day bargened and sold and by these presants do for ever quit claim to John A Street the following claim Tract or parcel of land for the sum of Twenty five Dollars. to me in hand paid the receipt of which is here by acknowledged the same tract or parcel of land Lying & beeing in the County of Johnson & Territory of Iowa the same beeing the west half of section Thirty five (35) Town Eighty (80) North. Range six west

of the fifth principal meridian given under my hand and seal  
 this 14 day of April 1840 JOHN TROUT. [Seal]  
 handed in April 18th 1840

This is to certify that I. the undersigned has sold to Lewis Costley my right interest and claim to the following Described land Beeing the North half of the south east quarter of a Claim lately sold by. S. & T. P. Mulholland to John M Kidder for the sum of Thirty Three Dollars & Thirty Three cents the Receipt of which is hereby acknowledged April 18th 1840

Witness handed in May 1st. JOHN. M. KIDDER  
*Cornelius Henyon*  
*Wm. P. Doty.*

Know all men by these presants that I George Bumgardner Administrator of Samuel Bumgardner Decd. has this day bargened and sold and by these presants do for ever quit claim unto Samuel C Trowbridge the following claim tract or parcel of land Lying & beeing in the County of Johnson & Territory of Iowa The same beeing the S W. qr of Sect 1 T 79-N R 6 west for the sum of Fifty one Dollars. to me in hand paid by the said Samuel C Trowbridge the receipt of which is here by acknowledged against the claims of all persons except the united States I warrent and defend the above claim up to date given under my hand & seal this seventh day of January 1840

GEORGE BUMGARDNER [Seal]  
 handed in }  
 Test }  
*S. H. McCrory* May 10th 1840 }

[62]

Know all men by these presants that I Samuel. B. Mulholland of the County of Johnson & Territory of Iowa for & in concid-

eration of The Sum of Fifty Dollars. the receipt of which is hereby acknowledged I do bargen sell and by these presants have bargened sold and conveyed unto William Sturges all my right title claim interest and demand. whatever in & to the following tract or parcel of Land Lying and beeing in the county of Johnson & Territory of Iowa The same beeing the South half of the East half of the North East quarter of Sect 23. T 79. N Range 6 west of the fifth principal meridian the same containing 40 Acres—given under my hand & seal this 13 day of May 1840. S. B. MULHOLLAND [seal]  
handed in May 30th 1840

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Know all men by these presants that I John A Street have this day swaped or exchanged the following tract or parcel of Land with Henry G Reddout. Lying & beeing in the County of Johnson & Territory of Iowa the same beeing the S. E qr of Section Two Town 79 N R. 6 W. of the fifth principal meridian I do hereby release convey and confirm unto the said Henry G Reddout. all my right title claim and demand in and to the aforsaid Land for a certain tract or parcel of land as described in said Reddouts deed of Conveyance to me I hereby quit claim all my right in and to the above tract or parcel of Land to the aforsaid Henry. G. Reddout his heirs and assigns given under my hand & seal this 12 day of June 1840 handed in June 12th. 1840 JOHN A STREET [seal]

[63]

This Indenture made this first day of June Eighteen hundred & forty between Allen Baxter of the County of Johnson and Territory of Iowa of the one part and David Linley of the same place of the other part witnesseth that the said Allen Baxter for and in concideration of the sum of Twenty Dollars to him in hand paid by the said Lindley the receipt whereof is here by acknowledged hath granted bargened and sold and

by these presents doth grant bargen sell alien quit claim & confirm unto the said David Lindley all that certain tract or parcel of Land contained in Section four Township seventy nine North & range six west Lying west of the Iowa River and all that part of the said Baxters claim contiguous to the said fraction of section four not previously sold. together with all and singular the improvements rights Libertys privaleges and appertenances there unto belonging or in any wise appertaining also all the right title claim or demand whatever of him the said Allen Baxter to have and to hold the same as here by granted & Sold unto the said David Lindley his heirs and assigns for ever in witness where of the said Allen Baxter has hereunto. set his hand & affixed his seal this day and year above written

ALLEN BAXTER [seal]

signed sealed & Delivered }  
in the presence of. } *Wm. Ward*

handed in June 12th 1840

[64]

Know all men by these presents that I William Sturges of the County of Johnson and Territory of Iowa for and in consideration of the sum of forty Dollars. to me paid by S H McCrory & Samuel. C. Trowbridge have bargened sold and by these presents do for ever quit claim and release all my right and Title in and to the following tract or parcel of land unto the said S H McCrory & S. C. Trowbridge. the same beeing the South west quarter of the South west quarter of Sect Eleven Township 79 N. R six 6 west of the fifth principal meridian the same containing forty acres given under my hand this day and date this the 6 day of July 1840

handed in July 6th 1840.

WM STURGIS

Know all men by these presents that we Samuel H McCrory & Samuel. C. Trowbridge has this day bargened & sold &

by these presants do for ever quit claim unto William Hamilton the following claim tract or parcel of land the same being and lying in the County of Johnson & Territory of Iowa the same Known as the S. W. qr of the S. W qr of Sect Eleven 79 N R 6 west of the fifth principal meridian containing forty acres for the Sum of Seventy five Dollars to us in hand paid the receipt of which is hereby acknowledged given under our hands and seals this 6 day of July 1840.

SAML H. McCRORY [Seal]

handed in July 6th 1840.

S. C. TROWBRIDGE [Seal]

[65]

Know all men by these presants that I Theodore Jennings for and in consideration of the sum of one hundred and fifty Dollars to me in hand paid the receipt of which I do hereby acknowledge have bargened and sold and do by these presants for ever quit claim unto George Hepner of Desmoin County Iowa Territory all of my right & Title whatsoever in and to a certain tract claim or parcel of Land Lying and being in the County of Johnson Iowa Territory & the same being the North west quarter of Sect (10) Ten & the South west quarter of Sect (10) and the west half of the North East quarter of Section Ten. & the South half of the N. W. qr. of Section Four. Township seventy nine North. Range five west of the fifth principal meridian given under my hand & seal July. 14th 1840

THEODORE JENNINGS [Seal]

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Iowa Territory }  
 Johnson County } Know all men by these presants that I  
 Cyrus Sanders of the County of Johnson Territory of Iowa  
 for and in consideration of the sum of one hundred Dollars to  
 me in hand paid the receipt whereof I do hereby acknowl-  
 edge do qut claim bargen sell and Transferr unto William  
 Jayne of the County of Johnson & Territory aforesaid the fol-  
 lowing described tract of Land or Claim (Viz) Lying in the

County of Johnson Territory of Iowa beginning at a Stake in the Prairie about one half mile N. E. of a Grove Claimed by E Hurley & L Douglass thence North one M to a Stake thence East one half mile to a Stake then S. 1 M to a Stake near the N. E. extremity of a Linn Grove thence west  $\frac{1}{2}$  mile to the place of Beginning also 80 acres of Timber Lying one half mile west of the aforsaid claim & bounded by E Hurleys claim on the South said claim is distinctly marked out and the initials C. S. marked on oak Trees at each corner. with all the appurtenances there unto Belonging given under my hand and seal this the 5 day July one thousand Eight hundred & Forty.

Test CYRUS [SANDERS]  
*S H McCrory* handed in July 5th 1840

[66]

Know all men by these presants that I Henry G Reddout. has this day bargened and sold released by quit claim Deed all my right and title and and Interest in and to a certain tract or parcel of land the same beeing the west half of Section No One Town Seventy Eight North Range Six west of the fifth principal meridian in & for the concideration of the sum of sixty five Dollars to me in hand paid I. relinquish all my right. title and interest in & to said claim to Jacob H Stover his heirs or assigns Hereunto I set my hand & seal this 13 day of July 1840  
HENRY G REDDOUT [seal]  
 handed in July 18th 1840

Know all men by these presants that we William Murdock and C C. Morgan have this day bargened and sold and by these presants do for ever quit Claim unto George Rossler the following claim tract or parcel of land lying South & south East of Hartsocks claim on Old mans Creek consisting of Prairie & Timber supposed to contain 6 quarter Sections

Known & recorded as the claim made by Murdock Morgan & Able & beeing the  $\frac{2}{3}$ . of said claim on the North of said Claim with the initials as named above on the Corners. Lying in Johnson County about Seven or 8 miles from Iowa City for the sum of sixty Eight Dollars & fifty cents cash in hand paid and 2 Barrels whisky the receipt of which is here by acknowledged witness our hands and seals this Twenty fifth day of July 1840

WM MURDOCK Seall

handed in July 25th 1840      CHARLES. C. MORGAN Seall

[67]

I do hereby for value received transfer the with in claim to Walter Terrel of South west qr. of Section Three & North of City Plat of Iowa. T. July 2nd 1840

WESLEY. JONES

handed in September 23rd 1840.

For value received I do assign and transfer unto Walter Terrel all my right title interest & claim of in and to the South west quarter of Section No. 3. in Township No. 79. North. and range No. 6. west lying immediately north of and adjoining the City of Iowa July 2nd 1840

WALTER BUTLER

handed in September 23rd 1840.

Know all men by these presants that I John M Kidder of the County of Johnson & Territory of Iowa of the first part and Gurdon Hutchinson of the same County and Territory of the second part. witnesseth witnesseth that the party of the first part for and in concideration of the sum of sixty Dollars to me in hand paid the receipt whereof I hereby acknowledge have this day bargened sold released and forever quit claimed and by these presants do grant bargen sell and forever quit claim unto Gurdon Hutchinson of the second part all my right and title and claim and demand whatever in & to the following

described lot of Ground or tract of land to wit the S. haif of the S. E. qr of the Lot that the said Kidder Bought of S & Thomas P Mulholland in the County of Johnson & Territory of Iowa to have & to hold the said tract of land with all the appurtinances belonging unto the said Gurdon Hutchinson & to his heirs & assigns forever in testimony whereof I have here unto set my name & seal this 16 day of August 1840

In presence of

..... *Enos* }                    {        handed in        }  
 ..... *Hill*    }                    { August 18th 1840 } JOHN. M. KIDDER

[68]

This quit claim deed made and & concluded this twenty Eight day of July A D 1840 witnesseth that I Luke Douglass of the County of Johnson & Territory of Iowa have this day granted bargened and sold & by by these presants do grant bargin sell Convey & quit claim unto J. G. Gilmore of the County and Territory aforsaid for and in concideration of the sum of fifty Dollars Cash in hand or its equivolent to me paid all my right title interest and expectancy to a certain claim tract or parcel of Land being situated in the County & Territory aforsaid and described as follows Lying principally on the North sid of Town Seventy Nine North & Range 5 west & Bounded on the N by the claim Known by the name of the Haiden Claim and the section corners of two Three thirty four & Thirty five concentrating in the same and recorded by me as a claim the title to which I bind my self to convey clear of all incumberances up to this date in testimony where of I hereunto set my hand and seal this the day and date above mentioned signed and delivered in the presence of  
 handed in 24th August 1840                    LUKE DOUGLASS. [L S]

For value received I assign the with in Deed to Theodore Jennings July 26th 1840                    JOSEPH G GILLMORE  
 handed in August 24th 1840



[69]

Know all men by these presants that I Theodore Jennings for and in consideration of the sum of Seventy five Dollars. to me in hand paid the receipt of which I do hereby acknowledge have bargened & sold & by these presants do for ever quit claim unto John Cohick of the County of Johnson & Territory of Iowa all my right and title in and to a certain tract or parcel of Land Lying and beeing in the County & Territory aforesaid & described as follows. Viz. the same beeing the claim formerly owned by Luke Douglass and the bounded on the North by the claim formerly owned by the Haidens & on the South by Jennings the same beeing the timber the prairie Lying East Joining the same the whole containing about two hundred & forty acres and I further warrent and defend against all other claims except goverment at present given under my hand and seal this 28 day of July 1840  
handed in August 24th 1840

THEODORE. JENNINGS [Seal]

---

This quit claim Deed made and concluded this 22 day of September 1840. witnesseth that I Charles L Allen of the County of Johnson & Territory of Iow have this day granted bargened and sold unto R. W. Dolbee of the County & Territory aforesaid and for and in consideration of the sum of seventy Dollars cash in hand paid to me do grant bargin sell and convey unto the said R. W. Dolbee all my right title interest and expectancy unto a certain tract of Land the same beeing and lying in the County & Territory aforesaid and described as follows to wit the E  $\frac{1}{2}$  of the. N. W. qr of Sect. 3. Town Seventy nine North R 6 W 5 principal meridian which claim I agree to warrent and defend against all titles except the government of the United States up to this date given under my hand & seal this day & date above mentioned

witness	handed in	} C. L. ALLEN.
<i>C. S. Foster</i>	Septem 22nd 1840	



[71]

Continued from former page

described Tract or parcel of Land against The Claim or claims of all and every person or persons whatever pretending to have any claim to the same up to This Time except The claim which The Government of The United States which They do not pretend to convey— In Testimony where of The Said Samuel B Mulholland & James Sutton have Set There names and affixed There seals to These presents this 3 day of November 1840

SAMUEL B. MULHOLLAND [Seal]

And

handed in November 4th

JAMES SUTTON [Seal]

Know all men by These presents that I William Sturgis for and in consideration of. the sum of one hundred dollars to me paid by John M Kidder the receipt of which is here by acknowledged I do bargin sell and for ever quit Claim unto John. M. Kidder all my right Title interest in and to The following claim or parcel of Land The Same beeing a claim which I have previously made and had recorded on the register of claims of Johnson County and is situated on The Iowa River Commencing on The River about sixty Rods above The mouth of Turkey Creek and running Three quarters of a mile East. Then S.  $\frac{1}{2}$  mile Then west to the River Then to the place of Beginning given under my hand and seal this the 12 day of November 1840

handed in Novem 19. 1840.

WM STURGIS [Seal]

[72]

Know all men by these presents that I David Lindley of The County of Johnson and Territory of Iowa do for and in Consideration of The sum of Three Hundred Dollars. to me in

hand paid The Receipt where of is here by acknowledged do grant bargin sell and by these presants quit claim and confirm unto John D Able his heirs and assigns. Administrators or Executors all that certain tract or parcel of Land Contained in Section four Town 79 N R 6 west Lying west of The Iowa River and all of that part of said Lindlys Claim Contiguous to the said fraction of Section four not previously sold to gether with all and singular The Improvements Rights Libertys and appertinances Thereunto belonging or in any wise appertaining also all the right title Claim or demand whatever of him the said David Lindly his heirs & assigns for ever

In witness whereof the said David Lindley has hereunto set his hand and Seal This Twenty sixth day of November 1840 signed seald and

DAVID LINDLEY [Seal]

delivered in the presance

of *W McCormick*

handed in Nov 27th. 1840

[73]

Know all men by these presants that I Austin Cole of the County of Johnson & Territory of Iowa have this day bargened and sold unto John Flin of Iowa City and County aforsaid the North half of Eighty Acres of Land that beeing the west half of the South west quarter of Section No. Three & County aforsaid in Township 79. & Range 6 west & I the said Cole doth agree by these presants to warrent and defend Unto said Flin his heirs and assigns the Land as above described against all other claims except the General Government. and the said flin doth on his part. agree to pay the said Cole in con- sideration for the said Land fifty Dollars in good money Ten Dollars to be paid in hand and forty Dollars to be paid by the first of October Next. in conideration whereof I the said Cole doth this day quit Claim all my right title and interest unto the said Flin his heirs and assigns forever in Testimony whereof

I set my hand and seal this 5 day of June in the year of our Lord 1840.

witness

AUSTIN. COLE [Seal]

*C. M. Priestley*

For value received. I do assign all my right claim and Deed over to Wesley Jones & Co Iowa City September 30th 1840 handed in Decemb 12th 1840

JOHN FLIN

[74]

This quit claim Deed made and concluded this 5 day of December A D 1840 witnesseth that I Robert W. Dolbee of the County of Johnson and Territory of Iowa have this day granted bargened and sold unto Wesley Jones & Co. of the County and Territory aforsaid and for and in Concideration of the sum of one hundred Dollars cash in hand to me paid do grant bargen sell and convey unto the said Wesley Jones & Co. all my right title interest and Expectancy unto a certain tract of Land the same being and lying in the County and territory aforsaid and described as follows Viz The East half of the North west quarter of Section Three (3) in Township seventy. nine (79) North. Range six (6) west of the fifth 5 principal meridian which claim I agree to warrent and defend against all Titles except the title of the United States up to this date given under my hand and seal this day and date above mentioned  
Iowa City Decem 5th 1840 R. W. DOLBEE [seal],  
handed in December. 12th 1840.

[75]

Know all men by these presants that I John A Street of the County of Johnson & Territory of Iowa have for the concideration of one hundred Dollars. to me in hand paid the receipt of which is hereby acknowledged bargened sold quit claimed and released and do by these presants grant bargen quit claim release and sell unto C. S. Foster of the County &

Territory aforesaid all my right title interest and expectancy to the following tract of Land to Viz the North East quarter of Section Twenty six (26) Township Eighty N Range Six west of the fifth principal meridian and do hereby warrent and defend said claim up to this date against all claims except the claim of the United States In testimony whereof I have here unto set my hand and seal this 23. day of November A D 1840.

JOHN A STREET [Seal]

handed in December 23rd 1840,

Know all men by these presants that I John A Street of the County of Johnson and Territory of Iowa have and do by these presants sell Bargen grant quit Claim Remise & release unto Charles S Foster of the County & Territory aforesaid his heirs executors or assigns all my right title & interest and expectancy to a certain tract of Land Known and designated as the South West quarter of Sect Thirty five (35) Range Six (6) west of the principal meridian Town Eighty North— Lying immediately north of Iowa City and do hereby warrent and defend said Claim against any other claim except the claim of the United States up to this date in testimony whereof I have hereunto affixed my hand and seal at Iowa City this 23 day of Decemb A D 1840

handed in Decem 23rd 1840.

JOHN A STREET

[76]

This quit Claim deed made and concluded this sixteenth Day of December A D 1840 witnesseth that I Austin Cole of the County of Johnson and Territory of Iowa have this day bargened and sold unto Thomas Cox of the County of Desmoin and Territory aforesaid and for in concideration of the sum of one Hundred & Twenty five Dollars. cash in hand to me paid

do grant bargin sell and convey to the said Thomas Cox all my right interest title and expectancy unto a certain tract of Land the same beeing and Lying in the County and Territory aforsaid and described as follows to wit the west half of the North west quarter of Section Three (3) Township seventy nine (79) North and Range six (6) west of the 5 principal meridian which claim I agree to warrent and defend against all Titles except the Title of the United States up to this date given under my hand and seal the day and date above mentioned.

AUSTIN COLE [Seal]

Iowa City December 16th 1840

Test.

*Frd Johnston*

handed in January 23rd 1841.

[77]

This quit Claim Deed made and Concluded this Twenty first day of January A D 1841. witnesseth That I Thomas Cox of the County of Jackson & Territory of Iowa have this day granted bargened and sold unto Wesley Jones & Co. of the County of Johnson & Territory aforsaid and for in consideration of the sum of One hundred and Twenty Dollars cash cash in hand to me paid do grant bargin sell and convey unto the said Wesley Jones & Co all my right interest and expectancy unto a certain Tract of Land the same beeing and Lying in the County and Territory aforsaid and described as follows to wit the west half of the North west quarter of Section Three (3) Township seventy nine North Range 6 west of the 5 principal meridian which claim I agree to warrent and defend against all titles except the Title of the United States up to this date given under my hand and seal this day and date above mentioned

THOMAS COX

Iowa City January 21. 1841.

attest *J S Kirkpatrick*

handed in January 23rd 1841.

Know all men by these presents that I William Wilson has this day bargened and sold and by these presents do forever quit claim to Henry G Reddout the following claim tract or parcel of Land for a certain tract or parcel of land as described in said Reddouts Deed of Conveyance to me the said tract or parcel of Land beeing the West  $\frac{1}{2}$  of Sect 30. T. 80 N R 5 west of the 5 principal meridian given under my hand & seal this 28 day of December 1840.

handed in Febuary 1st 1841.

WM WILSON [Seal]

[78]

Be it Known that in concideration of one hundred Dollars paid cash in hand to me by John A Street I do hereby sell all my right and title and for ever quit claim to the following quarter Section of Land beginning at the N. W. Corner of of the  $\frac{3}{4}$  qr Sections bought by Kidder of Mulholland from thence running west 160 Rod from thence N 160 Rods from thence East 160 Rods from thence South 160 Rods at the place of beginning containing 160 acres given under my hand & seal this 30 day of. January 1841. Johnson County I. T. handed in Febuary 1st 1841—

PELEG C BROWN [L S]

This bargen made and entered into by the following parties Viz this day I James Williams has bargened and sold to Philo Costly a certain claim lying on the E side of Rapid Creek boundrys of said claim as follows commencing at a white Oak tree standing about 80 Rods. below the upper forks of Rapid Creek thence running south  $\frac{1}{2}$  mile thence E 1 mile to a stake standing on the Prairie near 2 Trees. thence N  $\frac{1}{2}$  mile to a stake thence W. 1 mile to the starting place—I the said Williams agree and bind my self to defend. all rights & claims excepting the claim of the general Government and also singular all rights claims & Interests to said claim for and in concideration of the sum of one hundred Dollars the receipt thereof I



here in acknowledge said Williams agrees to put up a House and finish Except putting up the Chimney & dobing<sup>1</sup> and also said Williams is to Haul out. Eight or Ten hundred rails all included for the receipt above mentioned

Receipt. Johnson County. I. T. January 25. 1841

Witness

JAMES WILLIAMS [seal]

*Cornelius Henyan*

handed in Febuary 3rd 1841

For and in concideration of the sum of Eighty Dollars to me in hand paid by Robert Smith I assign all my right title interest and claim in & to the above claim this 7 day of May 1842 & I warrent and defend it against all claims except the government of the U states up to this date

Test

handed in

PHILO COSTLEY

*S H McCrory* | May 7th 1842

[79]

Know all men by these presants that we Theodore Jennings & Joseph G Gillmore boath of Johnson County in the Territory of Iowa for and in concideration of the sum of One hundred and fifty Dollars. to us in hand paid the receipt of which is hereby acknowledged have bargened sold and do by these presants for ever quit claim to Silas Foster of the County and Territory aforsaid all our right title interest and claim with all the appurtinances there unto be longing to a certain parcel or tract of Land Lying and beeing situated in Township Eighty North and five west of the 5 principal meridian beeing about Six miles Eastwardly from Iowa City commencing at a point on the South. on the Township Line seperating 79 from 80. half a mile west from a stake where section 34. 35. 2 & 3. concentrates. running East until it strikes the Luke Douglass claim thence North about forty Rods thence East on the Line of said claim until it strikes the quarter section now owned by

<sup>1</sup> To paste mud between the logs.

Cohick thence North on said quarter untill it strikes the North line of said quarter thence East half a mile thence North half a mile then west half a mile South one fourth mile west  $\frac{1}{4}$  mile south  $\frac{1}{4}$  mile & west  $\frac{3}{4}$  of a mile then south half a mile to the corners first mentioned Recorded by Theodore Jennings & purchased by him of the Haidens and embraced in there deed to the said Jennings which claim we warrent & defend against all other claims except the government at this time given under our hands & seals this 27 day of March 1841.

attest

THEODORE JENNINGS [Seal]

*F A McCormick*

JOSEPH G GILLMORE [Seal]

handed in April 1st 1841.

[80]

Know all men by these presants that I. Walter Butler has this day bargened and sold and by these presants do for ever quit claim to A I Willis the following claim tract or parcel Land for the sum of fifty Dollars cash in hand paid the Receipt of which is here by acknowledged the same tract or parcel of Land lying and beeing in the County of Johnson & Territory of Iowa the same beeing the one equal undivided half of the N. W. quarter of Section Two Town seventy nine North Range six (6) west of the fifth principal meridian and I do further warrent and defend the above claim against all claims except the government of the United States up to date given under my hand and seal this 19 day of March 1841

WALTER BUTLER [L. S.]

handed in April 28th 1841

Know all men by these presants that I Patrick Smith has this day bargened & sold & by these presants do for ever quit claim to Andrew T. McLewain the following claim Tract or parcel of land for the sum of seventy Dollars in hand paid the receipt of which is here by acknowledged. the same

Tract or parcel of land Lying & beeing in the County of Johnson & Territory of Iowa & known as the S. W qr of Sect. 31. Town 80 N. R 5 west pr M. & I warrent & defend the above claim to the said A. T. McLewain against all claims except the Government of the United States up to this date given under my hand & seal this 12 day of May 1841

Test

*S H McCrory*

handed in May 12th 1841

PATRICK <sup>his</sup> × SMITH [L S]  
mark

[81]

Know all men by these presants that I Cyrus Sanders of the County of Johnson & Territory of Iowa for and in concideration of the sum of Three hundred Dollars. to me in hand paid the receipt of which is hereby acknowledged do quit claim bargin sell & Transfer unto David Ralston all my right title interest & claim in & to The following described Tract or parcel of Land Towit the North west quarter of Section 19. Township 80 N. R 5 west of the 5 pr meridian The west half of the S. W. qr of Sect 19 T 80 N R 5 W 5 pr M together with its appurtinances and improvements there unto belonging the above described Tracts of Land are situated lying & beeing in the County of Johnson & Territory of Iowa on the waters of Sanders branch In witness where of I have here unto set my name and affixed my seal this 2 day of June 1841.

(handed in June 4th 1841)

CYRUS SANDERS [Seal]

Know all men by these presants that I Samuel Conloge of the County of Johnson Territory of Iowa for and in concideration of the sum of fifty Dollars. to me in hand paid the receipt of whereof is here by acknowledged have bargened & sold and by these presants do grant bargin and sell to Lymon Dillon and his heirs & assigns for ever all my right title interest in law. and equity or under the regulations

entered into by the settlers of the Territory of Iowa to the claim or improvements with all the appurtenances there unto belonging that I now reside on & have been residing on for the last twelve months situated in the County of Johnson Territory of Iowa and about seven miles North East of Iowa City to have & to hold the same with the improvements thereunto belonging hereby warrenting and defending the title to said premicies against all persons whatsoever except the government of the united states in Testimony where of I here unto set my hand & seal this 13 day of May 1840  
in the presents of

*R P Lowe*

SAMUEL CONLOGUE [Seal]

[82]

#### QUIT CLAIM DEED

Know all men by these presents that we John D Able & William Murdock of Johnson County Iowa Territory for and in consideration of the sum of Two hundred Dollars good & lawful money of the United States to us in hand paid by William Kemp of Washington County Ohio the receipt where of is hereby acknowledged have granted bargened and sold released and for ever quit claimed & by these presents do bargin sell release & quit claim & confirm unto said William Kemp his heirs executors Administrators and assigns all that parcel or tract of Claim of Land situate in section four in Township seventy nine North Range Six west being west of the Iowa River and also all that part of Able and Murdock claim contiguous to the said fraction of said section four supposed to contain Three Hundred Acres be the same more or less to have and to hold the above described parcel of claim of Land and every part and parcel there of unto the said William Kemp his heirs executors administrators &C together with all and singular the rights librtys privaleges and immunities there unto belonging or in any wise appertaining unto the same & the John. D. Able and William Murdock will for

ever warrent and defend against the claim or claims of every person or persons whatsoever claiming under or through the said John D Able and Wm Murdock. their heirs executors or Administrators and against the claim of every person or persons or persons whatsoever except the claim of the united States up to this date in witness where of we have this day the 5 of July A D. 1841 set our hand & seals

witness

*S M Wadley.* }  
handed in }  
July 5 1841 }

JOHN D ABLE [ L S ]  
WM MURDOCK [ L S ]

[83]

Know all men by these presents that I John A Street of the County of Johnson & Territory of Iowa for and in consideration of the sum of fifty Dollars to me in hand paid by Charles F Hardie of the County & Territory aforesaid have & by these presents do grant bargin sell and Convey & quit claim unto the Said Chas. F Hardie all my right title and interest in & to A certain tract peice or parcel of land lying bounded and beeing situated as follows to wit. lying & situated about three miles North from Iowa City in Johnson County bounded on the west and south by Lands claimed by John A Street on the East by Lands claimed by Charles Foster on & on the North by lands claimed by John Shoup supposed to contain Eighty Acres. be the same more or less to have & to hold the aforesaid granted and bargened premicies unto the said Charles F. Hardie his heirs and assigns for ever & I the said John A Street hereby covenents and agrees to warrent and defend said premicis or claim unto him the said C. F. Hardie his heirs & assigns against all lawful claims & demands. of all and every person whoomsoever. now existing Iowa City June 18th 1841

JOHN. A. STREET

in presents of.

*Elonzo Williams*

handed in August 2nd 1841—

Know all men by these presents that I. C F Hardie of the County of Johnson & Territory of Iowa for & consideration of the sum of sixty Dollars to me in hand paid by J. M. Chote of the County & Territory aforesaid have and by these presents do grant bargaen sell convey and quit claim unto the said J. M. Chote all my right title & Interest in & to a certain tract piece or parcel of Land lying & bounded as follows to wit. lying & bounded about three miles North of Iowa City in John County bounded on the S. & W. by Lands claimed by John A Street on the N. by Shoup on the E by C Foster. supposed to contain Eighty Acres more or less to have and to hold the aforesaid granted premises unto the said J M Chote his heirs and assigns forever & I the said C F Hardie hereby convenents & agrees to warrent and defend the said premicies or claim unto him the said J M Chote his heirs & assigns against all lawful claims & demands of All & every person whomsoever now existing Iowa City July 31st '41.

in the presents of

C. F. HARDIE

*Wm Murray*

[84]

Know all men by these presents that I John M Kidder of the County of Johnson for & in consideration of the sum of thirty Dollars. to me in hand paid by H B Enos the receipt of which is here by acknowledged I have bargened & sold & by these presents do warrent and defend the said claim from all Encumbrances except that of the general government. up to this date & do for ever quit claim unto said. H. B. Enos all my right title in and to the following tract or claim of Land the same beeing that part of the South half of the North East quarter of Section Twenty Two T. 80 N Range 6 west which lyes on the East side of the River & the same is to be extended far Enough East to include Eighty acres in the whole given under my hand and seal this the 23 day of July 1841.

JOHN M KIDDER

This may certify that I am holding for the defence of the above mentioned claim up to this date July 23rd 1841 handed in for Record. WM STURGIS  
August 5th 1841—

[85]

Know all men by these presents that I Allen Stroud of the County of Johnson & Territory of Iowa for and in consideration of the sum of Two hundred Dollars to me in hand paid by William Henry of the same place have this day bargened sold conveyed & for ever quit claimed unto the said Wm Henry all my right title interest claim & demand in & to the following described tract or parcel of Land Viz the South half of the west half of the South west quarter of Section No Eleven in Township seventy nine North Range Six west of the 5 principal meridian Lying in the County & Territory aforesaid & immediately adjoining the South East corner of the Town Plat of Iowa City to have and to hold the said described premises to the said William Henry his heirs and assigns for ever free from all incumbrances whatsoever except the Title of the general government of the United States of America in witness whereof I have hereunto set my hand and seal this 17 day of August. A D 1841.

Witness present

ALLEN. STROUD [seal]

*Stephen B Gardner*

*W C Rayan*

For and in consideration of the sum of Two hundred Dollars. to me in hand paid by Samuel M Ballard I assign transfer convey and quit claim all my Right title & interest in and to the with in described tract or parcel of Land unto S. M. Ballard given under my hand & seal this 17 day August 1841.

Test

*Saml H. McCrory*

his  
WILLIAM × HENRY [seal]  
mark

[ 86 ]

Know all men by these presents

That I Charles. S. Foster of the County of Johnson and Territory of Iowa for and in consideration of One hundred dollars to me in hand paid the Receipt of which is here by acknowledged Bargened and sold to John Polman of the County of Hamilton and State of Ohio all that tract or parce of Land Known and designated as the N. E quarter of Section 26 Twenty six Township (80) Eighty Range (6) west of the 5<sup>th</sup> principal meridian lying in the County of Johnson and Territory of Iowa and do by these presents warrent and defend said claim up to this date against all claims except that of the United States in Testimony whereof I have hereunto set my hand and seal this the 28th. day of September A D 1841 at Iowa City in the County of Johnson and Territory of Iowa handed in October 2nd 1841. C. S. FOSTER [Seal]

Know all men by these presents that Griffeth Shreck of the County of Johnson & Territory of Iowa for and in consideration of the sum of Twenty Dollars the receipt of which is acknowledged have bargened sold and for Ever quit claimed unto William Sturges all my right title in and to the following tract or parcel of land the same beeing situated on Rapid Creek about 1 mile above Felknerns mill & which I made in the fall of 1837 & had recorded on the Johnson County Claim association Records in 1839. the same includes all right to the above mentioned claim let it be more or less given under my hand this 1st day of May 1841 handed in about } GRIFFETH SHRECK  
the 1st-Septem 1841 }

[ 87 ]

Johnson County }  
Iowa Territory }

Know all men by these presents that we Alexander Abel and John Able of the County of Johnson



Territory of Iowa for and in consideration of the sum of Two Thousand Dollars to us well and truly paid the receipt whereof we hereby acknowledge do quit claim bargin sell and Transfer unto Pleasant Arthur of Highland County state of Ohio his heirs & assigns. all our right title interest and claim in & to the following described tract of land (Viz) the South half of Section No. nine (9) of Township seventy nine (79) North Range (6) Six west of the fifth principal meridian lying partly on the west and partly on the East side of the Iowa River Also an undivided half of a claim described and Recorded on the Records of the Claim association of Johnson County as follows. lying about  $3\frac{1}{2}$  miles North of Iowa City on the South side of Iowa River commencing with a Tree with our names together with the day of the month October 29. 1839 Running W  $\frac{1}{2}$  Then S 1 m then E  $\frac{1}{2}$  then N 1. m the trees are blazed round it and our names on the corners C. S. Foster A Able. together with all the appurtenances thereunto belonging Including a Ferry on the first mentioned tract Together with the Boat. Rope Canoe & so fourth belonging to and heretofore used at said ferry to have & to hold the same unto the said P Arthur his heirs & assigns & the said A & J Able do covenant to warrent the title to the said premices against the claim of all and every person whatever except the claim of the United States in testimony whereof we have hereunto set our hands & seals this the 11th day of September A D 1841

ALEXANDER <sup>his</sup> × ABLE [Seal]  
mark

JOHN D ABLE [Seal]

*Frederick Disinger* } (handed in )  
*S M Wadley* } (Octo 1st 1841)

[88]

Know all men by these presants that I Stephen B Gardner of the County of Johnson and Territory of Iowa for and in consideration of the sum of fifty Dollars cash in hand paid and



Montgomery of the second part for the sum of Twenty five Dollars in full

J D Able said claim Lying four miles up the River on the west side of the Iowa  
 Wm Murdock. J D ABLE

This is to Certify that I have as administrator of the Estate of Wm Montgomery deceased sold & Transferred to William Henry all the right & interest of the said Wm Montgomery to the above described claim

Novem 20th 1841.

(handed in  
 Novem 22nd) 1841 A CALKIN. Administrator

Know all men by these presents that I John D Able of the County of Johnson & Territory of Iowa of the first part for and in consideration of the sum of fifteen Dollars to me in hand paid by William Montgomery of the the same place of the Second part have this day sold one third of my claim supposed to be one quarter section Bounded as follows. to wit commencing on the Iowa River on a white Oak Tree thence west one half mile to a Red Oak thence S  $\frac{1}{2}$  M to a Red Oak then E  $\frac{1}{2}$  mile to a Small Bur Oak thence up said River to the place of beginning to have and to hold the same as witness my hand & seal. this 5 day of October 1841

In the presents of  
 Cornelius Henyan

JOHN ABLE [Seal]

This is to certify that I have as administrator of the Estate of William Montgomery deceased sold and Transferred to Wm Henry all the right title & interest of the Said William Montgomery to the above described claim

November 20th 1841

handed in Novem 22nd 1841

A CALKIN }  
 Administrator }

[90]

This quit Claim deed made and concluded this first day of July A D 1841 witnesseth that we wesley Jones & Co of the County of Johnson and Territory of Iowa have this day granted bargened and sold unto Moses Cremer of the County of Desmoin and Territory a forsaid and for in Conçideration of the sum of Three hundred Dollars cash in hand to me paid do grant bargin sell and convey unto the said Moses Cremer all our Right Title interest and Expectancy unto a Certain tract of Land the same beeing & Lying in the County & Territory aforsaid & described as follows. to wit the East half of the N W qr of Sect three (3) in Township Seventy nine North and Range Six (6) west of the fifth (5) principal meridian which claim we agree to warrent & defend against all titles except the title of the United States up to this date Given under our hands and seal this day and date afors mentioned

attest

Iowa City July 1st 1841

*J. Cork*

WESLY JONES &amp; CO

handed in December 9th 1841—

[91]

This quit claim deed made and concluded this 4 day of August A D 1841 witnesseth that I wesley Jones & Co of the County of Johnson & Territory of Iowa have this day granted bargened and sold unto Moses Creamer of the County of Desmoin and Territory aforsaid and for in concideration of the sum of six hundred Dollars cash in hand to me paid do grant bargin sell and convey unto the said Moses Cremer all my Right title interest & expectancy unto a certain tract of Land the same beeing and Lying in the County of Johnson & Territory aforsaid & described as follows. to wit the west  $\frac{1}{2}$  of the N W qr of Sect (3) Three T 79. N R 6 W. of the 5 principal meridian which claim I agree to warrent and defend against all titles except the title of the United States up to

this date given under my hand and seal the day and date above mentioned

Iowa City August 4th 1841

WESLY JONES & Co

Attest

*H. G. Jones*

handed in December 9th 1841—

[92]

Know all men by these presents that I J. M. Chote of the County of Johnson and Territory of Iowa for and in consideration of Seventy Dollars. to me in hand paid by W B Morey of the County & Territory aforesaid have and by these presents do grant bargin sell convey & quit claim unto the said W B Morey all my right title & interest in and to a certain tract or piece or parcel of land lying about three miles north of Iowa City in Johnson County bounded as follows to Viz on the South & west by Lands claimed by John A Street on the North by Lands claimed by Shoup on the East by Lands Claimed by E Foster Supposed to contain Eighty Acres more or less to have and to hold the aforesaid granted premices unto the said W B. Morey his heirs and assigns against all lawful claims & demands of all and every person whomsoever now existing Iowa City December 6th 1841.

Signed in the presents of JOSIAH M. CHOTE [L S]  
of *W Reynolds*.

handed in Decemb 14th 1841.

[93]

Know all men by these presents that I James Trimble of the County of Johnson and Territory of Iowa For and in consideration of the sum of one hundred Dollars to him in hand paid by John M Coleman of the same place the receipt whereof is hereby acknowledged Hath this day released bargened sold & for ever quit claimed & by these presents doth bargin sell and for ever quit claim unto the said J M Coleman his

heirs and assigns forever all his right title interest and claim in and to the following described tract or parcel of Land lying & beeing in the County of Johnson and Territory of Iowa Viz the East half of the North East quarter of Sect No four (4) in Township No 79 North of Range No (6) Six West of the fifth pr merid and also the fractional portion of said North East quarter being the fractional part of said quarter which Lies. N. E. of the Iowa River to have and to hold the tract of Land above described to the said John M Coleman his heirs & assigns for ever free from all incumberances and the said James Trimble will warrent and defend the same against the claim of all persons except the United States in witness whereof the said James Trimble hath hereunto set his hand and seal this 7 day of January 1842

signed sealed and delivered

in the presance of

handed in January 10th 1842

JAMES TRIMBLE [Seal]

[94]

Know all men by these presants that I P. C. Brown of Johnson County Iowa Territory have this day sold and quit claimed unto George. S. Hampton. of the same place the South East quarter of Section Thirteen (13) in Township 80 N Range six west of the 5 principal meridian for and in concideration of the sum of fifty Dollars to me in hand paid the Receipt of which is here by acknowledged. hereby selling and quit claiming all my right & title to said claim to the said Hampton this 7 day of March 1842.

P. C. BROWN

handed in March 11th 1842.

Know all men by these presants that I William Jayne for & in concideration of the sum of four hundred Dollars to me in hand paid by William and Abram Jones the receipt of which is hereby acknowledged have bargened and sold and by these presants do for ever quit claim to the said William and Abram Jones the following claim tract or parcel of Land

Lying & beeing in the county of Johnson and Territory of Iowa and Lying about five miles N. E. of Iowa City the same beeing all that claim I purchased of Cyrus Sanders. except the N. E. qr of of said Claim which I reserve and all that claim tract or parcel of Land I made claim to adjoining or near the aforsaid claim that I purchased the same having been Recorded by me as a claim made and I warrent and defend the aforsaid claim against all Claims except the government of the United States up to date given under my hand and seal this 12 day of Febuary 1842.

attest

L S

*S H McCrory*

WM. JAYNE

N. B. it is understood and agreed that I am to have to the first day of April to Leave the aforsaid premices at which time I am to deliver the same to the said Wm & Abram Jones with all the appurtinances there unto belonging

attest

*S H McCrory*

(handed in  
Feby 12th 1842)

WM JAYNE

[95]

Know all men by these presants that I John Kight of the County of Johnson Iow of the first part and Martin M Montgomery of the second part—That John Kight for and in consideration of the sum of one thousand dollars to be paid as described in certain notes of hand signed by said Martin M Montgomery of the second part have this day sold granted released confirmed and for ever quit claimed and by these presants do grant sell and for ever quit claim unto the said M M Montgomery his heirs executors administrators and assigns the undivided half of the following described claim of Land together with all and singular the improvements there on the S. W. qr of Sect. (27) Twenty seven in T. 80 N. of Range 6 west being the quarter Kights and Radabaughs Mill is situated on Rapid Creek and the N. W. qr of Sect. (34). Thirty four in T 80 N R 6 west except forty Acres being the S. E.

40 of said qr Sect which the said Kight heretofore sold to Woodworth and Lauer and a claim as commencing one half mile below the mouth of Turkey Creek on the Iowa River at a white Walnut Tree thence with the meandrings of the River about one half mile south to a white ash Tree then East one half mile to a white oak Tree thence North one half mile to a white oak Tree thence west one half mile to the place of beginning to have and to hold the undivided half of the above described lands or claims to the sole and proper use or the said M M Montgomery his assigns & C and the said John Kight for him self & c will forever warrant and defend (except the Last described claim) against the claim of every person or persons whatsoever the (United States Excepted In witness where of I the said John Kight have hereunto Set my hand and seal Febuary 14th 1842.

*Frederick Ward* }  
*A D Stephen* }      attest }  
 handed in March 17th 1842

JOHN <sup>his</sup> × KIGHT [seal]  
 mark

[96]

Know all men by these presants that I John A Street of Johnson County Iowa Territory have for the concideration of Five hundred Dollars to me in hand paid by A I Willis the receipt of which is hereby acknowledged granted bargened sold and quit claimed and by these presants doth grant bargin sell and quit claim unto the said A. I. Willis all my Right title interest and claim in & to the. S. W. qr of Sect No Twenty six (26) & the East half of the S. E qr of Sect 27. all in Township No 80 N R 6 West to have and to hold the said premicies with all the appurtinances there unto Belonging to the said A. I. Willis his heirs and assigns free from all incumberances except the title of the United States witness my hand & seal this 14 day of March A. D 1842

Witness  
*S. B. Gardner*  
 handed in March 18 1842

JOHN A STREET [L S]



Know all men by these presents that I George S Hampton of the County of Johnson and Territory of Iowa for and in consideration of the sum of Ninety Dollars to me in hand paid by Minerva Catlett of the same place have this day bargened and sold unto said Minerva Catlett all my Right title and interest in and to the following claim or Tract of Land situated in the County of Johnson . . . . . of Iowa on Turkey Creek containing one Half . . . . . being a claim Stephen Brown made in June 1839 and bounded as follows Viz. Bounded by Jewetts Claim on the East & Cannons on the North & Browns Claim on the south and Adamses Claim on the West to have and to hold the said tract of Land or claim together with its appurtenances unto the said Minerva Cattlet her heirs and assigns. in Testimony whereof I have hereunto set my name and affixed my seal this 8 day of June 1841.

GEO. S. HAMPTON [Seal]

handed in March 19th 1842

The above claim Embraces the N E. qr of S. 11. & N W qr of Sect 12 T. 80 N Range 6 W——

There is two forties of Prairie lying on the south side of said Prairie at the North east corner a stake and at the south west corner the end of a furrow running between the McGrew claim and the within named claim.

P FARR

May 4 1842

J. B. MCGREW

QUIT CLAIM

DEED

For value Recd I assign the within quit claim Deed to Jesse Berry May 4. 1842

*Walter Butler*

*Samuel B Trestle*

Know all men by these presents that I J B McGrew of Johnson County Iowa Territory For the consideration of

ninety dols received of Price Farr have sold unto the said Price Farr The following described lands one quarter section of land commencing at the North east corner of the McGrew claim and running east one half mile then south one half mile then west one half mile thence North to the place of beginning also one . . . . section of timber commencing at an tree at the south east corner of the Harrison timber lot and running south one half mile thence west one half mile thence North one half mile thence east to the place of beginning And I do covenant with the said Price Farr that I am the true claimant of said land and that I do hereby quit claim and sign over all my right title and interest to said claim in witness whereof I have hereunto set my hand and seal this 18 day of . . . . in the Year of our Lord one thousand eight hundred and forty

JESSE B MCGREW Seal

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<sup>1</sup> Abel or Able.

<sup>2</sup> Baxter or Baxtor.

<sup>3</sup> Catlett or Cattlet or Caulet.

<sup>4</sup> Choate or Chote.

<sup>5</sup> Austin or Austen.

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<sup>2</sup> Oyler or Ogler.<sup>3</sup> Secord or Secor.<sup>1</sup> Matthews or Mathews.

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<sup>1</sup> Switzer or Switzor.<sup>2</sup> Welch or Wesh.

HISTORICAL LECTURES

UPON

EARLY LEADERS IN THE PROFESSIONS

IN

THE TERRITORY OF IOWA.

DELIVERED AT

IOWA CITY,

1894.

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IOWA CITY, IOWA:

PUBLISHED BY THE STATE HISTORICAL SOCIETY.

1894.





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## HISTORICAL LECTURES.

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THE STATE HISTORICAL SOCIETY OF IOWA presents a series of lectures upon the early professional men and women of Territorial days.

Pioneer physicians, teachers, lawyers, and clergymen did noble work in the making of Iowa and they deserve the memory of a grateful people.

The Historical Society determined to secure the most reliable information attainable before the actors had passed beyond recollection.

It was not a difficult matter to obtain the history of early physicians, teachers, and lawyers from a representative man of each of these professions. But search for one man who could relate the early struggles of the clergy proved a failure since acquaintance of each man appealed to was limited largely to those of his own denomination.

The history of the clergy is therefore not in the form of a lecture but is a compilation of the knowledge of many. Credit is given to the sources of information cheerfully opened to the compiler.

The lectures are as follows:

*Early Medical Practitioners*, DR. WILLIAM WATSON,  
Dubuque.

*Early Teachers*, Prof. LEONARD F. PARKER, Grinnell.

*Early Members of the Bar*, Hon. THEODORE S. PARVIN,  
Cedar Rapids.

*Early Clergy*, Compilation by J. L. PICKARD, Iowa City.



## EARLY MEDICAL PRACTITIONERS.

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ANY attempt to give a sketch of "The Physicians and Medical Practice of Early Days in Iowa" would be incomplete if it did not include a resumé of the status of medical science at that date. It will also be well to fix a definite limit as to what is to be included in "Early Days in Iowa." The close of the Civil War, is to the present generation and in the development of the State, the beginning of a new era—a date that may appropriately be taken as closing the "Early Days in Iowa."

From the first permanent settlement in 1833 to 1865, embraces a period of thirty-two years. This is again readily divided by the date of our admission as a State, December 28th, 1846. The pioneers of the first period were engaged in laying the foundations of a State; those of the second in its development, in giving form and character to its future, in organizing its permanent institutions, in selecting the best features presented by the representatives of the older States and in seeking to harmonize and modify them so as to adapt them to the new communities. In such labors the members of the medical profession seldom occupied an obscure position, in fact they were often entitled to more prominence than was accorded them. It may not be generally known that the first permanent settlers of Iowa, after the death of Julien Dubuque in 1810, and the first executive officer (or Governor), belonged to the medical profession.

In 1820 Dr. Samuel C. Muir, Surgeon U. S. Army, at Fort Edwards (now Warsaw), built a block house at Keokuk.

He subsequently resigned his position in the army and removed to his claim; but, having no field for business he went to the "Galena mines" where he practiced his profession for ten years. After his return to Keokuk he died of cholera in 1832.

In 1829 Dr. Isaac Galland settled six miles above Keokuk at what is now Nashville. The first civil legislation or law making in Iowa of which I find any record was in June, 1830, at a meeting of miners held on the island near the present Jones Street Levee in Dubuque. A committee of five were elected who drew up rules and regulations in relation to the holding and working of mining claims. These were adopted and Dr. Jarote was elected to hold the articles of agreement, with authority to grant letters of arbitration when applied for, he thus becoming the first civil executive officer in the State. The lack of conveniences and comforts incident to a new community develops in its pioneers the ability of substitution and a readiness in adapting themselves to their surroundings, together with a freedom of action and an absence of conventionalism that, in the minds of many persons, are associated with the lack of education, culture, and refinement. It is true that among the pioneers of nearly every community were representatives of a class who, having been reared on the frontier, had kept in the vanguard of the settlements, in whom the slightest constraints of a permanent community developed a desire to move on and give place to those who organized and gave character to the institutions of the future. Among this class were representative medical men who secured a standing but did not remain long enough to leave their impress upon the community. Those who think that the physicians who had the care and confidence of the people in those days were uneducated, ignorant pretenders, are in error, for although such pretenders were found in every community, and had their following, they were not generally relied on. The physicians, like the other settlers, were either young, or men still in the prime of life. Among the former were often found the

leaders of their respective classes; men who were not content to take, or to continue to occupy, a subordinate position; men who were conscious of their ability, and sought a field where they could exercise it, without waiting for nature, or Providence, to make a vacancy.

There were those who had a less creditable record; men who had good reasons for leaving their former homes, reasons they did not care to explain, and still others, whose habits furnished all the explanation necessary. It would not be just to claim that this latter class were without patients, and sympathizing friends, as such an element existed in all new settlements, especially in the river and mining towns.

It is well known the first attempt at permanent settlement, other than a trading post, was made at Dubuque, in 1830, but the miners were driven out by troops from Prairie Du Chien, who guarded the mines until the summer of 1832 when, by a compromise, the miners were permitted to camp on the island, which came to be regarded as neutral ground. Here a smelting furnace was built to reduce the ore bought of the Indians. Thus an embryo town existed on the border, and was speedily transferred to the mainland, during May and June, 1833, as the vigilance of the troops relaxed upon the approach of the date fixed by treaty for its occupation. Such was the alacrity displayed after June 1st that in a few weeks four or five hundred had established themselves in the town or in its immediate vicinity; among them were one or two physicians. Dr. John B. Stoddard came in June, subsequently Dr. Hamlin, and in September the sign of Dr. Andros was added to the list. Dr. Stoddard was not a graduate; he had been a hospital steward in an Illinois regiment during the Black Hawk War. Knowing a little of medicine he took occasion to make the most of it. He did not remain long, but getting into a difficulty in which he killed his man, left quite suddenly. Dr. Hamlin is remembered as a cultivated gentleman, who secured the confidence of those who employed him, and the respect of all he met. Dr. F. Andros was a native of Massachusetts, and at this time was

not thirty years of age; he was a graduate of Brown University in both the literary and medical departments. He secured a fair share of business, but his health failing, he removed to Clayton county in the fall of 1837, and engaged in farming. He located near the present site of Garnavillo, being thirteen miles from a neighbor. He was thus the first physician to locate in north-eastern Iowa. He was appointed surgeon at Ft. Atkinson and the Winnebago Agency; in 1845, when the agency was removed to Minnesota, he accompanied it. Returning to Garnavillo, in 1854, he removed to McGregor in 1861, where he practiced thirteen years, removing to Decorah in 1874. Here he practiced until 1882, when he went to Mitchell, South Dakota, where he still resides, at the ripe age of ninety, being undoubtedly the earliest and oldest practitioner of the State. During his earlier years he served his fellow citizens in nearly every office within their gift, and was a member of the Territorial Legislature in 1843. As a physician he enjoyed the confidence of the community, was called far and near to do the surgery that was needed, and in consultation in serious cases. He has given some accounts of the ignorance and blunders in diagnosis of some of the pretenders he met, the perusal of which might be amusing, but not in line with the aim of this paper, which is rather to chronicle the conditions and results of the labors of those who, at that time, represented the profession, as we recognize it.

Among others who located in Dubuque during this earlier period, some of whom became permanently identified with the community, were Dr. John W. Finley and Dr. Stephen Langworthy, who came in 1836, Dr. Ambrose Crane, in 1837, and Dr. R. S. Lewis, in 1844. Dr. Langworthy, whose four sons were among the earliest settlers, was a native of northern New York, and a surgeon in the war of 1812. He emigrated to Jacksonville, Illinois, in 1817, and followed his four sons to Dubuque in 1836. He settled on a farm just north of the city and did not engage extensively in practice, but cheerfully responded to the numerous requests to aid his afflicted neighbors.



Dr. John W. Finley, a native of Kentucky, whose ancestors were from North Carolina, was a good type of the inhabitants of that State. Standing over six feet, spare, but sinewy, he was well calculated to endure the labor that fell to his lot. He came from Louisiana, Missouri, having attended school at Jacksonville, Illinois, and graduated in medicine at Cincinnati, under the teaching of Drake, Mussey and Gross. Though without that suavity of manner or polished culture that are valued so highly by many physicians and patrons, his kindness of heart and deep interest in his cases, with an entire absence of pretense or assumed superiority over others, secured to him the confidence of his patrons, his colleagues, and the community in general, to a greater extent than falls to the lot of the average practitioner. During the earlier years of his practice, he made long journeys to the scattered settlements of the interior, often going a distance of forty or fifty miles. These trips were made on horseback, partly over trails, and often across the country from one well known point to another. Not unfrequently the trip would be extended, and the return route varied by a subsequent call to see another patient, who, having heard a physician was expected, had left a message to secure his services, thus delaying his return and causing anxiety to his family. He was engaged in practice nearly forty years including the two years he was in the army as surgeon of the 37th or Greybeard Regiment. He died in 1877, from disease of the brain, resulting from an injury received twenty years before, having been thrown from his carriage. He was a careful, prudent man, at one time was wealthy; became involved through trusting in others, but, recovering himself, he left quite an estate. When well situated, he planned to build a hospital. At the death of his wife, the Finley Hospital was made the residuary legatee of his estate. It has since been organized, and is located in his old home, and regarded as a model of success and usefulness.

Dr. Crane had a decided inclination for surgery. His ability as a surgeon was soon recognized, and he secured a

full share of that practice during the twelve years he remained. He removed to California in 1849.

Dr. Lewis was an active practitioner here for a quarter of a century, the earlier years including much hard labor. During the whole period a warm friendship existed between him and Dr. Finley. Thorough, unassuming and honorable, he enjoyed the respect of all he met, and in an especial degree the confidence of his patrons. Having been his business associate for fifteen years I can speak confidently of his sterling worth.

The first settlements made in Scott county were at Buffalo and Rockingham. Dr. E. S. Barrows was the first physician to settle in the county for practice. He located at Rockingham in the spring of 1836. His professional neighbors were Dr. E. Reynolds, of Geneva, Dr. Bardwell and Dr. Patrick Gregg, of Rock Island, who may, with propriety, be included in this connection, as Dr. Bardwell settled for a time in the western part of Scott county, and subsequently removed to Marion, Linn county, being one of the early practitioners of that section. Dr. Gregg was a warm personal friend of Dr. Barrows during the half century they were professional neighbors; he was often called on the Iowa side of the river, especially in consultation in difficult cases.

Dr. A. C. Donaldson, of Pennsylvania, was the first physician to locate in Davenport. He is said to have been well qualified for practice, but not finding in the sparse settlements the field he desired, after remaining two years he removed to St. Louis and afterwards to California, where he died. After the settlement of the county seat question in favor of Davenport, Dr. Barrows removed there. He soon secured a good practice, and was regarded as the leading physician, possessing the confidence of the community, and for more years than falls to the lot of the majority of physicians, he did a large practice. As a citizen he was ever ready to aid in any good work that was for the welfare of the community. With the advance of years he became less active, but never lost interest in the profession to which his life was devoted. He died at the ad-

vanced age of ninety-two, mourned by those among whom he had lived more than half a century.

Dr. Z. Grant located in the north part of the county in 1835, where he practiced until his death in 1844.

Among the early settlers of Muscatine county were Dr. Eli Reynolds, who came in 1835, Dr. John W. Foster, in 1836, and Dr. George W. Fitch, in 1838. All were more or less engaged in other pursuits, giving some attention to the practice of medicine. Dr. Reynolds was a town proprietor, and engaged in farming. His projected town of Geneva not proving a success, he removed to Bloomington, now Muscatine. Dr. Foster was engaged in merchandise. Dr. Fitch was also a business man, but retained his interest in the profession to the time of his death in 1847. Dr. Blades and Dr. George Reeder were among the earlier practitioners. Dr. Charles Drury located at Moscow, in 1836, and Dr. J. M. Robertson, at Columbus City, Louisa county, in 1838. Dr. Robertson was a leading practitioner and a prominent citizen of that vicinity for thirty years, when he removed to Muscatine, where he died December 30th, 1878, respected and regretted by a large circle of friends. He was one of the organizers of the State Medical Society, and an active member, and while serving in the State Legislature he took an active interest in the State institutions. His son, Dr. W. S. Robertson, was in the army as Major of the 5th infantry; afterwards was an active worker in the profession, and in the State Medical Society, and by his labors with the Legislature exerted great influence in securing the establishment of the institution for the care and education of the feeble minded. He was active in securing the organization of the State Board of Health, and was chosen its first President. He was also Professor of Theory and Practice in the Medical Department of the State University.

Dr. Charles O. Waters, a native of New York, and a graduate of Jefferson Medical College, settled in Muscatine, in 1844, where he practiced several years, until his health compelled him to seek other occupations. He was a fine scholar, taking

an active interest in the progress and welfare of the community. In seeking to exert an influence he resorted to his pen, and developed such an adaptation for newspaper work that after the failure of his health he became connected with the religious press, and a series of weekly letters begun for his own gratification were valued so highly that they were continued for a third of a century. He was widely known and universally respected. He died in May, 1893.

The first permanent settlement at Burlington was made in 1833. Dr. W. R. Ross came in July, from Quincy, Illinois, bringing a small stock of drugs, medicines and groceries. Dr. Cutler came in 1834, and died young, in 1837.

Dr. Seth S. Ransom located in October, 1837. He was a graduate of the Vermont Medical College, a well educated, able man, a successful practitioner and a public spirited citizen, ever ready to aid any enterprise projected for the good of the community where he had made his home. He was for many years the leading physician; as time rolled on and later arrivals strove by faithful work to excel him, they only succeeded in dividing with him the honors of public esteem. He died in December, 1874.

Dr. L. W. Hickok, a good physician and worthy citizen, came in 1838. He was subsequently in business with Dr. Lowe, until the latter's removal to Council Bluffs. He enjoyed the confidence of the community, and secured his share of patronage during the ten years he lived among them; he died in 1848.

Dr. Enos Lowe, a native of North Carolina, a graduate of the Ohio Medical College, located here in 1837. He secured a good business and standing—practicing with Dr. Campbell until his death, and then with Dr. Hickok until 1845, when he removed to Council Bluffs, having been appointed receiver of the land office by President Polk. He removed to Omaha in 1854. During the war he was surgeon of the 5th Iowa cavalry, a regiment in which there was a battalion of Nebraska troops. He died in 1880.

Dr. John F. Henry, a native of Kentucky, located in Burlington in August, 1845. He served in the war of 1812 as surgeon's mate, and was with General Harrison in his campaign in north-western Ohio. After the war he applied himself to the study of medicine, and graduated at the University of Pennsylvania in 1817, and at the College of Physicians and Surgeons, of New York, in 1818. He subsequently located in Cincinnati, where, from 1830 to 1834, he was connected with the Medical College of Ohio as Professor of Obstetrics and Diseases of Women. During this period Cincinnati was visited by cholera, enabling him to obtain an experience of value when he met the disease again at Burlington, in 1850 to 1856. He was a man of ability, of studious habits and literary tastes, enthusiastic in his love for the profession. He made some valuable contributions to journals and medical societies. Among them an article on cholera and its treatment, based upon his observations in the epidemic of 1832 and 1833, and again in 1850-56. He also presented a report on the topography, climate and diseases of Iowa, which he read before the Iowa State Medical Society in 1851. Some brief references to diseases and their treatment as he observed them will be noticed in this paper. He was one of the organizers of the Iowa State Medical Society, was interested in sustaining it, and was its President in 1861. He retired from active practice in 1860, but continued to visit his old personal friends and in consultation. He left a memory cherished by a large circle of friends when he died in 1873.

The first permanent settler of Lee county was Dr. Samuel C. Muir, who built a trading post in 1820. Dr. Isaac Galland settled at Nashville, in 1829. Ft. Madison was settled in 1832, Dr. Campbell Gilmer being the first physician to locate there. Dr. Joel C. Walker came in 1836. Dr. J. P. Stephenson located in Denmark at about the same time. Of others who located previous to 1847, I have failed in my effort to procure reliable data.

Dr. John D. Elbert settled in 1840, at Keosauqua, Van

Buren county, then on the extreme frontier. He was a native of Kentucky; his parents removed to Ohio when he was six years of age. His father was a surgeon in the army in the war of 1812. Dr. Elbert's education was only such as the common schools afforded; being studious and ambitious he profited by such books as he could get access to. In 1829 he was licensed to practice by a Board of which Dr. Daniel Drake was President. After locating at Keosauqua he soon became prominent as a surgeon, having an extensive practice in south-eastern Iowa and northern Missouri. His labors and aspirations were not confined to his profession, but extended to other interests and enterprises. He was a member of the Territorial Legislature in 1842, and was one of the company that laid out Ottumwa in 1843. He was ever ready to aid any enterprise that appealed to his judgment as of benefit to the community or the profession. He was one of the charter members of the Iowa State Medical Society,—was its President in 1852, and took an active interest in it during his life. He died in March, 1865, sincerely mourned by a large circle of personal friends and the community who had learned to prize his kindness and his genial manners during the twenty-five years he had resided among them.

Dr. Rufus H. Wyman, of the University of Pennsylvania, located in Bonaparte, Van Buren county, in 1846, where he soon acquired a good practice. In 1855 he removed to Keokuk, to become the partner of Dr. John F. Sandford. They did an extensive and lucrative business; his professional career was one of marked success. He was surgeon in the army a year, when failing health caused him to resign. He died February 11th, 1881.

Among other names that come to us of this date are those of Dr. E. A. Boyer, who settled in Mahaska county, in 1843, and of Dr. Ware and Dr. Heikleman who were in Wapello county, at the same date. Dr. Ware removed to Fairfield, where he resided many years. The first physician of Henry county, whose name I have been able to obtain was Dr.

Payne, who located at Mt. Pleasant early in the forties and practiced until his death about 1847.

Dr. Thomas Seiveter located at Salem in 1845. He was a Quaker by birth and education, a graduate of a London College, thoroughly educated in his profession with a taste and aptness for surgery that would have made him successful and prominent had he located where there was a wider field for such services. He was a charter member, and twice President of the Iowa State Medical Society. He lived to be more than ninety, nearly half a century of it in his Iowa home.

The pioneer physician to locate at Ottumwa was Dr. C. C. Warden, who settled there in July, 1843. He was not a graduate in medicine, but, being a man of much force of character and good common sense, he secured the confidence of the people and was prominent while he continued in practice. He subsequently engaged in mercantile business and still resides in Ottumwa where his home has been for half a century.

Johnson county received some settlers in 1837, with a marked increase after the Territorial Legislature, at its session in the fall of 1838, provided for the location of the capital within its limits, which resulted in the selection of this beautiful site. Dr. Henry Murray, a graduate of Louisville, was the first resident physician. Drs. Samuel Ballard, Ezra Bliss and Jesse Bowen located here subsequently and were successful practitioners. Dr. Murray became well known throughout this and the adjoining counties. Beloved and trusted by all, he was spared forty years to enjoy the esteem and confidence he so highly prized and richly merited.

During the period we have been considering we find the names of a number of professional men, who were engaged in other pursuits. In 1830 Dr. Jarote was mining at Dubuque. In 1834 Dr. W. R. Ross was a merchant at Burlington. In 1836 Dr. John W. Foster was similarly engaged at Muscatine. In 1838 Dr. S. J. Tryon was County Clerk, at Marion, Linn county. In 1840 Dr. Tuthill, of Tipton, aban-

tioned medicine for law and the bench in which he was successful. He afterwards engaged in banking, acquiring a competency. At about the same date Dr. S. G. Maston settled in Jones county, engaged in practice and farming, being also a member of the first Constitutional Convention and of the first and second State Legislatures. In 1846 Dr. T. K. Brooks was a business man at Des Moines.

Having thus briefly noted some of the first to locate and some who became permanent and prominent in the earlier settlements, before discussing their practice it will be proper to review hastily the development and status of medical science and practice in 1832. The pages of the history of human progress show many variations and changes in public opinion. Ideas differing widely, often exactly opposite, have supplanted those that had been held as correct. There are few fields of human knowledge that exhibit more numerous or more marked illustrations of this than the history of the development of medicine. During the latter part of the eighteenth century, Cullen, a prominent physician and teacher, whose opinions exerted a great influence and were widely received, held that irritability, as it had been called by Haller, or incitability as he chose to term it, was aroused and called into action by an extremely subtle influence generated by the brain and distributed by the nerves; that the excess or the deficiency of this constituted the essential factor of disease. When in excess, it produced fever, when acting locally, inflammation, when greatly diminished, depression. His theory of treatment sought to moderate the violence of the reaction; remove the cause and prevent the subsequent depression. Brown, who was his pupil, announced the doctrine that incitability was the essential of what was termed vital action, and that a lack or perversion of this produced the condition we call disease. He recognized two conditions, one, where there was an excess of incitability, he called *sthenic*, which he believed to exist in only a small number of cases, the other, characterized by a want of it, he termed *asthenic*; terms still retained in medical



literature; regarding nearly all diseases as of the latter type his principal remedies were diffusible stimulants. This doctrine, having the merit of simplicity, being presented in a captivating and energetic manner and the remedies pandering to the appetite and inclinations of mankind the practice spread rapidly. It was used indiscriminately and produced bad results, not only among the sick, but the abuse being greatly increased in the community. its injurious effects contributed to bring it speedily into disrepute. The next phase of medical thought to become prominent was the phlogistic theory of disease. That claimed that all diseases characterized by heat, redness and pain were inflammatory and were caused by too much arterial pressure with an increased flow of blood and an increase of fibrin. The means relied on to combat this condition were termed antiphlogistic; those most frequently resorted to were venesection, active cathartics and emetics. Among the cathartics in common use was a full dose of calomel combined with other cathartics. If the bleeding and cathartics failed to arrest the disease a course of mercurials in small doses was resorted to with the view of producing salivation, that being regarded as an indication that the fibrin of the blood was diminished and the fever believed to be dependent on it would yield. While this practice, guided by good judgment and skill obtained by extended experience, might do less harm than the practice it had superseded; yet like that, when followed as a routine and used indiscriminately, it was dangerous and caused serious results. The routine use of this antiphlogistic treatment and the results of the abuse of mercurials, together with the influence exerted by the development and teaching of the French school of pathological anatomy, led by Chomel and Louis; the revival of *Vis Vitæ* and *Vis Medicatrix Naturæ* by Forbes, Bigelow and others; these influences co-operated in directing attention to, and sustaining the idea that acute diseases were self limited, having definite periods of development, progress and decline, consequently the idea of arresting the progress by depletion and evacuants

was made to give place to a less active and more expectant form of treatment. With some, these ideas went to the extent of developing a skepticism in the efficacy of all medicine, or preparing them for the reception of the doctrine of the increased potency of dilutions. The pioneer practitioners of this doctrine found their way west of the Alleghanies about 1840. For a time, however, they were outstripped by those who were not only bitter in their denunciation of depletion and evacuants, but who sought to revive in a modified form the practice of stimulation as taught by Brown. Their therapeutic weapons were steam, capsicum, No. Six, and lobelia. They were known as Thompsonians, or "Herb Doctors."

This brief and imperfect sketch gives an outline of the basis of medical practice at the time of the settlement of the State. If we desire to compare the practice and results of that period with those of the present, we should take into consideration the teaching which the physicians of that day had received, the means and appliances at their disposal as compared with the present. They had read the standard works and attended lectures upon anatomy, physiology, surgery, chemistry, materia medica, obstetrics and the practice of medicine. This constituted their equipment, except a few fortunate ones who had seen an occasional case at the bed-side or assisted their preceptor in some operation. Since that period the advances in chemistry, the application of the microscope and other instruments to the investigation of medical topics, the opening of the hospitals and dispensaries for direct study at the bed-side, have added new fields and made accessible to all facilities for their thorough investigation and precision that were not dreamed of by the physicians of those days. The first contributions of analytical chemistry to materia medica had been made but a comparatively short time before, the discovery of morphia was definitely given to the profession in 1817; the next year that of strychnia, and two years later, 1820, that of quinaë; the last has proved the most effective remedy against malaria in all its forms. When we consider

the cost of the imported articles, the limited number of laboratories in this country, and the slow transportation, it is probable their use had not become general in 1832. The extracts and more crude forms of the remedies from which they were obtained, were still in use to some extent. Previous to this date, the standard works on materia medica and therapeutics were either by European authors or American editions of them, with brief notes. There had been valuable articles on pharmacy and materia medica published, but the first attempt to supply a comprehensive work adapted to this country, including an account of indigenous medicinal plants, their uses and value as found by experience, was made by the publication of the United States Dispensatory in 1833. The physicians from the eastern and middle States encountered a serious difficulty in their lack of practical experience with diseases of a malarial origin. In the summer of 1832 these difficulties were over-shadowed by the appearance of epidemic cholera among those who were congregated at different points, having been driven from their claims. While not strictly germane to our subject, in view of the interest awakened by its recent ravages in Europe and by the possibility, if not the probability, of its reaching this country again, as well as being a valuable contribution to history, a brief statement in relation to the origin of cholera along the Mississippi River will interest all, especially the student and sanitarian. During the summer of 1831 General Scott, with one thousand men was ordered from New York to Wisconsin Territory to aid in keeping in subjection the Indian tribes. This force moved westward *via* the Erie Canal to Buffalo, where they embarked on transports for Chicago. They took on board, at his request, a man who was lying on the wharf sick, not knowing the nature of his malady. While en route cholera broke out among the closely packed troops, and raged with great virulence, many dying with it. The force wintered near Chicago, moving in the spring to the present site of Dixon on Rock River. From there the baggage was sent down in boats in charge of Atkinson's rangers

and landed at Big Island, near the present village of Milan, where it was left exposed, as far as it could be safely, for purification. The rangers came around up the river going into camp on the Iowa side near a large spring. Soon after, one of them was taken sick, no one knowing what ailed him; he was removed to the hospital on the island. The hospital was near the bakery. No one being familiar with the disease or suspecting its nature, no extra precautions were taken and the contagion soon spread among the bakers and to the garrison. Nothing that was done could stay the scourge, and out of a garrison of four hundred one fourth were soon dead. The fort was abandoned; the garrison was divided; two detachments going into camp separately on the Iowa side, the third on the Illinois side opposite the fort. This stopped the spread of the disease; no other cases appearing. There were cases at Keokuk, Burlington, Dubuque, Galena and other points along the river but nothing like an epidemic.

At the date of settlement, the country in some respects presented a marked contrast to the present. The decaying vegetation of years had enriched the soil to such an extent that the annual growth shaded the surface, impeding the drainage and interfering with evaporation. In the valleys bordering the Mississippi and Missouri, the presence of malaria was most marked and its effects more frequently fatal; cases of pernicious or congestive chills were not very common but occasionally occurred. The milder forms prevailed along all the water courses and in the valleys directly connected with them. The seasons that were unusually hot and dry, caused it to prevail over the entire country, prostrating every one, until there were not well ones enough to care for the sick. The physicians were greatly over-worked and worn out, getting part of their sleep in the saddle or carriage; yet the percentage of mortality was not increased but rather diminished in consequence of the greater number of sick. This was the case in the summer of 1846, the second summer of my residence in the West. Much land that is now highly prized for agricultural purposes was

originally regarded as of doubtful value for farming and very undesirable for health. Those who settled near streams or on the river bottoms universally suffered with diseases of malarial origin and the same influence was found modifying nearly all other diseases. Another manifestation of this influence emanating from a different source, often proved a surprise. The settler on the high prairie who had lived one or two years with his family in the enjoyment of excellent health would in August and September suffer from malarial fevers quite as severely as his neighbors on the river bottoms. The cause could be readily found in the breaking of large bodies of prairie in the vicinity, the decay of the sward producing the malaria. The diseases of winter were more severe and difficult to treat, and caused greater fatality. In the treatment of autumnal or malarial fevers, there was usually but little difficulty. The general plan was to give a brisk cathartic of some pills or a cathartic dose of calomel and jalap. With the action of this the fever would yield, when quinaë, or such preparations of bark as were at hand were given. Cases were occasionally met where the fever was high, accompanied by delirium. In these cases the older practitioners would precede the cathartic by a free bleeding. Old physicians have told me they obtained more prompt remission, but admitted the convalescence was more tedious. They had very few, if any cases, that correspond to our typhoid or enteric fever. They occasionally met cases of continued malarial fever that taxed their skill and patience. The pneumonia, pleurisy, acute rheumatism and other phlegmasia of winter gave the most trouble and the worst results. In the earlier years of the period, we are considering, and especially by the older practitioners, bleeding would be resorted to. If pain continued, or the respiration was impeded, this was followed by a blister. To promote expectoration and control a dry, distressing cough, tartrate of antimony and morphia were favorite remedies to be followed by senega or squills later on. In inflammatory or acute rheumatism the bleeding would be followed by active cathartics and these by

preparations of colchicum and quina. Towards the latter part of this period the practice of bleeding gradually fell into disuse. Dr. Barrows, in giving some incidents of "early days," narrated his experience in treating Mr. Le Claire on this plan. If equally favorable and financial results could be assured in every case I think it would become very popular with the profession, if not with the community. A brief extract from a letter written by Dr. John F. Henry to a professional friend in Kentucky, gives us his impressions of the diseases of the country and their treatment. "The summer fevers are easily managed, requiring but little of Cooke's pills or any similar compound and yielding readily to quinine. There is a marked tendency to cholera, but as controllable in its incipient stages as fever and ague. The winter diseases are more disastrous, and this I must think is from the prevailing neglect of the lancet. In the whole course of my practice, I look back on nothing with a higher appreciation of its value in the treatment of pneumonia, pleurisy, and the phlegmasia than the lancet; and yet, such is the dominion of fashion that I have almost ceased to use it in any case."

Having thus taken a hasty review of the pioneers in most of the prominent points up to 1847, noted briefly some of the surroundings that affected their labors, and the means at their command, we will next consider the situation and progress from this time to 1861. The results as shown from 1861 to 1865 can be regarded as the fruitage or harvest of the preceding periods. As the field we are to consider became greatly enlarged by the extension of the settlements, it would not be profitable or practicable to go into detail. There was no marked change in the progress for two years. When the discovery of gold in California induced that remarkable emigration that scattered the seeds of settlements across the continent, Iowa contributed her full quota, of which more than the average per cent came from the medical profession. The restless spirits who were ever longing for a change, those who had not met the success they hoped for, and many who were doing

fairly well, but were sure they saw a more direct road to success and a competency, joined the throng. Of the latter class a large number returned, of the first, but very few; but as they included many of the least desirable, the risk to the community in seeing their places filled was lessened. The immigration to this State was checked by that to California. When the return flow from the latter became apparent in 1852 the increase to Iowa from the East had commenced. The completion of the railroad in 1854 gave better facilities for travel, and the growth was rapid up to the time of the financial difficulties of 1857. The class of immigrants who came during this period were different from those who had preceded them. A larger proportion were possessed of some wealth and there were more who had enjoyed the advantages of a liberal education. With them came many physicians with practical experience seeking wider or less crowded fields. Others came fresh from the schools, well up to date in the advanced teaching and literature of the profession. These additions usually received a cordial welcome from the pioneers who recognized the value of their assistance in keeping pace with the progress of medicine and its auxiliaries since they had left the schools. With the rapid increase of population from 1852 to 1858 came a wide extension of the settlements; a receding of the frontier and the development of important points in the interior and western part of the State. In many of these physicians located who joined earnestly with the pioneers and those who had more recently located in the eastern section in every movement to organize the profession, establish a high standard, and direct its influence in aiding the establishment of institutions for the care of the afflicted and unfortunate.

The first effort looking to the organization of the profession of the State was a call in the spring of 1850 for a convention at Burlington, June 19th. The result of that meeting was the organization of the Iowa State Medical Society. The work was done chiefly by those located in the south half of the State. Judged by the results, the action was timely and well sus-

tained. It was reorganized in 1872 to adapt it more fully to the changed condition of the profession. During the forty-three years of its existence, the only failures to hold the annual meeting were in 1862 and 1863, when more than two hundred and fifty of the active members of the profession were in the military service. The organization of the State Society was followed by the organization of county societies of which a number are still maintained. Among them is Keokuk, formed September 26th, 1850; Louisa county, April 24th, 1852; Dubuque county, November 4th, 1852; Scott and Delaware counties in 1856; Washington and Clinton in 1857; Polk in 1858, and the North Iowa in 1859. These societies by their meetings exerted a valuable influence by the dissemination of knowledge among the members, and by extending personal acquaintance, which was of great service in the performance of the duties that were subsequently required of the profession. I had contemplated noting the names of some who had located in the State during this decade and who took an active part in advancing the interests of the profession and maintaining its standing in the stirring events that were to follow, but the list would be too large and would require great care to avoid doing injustice by an inadvertent omission of the names of zealous and worthy men.

The first Medical College in Iowa was a reorganization from a neighboring State. In 1842 Dr. Daniel Brainerd and his associates organized Rush Medical College in Chicago. Not to be outdone by a rival town, in 1844 Drs. George W. Richards, Daniel Meeker and others organized the Indiana Medical College at Laporte; in 1847 it was removed to St. Charles, Illinois, and the next year to Rock Island. The session of 1849 and 1850 was held at Davenport, when it was known as the College of Physicians and Surgeons of the Upper Mississippi. There were five graduates: Dr. George Warne, of Independence, Dr. A. A. Noyes, now of Minneapolis, and Dr. John F. Dillon, who has since become an eminent jurist, being among them. During the summer of 1850



it was removed to Keokuk and again reorganized. Drs D. L. McGuggin, J. C. Hughes and John F. Sandford, who had recently located there, being members of the faculty. It has survived its projectors and during the forty-three years of its existence has made many friends and accomplished much good, although it may have failed to attain to the highest degree of excellence or to escape criticism.

During the quarter of a century that had elapsed since the date of settlement, very important changes had occurred in pathological doctrines held, and in the therapeutic agents relied on to combat diseased action. It had witnessed the culmination and decline of what was known as antiphlogistic medication. That was giving place to a plan of treatment, which, without being entirely expectant, recognized the definite periods and tendency to self limitation of acute diseases, the power of nature towards recovery, the importance of aiding her by good nursing; while a better knowledge of morbid processes, the discovery and application of new remedies, rendered it practicable to secure desired results with less depression and sacrifice of vitality, insuring a more speedy recovery and restoration to health. It is not claiming too much to say that the profession of Iowa were intelligent practitioners of what was known as the tonic or supporting plan of treatment. The teaching they had received, their practical experience, and the character of the diseases with which they were most familiar, as well as that reliance on their own limited resources; the result of the surroundings amidst which they had labored; all these tended to fit them in a special degree to take the part to be assigned to them in the stirring events of the near future.

Some notice of the part taken by the members of the medical profession of our State in the four years of the sanguinary struggle for the life of the nation, is due to them and to history, but I hesitate to attempt it, fully realizing my inability to do justice without being liable to the charge of exaggeration, or, worse still, vain glorious boasting, as I was one of those to whom your venerable and honored fellow citizen, our noble

war Governor (Kirkwood), entrusted the care of the health and casualties of a regiment. In the discharge of this trust for twenty months in the camp and field, intimately associated with a cherished professional friend from this city, Dr. F. Lloyd, it was my fortune to meet with a goodly number of Iowa's Corps of Surgeons; to meet the same difficulties they encountered, to witness the gentleness and the faithfulness with which they performed their duties, and their patient heroism in overcoming every obstacle in securing the best possible care of those in their charge. It is very difficult for the physician of to-day to realize the situation of the medical officer of the summer of 1861. Fresh from his well-stocked office, he was soon on the march with his command, with a daily increasing number reporting with diarrhœa trouble and his available remedies limited to opium, ipecac, Dover's powder, and Epsom salts. In November and December his quarters and improvised hospital were filled with patients, sick with measles, pneumonia, and bronchitis; his remedies consisting of tartrate of antimony, ipecac, opium and Dover's powder. As the war progressed, the soldiers became inured to camp life, the surgeons more familiar with their duties and the means at their command, more satisfactory results were secured. To aid in the selection of competent medical officers, Governor Kirkwood appointed a Board of Medical Examiners, consisting of Dr. J. C. Hughes, of Keokuk, Dr. Wm. P. Davis, of Des Moines, and Dr. C. W. Belden, of Dubuque. Dr. Hughes was subsequently appointed Surgeon General, All applicants for positions on the Surgical Staff were required to appear before this board for examination and appointments were, to a great extent, based upon their reports. The gathering of large bodies of men changed suddenly from home to camp life, resulted in a great amount of sickness, which rendered necessary the organization of Post and General Hospitals. St. Louis, the headquarters of the Western Department was soon filled to overflowing. Dr. Hughes and others appreciating the situation and the advan-

tage of having the sick and wounded as near home as possible, by an application to the authorities, secured the location of a general hospital at Keokuk, which became a haven of hope and rest to many a sick Iowa soldier. There was a Post Hospital at Davenport where many were cared for temporarily. The Medical Staff of these hospitals were mostly taken from the profession of the State, while later on a large number rendered valuable service in numerous other hospitals of the Western Department. The appreciation of the ability of the members of the Surgical Staff is fully attested by the members who were placed in positions of responsibility and honor; not only on detached service but by promotion. A number, after a rigid examination, were appointed Surgeons in the Volunteer Corps, placing them on an equal footing with Surgeons of the Regular Army who had spent their lives in the military service.

This opened to them positions requiring a high standard of professional and executive ability, being placed in charge of hospital transports, general hospitals and as staff officers with Division and Army Corps Commanders. In all these positions they acquitted themselves with credit. The Reports of the Adjutant General of Iowa show the names of over two hundred and fifty medical officers on the Official Roster; the addition of fifty for those in the hospital service, on contracts and otherwise, would be a conservative estimate showing a representation of the profession of one, for about every two hundred and thirty volunteers, indicating that the ratio they bear to the population was fully maintained in the day of trial. To state that Iowa surgeons performed their duties in a manner highly creditable to themselves and with honor to the State, is but repeating what is well known to all who were in a position to know the facts. The officers of the regular army were credited with looking down on all volunteers. In 1863, at Memphis, surgeon Wright, of the U. S. Army, said to me, "The medical officers of Iowa that I have met compare favorably with those of any Western, State, yes,

average better than several States I could name." The confidence reposed in them is illustrated by the positions to which they were assigned, which might be aptly described by a paraphrase of a short article in relation to Iowa troops, written near the close of the war by the correspondent of a prominent paper. He said: "If there is an important move to be made that must be promptly executed; a point that must be held at all hazards, or one that must be carried as the key to a perilous assault, an Iowa regiment, or the wasted remnant of one, is assigned that duty." So was it with the surgeons; if there was a place where disaster had caused an accumulation of sick and disabled, if the lack of foresight or energy on the part of others had failed to arrest the spread of disease, or provide for the afflicted, if the success of our troops had increased our sick, by the capture of hospitals, whose inmates must be cared for, it was to Iowa's medical officers they turned with confidence for assistance and support. As the fair fields, the thriving towns with their beautiful churches, noble schools, libraries, benevolent institutions and happy homes, must be regarded as the fruits of the wisdom and integrity of the labors of the pioneers, in laying the foundations and outlining the superstructure of our noble State; so are we justified in claiming as the fruit of such home influence and surroundings, that noble patriotism and bravery displayed in the struggle for the life of the nation. The annals of a hundred bloody fields from Wilson's Creek to Allatoona, chronicle the heroic deeds of Iowa soldiers; so do the records of positions requiring professional skill, executive ability, good judgment and integrity, show a goodly list of names found on the Roster of "Iowa's Surgical Staff," while the honored names of Reeder, Witter, McGuggin, Fisk and others belong among Iowa's martyred heroes.

## TEACHERS IN IOWA BEFORE 1858.<sup>1</sup>



YE are invited to spend an hour with those who taught on what is now Iowa soil at some time between the years 1830 and 1858. It may be convenient for us to divide those twenty-eight years into four distinct periods; viz:

- I. The Aboriginal Period, October, 1830 to June 1st, 1833.
- II. The Transitional Period, 1833 to July 4th, 1838.
- III. The Territorial Period, 1838 to December 28th, 1846.
- IV. State Progress toward Free Schools, 1846 to 1858.

During our first period no considerable portion of Iowa was open to white occupancy except the southern part of what is, at present, the county of Lee. The half-breeds of the Sac and Fox Indian tribes had received permission in 1824 from the United States to occupy that land but not to convey it.

At the beginning of the second period, Black Hawk had surrendered to the United States the eastern border of Iowa to the distance of from forty to fifty miles from the Mississippi River, and it had been open to white settlers. A few hundred whites had already located themselves here, largely in the Half-Breed Tract, and some had taken possession of forbidden ground farther north, and even after having been repeatedly expelled from it by United States troops.

<sup>1</sup> By Professor Leonard F. Parker, who has served the cause of popular education faithfully for more than a quarter of a century. As teacher, as member of the Legislature, as Trustee of the State University, as Professor of History in the University and in Iowa College, as author of "Education in Iowa" he has earned a reputation second to none in the State.

That period may be further subdivided into,—

1. A year of "political orphanage," the last of fourteen years during which Iowa was incorporated with no distinct government,
2. Two years of union with Michigan Territory, and
3. Two years of connection with Wisconsin Territory.

The white influx during those five years was so rapid, notwithstanding all governmental disadvantages, that, at their close, a score of hamlets and towns were throbbing with civilized life. In 1838 the white population had risen to 23,859.

The inpour continued increasingly during the remaining two periods, raising the entire number of whites to 102,000 in 1846, when Iowa became a State, and to 600,000 in 1858, when the Iowa school law assumed substantially its present form and completeness. The vast majority of these new comers pushed forward to found new towns along the rivers, and to open new farms on the borders of inland groves and on the prairies of the interior. Thus during all the twenty-eight years which we are reviewing, Iowa will be chiefly in the midst of extreme pioneer conditions. Only the towns, and that too the older ones, will be noticeably growing out of the inspirations and out of the limitations of earliest frontier environments.

Standing as those settlers did, especially before Iowa became a State, in the westernmost twilight of civilization, on the very verge of barbarism, close to the wild deer and not far from the buffalo, what room was there for teachers? In similar circumstances John Smith compelled Virginia gentlemen and jewelers to wield the ax and the mattock until houses were built and until corn was growing. So those Iowa frontiersmen then must all build or freeze, must dig or starve. They were in the worst place in the world for idlers, but best for workers. But their work must contribute, chiefly, to physical life. An Indian boy fresh from Carlisle would be very lonely among the wild Sioux, if his head were full of the white man's "ologies" while his hand could not master a

pony nor speed an arrow. But scarcely more lonely would he be than that young man on the sunset side of the Mississippi in the thirties or the forties who was at home among the stars but a good-for-nothing in building a house or raising a crop.

The first school known to students of Iowa antiquities was taught during our "aboriginal" period in 1830, at what is now "Nashville" earlier Galland, in Lee County, what was then named by the Indians Ah-wi-pe-tuck, or, "The Beginning of the Rapids." Berryman Jennings was the first teacher. Even that young Kentuckian of twenty-three years of age had no idea of devoting his life to teaching when deer and perhaps Indians were tempting his rifle, and when the best he could do as a pedagogue was to gather eight to ten children from six to sixteen years old, into the kitchen of a small log house for instruction during a few hours of each day for three months in a year. Such teaching could be nothing less than an episode in the midst of more regular business. While making himself memorable by that first school in Iowa, he boarded with Dr. Isaac Galland (his employer) used his medical books and received his professional guidance. He soon became a physician, engaged in mercantile pursuits, crossed the plains in 1874, had the "gold fever" when it was epidemic on the Pacific coast, became a law maker in Oregon, turned his hand to more than one enterprise in the valley of the Columbia, and now sleeps on the banks of the Willamette. One well acquainted with many of those who taught in early years deems him the teacher second only to Thomas H. Benton, Jr.

But that Jennings' school at Ah-wi-pe-tuck sixty-four years ago! What a small affair it was! That log hut, those kitchen accommodations, that bench full of children! What did the teacher know of methods? What did he know of the "osophies?"

We might linger long thus in amazement and among minifying interrogations. It would be easy to conclude that such schools and such teaching must be of little account in the his-

tory of the State, or of a hamlet, or even of an individual. It is wiser perhaps to wait a little. Speculations after the facts and based upon them will seem most scientific, that is, most sensible.

The second school in Iowa was also taught in Lee County, at Keokuk, as now named (at Puck-a-she-tuck the Indian term for, "At the foot of the Rapids"), by I. K. Robinson. It was opened December 1st, 1830.

Some two years later Jesse Creighton was induced to undertake teaching in Keokuk, inasmuch as his regular business of shoe-making was unprofitable there. The people of that town then, unlike those of to-day, were in the habit of going bare-footed in summer time and of wearing moccasins in winter.

## II. TRANSITION. 1833-38.

The period of transition from 1833 to 1838, that is, from the opening of the Black Hawk Purchase to the organization of Iowa Territory, was most noteworthy for changes made along the eastern border of south-eastern Iowa. It has been said that "more than two-thirds of the population resided south of the Iowa River" in that corner of our present State, as late as 1844.

Fort Madison received an addition of white immigrants in 1833, although the school taught that year by one of the soldiers was chiefly for the children of the soldiers stationed at that point. It was near there in 1834 that the first lady teacher in Iowa opened her school after the men had engrossed the business for some four years. But she was the vidette and herald of this later day when the men have been so completely elbowed out of their old places, and so completely cast down from their solitary eminence that they constitute only one-fifth of the whole number of teachers. Schools have been improving, we are told. The change in this direction is certainly no evidence of decline.

In 1834 Mrs. Rebecca Palmer was leader of this great host of latter day guides. Miss Eliza Houston followed her as the



first teacher in Denmark in 1837, one year after the Yankees began to settle in that township, and two years after the first white man, a North Carolinian, built a shelter there for himself.

About sixteen miles north of Fort Madison were the Flint Hills (or Shok-ko-kon as named by the Indians) which gave their name to that part of the river-border the upper end of which was named Burlington in 1834.

It was in February, 1833, that a few ambitious whites had crossed over the river and taken possession of lands at and near where Burlington now stands. They were a few months too early; they had no treaty right to be there before the next June. The United States troops at Rock Island were ordered to dislodge them. They did it very effectively. They burned down the settlers' cabins, destroyed their fences, ruined their crops. The leader of that obedient troop was one Jefferson Davis, the same "Jeff Davis" with whom the Iowa people became still more sadly familiar in 1861-1865. Much as they regretted their losses in 1833, the settlers at Flint Hills could but admit that, on that occasion, he had done his simple duty as a soldier and as a man.

After the region was legally opened to settlers by the whites there was a large immigration at Flint Hills and elsewhere along the Mississippi. Among the earliest of the new-comers was William R. Ross in September of that year. He had been a merchant at Quincy, Illinois. On this side of the river he became merchant, druggist, surveyor, doctor, Indian trader and Methodist class leader, a kind of universal man of affairs; indeed he erected a log building early, to serve as a school house and "for preaching purposes." He enthroned Zadok C. Inghram in it in the spring of 1834, and boarded him free. The next year this teacher served the public as deputy sheriff. The only other names of Burlington teachers during the period of "transition" which we can now recover from an oblivion all too early are those of Mrs. Shelton and Mrs. Mayfield. The author of the History of Des Moines County (published in 1879

by the Western Historical Company) says: "During the succeeding years (after Mr. Inghram) until the erection of the old Zion church, the schools were 'kept' in various places and taught by various persons." He seems to mean that there were no genuine school "teachers" during that period.

It was a little before the organization of Iowa Territory that Miss M. A. Blair taught the first school at Yellow Springs, some dozen miles from Burlington, and in her father's house. We meet her again later.

If the commonly received authorities are correct, Rev. George Bumgardner taught the first school in Muscatine County in the spring of 1837, and in that year E. H. Bassett taught at Buffalo, in Scott County, and Wm. Cannon at Le Claire. It was in 1837, also, that John P. Grantham taught in Mt. Pleasant, and was chosen many times afterwards to serve the county in local offices and to hold positions of importance in Washington.

The first school in Dubuque was taught by George Cubbage, in the winter of 1833-34. Afterwards as United States Commissioner he aided in locating several towns on the Mississippi. The second school in Dubuque was taught by Barrett Witmore, "Wittemore," "Whitmore," or "Whitemore," for all these spellings have slipped into type. This Whitmore (as he seems to have been) rendered important service to education in his vicinity during many a year, and appeared in the Convention of County Superintendents, at Iowa City, in 1858, as the first Superintendent of Jones County.

The first school in Dubuque for young ladies was opened in 1836, by Mrs. Dexter, or by Mrs. Louisa King. Each of these ladies organized such a school at about the same time. Classical instruction was begun in that place by Alonzo P. Phelps, in 1838.

The legislation of Michigan and Wisconsin Territories, which applied to the Iowa side of the Mississippi between 1830 and 1838, is noteworthy as indicative of what was in the air, though not at all for what materialized into institutions in their region.

Michigan provided for a Superintendent of Public Instruction in 1835, but no part of his startling salary of twenty-five dollars a year was earned in Iowa. No schools on this side of the Mississippi were organized under that law, none were appreciably affected by it. It neither helped nor harmed the private schools, which depended wholly on personal enterprise.

Among the latest educational acts of the Wisconsin Legislature in behalf of Iowa, was the one completed in January, 1838, when nine seminaries were incorporated, one in what is now Dubuque County, one in Scott, one in Henry, one in Van Buren, two in Des Moines, and three in Lee. They were to be opened to all who could pay for their instruction in science and literature. Some of them were to be distinctively manual labor schools. They were practically still born, studentless and moneyless. Their life was in the hopes of their friends and on the records of the Legislatures.

### III. THE TERRITORIAL ERA. JULY 4TH, 1838, TO DECEMBER 6TH, 1846.

We now enter an era of definitely enlarging educational progress.

On November 12th, 1838, Governor Lucas addressed the Legislature as follows: "There is no subject to which I wish to call your attention more especially than the subject of establishing at the commencement of our political existence a well digested system of schools."

Ten days later Dr. Gideon S. Bailey, of Van Buren County, as Chairman of the Committee on Common Schools, reported an act providing for their establishment. To that great step forward the Governor gave his approval January 1st, 1839. That law was unique in the legislation of the modern world. It is a pleasure just here to introduce the words of one who, though not a professional teacher, was long a leader in local and state efforts to promote popular education and all public prosperity, a man whose memory the State Historical Society will not permit to perish. We will quote the words of Christian W.

Slagle. In an address before the old settlers of Polk County, he said:

“I open the first statute of our Territorial Legislature, and as a New Year’s gift to the people I find approved January 1st, 1839. ‘An Act Providing for the Establishment of Public Schools.’ It was crude to be sure, but it was open and free for every class of white citizens between the ages of four and twenty-one years; and persons over twenty-one could be admitted to the schools on special terms. In section 12 of the Act it is provided that the authorities should lay a tax for the support of its schools, to be paid in cash or good merchantable produce at cash price, on the inhabitants of the several districts, not exceeding one-half per centum, nor amounting to more than ten dollars on any one person. I doubt if the heroism of this good-merchantable-goods-at-cash-price clause, has been equalled by any of the legislation that has occurred in behalf of our schools from that day down to this year of grace, 1881. And you residents of the marble fronts of the present day cannot appreciate the grim sacrifice of that time which made such a clause a necessity.”

These are the just words of Christian Slagle. Imagination even when taxed to the utmost, cannot enable us to realize such heroism, the heroism of Iowa when she first stood squarely on her own feet. She would have schools even if compelled to pay for them in truck and barter. Every citizen of our State should crimson with shame if the successor of that Iowa of 1839 should dare to be second in general education.

There is another peculiarity in that law which some will remember with less pleasure. Schools were to be provided for “every class of *white* citizens” only. Did the legislators of that day imagine that negroes were so very talented naturally, that they needed no education, or so dull that they could learn nothing, or so excitable that a knowledge of the multiplication table would make them uncontrollable?

A year later an additional law was enacted “establishing”

public schools. That law was not changed materially during the territorial period.

The first law providing for a Superintendent of Public Instruction was enacted January 13th, 1841, but was repealed thirteen months later, February 17th, 1842. Theodore Sutton Parvin was then the Governor's Private Secretary, and had been closely connected with Samuel Lewis, who was most eminent among the State Superintendents of Ohio. The Governor had been materially assisted by his secretary's knowledge of education, and it was natural that Mr. Parvin should be invited to accept the Superintendency. It scarcely seems natural that he should decline to accept the honor, for he had held nearly every other school office, and had done and has kept on doing about every thing else that a wise friend of education could do in Iowa. Nevertheless he did decline. It was then tendered to Dr. Wm. Reynolds, and accepted by him. The Doctor was a native of England, had been educated in America, and had given enough illustrated lectures at Burlington to be called by those who would make sport of him, "A pedagogue with a magic lantern."

At the end of his first (and only) official year, he reported that a flood of immigration was bringing "with it the right spirit;" and that there were very few neighborhoods where a dozen children could be collected which did not sustain the best school within their means. Nevertheless only three counties had reported to him, namely, Clayton, Lee, and Des Moines. Clayton had maintained two schools, but had given no particulars as to either. Lee had made only a partial and indefinite report of herself, and Des Moines County was pleased to say that she had had several good schools and that they were liberally supported. Louisa County seems to have had several "very good" schools at the time of his report, and the cities of Dubuque, Mt. Pleasant and Iowa City were "very creditably supplied." "In the latter there are four schools," he said, "one just commencing under my own superintendence is designed to be a permanent institution, and to afford to

youth of both sexes every facility of acquiring all the branches of an academic education.”

He also reported that some counties had not been divided into townships or school-districts, and of course their school officers had not been elected, and that the law seemed to many hard to understand. He recommended that provision should be made for a permanent school fund; and that the organization of schools should be hastened. He also suggested the propriety of making education compulsory.

Soon after this report of the Superintendent was made, the Committee on Schools in the House of Representatives reported to that body that, while some few districts had been organized in Lee, Henry, Van Buren and Des Moines counties, and while schools might attain some degree of success in populous localities, no permanent aid should be given them by the State, and that no change should be made in the school law except to abolish the office of State Superintendent. That report pleased the Legislature; Superintendent Reynolds stepped down and out.

The school in Iowa City which Superintendent Reynolds designed to make “permanent” was not long maintained. Like other strong men in that territorial period he found a school of high grade too great a burden for one pair of shoulders even though they might be moderately Atlantean. He then practiced medicine in Iowa City, taught three years in Marion, became superintendent of schools in Iowa City, then at Terre Haute, Indiana, resumed teaching and medical practice in Iowa City, and died there in 1863, of disease contracted while a surgeon in the army during the Civil War.

Superintendent Reynolds alluded to schools other than his own in Iowa City. Some were also earlier than his. Although the first sale of lots here was made August 16th, 1839, at the end of that year there were twenty white families in the place. Enough more came the next year to make it seem wise to Jesse Berry to open a school on College Street, at five cents a day for each pupil, and to Mr. Choate to commence another

elsewhere, and to establish a Sunday school. Mr. Berry became a factor in the continued progress of the city, married one of his pupils, held office in the county, and was killed in a cyclone in 1859. The year following, in 1841, we have already noticed that there were four schools here, three in addition to Superintendent Reynolds' school of larger promise. That was an educational avalanche indeed into an aboriginal forest, wholly unsurpassed, probably unequalled in the northwest. A dash for settlement, a rush for education! The corner stone of the Territorial Capitol (the present central building of the State University) was laid July 4th, 1840, and the Territorial Legislature met here for the first time December 6th, 1841, though not in that new building.

The educational rush was not over then.

In 1842 the mechanics of Iowa City erected the Mechanics' Academy. Hugh and William Thompson opened a school there, William as the scholar and Hugh as the man of affairs. Their success was unsatisfactory. William returned to Indiana; Hugh retired to his farm and afterwards to a fortune in California.

In 1845 Reverends W. D. and W. K. Talbot opened the Iowa City University. A board of thirty trustees residing in various parts of the State, indicated that its patronage was intended to be State wide, and the classical emphasis of its curriculum pointed to an object above "bread and butter." Some second hand books glided into its library; its funds were easily counted; corn absorbed more thought among the young men than Grecian culture. Its lonely teachers withdrew; its library is now among the curiosities of the State Historical Society; the University was no more.

The Muscatine teacher in the territorial era whose deeds have been most conspicuous in State history, was John Abbot Parvin. Born in New Jersey, he came to Iowa in 1839, when thirty-two years old, and taught two terms, became a merchant, was elected Clerk of the District Court, Mayor of Muscatine, a Representative in the third General Assembly of the

State, the temporary chairman of the Constitutional Convention of 1857, and a State Senator in the sixties. He has been called the "father of the Reform School" at Eldora, and with great propriety, because of his potential agency in establishing it, and of his eighteen years' presidency of its Board of Trustees. It was proper that an old-time teacher should lead in the Legislature in founding that institution, for it was long advocated by the State Teachers' Association under the stimulus of such men as C. C. Nestlerode, of Tipton, in the earlier days, and of W. A. Bemis, of Davenport, and others, in later years.

The first school house in Jefferson County was built in 1838, in Round Prairie township, and first occupied by Thomas Johnson; the first in what is now Fairfield was put up in 1839, when Miss Clarissa Sawyer taught there.

In Burlington, during the five years after Zadok C. Inghram taught his term of school, Mrs. Shelton, Mrs. Mayfield and others gathered pupils in various places. In 1839 old Zion Church, famous as the first building occupied by the first Territorial Legislature, and memorable as the church which William R. Ross (Burlington's universal benefactor) saved from the sheriff's hands by sacrificing his own house, was made still further noteworthy as the building in which Rev. E. M. Scott resided, and where he administered to the children of the neighborhood "liberal doses of spelling book and of rod." Scott was himself noteworthy also for the humor which he displayed later, on changing his location and his profession. His head was at a long distance from his feet, and he commemorated the good use which he made of that interval on one occasion by hanging out his sign at Little Rock, Arkansas, as follows:

*E. M. SCOTT,*

*ATTORNEY AT LAW,*

*The Man that Waded the Arkansas.*



Classical instruction in Dubuque was made still more famous in 1839, by Thomas H Benton, Jr., who took charge of it at that time and enlisted Mrs. King in his service. That King family has seemed born to sovereignty in the school room. Mrs. King's daughter, Louisa (we may call her Louisa II), now Mrs. Thomas Hughes, of Iowa City, taught French and drawing in Mr. Benton's school when she was only fifteen, and in these later years her daughter also, Miss Louisa III, is teaching English in the High School of Des Moines. The graceful age of Louisa II, and the brilliant youth of Louisa III, are shedding added lustre on ancestral distinction.

Thomas H. Benton, Jr. (the "Jr." assumed to distinguish him from his illustrious uncle, "Old Bullion"), was twenty-three years old in 1839. Behind him was his Tennessee birth and his Missouri education; with him was his worthy ambition and his heroic self-reliance; before him were forty years of active life, eleven of them in what was practically the Superintendency of Public Instruction, four in the Union army, where he became a general, and the whole forty rich in increasing honor and enlarging service to the State and to the nation. The story of his life will ever remain a brilliant page of Iowa history. Jealousy will not mar it; envy will not detract from it.

Davenport reports her first school as taught in 1838.

In Dubuque Mrs. Dexter's school was continued until 1839, and in addition to reading, writing, spelling, etc., "the art of useful and ornamental needlework" was part of the curriculum even in that pioneer condition. A boarding school was opened there in 1838, by Mrs. Mary Ann O'Reilly. In 1840, Z. Burr organized a school for young ladies in the basement of the Presbyterian church, and George C. Collings taught in the basement of Bishop Loras' residence. The names of Mr. Hill and Hiram P. Leach as teachers appear on the records in 1841 and 1842. "In 1843," writes Thomas Hardie, Esq., the veteran Secretary of the Dubuque Board of Education, "the first public school building of brick was built

on the lot where the Prescott school now stands, into which Mr. Leach removed, his place in the Methodist church being appropriated by F. E. Bissell, who taught until the fall of 1846, when he gave way to Mr. Rice and wife."

"In the spring of 1844 Dubuque was made a school district, a tax was levied for school purposes." "The several private schools then in operation were considered public schools. Thus the public schools of Dubuque originated."

After 1846 Mr. Bissell devoted himself to the law, in which he became eminent, and he served as an Attorney General of the State. In 1856 he was made the sole Iowa member of the committee chosen by the Legislature to revise the Iowa school laws, the other members being, Amos Dean of New York, and Horace Mann of Massachusetts. Although he declined to render any important service on that committee his selection as a member of it was a tribute to recognized ability and interest in education.

It was on August 11th, 1842, that the Sacs and Foxes ceded the last of their lands in Iowa to the United States, retaining the privilege of occupying all of it until May 1st, 1843, and all west of a line running between Wayne and Appanoose counties, between Lucas and Monroe, and through Marion, Jasper, Marshall and Hardin counties, to their northern limit, until October 11th, 1845. Consequently such interior counties as Appanoose, Davis, Wapello, Mahaska, Poweshiek, Iowa, etc., were not open to whites until 1843, and it was over two years later before Polk County and others could be legally occupied by them.

When the hour arrived for the Indians to abandon their beautiful prairies it was tearful, for even an Indian can weep. It was an hour, too, for bonfires and for powder burning, for white men know a good thing when they get it, especially if it is so good as an Iowa farm. Over one thousand families rushed into the newly opened territory on the first day of the legal right to do so in 1843. Schools, such schools as could be opened, quickly appeared among the first cabins where Indian fires had scarcely grown cold.

In 1844 Miss Urania Adams taught the first school near Eddyville, and Samuel W. Caldwell the first in Oskaloosa, and both were only about a year after the first house was built in their region.

We have noticed already that Wisconsin Territory endowed Iowa with some half score of academies—on paper—as one of its last acts for this territory. January 19th, 1838, was that academy day in the Wisconsin Legislature. January 23d, 1839, was a new academy day in the Legislature of Iowa Territory. The people on this side of the Mississippi were still thinking of an education higher than that in common schools, and their territorial legislation on that new day, by one grand “Omnibus Act,” gave legislative being to eleven seminaries. One of these was in Louisa County (at Wapello), two in Lee (Fort Madison and West Point), two in Des Moines County (Burlington and Augusta), three in Van Buren (at Bentonsport, Farmington and Keosauqua), two in Scott (Davenport and Rockingham), and one at Dubuque. Some of these lived worthily for a while, but as is said, to be the custom of the good, all of them that ever truly lived died young. Even West Point Academy, the one of lustiest life, went down in 1858 as the lustier public schools went up in its vicinity.

In 1844 Jefferson Academy, at Kossuth (a few miles north of Burlington), was chartered, and Rev. B. Roberts began the first principalship in it, in the fall term of the next year. Professor M. L. Comstock succeeded Mr. Roberts in 1846, and was assisted by Miss M. A. Blair, who had taught the first school in that township eight years before. The academy succeeded but moderately until 1852, when under the care of Rev. J. M. Phillips, and in 1853 when James W. McDill, aged nineteen, and Nathan R. Leonard, at the age of twenty-one, became teachers. Its restored prosperity continued until 1861, when its period of decline began. In the mean-time a new building had been erected. It had also taken on the higher title of “Yellow Springs Collegiate Institute,” and Dr. E. J.

Gillette had been called to its presidency, N. R. Leonard had become its Professor of Mathematics, and E. Pierce, Professor of Languages.

Of all these teachers none are better known in Iowa and elsewhere than James W. McDill and Nathan R. Leonard, although Professor Leonard deems Professor Pierce (now living in Massachusetts) second to none with whom he has ever been associated.

James Wilson McDill, descended from Scotch-Irish ancestors, some of whom were conspicuous at the famous siege of Londonderry, taught one year, then after two years in Ohio, became a permanent citizen of this State. The young *Midland Monthly*, of Des Moines, has recently done Iowa good service by giving a sketch of his first wild ride over houseless prairies to Afton, of his life as a lawyer there, as the clerk of United States Senator Grimes' committee on the District of Columbia, as the first County Superintendent of Union County, as County and District Judge, and as United States Representative and Senator.

Professor Leonard, after leaving Yellow Springs in 1857, spent a year at Harvard as resident graduate, taught for a time in Fairfield, Iowa, whence he was called to the Professorship of Mathematics in the re-organized State University in 1860. He occupied that chair until 1887 with a modest ability which was universally recognized. Of high character, balanced mind, with a gentle touch but a hand of iron when needed, as also because he was the senior professor, he was clearly the very man to serve as Dean of the Faculty, at all times, and as acting President when the highest place in the University became vacant, as it did more than once. By his wise and incisive editorials he is now making the *Gazette*, in Ft. Wayne, one of the most influential papers in northern Indiana.

Denmark Academy was chartered in 1843, five years after the Legislature of Wisconsin had voted "that there shall be established in the town of Denmark, Des Moines County, a

college for the purpose of educating youth; the style, name and title shall be 'The Philandrian College of the town of Denmark.'" That college was founded on the hopes and on the pocket-books of the Leeper family, of Jacksonville, Illinois, but their hopes and their pocket-books soon collapsed together.

"Father Turner" and the Denmark Yankees determined that if they could not have a college they would have an academy. They willed effectively. The academy was opened in September, 1845. Albert Anderson Sturgis was the principal during its first two years. Later he graduated at Wabash College, and became a missionary in Micronesia during a third of a century, a worthy man, self-reliant, rich in character, useful everywhere. When his house was burned at Ponape, the missionary Board sent him six hundred dollars with which to rebuild it. He returned the money and built the house with his own hands. It was just like him.

Rev. George W. Drake, a man of all work and of over-work, after his wife had taught a summer term and he himself a winter term in Eddyville, succeeded Mr. Sturgis in Denmark. He lost no moment, read as he walked, worked as a stone-mason before and after school, and often seemed to sleep in the school room and in the church, unless something especially exhilarating occupied his thought, at least so the tradition reaches us. A single rifle shot among the Alps brings back a score of echoes. A single such apparent surrender to Somnus may have been the only fact for a score of fictions. Along the same line, however, it is also said that no one whose eyes had been open during a lecture could repeat so much of it as he, though he had nodded through it all. It was reported also that when he was a student a tough proposition in higher mathematics was going round his class, a nest of zeros for all till his name was called. A classmate roused him from his nap and started him to the black-board. The teacher kindly repeated the proposition. Young Drake, now wide awake, dashed off the demonstration. It was thoroughly

original. "Where did you get that?" asked the professor. "Thought it out," said the quiet boy.

Professor Drake writes that he began in Denmark with five scholars and closed with one hundred and twenty-five. He went from there in 1852, to Oskaloosa, into a normal school, one of three half-way appendices of the State University, provided for by the law of January 16th, 1849. The school received no aid from the University fund, however, and even its nominal connection with that institution ceased entirely in a few years. Professor Drake was aided by his wife (who was also a graduate of Oberlin College) until 1859, when his work as teacher ceased, although her's continued until 1861. Among his pupils in Oskaloosa were John F. Lacey, now in Congress, and S. H. M. Byers, late Consul to Switzerland, and author of "Sherman's March to the Sea," and of "Iowa in War Times."

Henry Kingman Edson came to Denmark in 1852, bearing an "A. B." from Amherst, a license to preach, and honors as principal of a New England academy. His principalship in Denmark covered twenty-six years, beginning with eighteen pupils and closing with two-hundred and seventy-two. He taught 2,300 different persons, and among them were such men as Professor Henry C. Adams of Michigan University, President McClelland of Pacific University, and President Charles Kendall Adams, for several years of Cornell University, and now President of the State University of Wisconsin. Mr. Edson's later years have been devoted to instruction in the Theory and Practice of Teaching, in Iowa College.

Mrs. Celestia Kirke Edson, the wife and assistant of the professor, a graduate of Mt. Holyoke Seminary, came in response to Father Turner's expressive invitation to one who was not afraid of a checked apron, and who could "pail a cow and churn the milk." She entered the hamlet with her husband riding on "a load of provender and of stove pipes," prepared to do any needed work, to grace any company, to make the school-room an attraction, and every life within touch of her own a larger benediction.

## IV. STATE PROGRESS TOWARD FREE SCHOOLS. 1846-1858.

During the twelve years of this period, the area of public schools was enlarging westward, and the character of the schools in the eastern part of the State was materially elevated. It was also the period of laying permanent college foundations. Near its close railroads were entering the State, the older towns were taking on the forms of still older communities with increasing rapidity, and wealthier emigrants were bringing into them more urgent demands for all the refining influences of a better education. There was nothing surprising in all this. During these twelve years there was an inflow of half a million people, and they came very largely from states where common schools were altogether common and high schools were not rare. It was a matter of course that during such a time teaching, even in the public schools, should be approaching a profession, and that young men and that young women should be entering the State in ever increasing numbers to build themselves up in Iowa by building up Iowa schools.

The constitution of the new State required that provision should be made "for a system of common schools by which a school" should "be kept in each district at least three months in every year."

The first Governor of the State, Hon. Ansel Briggs, insisted that laws for schools called for the "immediate and careful attention" of the Legislature, and demanded a "considerable portion" of their thought.

Governor Stephen Hempstead followed in the same high tone, and Governor Grimes in 1854, and again in 1858, sounded a bugle blast for free schools, for schools completely free to every child in the State. "Property has its duties as well as its rights. It needs the conservative influence of education, and should be made to pay for its own protection," were the bold, noble, statesmanlike words of Governor Grimes.

Of course such State Superintendents as Thomas H. Benton, Jr., and Maturin L. Fisher, were among the leaders in that

epoch of progress. Noble leaders they were, even if they did dread to see delicate Iowa young ladies occupying the same recitation rooms with "our rude Iowa boys." Maturin L. Fisher, the refined alumnus of Brown University, used to argue so gracefully against co-education in the State University that some of his associates on the Board of Trustees were almost sorry, for the moment, that they could not agree with him. It was fortunate that such a sagacious gentleman was able to preside in the first county superintendents' convention, and to set the new school machinery of 1858 in motion. Up to that superb climax in educational progress the best thought of the State had been steadily sweeping until its complete consummation in the Constitutional Convention of 1857, in the Board of Education, and in the creation of the freest of free schools and in the highest of the high schools.

In the territorial diffusion of the education of this period, the first school house was built and the first school was taught as far up the Mississippi as Decorah, in 1853, the very year the town was laid out. T. W. Burdick, a lad of seventeen, was the first teacher. He afterwards served the county as its Treasurer from 1854 to 1861, then became captain of the Sixth Iowa Cavalry in the Civil War. Later he was chosen to Congress by a phenomenal majority and to the State Senate. He is now a business man, enjoying such success as is won only by integrity and ability. Henry C. Bulis, from Vermont, was the second teacher there, and in 1854. After a month in the school room he was compelled to punish a director's child. An arctic breeze arose; he promptly devoted his whole attention to medicine! He rose in his profession, and also into such official positions as the State Senatorship, the Lieutenant-Governorship, and Indian agencies. His continued interest in the schools in his county and in the State made him the first superintendent of Winnishiek County and a regent of the State University during eighteen years.

The years of 1853-5 were a gubernatorial harvest time (perhaps we should say a seed time), in the school houses of



northern Iowa. At all events embryo governors were numerous there. About the time when Henry C. Bulis was so happy in getting into a school in Decorah, and then so glad to get out of it, one William Larrabee was teaching some forty boys and girls ranging from five to twenty years of age, receiving sixteen dollars a month and boarding around in Allamakee County. Since that time he has been saucy to railroads and very good to the State while serving it as Governor.

We can hardly pause now to notice any one in northern Iowa who did not obtain the title "Honorable" or "His Excellency." In 1855 there was another inchoate Governor, C. C. Carpenter, in a school room westerly from Decorah, at Ft. Dodge, when there were only about twenty children in the place. He went there with a surveying party, taught in a log house which, like the palace of Tiberius on Capri, was afterwards used as a cow stable. His pupils brought what books they had; no others could then be purchased. Some learned to read from Fox's Book of Martyrs. The geographies, arithmetics, etc., were of similar utility and antiquity. At the close of his two months' term he says that he "was not much richer than when he began, and the scholars were not much wiser." Be that as it may, those pupils seem to have helped him into the Governor's chair in 1871, and again two years afterwards.

The first school house in Crawford County was first occupied by Morris McHenry, one term, and after that he went into the court house as County Treasurer during twelve or fourteen years.

Along the banks of the Missouri there was little teaching done before the fifties. A notable group of thousands of Mormons gathered at and near Kanessville (near Council Bluffs of to-day), in 1847, and most of them left for Utah in 1854. In the mean time one of their number, George Green, is said to have taught the first school in Pottawattamie County, at Council Point, before 1849, and during that year the first one in Council Bluffs.

Most if not all who taught in the county while the mass of Mormons were there, were disciples of Joseph Smith and seem to have migrated with them beyond the range of Gentile vision.

The first school at Osceola, Clarke County, was taught by D. W. Scoville, in 1854, the year after the town was laid out, and Miss Sampson succeeded him.

Des Moines, or "Fort Des Moines," as it was then called, was laid out in 1846, incorporated five years later, and selected as the State Capital in 1855. Louis Whitten, Clerk of the Court, taught the first school there, in the soldiers' barracks, in the winter of 1846-7. R. L. Tidrick slipped in a three months' term in 1847, and was followed by Mr. Davis the next winter, who was succeeded by Andrew J. Stevens in the summer of 1848.

The first public school organized there was in charge of Byron Rice, in 1849, and was to be taught six months from September 8th, but the young man asked to be released from his engagement before the winter was over. He had occupied the Methodist church for a time, and then had gone into the new court house, so new indeed that it was unplastered, with no outside doors, and those on the inside were made only of rough boards. The heating apparatus consisted of one box stove and one old cook stove, which gave out little heat. Des Moines is believed to have made it hot for some of her later teachers; it was evidently a little too cool for Mr. Rice. Charles Anderson was teaching in 1850, and Miss Arizona Perkins, one of Governor Slade's "missionaries," taught the following winter. The New England young ladies sent out by Governor Slade were usually excellent teachers, but school directors found it almost impossible to retain them long in the public service. How soon Miss Perkins disguised herself under the name of another we are unable to tell.

In 1855 a school house site was purchased on the corner of Ninth and Locust streets, where Mr. Getchell's house now stands, but the first public school house was not occupied

until the winter of 1856-7, when A. Stickney and three assistants were employed. Des Moines then stood waiting for its resplendent honors as our State Capital and as an educational center.

In 1853 Rev. J. A. Nash opened a select school in Des Moines, in which he was aided by Mrs. Nash. It was continued as Forest Home Seminary until 1862. In that school and in the wise efforts of its laborious founder one will find the foundations of the Des Moines College of to-day. The common schools of Polk County received an impetus from his County Superintendency, and education in his denomination was promoted by his counsel.

At Iowa City the Methodists attempted to build up a college to which they gave the city name. We shall soon notice James Harlan's connection with their enterprise. When he withdrew in 1847, Alexander Gower attracted most of the college patronage into the public school for a short time, until he himself passed out into the private school taught by H. W. Lathrop, thence through Knox College, and a post-graduate course in engineering in a Kentucky College. He was subsequently employed in the construction of the first suspension bridge over the Niagara River.

Mr. Lathrop alternated between teaching in the public school and in his private institution in Iowa City, from 1847 to 1853, and became principal of the city school when it was fully organized in the year last named. Since then he has held important city, county, university, and industrial offices, and inscribed his name on records which will be consulted till the end of Iowa history by becoming Samuel J. Kirkwood's chosen historian.

In 1847 Burlington organized her public schools, and chose as her first board of directors under State law, Charles Mason, who had been Chief Justice during all her territorial period, James W. Grimes (later Governor and United States Senator whom Iowa never blushes to compare with any other), and George Partridge, another eminent citizen.

The choice of such men as these, and as Rev. Dr. William Salter a little later, indicates the highest educational purpose in the city. To such other promoters of the best education also, as Charles Burham, William H. Starr and T. H. Newman, and to such women as Mrs. Mary Neally (mother of the late wife of Senator Allison), and Mrs. Ruth Sheldon, the citizens of Burlington owe much for well laid foundations. Governor William Slade, of Vermont, and Catherine Beecher, rendered important aid also by their addresses there about 1848, and by sending most excellent teachers into that vicinity. Nevertheless co-education and the grading of the schools was deferred until 1858.

It was in 1852 that C. Ben Darwin, an accomplished scholar, a close thinker, and a classical speaker, was the first principal of the North Hill school at a salary of forty dollars a month. During the next year he was city solicitor, and in 1858-60 he was doing the chief work in preparing the Iowa Code of 1860.

In Davenport the first grammar school was opened by Abraham S. Kissell, of Pennsylvania, in 1856, and he was chosen to the superintendency in 1858, when the city schools were systematized. His chief work lies beyond the period especially before us, but not so far that we may not recall his creation of the Davenport Training School, his County Superintendency of two years, his State Superintendency of three years, his inspiring lectures at county institutes, his aggressive leadership in the State Teachers' Association, and in all educational work.

Three years before Mr. Kissell gave his services to Davenport, another predestined State Superintendent, Alonzo Abernethy, from Ohio, at the age of seventeen was teaching his first school in Fayette County. Before him was college life, a Union Lieutenant Colonelcy, the Presidency of Des Moines College, and of the University of Chicago, and his present quiet direction of Cedar Valley Seminary, at Osage, in this State. The enactment of the law for normal institutes, and the establishment of the State Normal School, at Cedar Falls,

are some of the permanent monuments of his State Superintendency from 1872 to 1876.

In discussing the period of State history, we cannot avoid noticing such teachers in Muscatine as George B. Dennison and his wife, D. Franklin Wells, Samuel McNutt and Moses M. Ingalls.

Muscatine entered upon concerted school work in 1848, and had the first brick school house in the State ready for occupancy in May, 1851. George B. Dennison took possession of it at once, and graded the schools. It was the first graded school in the State. He resigned after teaching some two years, but was recalled again and again to hold the same office and for varying periods. He was a leader in the State Teachers' Association, and its long time treasurer. That most useful act of January 22d, 1853, entitled "An Act to Extend the Powers of School Districts," was drawn up by him, thus making him practically the legislator, also, who made it possible to support schools by taxation.

Miss Margaret M. Lyon, a graduate of Albany Normal School, in 1846, taught a year and a half at Maquoketa, a year in Bellevue, three and one half years in Muscatine as assistant of D. Franklin Wells, in District No. 1, beginning in 1853. She closed her public teaching by a year in Davenport with A. S. Kissell, and then became Mrs. George Dennison. A teacher so attractive to D. F. Wells, to A. S. Kissell and to George B. Dennison, needs no added eulogy. Her home is still in Muscatine, the old home of her family while unbroken.

Samuel McNutt was principal in 1855-6, nearly two years, and afterwards a member of the House of Representatives, always a man of wide and great influence.

The quiet, useful Moses M. Ingalls was made principal in 1856, and was especially commended by the State Teachers' Association as a conductor of institutes under the school law of 1858. That commendation was a high honor, not only because of the intelligence of those who gave it, but also in view of the wisdom needed in the work, and of the eminence of those who had preceded him in that field.

The first institute in the State had been held in 1849, at Dubuque, as a session of the "Mining Region Teachers' Association." That earliest institute continued several days. Its conductors are said to have been such men as Josiah L. Pickard, who, during forty years has been engraving his own history on the records of Platteville Academy, of the State Superintendency of Wisconsin, the City Superintendency of Chicago, and the Presidency of the Iowa State University—conspicuous tablets for a most useful life. Elsewhere<sup>1</sup> we have said more of him, at present we can only add, "Non tetigit, quod non ornavit." At that institute were Thomas H. Benton, Jr., and F. E. Bissell, both already referred to on this occasion. Lincoln Clark also was there, a member of Congress a few years later, and Benjamin M. Samuels, too, a man who lacked only about 2,000 votes of being made Governor of Iowa in 1858. Chandler Childs, also, is said to have been another teacher in that institute whose principalship of the Dubuque High School in 1856, and whose later life, made him conspicuous in the educational and political history of the State. So comes to us the report of that pioneer institute. Shall we believe it? What group of Iowa teachers in this decade has enjoyed the instruction of such a brilliant coterie of "Budding Talents?"

At some time between 1849 and 1852 an institute was held at Mt. Pleasant, "by a Mr. Sweet," which attracted Mr. George W. Drake and his entire school from Denmark, and all were well pleased, as Professor Drake himself writes us. We are inclined to think, however, that this institute was a meeting of the Henry County Teachers' Association in 1850, of which the well remembered Professor Samuel L. Howe was originator and President.

There were still other conductors of note before Mr. Ingalls was invited into the field. James L. Enos, one of the first graduates of the Albany Normal School under Professor

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<sup>1</sup>In Higher Education in Iowa.

Page, and editor of the pioneer "Voice of Iowa." C. C. Nestlerode and D. F. Wells should be named here. William McClain, later the father of Chancellor McClain of the State University, and Sybil Maynard, daughter of Dr. Joshua Maynard, the shaking of whose long index finger in our State Associations always emphasized a mass of good sense, had appeared in a typical institute in Cedar County. Professor Naylor, Jerry F. Everett and A. Hull also, had conducted a notable institute in Oskaloosa.

With these and many others like these, Moses M. Ingalls was called to be a co-laborer, and was placed in sharp comparison, and he bore it all with the profound respect of his co-workers. Our Jonathan Piper has said of him that he was "a walking inspiration to the youthful teacher. Many a one partook of his intellectual repast and thanked God for the meal."

It is not surprising that Muscatine took the lead so remarkably in more than one school enterprise before 1858. There were Parvins on the school board, John A. and Theodore Sutton, whose thoughts have been woven into Iowa history at many points, and with profit. The former we have noticed already, to the latter we must give a large place whenever we write adequately of Iowa lawyers or legislation, of her politics or her education, of her push or her progress. We may here express our gratitude for his State service and for reminiscences of value on this occasion.

John Valentine, born in Maine, descended from ancestors in Massachusetts, in England, and farther away in France, taught in Keosauqua from 1854 to 1860. Before 1870 he had been a teacher in Keokuk, in Keosauqua again, in Oskaloosa, and in Grinnell, and during the next thirteen years he engineered the construction of the Central Railroad from Grinnell to Marshalltown, and was the Superintendent successively in the schools of Waterloo, Manchester, Waverly, Marengo, Mason City, and Albia, and in the Dexter Normal School. He has taught and lectured in many teachers' insti-

tutes with great advantage to the public schools. His business ability has been in such demand as to draw him from the school-room into large business enterprises. He is now city engineer in Highlands, a suburb of Denver. The appreciation of his worth by his pupils and fellow teachers has outlived the years of absence as an affectionate admiration.

Although Moses B. Church was the pioneer teacher in Cedar County as early as 1837, we can say little in detail of schools there until Iowa became a State. He taught near Rochester, in one end of a double roomed log cabin, while the family occupied the other end. Nineteen years later there were two schools in the county especially noteworthy, viz., the "Quaker School" at Springdale, and the "Union School" at Tipton. The "Quaker School" was then attracting attention outside of its locality and beyond the denomination whose name it bore.

C. C. Nestlerode made Tipton a sort of apiary from 1856 to 1862, where honey bees abounded, and where there was occasionally a hornet to give it a lively variety. The chief worker of course was Mr. Nestlerode himself, a young man from Centre County, Pennsylvania, with a moderate education, and intensest enthusiasm, progressive, aggressive, and those unfriendly to him thought him digressive. He had a large heart, and gave the whole of it to the Tipton school, except when some moral or patriotic theme seemed to demand the freest sort of free speech on some other topic. One of those digressive expressions has become historic on the pages of your own RECORD, the one in which on October 1st, 1861, as President of the Iowa Teachers' Association, he offered Governor Kirkwood the service of every Iowa teacher in administering "lead and steel to traitors." He graded the Tipton schools in 1856, was sustained by such men in the community as Rev. M. K. Cross, Dr. Joshua Maynard, Wm. Fraseur and Wm. Elliott, and in the school room by such teachers as Sybil M. Maynard, W. P. Wolf, Milo P. Smith and J. W. Reeder. Over against him were the "school kill-



ers," as he used to call them. During a few years they all seemed to live in a torrid zone. Nestlerode's generous soul, tireless energy and creative spirit, made him a power for good among his pupils, in the Teachers' Association and among the legislators.

He resigned his Superintendency in 1862, and has been in other business in Ohio since then, bearing the fervor and force of youth into his three-score years and ten. The reunions of the Tipton Union School are superb ovations to its first well-beloved principal of 1856 to 1862.

We can now linger in that Union School only to notice Wm. P. Wolf, who afterwards bore the title of Captain in the Civil War, and who survived, by sheer force of will, apparently, though southern lead had whizzed through his lungs. Since then his neighbors have called him into legislative and other public service in civil life with honor to himself and to them.

Jonathan Piper came from New Hampshire and from Bowdoin College to originate Troy Academy in Davis County in 1853. He taught two years there, five at St. Francisville, Missouri, two at Eddyville, several in county institutes, and three in Manchester. Since then, in connection with agencies for school book publishers, he has been doing first class teaching as a peripatetic. At his quaintest he might easily pass for the original "Brother Jonathan" in personal appearance, in versatility, originality of thought, and in vigorous nobility of purpose. He has been welcome everywhere, and has been stimulative of the best in teacher and pupil. We regret that Iowa has not won his whole life to its service in some of its higher institutions. His "A. B." from our State University, and his "A. M." from Iowa College and from Bowdoin, honors those institutions more than himself.

T. B. Perry, a teacher in Monroe County in 1853, is noticed by a newspaper writer as follows: "He struck Ohio in 1832—usual way—but did not reach Iowa until 1850, when he landed at Burlington. He whacked around at school teaching until 1853, when he located at Albia, and taught the

Albia school that winter." We may add that he gave his life to the law, and served his county as County Attorney, and his district on the Board of Education, and is now a State Senator.

A. Hull, a graduate of Hiram College, and a class-mate of James A. Garfield, began his Iowa teaching in Mt. Pleasant in 1855, continued it in Ottumwa, Troy, Iowa City, Ashland and Oskaloosa. He has spent about twenty-five years in select schools in Oskaloosa, and in Oskaloosa College. He is a clear thinker and an accurate teacher. Mahaska County must be credited with still another veteran. Jerry F. Everett has been identified with its schools as a City or a County Superintendent most of the time since 1857, although he spent a few years as City Superintendent in Rock Island. He has earned his present retirement, *otium cum dignitate*.

More than one deserves mention among early Iowa school builders who were not technically school teachers. Those who were on our northwestern frontier in 1858 would feel slighted if we failed on this occasion to name Rev. Chauncey Taylor, of Algona, "Father Taylor" as he was soon known. His good church work was fully equalled by good school work in that region of magnificent distances. He was the first County Superintendent of Kossuth County, and walked some two hundred miles to attend the great County Superintendents' Convention at Iowa City. His report of that effort to be better prepared to serve his half-dozen teachers and one hundred and ten persons of school age was cheered to the echo in that body, for no other one of us had indulged in any such muscular pioneering. His name is fragrant in all that northwestern region, fragrant still, fragrant for heroisms of happiest, fruitful self-sacrifice.

#### HIGHER EDUCATION.

Some of the stronger institutions of higher education now in Iowa opened their doors between the years 1846 and 1858. Most of the professional teachers were found in these during

this period, although a considerable number of public schools were beginning to be maintained during a major part of the year. Some educational balloons then appeared also; perhaps we should even say that, like the poor, they have always been with us, or almost always. They have been inflated with the usual material and have commonly collapsed in reasonably good time.

It may not be wholly amiss to say that the advent of one of these was in the year 1855, in one of our best educational cities. It was an institution of promise, of immense promise, indeed it was all promise, a "Female University," "the only Female University in the United States." It provided for "twelve professorships in the sciences and letters," two "upon the professions of the sex," one "upon conversation, and the proprieties," and one on "the trades taught in the University," and for "eighteen species of diploma," all "female" diplomas, we must suppose.

We are now prepared for the further assurance given at that time that "the University is designed to supply not only the great wants in the female systems of the times, but the wants of diverse classes of our country women, the wealthy as well as the indigent, genius as well as mediocrity," and that "the character and extent of the instructions" will be "unapproached" elsewhere. It seems that the wonderful teachers in that institution were also "unapproached," for the directory of that city for 1856 does not contain the name even of that university. The historian alone has saved it from oblivion.

There were some truly good teachers in short-lived institutions before 1858.

The building erected in Fairfield, in 1850, for the branch of the State University, was unoccupied during several years, until Rev. Mr. Anderson taught a school there, which was called Fairfield Academy. Still later Rev. A. T. Axline was Principal of the Academy during ten years, thus furnishing an important link between the earlier schools of that educational center and the Parsons College of to-day.

About 1858 Rev. L. G. Bell originated a Female Seminary in Fairfield, and made it successful for many years. He was followed successively by Miss Pelletreau, Rev. Mr. Crittenden and Robert (later "Honorable Robert") Hughes.

We may notice the Ladies' College, known later as "Mt. Ida Female College," in Davenport, in 1855. The college building (still standing) was of brick, one hundred and twenty feet front, eighty deep and four stories high, and the campus embraced a whole block on Third Street, between College and Bridge Avenues. It contained much more of the rock and less of the rocket in its composition than did the Female "University" just mentioned. At one time its Board of Instruction consisted of Mr. and Mrs. T. H. Coddling, Rev. F. L. Dudley and Mrs. Sarah A. Dudley, of Misses Adeline Hayes, Amelie R. Gue and Mary J. Wells. It enrolled one hundred and fifty students in 1856, but was closed before the outbreak of the Civil War.

Burlington University was incorporated in 1852, the corner stone was laid in 1853, and in January, 1854, a few months before the building was finished, a school under University auspices was begun. The first principal was Rev. G. W. Gunnison. He taught a short time and was followed by others. Rev. Dr. L. B. Allen rendered it eminent service, beginning in 1857. He was materially aided by Rev. Joseph T. Robert, LL. D., who served the State University as Professor of Ancient Languages from 1863 to 1867. The first preceptress of the Burlington institution was Mrs. A. P. Darwin. "A. B." of Oberlin, "a woman of ripe culture," an inspiring teacher, the "superior" even of her husband, Hon. C. Ben Darwin, says one who was well acquainted with both in Burlington. She taught a private school from 1853 to 1858.

The later decline of the University leaves no shadow on its earlier teachers.

Rev. Thomas Merrill led a group of earnest reformers and friends of manual labor, to secure a site for Wittemburg College on the prairie four miles north of Newton. Great

expectations were cherished, and a school was commenced. John Meyer, an Oberlin graduate, from Pennsylvania, taught there in 1857. when young Ryan, of Newton, now District Judge, was a pupil of his. The hard times set in, the Civil War came on, and Iowa College, not wholly unlike Wittenburg in spirit, was only twenty miles away. The College failed but John Meyer did not. He raised a company for the army, and became its Captain, and was made Major for bravery at Champion Hill. He writes us, characteristically, that he was "never killed or wounded." He has served one term as an Iowa Representative, and two terms as State Senator, and is still in prosperous business. He has been a trustee of Iowa College thirty-five years. Such men are making Iowa richer in thought, in aspiration and in achievement.

W. W. Jamieson, a native of Virginia and a graduate of Washington College, may be pronounced "easily first" among the teachers whom the people of Keokuk have delighted to honor. We venture a little over our limit of "before 1858" in speaking of him, inasmuch as his first work in Iowa was begun in May of that year. His ten years in his Keokuk Classical School were so pleasing to the people of the city, that he was chosen to the City Superintendency more than twenty successive years. Those city schools are the lengthened shadow of one man — of W. W. Jamieson.<sup>1</sup>

Of those schools chartered within the period under review under the name they now bear, the oldest is Iowa College. It now represents two original institutions. The older "Iowa College" was chartered in 1847. Professor Erastus Ripley organized its classes in 1848 in Davenport. He came from Connecticut, was an "A. B." of Yale; and was highly honored in Iowa College as teacher and acting President from 1848 to 1858, when the institution there was closed. He then returned to Connecticut and taught most of the time until his

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<sup>1</sup> Deceased since the delivery of this lecture.—EDITOR.

death in 1870. Rev. Daniel Lane, from Bowdoin College, and a ten years' ministry in Keosauqua, became Principal of the Preparatory Department in 1853, and soon after Professor of Mental and Moral Science. After 1858 he taught several years in Davenport and Keosauqua, with such lads under his care as V. P. Twombly, late Captain in the Civil War, and later State Treasurer, Thomas S. Wright,<sup>1</sup> now attorney-in-chief of the Chicago, Rock Island and Pacific Railroad, and W. W. Baldwin, of Burlington, another railroad attorney.

Daniel S. Sheldon was a Burlington teacher from 1850 to 1853, when he was called to Iowa College to teach Natural Science. He continued to occupy the same chair in Griswold College, when it succeeded Iowa College, in Davenport. "He was chief among the founders of the Academy of Sciences" in that city. Ripley, Lane, Sheldon,—such men make a college and a State fortunate.

"Grinnell University," the other factor in the present Iowa College, was a university only in thought and on paper.

The Grinnell town site was occupied in 1854, and then Darius Thomas taught a private school in the place, and passed on to Newton, when it was but a dot on the prairie. Mr. Thomas was of Maryland birth, and a graduate of Jefferson College, Pennsylvania. He opened Hazel Dell Academy in Newton, with seven pupils, afterwards maintained it in competition with a good public school, and taught some 2,000 different pupils in thirty years. His motto was not "Ne plus ultra," but "Excelsior." Few teachers sent so many on into college courses.

The teachers in the Grinnell public school were, Lucy Bixby, Rev. Samuel Loomis, Samuel F. Cooper and others, until 1856, when L. F. Parker accepted its principalship and retained it until he became connected with the new Iowa College in 1859. Mrs. Sarah C. Parker assisted him occasionally in the public school, and became the first lady Principal

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<sup>1</sup> Deceased since the delivery of this lecture.—EDITOR.

in Iowa College. Mr. Cooper was a graduate of Oberlin, became a lawyer, was made Lieutenant Colonel of the Fortieth Iowa Infantry, U. S. Judge in Arkansas, and Consul to Glasgow. He was also Chairman of the Committee on District Organization in the Board of Education, secured the adoption of the "township district" system by that body, and compiled the State law as it was finally enacted in 1858.

That public school in Grinnell was so conducted that the District Court recognized it in 1858 as practically the preparatory department of the Grinnell University. The union of the University and the College was somewhat informally effected in 1859, and completed in 1860.

At Mt. Pleasant, in 1842, a school was opened by Rev. Aristides J. Huestis, which became the Mt. Pleasant Collegiate Institute in 1844. Its heir-at-law is now the Iowa Wesleyan University, which was incorporated in 1855. Hon. James Harlan writes us as follows: "Measured by the personal character, attainments and accomplishments of the teachers themselves, or by the fruits—immediate and ultimate—of their educational work, I suppose the impartial and informed historian will give Aristides J. Huestis the first place."

No presiding officer of the Mt. Pleasant institution is so directly and essentially connected with our national history as James Harlan himself. He was a pioneer farmer boy in Indiana, was taught in a log school house, was intellectually aroused by a peripatetic common school teacher, and graduated at Asbury University, a scholarly man and a captivating speaker, but purposing to return through the district school to the farm. While he was in Indiana, in that common school door-way of his future, in 1846, Iowa City College wanted a principal. Rev. James L. Thompson found young Harlan and won him to Iowa City. To him teaching was good, speaking was better, a touch of politics made his future seem best of all. That young man of twenty-six defeated the honored Charles Mason in a campaign for the Iowa State Superintendency, if that can be called a campaign in which

Mason, like Achilles, sat somewhat sullenly in his tent. A supposed flaw in the election shortened Harlan's term a year, and then the misspelling of his name caused him to lose a second election to the same place. That great disappointment was the germ of a greater career. He turned to the law, was called from that to the Presidency of Iowa Wesleyan University in 1853, and only two years afterwards he was sent from there to the United State Senate. Of his three terms in that body, his service in Andrew Johnson's Cabinet, of his great speeches in opposition to such orators even as Carl Schurz and Charles Sumner, in short, of his eminence as teacher and as statesman, we need enter into no detail. That his star shines gloriously in our State and in our national firmament we need not pause to affirm. Centuries hence the historian will say—"James Harlan still lives."

Jerome Allen, an "A. B." of Amherst College, came to Iowa in 1852, and was principal of the young academy at Maquoketa until 1854. On the recommendation of Professor Hitchcock, his college teacher in science, he was made Professor of Natural Sciences in Alexander College, at Dubuque. That college, rich and prosperous, as painted by the verbal artist of the period, was a very elementary school in fact, and was blotted entirely out of sight and off from the treasurer's books by the hard times of 1857, and all was so completely done that one of its own trustees, even, did not know in 1890 that it had ever existed.

A little before Alexander College ceased to be, the academy at West Point, or "Des Moines Valley College," as it was called in 1850, closed its doors.

Such men as J. E. Sharon, Revs. T. H. and F. B. Dinsmore, and as Salmon and Henry Cowles, had given it their services as teachers, and Dr. Grimes, of Des Moines, and Hon. Samuel M. Clark, of Keokuk, had been pupils there. In 1855 the Presbyterian Synod transferred its favor from West Point to Hopkinton, and that northern locality became so inviting that Professor Allen entered upon the principalship



there of Bowen Collegiate Institute. He found an unfinished building. Eight years later he left the institute with the building complete, with the foundation of a library, and an honored name, and not a dollar of debt.

Within that time Samuel Calvin and Thomas McBride, now professors in Iowa State University, were his pupils. Professor Allen more than any other man inaugurated normal institutes in Iowa.

It was with deep regret that he felt compelled to leave Iowa and entered upon educational work in New York. Since then he has been an editor of educational journals, author of educational volumes, president of normal colleges, and recently Professor of Pedagogics in the University of the City of New York. A recent stroke of paralysis seems to have brought his life-work near its close.<sup>1</sup> His monuments will stand in two States at least.

The Iowa Conference Seminary was opened at Mt. Vernon in 1852. Samuel M. Fellows served the institution as its principal till it became Cornell College in 1857. He then remained in it six years longer as a professor or as its president, and until his death. He is honored there for his scholarship, mental balance, efficiency and benignity.

President Fellows' brother, Stephen N., was associated with him from 1854 till 1860. He then engaged in the ministry till 1867, when he was chosen to succeed Professor D. F. Wells, as Principal of the Normal Department of the State University. While in that office he advocated the suspension of elementary normal training in the University and the establishment of the chair of Pedagogics. His plan was adopted, and his chair was the first one in the world devoted to the instruction of advanced undergraduates in the science and in the art of teaching. It was the only one indeed during several years, though it is now one of the most popular in State Universities and in denominational colleges. He taught

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<sup>1</sup> Deceased since the delivery of this lecture.—EDITOR.

there twenty years, and left on the institution and on the public mind the indelible evidence of his great service.

Miss Catherine A. Fortner, one of "Governor Slade's teachers in Iowa," was the first female teacher in the Seminary, and its first "Preceptress." She taught there from 1853 to 1857, when she became the wife of Rev. Rufus Ricker. Dr. Fellows speaks in eulogistic terms of her very useful life at Mt. Vernon, and later.

The Central University was founded at Pella in 1853. Among its early teachers none deserve higher honor than Amos Noyes Currier. He was a live Yankee on Iowa soil in 1857, a graduate of Dartmouth. After enjoying the hospitalities of a Confederate prison he resumed service at Pella at the close of the war. He was called from there to the State University in 1867, where he has long been the best man for Dean of the Faculty. The students still welcome him and no ambitious regent yet thinks of asking him to resign.

The germ of Tabor College appeared in the incorporation of the Tabor Literary Institute in 1854, and still more manifestly in 1857, when William M. Brooks entered upon the leadership at Tabor, which he has maintained ever since. He began with the work at hand, teaching teachers, and gradually enlarged it till Tabor has long been doing full college work. No man has done so much for education in southwestern Iowa as President Brooks. Though an educator and a minister he has taken time to influence State politics by campaign speeches, and State legislation by serving as a member of the Legislature.

A seminary was opened at Fayette in the care of the Upper Iowa Conference. Rev. Lucius H. Bugbee was its principal from 1857 till 1860. He gained enviable distinction as a writer and as a speaker in Ohio, after leaving here, as he had already done in Iowa.

The State University was the only State educational institution which was open before 1858. Attempts were made in 1849 to establish "branches" of the University at Fairfield and Dubuque, or more exactly to create three independent

Universities. The result was nothing tangible in Dubuque. At Fairfield a twenty acre campus was purchased and \$2,500 expended on a building which was destroyed by a hurricane and then rebuilt, when the State surrendered the enterprise to local control.

Three normal schools were practically a part of the scheme of 1849 for three Universities. They were to be located at Mt. Pleasant, Andrew and Oskaloosa. The local effort at Mt. Pleasant never reached a stage beyond preliminary "talk."

The school at Andrew was organized November 21st, 1849, with Samuel Prey as principal and Miss Julia S. Dorr as assistant. They were succeeded five months later by D. G. Jones and Miss M. J. Burton. A building intended for that school absorbed \$1,000, but was never finished. The Oskaloosa school took on more substantial life in that it enjoyed a home of its own in a two story brick building which cost \$2,500, and was under the care of Professor Drake and his wife as long as it bore the shadow of the University name. These Oskaloosa teachers have been noticed in connection with Denmark Academy.

The actual opening of the University occurred in 1855. It was somewhat irregularly maintained until the summer of 1858, when the trustees voted to close it, but soon so far modified their purpose as to maintain the normal department.

Amos Dean, a professor in the law school at Albany, New York, and an author of repute, held the office of Chancellor from 1855 to 1858. His counsel was valuable to the trustees, although he did no teaching in the University.

John Van Valkenberg was the first principal of the normal department. The second principal, D. Franklin Wells, an urbane gentleman, and a born organizer, was called from Muscatine. He held that office during 1856 to 1860, when the University officials made a great, though not wholly unprecedented, mistake in permitting him to retire. The year following he devoted himself to the service of the entire State as Superintendent of Public Instruction, and until his death in

1868, if that can be called death which simply closes the page of a noble and ever-to-be-remembered life.

Among the active professors were such men as Abel Beach, who taught only seven weeks in 1855, and then resigned on account of ill health. In his wrestle for life he has won moderate physical strength, business success, and reputation as a poet. E. M. Guffin, "A. B.," of Union, conducted the preparatory department from 1855 to 1864, excepting during its suspension of three years after 1858. He adopted President Nott's general method of college government, and with good success. Henry S. Welton, a graduate of Hamilton College, closed his three years' service in the chair of languages in 1858. He then taught a private school and was employed as City Superintendent in Iowa City in 1860. Later years have been devoted chiefly to business, while he has taught private classes occasionally and in teachers' institutes. Frederic Humphrey, an "A. B." of Hamilton College, was Professor of Mathematics from 1856 to 1858. He subsequently took orders in the Episcopal Church, and was made Professor of Ecclesiastical History in Seabury Divinity School. J. M. Stone occupied the chair of Natural Philosophy, and was acting President of the faculty from 1856 to 1858, energetic and popular with teachers and students. He was deemed a well rounded man, even if he did induce the State Teachers' Association to vote that total abstinence from all intoxicating drinks is "essential to the highest grade of physical, mental and moral attainments."

Here we must close personal details, sadly incomplete as they are. Let us devote a moment's thought to the houses in which those early teachers did their work.

When Iowa became a State in 1846 the oldest frame school house had been standing only six years, and that was ten years old before the first brick school house was erected. All school houses were built of logs until 1840, and it was twelve years later when they ceased to outnumber all others. There were only about one hundred of all sorts in 1846, and their average value was \$135.

It was often hard to determine what was the proper name for those buildings, and especially so at the time when they were erected. Every school house, so called, before 1844 was built either by one person or by a group of volunteers, and usually intended to be used as a church as truly as a school building. The first of this list was erected in Burlington in 1833, but its builder, Wm. R. Ross, said it was for "preaching" also. Dubuque rejoiced in a "school" house as early as 1833 or 1834, but it was also called a "church" and a "court house," and was also used as a town hall. In fact, however, it was built for the Methodist Episcopal Church, and was to be used as a school house only by the consent of the church trustees. In early Denmark they had a "shanty sanctuary which was to be a school house as well for eight years," and was used for a time "without door, floor, or window." As late as 1859 the school house in Grinnell, even though erected by the school district like many another so built, was the only church, polling-place, court room, lyceum, and universal reception room in the town. In such buildings those early teachers did their work. As the "Territory" of Iowa was passing into a "State," educational facilities were noticeably enlarging, nevertheless we are still to remember that never do they approach the completeness of the palatial buildings and the superb appliances of the city schools of 1894.

Many of the teachers named on this occasion were less than half-time teachers. No public or private school could be maintained during the entire year in either the "aboriginal" or "transitional" period, scarcely one in the "territorial" period, only one now and then in the early years of the State.

It is to the endless honor of these early Iowans before and during the time of Iowa Territory that so many academies were "thought on," even if they never did materialize in anything more tangible than an idea. The wish for them was father to the thought that chartered them, and their charters were the rosy fingers of the dawn, the prophecy of Iowa primacy in general education. Living academies and develop-

ing colleges made Iowa more inviting to the intelligent at as early a day as means and children permitted. There was no needless delay; there was no idle indifference. Schools filled the year, and teachers became professionals as soon as wisdom pronounced either to be wise.

The work of the hour is done for the hour has more than passed; done inadequately, with regretted omissions. May larger justice yet be done by other hands to early Iowa benefactors already almost forgotten.

It has been with ever increasing gratification that we have looked in, even thus far, upon the early teachers in their rude rooms, on their slab seats, among their busy boys and buxom girls, on salaries of twelve or fourteen dollars a month for three months in a year. Teachers and pupils were in the stage of development, in their period of "becoming," and what did they not become? If there has been anywhere on earth or in the air a conscious goddess of America, she has never blushed for any period of Iowa education. Its rudest years were progressive; a steady march toward the higher and better, a wise movement upward and always fairly according to the ability of the people.

Only a Plato was needed to make the Greek Academy, and an Aristotle to create the Lyceum. A Garfield wanted only a Mark Hopkins near that he might enjoy the best of Universities. Measured by such a standard few schools have been better than that first one at Ah-wi-pe-tuck, or more inspiring than that in which Mrs. Darwin taught. It was a broader life for pupils to feel the mental touch of a Harlan a Huestis or a Howe at Mt. Pleasant, a McDill at Kossuth, a Benton at Dubuque, a Larrabee at West Union, a Bulis at Decorah, a Wolf or a Nestlerode at Tipton, a Stone or a Wells in Iowa City, or any other one of the long list of those young men for whose conspicuous service in camp, or college, or Legislature, the State and even the nation was waiting. Were it possible to do full justice to each, more than one young woman would appear in the-school room inspiration to

many useful lives in early Iowa history although there were never so many female teachers here as male until 1858.

It is possible that some early teachers sought the meager salary awaiting them more than the best service; it is certain that a large proportion of them rejoiced more in what they imparted than in what they acquired.

The reincarnations of Hindoo mythology may be purely fanciful, nevertheless it is strictly historical to affirm that Socrates wrote in Plato's dialogues, and Rousseau philosophized in the French Revolution, that Jefferson's professor, Dr. Small, occupied the chair of state with our third President, and that some teachers before 1858 are shaping Iowa thought and life to-day.

"They live again

In minds made better by their presence; live

In pulses stirred to generosity,

In deeds of daring rectitude, in scorn

For miserable aims that end with self,

In thoughts sublime that pierce the night like stars."

I am not old enough to use the old man's privilege of saying, "Alas, alas, the golden age has gone by; forever gone." I may say however, that in the midst of our growing libraries, bewildering apparatus and countless knowledges, if a pupil takes a teacher's mental photograph in this generation, he catches it by a "snap shot." In that earlier day the teacher was more nearly the school and the *whole* school than he can be to-day.

[NOTE.—The following address is printed from the reporter's notes. The manuscript was submitted to Dr. Parvin, but owing to illness he was unable to revise it before publication.]

## THE EARLY BAR OF IOWA.



CONGRATULATE the Society that calls me here to-night; it is thirty-seven years since I had the pleasure and honor to deliver the address at the organization of the State Historical Society of Iowa. It was in the Athenæum building that stood on the corner of Clinton and Market streets, and thence removed to the corner of Dubuque and Burlington streets. It was successively the house of worship of the Episcopal and Catholic congregations, and is now used by Mr. G. B. Lumbard as a lumber office. Two years ago, I had the honor of delivering the address in commemoration of the laying of the corner stone of the capitol building fifty years ago. I am glad to come here to the Athens of Iowa, under the shadow of the State University, and I wish that its conditions of prosperity and growth were even more marked. Better that the arm be palsied and that the tongue cleave to the roof of the mouth than that any man seek to cripple or disturb the State University, the crowning head of the educational system of Iowa. All who seek to be good citizens, and to advance culture in the State owe to it loyal support.

I am to speak of one of the learned professions of the day, and you may be called upon to listen to some discussion of another of the learned professions, that of the teacher, for they were in some instances brought closely together in the pioneer days. In what I shall say to-night, I shall not introduce the name of a man with whom I was not personally acquainted, nor an incident of the early bar of which I am not personally



cognizant, either directly or by communication from the actors therein.

The word Iowa, "land of beauty," for the first time appears in legal history in connection with Michigan in 1829, when that Territory embraced the present state of Wisconsin and the entire Territory north of Missouri and west of the Mississippi river as a single county or district under the name of Iowa. Afterwards when Iowa became a part of Wisconsin, the name was attached to the district west of the Mississippi river.

Iowa became known throughout the east and in legal annals by reason of the holding of the first court west of the great river and north of the State of Missouri, and it was presided over by Judge Lynch. Lest you may think the territory was at that time lawless and the gathering place of criminals, I state as a positive fact that there have been more murders committed in a single year, in one county, within one hundred miles of this city, than in all the Territory of Iowa within the twelve years of its existence. The trial was conducted with all the decorum and formality that would be observed in a court of justice to-day. A murder had been committed at the Dubuque lead mines in 1834, in the month of May. At that time there was actually no law and practically no government in what is now Iowa. The miners were a law-abiding people; they apprehended the murderer and took him across the river to the State of Illinois, in order that he might have a trial. Of course they were told that the courts of Illinois could have no jurisdiction in cases occurring outside the State. They came back to Iowa, and, determining the prisoner should have a fair trial, organized the first court in the Territory, presided over, as I have said by Judge Lynch. A jury was selected, counsel provided for the prisoner, and the trial conducted as though in an United States court. When he was convicted a priest of the Catholic church was called from Illinois that he might receive spiritual consolation before his execution. When this event occurred I was a student at col-

lege in Cincinnati, in my sophomore year. I remember when one morning our professor, an alumnus of Harvard College, took from his pocket a newspaper and read the incident before the class. He was very much excited over it and appealed to the class to give their opinions. I took a very decided stand in defence of the act, little dreaming that in less than four years I should visit that very spot and become personally acquainted with most of the jury. One of the jurors was the first postmaster commissioned in Iowa; another was one of the members of the first Territorial Council; a third was through many years known as one of the most distinguished citizens of the State. All would to-day pass as most reputable men. This case had the effect of drawing the attention of the entire country to the fact that there was no judicial government in this northwest, since none had been provided by Congress in attaching the territory west of the Mississippi to the Territory of Michigan. Later, when Wisconsin was organized as a Territory, Iowa was attached to it. Wisconsin began its existence as a separate Territory in 1836.

At the organization of the Territory President Van Buren (who was a democrat) appointed three judges of the Supreme Court—Charles Mason, of Burlington; Joseph Williams, of Muscatine; and Thomas S. Wilson, of Dubuque.

The first session of the Supreme Court<sup>1</sup> of the Territory

<sup>1</sup> First Session of Supreme Court of Iowa Territory held at Burlington, Nov. 28th, 1838.

*Judges*—Chas. Mason, Burlington, First District. Joseph Williams, Muscatine, Second District. Thos. S. Wilson, Dubuque, Third District. All deceased.

Attorneys admitted to practice at that term, twenty in all and all dead, except myself. They were:

*Burlington*—David Rorer, James W. Grimes, Henry W. Starr, Wm. H. Starr, James W. Woods, M. D. Browning.

*Dubuque*—Stephen Hempstead, B. Rush Petrikin.

*Fl. Madison*—Philip Viele, Alfred Rich.

*Mt. Pleasant*—G. W. Teas, J. B. Teas.

*Muscatine*—S. C. Hastings, R. P. Lowe, Stephen Whicher, Irad C. Day, T. S. Parvin.

*Davenport*—Wm. B. Conway, Isaac Van Allen, Chas. Weston.

was held at Burlington, in 1838. The first land sale was in progress, bringing men from all parts of the Territory, which was then but a strip of land along the river, extending from Keokuk to a point north of Dubuque. The first Territorial Legislature was then in session at Burlington.

I came to the Territory a minor, and it was necessary before hanging out my shingle that I should be admitted to the bar. So I went to Dubuque to make my application to Judge Wilson. I had seen the Judges of the Supreme Court of the United States, and Judges of the Supreme Courts of States, but up to that time I had never met a Judge of a Supreme Court who was under sixty years of age, and of course I associated the position with white hairs. At this time I was twenty-one. I went to Judge Wilson's house and rapped at the door, which was opened by a young man, not much older than myself. Supposing him to be the Judge's son, I asked, "Is your father in?" and he replied, "My father has been dead many years." I said, "I want to see Judge Wilson, Judge of the Supreme Court," and you may conceive of my astonishment when he replied, "I presume I am the man you wish to see. I am Judge Wilson." I asked his age and he told me he was twenty-five. He had practiced in Iowa two years and in the first Dubuque newspaper his name appears among the attorneys.

I was not the only one mistaken in the Judge's youthful appearance for at the next session of the court, the report being brought that there was a steamer at the wharf, the Judge asked the United States Marshal, a man old enough to be his father, to go down and engage for him a berth on this boat,—the old Knickerbocker, commanded by Captain Throckmorton. This he did, of course not forgetting to tell the captain that it was for Judge Wilson, of the Iowa Supreme Court. Returning he gave the Judge the number of the state room. When the Judge went down he went directly to the room and was about to take possession when the captain interfered—"Hold on, young man, you can't have that room!"

“But,” said the Judge, “this is the number that was engaged for me.” “No, it isn’t, that room is reserved for his honor Judge Wilson, of the Supreme Court; you can have just as good a room, but you can’t have that.” It is said steamboat captains sometimes used adjectives, and it is reported that on this occasion the captain used some that were quite emphatic.

Judge Wilson was a native of Ohio; he came to Iowa on reaching manhood. He resides in Dubuque to-day<sup>1</sup> and save myself is the only survivor of the first three years of the early bar of territorial existence.

Judge Mason was a native of New York, and graduated at West Point, at the head of his class, in which he had such associates as Jefferson Davis and Robert E. Lee. At an early day Davis was a lieutenant under General Taylor. After the treaty of the Black Hawk Purchase, the Indians retained possession of the lands for twelve months, and among the many people who gathered in Illinois along the river, waiting their opening to settlement, there were those who sought to enter early. Taylor and Davis drove these settlers from Iowa, back across the river into Illinois. Lee was a captain of the engineering department at the works on the lower rapids. Counties in Iowa bear the names of Davis and Lee. Davis was not named for the afterchief of the confederacy, and the naming of Lee is unsettled. They were identified with the early history of Iowa as I have related. Mason went into practice of law on his graduation, resided and died at Burlington, and was a Judge of the Supreme Court during the entire territorial period. He lived on a fine farm near Burlington, and was well-to-do. He was, I think the ablest member of the court, an able judge, and became United States Commissioner of Patents, Superintendent of Public Instruction of Iowa, and one of the codifying commission that produced the code of 1851. He lived an honored and pure life and left a record worthy of imitation by all young men.

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<sup>1</sup> Since the delivery of this address Judge Wilson has died.

Of Judge Williams I might relate many anecdotes. More stories have been told of him than of any twelve other men in Iowa. He was a native of Pennsylvania, and in his early years became for a time member of a traveling circus, when he fell into the hands of wise counselors who directed his attention to study and he became a lawyer and a judge. One incident I cannot forbear relating. I had been appointed to purchase the first law library for the Supreme Court, and was on my way to Baltimore to select the books when I stopped at Columbus, Ohio to consult Governor Mason, whose advice and assistance I had been directed to secure. When I registered at the hotel the clerk said, "we had an Iowa man here last night, and he was the liveliest man I ever saw." I looked on the register, and sure enough there was the name "Joseph Williams." "We had a nigger (for they always said 'nigger' then) fiddler here, but that Iowa man took the fiddle right out of his hands, and I tell you he made good music." The Judge was an excellent violinist and was always ready to fiddle, sing and tell stories; but in court he presided with dignity and decorum.

These three Judges appointed for four years, were all Democrats, but when their terms expired there was a Whig President, Tyler, and it was expected by many that he would appoint Whigs to the positions. Mason was rich, had his farm, and did not care for the place. Wilson had his law practice and felt he could do as well at that as on the bench; but Williams, having nothing to fall back on, was very anxious for re-appointment and started to Washington to secure a renewal of his commission. In those days all the travel from east to west was by land and mostly by stage. When the Judge reached Wheeling, he fell in with a handsome lady going east, and being a very gallant man and quite at ease among the ladies, he had no trouble in making himself agreeable and made known to the lady the nature of his business at Washington. They were traveling companions all the way to Baltimore, and strangely enough the Judge never found out the lady's name.

When he got to Washington he fixed himself up in his best manner and called upon the President. He was very cordially received. "What can I do for you Judge Williams?" said the President. The Judge suggested, as delicately as he could, that he would like to have his commission renewed. "Oh," was the reply, "that is already fixed, but I would like to have you stay awhile." He was taken into the parlor and there met the lady who had been his traveling companion—the President's wife, who greeted him most affably and said, "I spoke to my husband about you and he said you should have the appointment." The Judge was as gallant to men as to ladies, and having been so fortunate in his own case, determined to put in a plea for Mason and Wilson. So he asked the President to re-appoint his associates. Madam seconded the request, and they were accordingly all three re-appointed and served eight years, until Iowa was admitted as a State.

To go back a little. During the time the country west of the river was under the jurisdiction of Wisconsin, Judge David Irwin was assigned to the Iowa district and held court here, and I became quite well acquainted with him. But on the organization of Iowa as a Territory, he returned to the east side, and resided at Platteville, Wisconsin, where he died.

In the first days of the Territory there were a great many young men engaged in the study of law. The first session of the Supreme Court met in the parlor of a tavern. It was a small room, and a platform raised one step above the floor served as a bench for the Judges. Court was opened and the first business was the admission of twenty lawyers.

There was only one case on the docket. It was an appeal from that county. I was invited by the attorney for the defense to argue the case after the prosecution had been heard, and made the only argument and won the case. After the decision, court adjourned and the Judges honored me with congratulations on my maiden effort. But the counsel whom I had assisted, our client being acquitted, told me that on regaining his liberty, he had seized a rifle standing by the door and

made off with it. It was for the theft of this same rifle that he had been arrested and it was to be the fee of my brother attorney for clearing him. I can assure you I felt sorry for him.

I will now give the names of the attorneys of that period.<sup>1</sup> I begin at Dubuque, for it is by far the oldest settlement in Iowa, having been settled by a Frenchman in 1788—Julien DuBuque—who died in 1810.

The first attorney was W. W. Corriell, editor of a paper there, and for some years engaged in law practice. I am sorry that no file of his paper remains in the Historical Society, nor anywhere else in Iowa.

Thos. S. Wilson, afterward Judge of the Supreme Court.

Stephen Hempstead, of Dubuque, member of Congress, subsequently Governor, member of Codifying Commission and prominent in legislation.

B. Rush Petrikin, first register of the United States land office.

At Davenport, W. B. Conway, the first Secretary of the Territory.

At Muscatine—then Bloomington—S. C. Hastings, familiarly called "Old Red," to distinguish him from Hastings, of Burlington, called "Little Red," and who was in fact an older

<sup>1</sup>ROLL OF ATTORNEYS (113) PRACTICING IN IOWA DURING TERRITORIAL YEARS, 1835-1845. COLLATED FROM MEMORY BY, AND PERSONALLY KNOWN TO THE LECTURER.

*Those in italics are living, 1894.*

*Dubuque.* (17) W. W. Corriell, T. S. Wilson, Stephen Hempstead, W. W. Chapman, removed to Burlington in 1837, Peter Hill Engle, Geo. Green, Platt Smith, Timothy Davis, Jas. Crawford, L. A. Thomas, Thos. Rogers, H. Joshua Barney, James Churchman, John V. Berry, Theophilus Crawford, David S. Wilson, *Sam'l. Murdock*, M. Bainbridge.

*Davenport.* (10) Alex McGregor, G. C. R. Mitchell, Jas. Grant, Eb. Cook, W. J. A. Bradford, John Parker, Jas. Thorington, Chas. Weston, Isaac Van-Allen.

*Muscatine.* (11) S. C. Hastings, Stephen Whicher, R. P. Lowe, *T. S. Parvin*, Irad C. Day, Jacob Butler, *J. Scott Richman*, W. G. Woodward, — Farwell, James Parmer, J. L. Cummins, *D. C. Cloud*.

*Burlington.* (14) David Rorer, Chas. Mason, H. W. Starr, W. H. Starr,

man. He was also a member of the Legislature and subsequently served as Chief Justice of the Iowa Supreme Court. He was the first member of Congress after the admission of the State. He removed to California on failing in re-election to the Supreme Court. He arrived there during the session of the constitutional convention, was appointed Judge of the Supreme Court, resigned to take the position of Attorney General, and resigned that to take the case of a priest who claimed from the Spanish government, the grant of a large tract of territory. He won the case, received an immense fee and became a millionaire. He afterwards founded and endowed the law department of the California State University, and dying left a million to his sole heir.

R. P. Lowe was Governor and afterward Chief Justice of

Jas. W. Woods, Jas. W. Grimes, M. D. Browning, Jonathan C. Hall, L. D. Stockton, Enoch W. Eastman, — Mills, J. C. Breckenridge, Cyrus Jacobs, Gen. Larned.

*Ft. Madison.* (10) Edward Johnston, Hugh T. Reid, *Dan'l. F. Miller*, *Geo. H. Williams*, Philip Viele, O. S. X. Peck, Thos. S. Espy, Henry Eno, Alfred Rich, L. R. Reeves.

*Keokuk.* (3) A. M. Blair, Sam'l. Miller, J. G. Wilkinson.

*Andrew.* (2) John J. Dyer, Philip Bradley.

*DeWitt.* (2) Wm. E. Leffingwell, *Aylett R. Cotton*.

*Marion.* (5) Isaac M. Preston, John David, Wm. Smythe, L. M. Strong, *Thos. J. McKean*.

*Tipton.* (3) John P. Cook, later moved to Davenport; S. A. Bissell, W. H. Tutāill.

*Iowa City.* (9) Morgan Reno, Curtis Bates, Jas. P. Carleton, Peter H. Patterson, Gilman Folsom, H. D. Downey, Eastin Morris, *W. Penn Clark*, Jas. D. Templin.

*Wapello.* (3) *Francis Springer*, Ed. H. Thomas, John Bird.

*Washington.* (1) W. R. Harrison.

*Mt. Pleasant.* (6) *John F. Kinney*, *Wm. Thompson*, J. B. Teas, G. W. Teas, W. H. Wallace, *John T. Morton*, removed to Nebraska.

*Fairfield.* (7) Cyrus Olney, Caleb Baldwin, Chas. Negus, C. W. Slagle, Geo. Acheson, Jas. Craig, T. H. Gray.

*Keosauqua.* (6) Augustus Hall, *Geo. G. Wright*, Jos. C. Knapp, Sam'l. Shuffleton, Sam. W. Summers, James H. Cowles.

*Ottumwa.* (1) *H. B. Hendershott*.

*Oskaloosa.* (2) M. T. Williams, M. T. Peters.

*Cedar Rapids.* (1) George Greene.



the Supreme Court. He was Governor at the time Kirkwood was elected to succeed him, and being very much disappointed, in order to pacify him he was nominated and elected Chief Justice. Iowa was peculiarly fortunate in the transaction as she secured for his successor the illustrious statesman who has become world renowned as the War Governor of Iowa—Samuel J. Kirkwood.

Stephen Whicher, of Muscatine, became U. S. Attorney. He was one who practiced law all his life and engaged in no other profession. He was an able and eloquent attorney, and had many peculiarities. He always spelled Muscatine with a "q." and would never use gold or steel pens, and I remember he always sought my skill to make his quill pens. At one time arguing a case in court, where the opening counsel had made a long speech, the Judge evidently having made up his mind to decide in favor of Whicher's client, said to him, "I am with you Mr. Whicher in this," and declined to hear him. Whicher, however, insisted upon making a plea, and the Judge ordered him to take his seat. Whicher went right on with his plea, and the Judge angrily called out, "Mr. Whicher I fine you ten dollars for contempt of court; Mr. Clerk, enter up the fine." Whicher stepped up to the clerk's desk, pulled out his pocket-book, laid down a ten dollar bill, and going back to his place, began again on his argument. The Judge roared out, "take your seat, sir." Whicher did not obey, and the court said, "I fine you ten dollars for contempt. Mr. Sheriff, arrest this man if he does not take his seat." Whicher did not have another ten dollars in his pocket (money was not very plenty with lawyers then), and he apologetically said, "your honor, do you know who I am?" Yes, sir, you are Stephen Whicher, District Attorney in and for the Judicial District of Iowa. Do you know who I am? "Yes, your honor, you are Judge of this court, and our acquaintance has cost me twenty dollars." Good feeling was instantly restored and the Judge said, "Mr. Clerk, remit those fines; Mr. Sheriff, adjourn court." Whicher on being afterwards asked what he meant, said the opposing at-

torney had made a long argument, and he was afraid if he said nothing his client would think the case did not need much attention and that it was so easily won he ought not to have a good fee. Another member from Muscatine was Irad C. Day, a quiet man, and afterwards a member of the Legislature.

And the last was myself.

From Burlington there was David Rorer, the best lawyer at the Iowa bar. He came to the Black Hawk Purchase in 1836, and built the first brick house in Burlington. When the brick-layers were ready to begin work, he laid with his own hands the first brick, and years after, when this house was torn down, he stood by and watched the workmen until this brick was reached, carefully removed it and cleaned off the mortar and kept it as a paper weight on his desk. I begged his daughter to give it to me that it might be placed in the Historical Society's collection, but she declined to part with it. Later, in writing a historical sketch I mentioned this house as the first brick house in Iowa. My good friend, M. M. Ham, editor of the Dubuque *Herald*, and a former regent of the University, said in his paper that a brick house had been built in Dubuque a year earlier. When I was in Dubuque I went to see the house, and there on the lintel over the door was the date, plainly, one year later. I went to Mr. Ham's office and took him to see the house, pointed out the date, and he gave it up.

James W. Grimes was the brainiest man Iowa has produced, one whose public services in behalf of the State have not been excelled. He was an able man, as Governor, legislator, and in the United States Senate. Aside from politics, he engaged only in the profession of law.

I remember particularly the Starrs. There were two of that name, both from Connecticut, and both named William Henry. To avoid confusion and mistake, one changed his name to Henry W., and he was the best known. In his day he was one of the ablest lawyers in Iowa, and has not been surpassed since. He was a most eloquent man and an effective

speaker. He never held any office, practicing his profession throughout his career. He had one serious fault as a man that has impaired the usefulness of so many; he was too fond of liquor. I very well recall when we were, with others, delegates to a river and harbor convention at St. Louis, and Henry W. Starr was selected as the speaker of the Iowa delegation, on my nomination. The chairman of the convention came to me and said, "do you know your man is drunk? You must get a substitute." I said "no, we have no one we can substitute." "It will never do to let that man come on the platform; why he can't stand up." "Wait and see; he'll be all right," I said, "and he will give you a good speech." When the time came for him to go on the stage, he was in such a condition that a friend and myself had to stand one on each side of him and actually hold him up, until he said, when he got on his feet, "there, that'll do, I can stand alone." When it was over, the chairman came to me, and said, "heavens, Parvin, if that man can talk that way when he is drunk, what can he do when sober?" He was most ready before a jury and court, and was widely known throughout the state as an eloquent advocate.

For the benefit of these young gentlemen from the law department, let me say, we had no code at that time, but practiced under the common law, which required special study and training. I remember that after the code of 1851 had gone into effect, I was called upon one day by a farmer to draw a deed. Of course I did it in a few moments and handed it over. The man looked at it and said, "how much?" "One dollar," I replied. "I won't give you a cent for it" he said. "I want a deed that will hold." "Where are you from, my friend?" I asked, and when he answered "Virginia," I knew what he wanted. "Come back to-morrow and I will have it ready." I drew up a deed in common law form that covered four or five pages, and when he saw it with all its long array of words, he was satisfied and had no objection to paying five dollars for it. Our code now precludes all errors, giving just

as good and thorough transfer in a few lines, with a vast saving of time and expense, insuring even greater certainty.

Wm. H. Starr, his associate, was for a time District Attorney. He was a quiet, good, christian gentleman, of retired habits, who attained no special distinction.

James W.\*Woods, known everywhere under the title, "Old Timber." had a wide acquaintance, and almost as many anecdotes are recalled of him as of Judge Williams. He was past eighty years of age when he died.

M. D. Browning, was one of the prominent men of the time. He was a very able advocate at the bar and became a State Senator.

William H. Wallace, the first Speaker of the House of Representatives afterwards became in succession the first territorial Governor of Washington Territory and of Idaho Territory, and was also a delegate in Congress from both.

From Mt. Pleasant were George W. and J. B. Teas. Both had been Methodist ministers before becoming lawyers, and they returned to the church later. I recall one Teas' "fall from grace" when in a speech from a store-box, he declared, "be it known from shore to shore that I am a Methodist no more." But when he repented and again entered on the work of preaching he began, "be it known from shore to shore that I'm a Methodist forever more."

Philip Viele, of New York, and Alfred Rich, of Kentucky. Viele had a defective gland in one of his eyes and could not talk without shedding tears. This sometimes quite effectively deceived the jury, who supposed that his earnest sympathy for his client was the cause. Alfred Rich was a poor man and poorly clad. When he came to Ft. Madison, finding nothing else to do, he opened a school. Some difficulty arose, requiring settlement in court and one of the parties sent to Burlington, engaging every lawyer in that city, leaving no attorney for the opposing party, who was a poor man. Before the day of the trial it was learned that the school-master was a lawyer, though he said he had only read law and had not practiced.

He dismissed school, went to the court room, and won his case against all the Burlington bar. You may be sure he had no lack of clients from that time on. He established a reputation as an excellent attorney and was elected a member of the Legislature.

This list includes all the attorneys before July, 1838. By 1846 the number was largely increased. My memory of these early events is very clear and I cannot be in doubt. I was well acquainted with them, we were constantly thrown together, and frequently made long trips together. I had in my district eight counties, and was often out from home eight weeks at a time,—unless I could get one of my associates to take my place; for I fell in love, as young men will, and sometimes went to see the lady who afterwards became my wife.

I was District Attorney, and in that position frequently represented the United States Attorney. It was with Judge Williams holding court that I first came to Johnson county. I had traveled over the section previously with an Indian guide, so that it was not altogether new to me. The Indians had just been removed to near Marengo. All about here was open country, and the only building, the old trading house, south of the city, was taken for a court room. It had no windows, and the only way to light the room was to leave the door open. We organized the county and held the first term of court, and occasionally some lookers-on would stand in the door-way obstructing the light, and the court would order it cleared. A man had committed an offense, and I had him indicted; of course there was no room in the old trading house for the grand jury to deliberate, and in preparing the indictment we went out on the prairie, a distance from the trading house, where as I remember I stood on a log and addressed the grand jury. Not one of the sixteen members of that grand jury; not one of the twelve members of the petit jury (embracing together over one-half the adult male population of the new county)—not one is now living. Here I am, alone. Of the officers of the court, members of the bar, litigants, wit-

nesses—not one is left—all have gone the way the living must go! It makes one feel sad to stand here as I do, and think that so many with whom he was in close relation have died, and that he alone survives.

At that term of court there was present a young man, son of a Judge in the State of Pennsylvania, who was a friend of Judge Williams. He went back home and made public a story, not strictly true, but that had wide circulation. After telling of the court house and the proceedings of the first day he said that upon the adjournment of court there was a dance, at which the Judge occupying the same seat as in court, played the fiddle and called off for the dancers; and this he gave as a picture of life in Iowa, and showing the character of the people. But it was not true. While the Judge did play the fiddle, and as I said some time ago, he was an excellent violinist, it was before the dance. He did not play for the dancers, but handed the fiddle over to the man who had been engaged for that purpose. The story went the rounds and the Judge never outlived it. Even in that early time we learned that a lie would travel faster and last longer than the truth.

When Judge Williams was holding court in Muscatine some unruly people in the audience kept up a disturbance, greatly annoying the court and lawyers. As the Judge and I were going to our hotel after adjournment, we met a man who looked like the typical bully of the State, over six feet high and of great frame. He stopped us, and said to my friend, "Judge, you didn't have very good order in court to-day." There was no way of denying that. Then he went on: "Appoint me bailiff, and I'll see that you have order, if I have to kill a man." The Judge did not care to have any controversy on the street—so said "I'll see about it." I said to the Judge, "appoint him, perhaps he can really keep order, and at any rate we will not be any worse off than we are now." So the next morning, when court opened, the Judge said, "I appoint J. L. (I don't give his name, because he has children in this State, who hold honored positions and I would not wound

their feelings) bailiff of this court, and he will preserve order." Just as soon as he was sworn in, he stepped out in front of the Judge and called out, "gentlemen, you will keep order; I have been appointed to see that you do, and if you don't I will throw the first man that makes a disturbance out of the window." Court was held in the second story of the building, and there was not a man present but knew the bailiff was strong enough to make his word good. As a result, no Judge ever presided over a court in which he had better order.

At another term of court, when I went out to meet the grand jury, I found them by no means as "sober as a judge," in fact they were unmistakably drunk. I saw there was no use of trying to do anything and told the Judge the jury was drunk. He called the jury in, reprimanded them and told them to come back sober, or he would put them in prison. The jury came back next morning, perfectly sober and retired for deliberation. It was twenty years afterwards that I heard the rest of the story at a meeting of pioneers in western Iowa from a member of that jury who had been sheriff of his county and a member of the Legislature. He told me that when the jury got together they appointed the foreman to send out and get a switch and when "that boy" (meaning me) came into the room to give him a switching. It was then my informant, who had said nothing, rose and remarked, "the first man that lays hands on that young man is a dead man!" There was no more talk of "switching" the prosecuting attorney.

There were some strange events in early practice in the State, as you will see. Iowa was largely made during the territorial years. The basis of legislation and the legal system of the State were founded in that beginning period and the pioneer lawyers had a great hand in the work. The attorneys of Iowa, during this territorial period, engaged in the various official positions that brought them prominently before the country.

Some very important cases were tried in the early courts, affecting great and vital interests. Among these was one in-

volving titles to the entire city of Dubuque, which was determined by the United States District Court at the period of my clerkship. Julien Dubuque had devised his property to Pierre Choteau of St. Louis, but the claim was not asserted until Iowa had been admitted as a State when suit was brought. The case was taken to the United States Supreme Court and then decided.

In speaking of Dubuque, I am reminded of an incident of Platt Smith, who afterwards filled a large place in Iowa affairs. In 1841 (I was not yet married) hearing a raft had come down and having a lot in Muscatine, I decided on buying the lumber to build, with a view to an event that would make a home of my own desirable. I went down and bought "a crib," and told the proprietor to come up to the hotel where I was boarding and I would pay for it. He sent a bright young man for the money, and it being dinner time I invited him to dine with me, and had a conversation with him in which he told me that during the winter, while cutting logs, he had read some lawbooks at night, lying on the floor in front of the fireplace. He came to Dubuque and sought admission to the bar. He was in his old clothes as a raftsman, knew no one in the town, and the Judge not prepossessed in his favor, refused to even appoint a committee to examine him. He was greatly discouraged but went back to the raft and came on down the river, more determined than ever to be a lawyer. I was struck by his frank and candid manner and at once proposed that he stay in my office and read law. He told me he had no money and I agreed to pay his board, looking to him for repayment when he was able. He remained in my office, passed a very good examination and was admitted to the bar. I offered him a partnership for which he thanked me, but said he would go to Dubuque, and as he had very little money he might have to walk, would present his certificate in court and tell the Judge that he had come back to practice where examination had been refused him. This he did, and he became one of the most eminent lawyers of Dubuque. The example



of this young raftsman, Platt Smith, is worthy the emulation of all young men of the State University Law Department.

Last week I attended the annual reunion of the Pioneer Law-Makers' Association of Iowa, at Des Moines. While I was the senior member, there was with me one older in years.—Daniel F. Miller, of Keokuk, who was in the Legislature this year—fifty-four years after his first term. I was Secretary of the Senate in 1840, and recall one incident he told me then of his first election. Coming to Keokuk by boat, the passengers had to get off and walk around the rapids, about two miles, while the boat lightened of its load, was able to make its way up the stream. On the way they stopped at a cabin to warm, and saw an old gentleman lying on the floor in front of the fire, and learned he was one of three Mormons, who had escaped from a mob in Missouri, that sought to drive the Mormons out of the State, and that he was yet suffering on account of the trouble he had experienced. A Missourian who was in the party, commenced a violent and abusive attack on the old man, that excited Miller's anger until he finally jumped on the bully and gave him what in these days we would call a sound thrashing. This was in the spring, and the following fall, Miller having been nominated for the Territorial Legislature, had a very close canvass before him, and was at Montrose on an electioneering tour. He met with a familiar face, but could not be certain where he had met the man; however, he made his business known, and before long each knew the other.—One was the old Mormon, the other the young lawyer. "Mr. Miller," said the old man, "you needn't give yourself any trouble about election. Go home and attend to your business. I will go over to Nauvoo and see the prophet, and he will have a revelation from the Lord, directing the Mormons to vote for you." It came out just that way. There was some kind of revelation and the Mormons all voted for Miller, who had a very satisfactory majority. "Cast thy bread upon the waters, for thou shalt find it after many days." It doesn't cost much to help a fellow-being and sometimes important results come from forgotten kindnesses.

Another case that was of great importance involved a large tract of land near Montrose, ceded by the Spanish Government to one Tesson. The case was tried in the United States court and I presume the original transcripts are yet in the files. It well illustrates the old civil law practice that yet prevails in Louisiana. Tesson became indebted to the Choteaus, of St. Louis, who had a levy made on his property at Montrose; the officer of the court came up from St. Louis, and taking a shovelful of earth to represent the real estate, a bough from an apple tree in the orchard (there were still some of the old trees of this orchard remaining when I came to Iowa) to represent the improvements, and an old iron kettle to represent the personal property; he carried these to St. Louis as emblems of the property. Proclamation was made on three successive Sundays at the door of the Catholic Cathedral in St. Louis, after which the property was sold, the passing of the emblems taken transferring the ownership. Delivery was given in that way under the old civil law. The original papers are yet in the court and illustrate the only case of civil law procedure occurring in what is now Iowa. Its later and final adjudication was in the United States Supreme Court.

The famous "half breed tract" was in litigation for years, exercising the ability of eminent attorneys. In 1824 General Harrison made a treaty with the Indians by which they ceded all their lands north of the Missouri line. A large tract in the forks of the Des Moines and Mississippi rivers, known as the "half breed tract" came into the courts and caused litigation extending over years. In Muscatine county an attorney received \$1,000 as a fee in a single case for empaneling a jury and so successfully did he do his work that one man hung the jury and the case was delayed for a year. That is a sort of practice that I do not commend to you.

Another case of interest was that of the negro Grant, who came from Missouri, with his owner's consent, to earn the means to buy his freedom. He may not have been strictly

honest, or may have tired of working on such terms, but at any rate he did not turn over his wages, and his former owner came to Iowa to arrest him. Of course there was a writ of *habeas corpus*. David Rorer was the attorney for the defendant. I remember that in the trial of the case, one of the pleas was the injunction of the Mosaic code, "thou shalt not deliver unto his master the servant that is escaped from his master unto thee." The court held that a slave coming to a free State, by the consent of his owner, was not a fugitive and not subject to arrest. I knew the negro very well, for he lived and died on a farm within twelve miles of Muscatine, where he was well thought of. In this case the principle was established that the free soil of Iowa makes a free man.

I will, in closing, recall briefly the prominent lawyers who took part in building up Iowa, and attained conspicuous positions.

Vice President of the U. S. (1) Breckenridge, Burlington.

Attorney General of the U. S. (1) Williams, Ft. Madison.

Judge of the U. S. Supreme Court. (1) Miller, Ft. Madison.

Judge of the U. S. District Court. (1) Dyer, Andrew.

United States Senators. (4) Grimes, Burlington; Wright, Keosauqua; Breckenridge, Burlington (from Kentucky); Williams, Ft. Madison (from Oregon).

Representatives in Congress. (10) Davis, Dubuque; Hall, Keosauqua; Cook, Davenport; Miller, Ft. Madison; Thompson, Mt. Pleasant; Thorington, Davenport; Cotton, DeWitt; Hastings, Muscatine; Leffler, Burlington; Chapman, Burlington.

Governors of States. (4) Grimes, Burlington; Lowe, Muscatine; Hempstead, Dubuque; Wallace, Mt. Pleasant (Governor of Idaho).

Lieutenant Governor. (1) Eastman, Burlington.

State Senators. (13) Hastings, Muscatine; Hempstead, Dubuque; Greene, Cedar Rapids; Parker, Davenport; Woodward, Muscatine; Browning, Burlington; Eastman, Burlington; Johnston, Ft. Madison; Bradley, Andrew; Cook, Tipton;

Springer, Wapello; Wright, Keosauqua; Bainbridge, Dubuque.

Presidents of the Senate. (4) Hastings, Muscatine; Hempstead, Dubuque; Bainbridge, Dubuque; Leffingwell, Lyons.

Speakers of the House. (5) Butler, Muscatine; Carleton, Iowa City; Wallace, Mt. Pleasant; Engle, Dubuque; Johnston, Ft. Madison.

United States District Attorneys. (8) Chapman, Burlington; Van Allen, Davenport; Weston, Davenport; Preston, Marion; Knapp, Keosauqua; Whicher, Muscatine; Deshler, Muscatine; Johnston, Ft. Madison.

State and Territorial District Attorneys. (6) Parvin, Muscatine; Lowe, Muscatine; Starr, Burlington; Reid, Ft. Madison; Olney, Fairfield; Cloud, Muscatine.

Judges of the State Supreme Court. (10) Greene, Cedar Rapids; Hastings, Muscatine; Lowe, Muscatine; Woodward, Muscatine; Hall, Burlington; Stockton, Burlington; Smythe, Marion; Kinney, Mt. Pleasant; Baldwin, Fairfield; Wright, Keosauqua.

Judges of the District Court, Territory and State. (11) Mason, Burlington; Williams, Muscatine; Wilson, Dubuque; Murdock, Dubuque; Richman, Muscatine; Leffingwell, DeWitt; McKean, Marion; Tuthill, Tipton; Carleton, Iowa City; Springer, Wapello; Olney, Fairfield.

Members of Constitutional Convention. (14) Hall, Burlington; Richman, Muscatine; Bissell, Tipton; Peck, Ft. Madison; Harrison, Iowa City; McKean, Marion; Cook, Davenport; Crawford, Dubuque; Clark, Iowa City; Lowe, Muscatine; Leffler, Burlington; Johnston, Ft. Madison; Cotton, De Witt; Chapman, Burlington.

Secretary of the Territory. (1) Conway, Davenport.

Codifiers of the Laws of Iowa. (3) Mason, Burlington; Hempstead, Dubuque; Woodward, Muscatine.

Registers of State and United States Land Office. (2) Davis, Dubuque; Parvin, Muscatine.

Colonels in the War of the Rebellion. (2) Thompson, Mt. Pleasant; Wilson, Dubuque.

Captain in Mexican War. (1) Mills, Burlington.

Of members of the bar of 1836—forty six have held National and State offices.

The list includes upwards of sixty of the one hundred and thirteen members of the bar for the first decade of Iowa history, 1836-46, one half holding national offices.

Of one hundred and fifteen, whose term of service was later than I have indicated, only seven are in practice.

I love to refer to Enoch W. Eastman, who came to Iowa at an early date and engaged in the practice of law. At the time the first Constitutional Convention was held, Congress changed the boundaries, extending the line north to the White Earth River in Minnesota, but cutting it off at a diagonal line from northeast to southwest that passed about thirty miles west of Des Moines. Eastman was very much opposed to these boundaries and in company with Captain Mills, who was afterwards killed in the Mexican war, he agreed to stump the State in opposition to the adoption of the constitution. They soon found it was too big a job, and at Eastman's request I assisted them, canvassing the first and second districts, and after all our hard work and most strenuous efforts the constitution was defeated, by only about 200 votes. Only for Enoch W. Eastman, who organized and led the forces against it, the constitution would have been adopted, and the State deprived of its natural western boundary, cut off a little beyond the present capital. To no man is the State more indebted than to him. He was the author of that famous motto—"Iowa, the affections of her people, like the rivers of her borders, flow to an inseparable union." No truer sentiment of union was ever uttered than that brief sentiment. Yet this grand man has gone to his grave, is buried in a country cemetery, with only a poor stone to mark his resting place! And Iowa has left his name to pass into comparative oblivion! In speech he was very sarcastic. He was one of the early temperance reformers and was for years leader of the temperance party in Iowa legislation. One Senator took occasion time after time "to

pitch into him" in the Legislature, and Eastman made no answer until the opportune moment. The Senator was quite pompous and a large man. As he sat down after one of his thrusts at Eastman the latter said, "I never see the honorable Senator rise to speak that I am not reminded of that passage of holy writ: 'Be still and know that I am God.'" "

Among them is one dear to you all, honored and credited at home and abroad. I refer to an instructor in the Law Department of the University, my old-time friend, Judge Wright, Justice of the Supreme Court and United States Senator, and in whatever position he has been placed, always filling it with distinguished credit. He is president of our Pioneer Law-Makers' Association, and the best presiding officer I ever knew. He is full of anecdotes and reminiscences and has already preceded me in the discussion of this subject.

It is regrettable that so much of the history of Iowa is confined to the memories of a few men who took part in the events, for when a few more years shall have come and a few more pioneers shall have passed away, the history of the first ten years of Iowa will have been buried. No history of those early years has been written and little now remains, save what is treasured in the recollections of men like me, whose years are almost ended.

I recognize many of the law class of the University before me. I congratulate you on the advances that have been made in the facilities for study in half a century. You are preparing for the practice of a noble profession, that will call you to defend the property and rights of your fellow citizens, even to balance the issues of life and death. You may not possess the great learning of Mason nor the brain power of Grimes, nor the eloquence of H. W. Starr, nor even the culture of Woods; but, young men, each of you may successfully emulate the example of Platt Smith, giving energy to the mastering of difficulties and by efficiency crowning yourselves with success, and then the officers and professors of this institution and the citizens of Iowa will rejoice with you.

# THE EARLY CLERGY OF IOWA.

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## INTRODUCTORY NOTE.

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THE following pages are given as nearly as possible in the words of those who have so kindly aided the compiler. Extensive correspondence has been supplemented by the examination of libraries both west and east.

Most of those to whom application has been made for information, have very promptly responded. A few have made no reply.

The work is by no means complete. Errors will be discovered and the compiler will be very grateful for their correction. The early clergy were too busy in *making history* to devote much time to recording their deeds. Each denomination should put upon record its earliest efforts in the "making of Iowa." Many of the statements contained in this compilation will be found in print for the first time. It is hoped that they may be verified and thus become an accurate history of church movements in territorial days. Participants have in great measure entered upon their reward. Their immediate successors are few who survive. The present clergy of the State are strangers to the toil and sacrifices which accompanied the lives of men and women who prepared the field for their cultivation.

COMPILER.

## ROMAN CATHOLIC CHURCH.

THE following statement is by Rev. Father John F. Kemper, of Adair, Iowa, author of History of Roman Catholic Church in Iowa.

Since the time of Father Marquette and of Father Hennepin, it is not definitely known that any one of their number set foot within the present limits of Iowa until about the year 1828. From that year, until 1832, Fathers J. A. Lutz, C. F. VanQuickenborne and St. V. Badin, made several visits in this region. However, the accounts of these are very meagre, nor did they find much opportunity of exercising their apostolical zeal, since the settlements were very insignificant, and scattered at long intervals along the banks of the river. Rev. St. V. Badin was the first priest ordained in the United States. Rev. J. A. Lutz was a very zealous and amiable young German priest, of the diocese of St. Louis. Although it is known of him that he made repeated visits along the river, the only account that can be found of these is the mention of a protracted visit in 1831 to the people of Prairie du Chien.

Rev. C. F. VanQuickenborne was a zealous and most exemplary Jesuit priest of the province of St. Louis, and of him it is said that he held divine service in the lead mines of Dubuque about the year 1832.

The Very Rev. Samuel Mazzuchelli was sent as missionary priest to the northwest, with stations at Mackinaw Island, Green Bay, Fort Winnebago, Prairie du Chien, and amongst the many fruits of his pious labors he counted the conversion and baptism of nearly fifteen hundred Indians in this region from the time of his arrival until 1835.

Rev. J. McMahon in the autumn of 1832, took up his residence at Galena, Illinois. Under his charge came the lead mines of Dubuque, where he is said to have held divine service in 1833. On the 19th of June, 1833, he fell a victim to the cholera scourge.

In the early part of 1834, Rev. C. J. Fitzmaurice came as the duly authorized pastor, dividing his time between Galena



and Dubuque, alternating with divine service on Sundays, taking up his residence part of the time in Dubuque. He entered claims for church grounds, obtained a subscription for one thousand one hundred dollars, had the boards and timber engaged, and the contract for building given out to a carpenter, when he was snatched away by the dire scourge and all the building arrangements were abandoned. In the same year Dubuque witnessed the construction of a church by another denomination.<sup>1</sup> In the early summer of 1835, the Very Rev. Samuel Mazzuchelli succeeded to the pastorate and at once commenced the construction of churches, both in Galena and Dubuque, extending his missionary visits also to many other places of the vicinity. Among other places he visited Davenport as early as 1835, commenced the building of a church there in 1837, and completed the same in 1838. The blessing of this last named church took place on the 23d of May, 1839, by Bishop Loras.

The first priest who extended his visits to the southern part of the state was Rev. P. P. Lefevre. He came in 1834, founded two or three little missions in the "Black Hawk Purchase," and made occasional visits until 1837. In that year Father August Brickwade, of Quincy, received charge of the Iowa district then known as the "Wisconsin Territory" and for several years visited the people of Fort Madison, West Point, and Sugar Creek.

The first church in Lee county was built of logs by the early settlers at Sugar Creek in the summer of 1838.

The Dubuque, Davenport, and Sugar Creek churches were the only edifices of worship for the Catholics in Iowa upon the arrival of Bishop Loras on April 19th, 1839, excepting an Indian chapel at Council Bluffs. At the close of the month of May, 1838, Fathers Verreydt and DeSmet, Jesuist missionaries, took up their quarters at Council Bluffs, where they were solemnly received by a number of the Indians and their chiefs. A deserted government fort was at once converted

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<sup>1</sup>Methodist Episcopal, see page 101.

into a chapel, and several other log cabins were built in the neighborhood as a residence for the good fathers and a school for the Indian neophytes.<sup>1</sup>

The diocese of Dubuque, comprising Iowa Territory, was erected July 28th, 1837, by Pope Gregory XVI. Very Rev. Mathias Loras, Vicar General of Mobile, Alabama, was appointed the first bishop; and he was consecrated at Mobile December 10th, 1837, by Rt. Rev. N. Portier, assisted by Rt. Rev. A. Blanc.

Father Mazzuchelli met the Bishop at St. Louis, accompanied by Rev. Joseph Cretin and Rev. J. T. M. Pelamourgues, and taking the first boat, they arrived at Dubuque April 19th, 1839. The Bishop also had obtained four ecclesiastical students, namely, Peter J. Causse, Remigius Petiot, Augustin Ravoux and Lucien Galtier. Rev. Remigius Petiot was ordained in the autumn of 1839, and the other three gentlemen were ordained priests on January 5th, 1840; and, with the exception of the Jesuit priests at Council Bluffs, the paragraph shows the entire number of Catholic clergy in January, 1840, having charge of Iowa Territory, including the present Minnesota and part of Wisconsin.

Bishop Loras took charge of the cathedral in Dubuque, engaged in actual missionary work wherever he was, made frequent visitations throughout his vast jurisdiction, encouraged the churches which had been established, and used all his charitable influence in founding new churches. He also had a keen interest for the conversion of the Indians, whom he estimated to number thirty thousand in his diocese and even as early as 1841 appointed missionaries to give them special care; to-wit: Father Pelamourgues, for all those in the southern part of the diocese; Father Cretin, for those in the north of present Iowa; Father Ravoux for those at Ft. Snelling and in west

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<sup>1</sup>The year 1839 seems to have been a year of church establishment among the various Protestant bodies, as well as of increased activity in the Roman Catholic church, under the inspiration of their first bishop in Iowa, Bishop Loras.

Iowa; and Father Galtier in the regions from Ft. Snelling to Dubuque and to the eastward.

Father Ravoux continued active in this duty, acquiring the Sioux language and securing some converts. He also attended to the Catholics in his missions, some years being the only priest amongst them.

Rev. L. Galtier was stationed at Ft. Snelling in 1841. He built a log church, at the present site of St. Paul, Minnesota, dedicated it in honor of St. Paul, and from this originates that city's name. In 1844, Father Galtier built a log church in Keokuk, continued there about one month; then returned to Dubuque and from there was appointed pastor of Prairie du Chien.

On May 23d, 1839, Bishop Loras dedicated St. Anthony's church in Davenport, and in the autumn appointed Rev. J. A. M. Pelamourgues as pastor, who opened a school the same year; and who, in addition to Davenport, frequently had charge of Rock Island, Illinois, Iowa City, Muscatine, and also made occasional visits to Burlington and smaller stations.

Father Petiot was appointed to Galena and Illinois, which remained the sphere of his activity.

Father Mazzuchelli built St. Paul's church in Burlington, in 1840; St. Mary's church in Iowa City, in 1842, and until 1843 was pastor of this section, doing frequent missionary work in Iowa City, Burlington, Muscatine (called Bloomington in its early days), Old Man's Creek, Maquoketa, and missions in Illinois.

In 1842, Bishop Loras had two churches joined and framed of lumber at Prairie du Chien, and rafting them down stream, he donated one to Muscatine, St. Mathias' church; the other to Bellevue, where he purchased two lots when the town was laid out.

Very Rev. J. Cretin was appointed Vicar General, was much engaged in the cathedral, had the principal direction of a higher school established at Dubuque, where he was frequently one of the professors, and also attended several mis-

sions in his territory, including Garnavillo, Guttenberg, New Vienna, and Ft. Atkinson, where churches were built.

In 1841, Rev. J. C. Perrodin arrived, and was appointed pastor of the Maquoketa church, situated in Jackson County; also attending Bellevue and other stations.

In 1840, Rev. J. G. Alleman came here from the Dominican priests in Ohio, and built a brick church in Ft. Madison, about sixteen by sixteen feet in dimensions. He built a larger church in 1844, and throughout the territorial days of Iowa, attended Ft. Madison, where he also occasionally conducted a school and aided in introducing apple trees and orchards; West Point, where he built a church in 1842, sometimes residing here for months; Keokuk, where he made visits at stated times; also attending such stations as Sugar Creek, Primrose and Farmington. Quite often he did missionary duties in Burlington, and he made visits to Dubuque and other points on the river.

In 1843, Rev. John Healey was appointed pastor of Burlington, and later resided with the Bishop at Dubuque, and as pastor at Bellevue.

In 1843, Rev. A. Godfert was appointed to Iowa City and from there also made visits to Muscatine, Burlington, Old Man's Creek and Washington county.

In Washington county, Richmond and St. Vincent's were organized congregations at the close of this period, and were under the charge of Iowa City.

Rev. James Causse was engaged a part of the time at Dubuque, but later resided chiefly at Potosi, Wisconsin.

In 1846, Rev. Henry Herzog was pastor in Burlington.

In 1843, Rev. T. J. Donagho came to the diocese and was active in Dubuque, also having charge of motherhouse of the Sisters of Charity, and of the church of Holy Cross on Turkey River, in Dubuque county.

All these clergymen were very assiduous and diligent in their sacred trust in directing the spiritual welfare of the people, and promoting the prosperity of the many scattered

congregations and encouraging new colonizations. They also did what was possible for instruction and education. We find a school in Dubuque and in Davenport, in 1839. The three-story brick house which the Bishop built there in that year, was intended to give rooms for a higher school and seminary: In 1840, Bishop Loras contemplated introducing Sisters of Charity for the schools; but failing he prevailed upon the Sisters of Charity of the Blessed Virgin Mary, in 1843, to remove their educational establishment from Philadelphia to Dubuque, who arrived the same year under the guidance of Mother Francis Clarke and immediately established schools in their new home. Thus 1846 finds us with an academy for boys at Dubuque, having an attendance of sixty, and taught by the priests of the cathedral. At the same time Mother Francis Clarke had in her community thirteen Sisters and seven novices, their academy being attended by at least sixty pupils.

The Indian mission at Council Bluffs took possession of log barracks which had been abandoned by the soldiers, and converted it into a church; they also built a log house for their residence and another for a school to educate the Indians (the Pottawattamies.) The names of these Jesuit Fathers were Rev. Felix Verreydt, and Rev. P. DeSmet, and with them was a lay brother. Rev. Christian Hoeken also was on duty here from time to time. On August 15th, 1838, they had the first high mass, at which the Indians chanted the mass-songs in Latin. Although the missionaries had nearly all these Indians under instruction they baptized only about one hundred the first year. In 1841, Father Hoeken baptized fully four hundred. With the removal of the Pottawattamies to Kansas, this Indian mission was discontinued.

Bishop Loras was given by these Indians a donation of forty acres (not far from the present St. Peter and Paul Church in Council Bluffs); but he never could get all the Chiefs together at the same time for the necessary signature.

These few pages show an interesting life of the Catholic faith in pioneer and territorial Iowa, although many beautiful features of missionary life could not be portrayed here.

## METHODIST EPISCOPAL CHURCH.

THE compiler is indebted to Dr. W. F. King, President of Cornell College, for the use of documents which contain full reports of early Methodism in Iowa. Most of the facts presented are taken from these documents, to-wit: Proceedings of the Iowa Methodist State Conventions of 1871 and 1881. The reports were made by Revs. Dr. Golliday, Dr. Keeler, E. H. Waring at the convention of 1871, and by Rev. E. H. Waring at the convention of 1881.

AT the opening of the Black Hawk Purchase to settlement in 1833, waiting claimants rushed across the Mississippi. Among them were the ever alert Methodists, who acted under the inspiration of the father of Methodism in Illinois, Rev. Peter Cartwright and of his energetic co-worker, Rev. John T. Mitchell. At the session of the Illinois Conference, September 25th, 1833, Rev. Barton Randle (Randal) and Rev. John Mitchell were appointed to the Galena and Dubuque mission. Rev. John Sinclair as presiding elder, watched over the field extending from Chicago to Dubuque westward, and to Peoria southward. Mr. Sinclair visited Galena, but he did not extend his visit to Dubuque that year.

On account of the difficulties attending the crossing of the Mississippi River, Rev. Barton Randle (Randal) assumed charge of the Dubuque part of the mission, leaving Mr. Mitchell at Galena. On Saturday, November 6th, 1833, Mr. Randle (Randal) preached the first Methodist sermon in Iowa, at the tavern of Jesse M. Harrison, on the site of the present Julien House. Mr. Randle (Randal) finding his stay at the tavern unpleasant, sought "a more quiet place to read, think, pray, write, sleep, and eat; and also chose an upper room in a large, unfurnished ware-house for a preaching place." He fitted up a shanty for his house where he could enjoy his own "boughtenfeed." He soon established preaching stations in

the country about Dubuque. At Peru, four miles above Dubuque, he preached in a billiard hall which was prepared as explained by a witness: "The table was shoved to the wall, the trapezium neatly covered by a cloth, the balls rolled into the sockets, and the mace rods carefully concealed. The people gathered in to see and to hear what the preacher would do in the billiard room." The table resembled a coffin and Mr. Randle (Randal) preached the funeral sermon of the place, and had the satisfaction to learn "that the devil never returned to remove his traps." The place was sold and the proceeds applied to religious uses. Early in the spring of 1834, moved thereto by "friendly sinners," he began the erection of a house of worship, the first of its kind in the territory now known as the State of Iowa. We are able to present a fac simile of the subscription paper. June 23rd. 1834, work was begun; July 25th. Mr. Johnston, one of the trustees, records the fact, "raised the meeting-house with a few hands and without spirits of any kind." The church was finished within four weeks of its commencement. Mr. Randle (Randal) with pardonable pride exclaimed, "well done, to collect money, build a splendid log meeting-house, and pay for it, hold a two days' meeting and receive twelve members, all in four weeks. O! it was the Lord's doing; let Him have the glory. Amen." Mr. Randle (Randal) preached his last sermon in Dubuque, August 10th, 1834, having received for his year's labor, one hundred dollars, ten of which was the donation of a gambler of the town. He remained in the active ministry till 1845, when injured by a stroke of lightning, he was laid aside from preaching, but was living in 1881, an honored superannuated member of the Illinois Conference.

Turning now southward, we find the first settlers at Flint Hills, now Burlington, in 1832, but no permanent settlement till May, 1833. Dr. Ross, a zealous Methodist among the first settlers, applied to the Rev. Peter Cartwright in the spring of 1834, to furnish them a preacher.

Barton H. Cartwright, a native of Auburn, New York, who

"Subscription for a Chapel for the Methodist Episcopal Church, in the town of Dubuque.

A Plan of the house. — to be built of hewn logs; 20 by 26 feet in the clear; one story, 10 feet high; lower & upper floors; Shingled roof; Painted with lime & sand, one battered door; 4, 20 light & one 10 light windows — each situated for completing in good plain style \$255.00. The above house is built for the use of the Methodist Episcopal Church — but when not occupied by said Church, shall be open for Divine service by other Christian Denominations; and may be used for a common school, at the discretion of the trustees. Woodbury Macey, John Johnson, Wm. Kiley, Marcus Atchison, and Orel Smith are the boards of trustees, who are authorized to receive subscriptions and control the interests of said house, for the use above mentioned.

We, the undersigned agree to pay to the above trustees the several sums annexed to our names, for the building of said house?

Subscriber's Name.	\$	cts.	Subscriber's Name.	\$	cts.
Woodbury Macey	pd	25 00	George South	---	5 00
John Johnson	---	10 00	John P. Cobb	---	5 00
William Kiley	pd	10 00	Mrs. F. B. Painter	paid	5 00
Mrs. Atchison	pd	15 00	Wm. T. Deen	---	5 00
Wm. M. Loring	---	5 00	John Sewer	---	5 00
O. Johnson	pd	10 00	Lincoln Clark	pd	5 00
Wm. Atchison	pd	5 00	Robt. Waller	paid	5 00

The accompanying fac simile plates are from the original paper preserved in the State Historical Society's Collection. It is written on both sides, and while the ink has faded in some degree, it is yet quite plain. The reproduction here given is about one-fourth the size of the original paper.



Subscriber's Name	\$	cts.	Subscriber's Name	\$	cts.
Wm. O. Smith	5	00	Samuel Kean	2	00
J. Becker & Koch	5	00	Wm. Smith	1	00
Abraham Morgan	2	00	David Smith	0	00
Thos. Child	5	00	L. C. Jackson	1	50
H. St. Camp	10	00	J. W. Webber	1	50
Jacob Glover	3	00	Wm. Martin	1	00
William Dady	2	00	Joseph P. Payne	1	00
Geo. J. Booth	3	00	Joseph Richardson	1	00
Abraham Wilson	5	00	Samuel Stearns	1	00
Randolph Sandlin	5	00	Wm. A. Hutchman	1	00
Harold Howland	5	00	Duglass	2	00
Pa. Fanning	1	00	Wm. C. Evers	1	00
John Regan	1	00	J. D. Greene	1	00
Philip Jacob Wright	5	00	Samuel Dutton	1	00
H. Clark	5	00	George Emery	1	00
Shot R. Braden	5	00	Ed. Lockwood	3	00
Wm. Fanning	2	00	S. Whaling	5	00
Charles Miller	1	00	Patrick Moran	2	00
E. Price Jun.	1	00	W. Haden Gilbert	1	50
Uncle Tom	0	50	Wm. M. Durin	1	50
Caroline Brady	0	12 1/2	J. C. W. Durin	2	50
L. Sweet	5	00	Wm. Strickland	2	25
John Wharton	1	00	J. B. Smith	5	00
Walter Baker	25	00	Thos. Dutton	1	00
Sam. Welch	25	00	Wm. G. Wines	2	00
George Peacock	50	00			
J. Durall	50	00			
Wm. Doggess	5	00			

had previously received from Mr. Randle (Randal) "a license to exhort," crossed the river to Flint Hills and received frequent calls to exhort. "I went about," he says, "breaking prairie and talking to the people—they called it preaching."

March 22nd, 1834, Peter Cartwright handed him a license to preach, in accordance with a vote of the Quarterly Conference of the Henderson (Illinois) River Mission. Desiring to be independent, he refused to receive any pay for his ministerial work. And so he started with four yoke of oxen, a breaking-plow and a load of provender. He broke prairie for the settlers by day, and preached by night. When he was in need of money, he "carried wood on the steamboats." He took no collection at his services and received no pay for preaching. He soon gathered a band of the faithful about him with W. R. Ross, a class-leader, whose log cabin of one room standing on North Hill, served as kitchen, parlor, chamber, and meeting-house. The young missionary is described as "dressed in plain linen pants, home-made cotton vest, common shoes without socks, with no coat and a common chip hat." By another it is said "his head was large, his breast broad and shoulders heavy; his mouth was plentifully wide—his lungs capable of the highest degree of intonation—he could make bass enough for the whole congregation and sustain a prayer meeting to the end without fear, favor or affectation, and he was as honest as old Abe Lincoln himself."

The celebrated Peter Cartwright visited Burlington late in 1834 and preached to the people, standing upon a bent sapling and using as a desk, a board resting at one end upon a stake driven into the ground beside the sapling and at the other end upon the top of the sapling which had grown erect at a little distance from the root beside the tree which had fallen upon and bent the sapling.

The Missouri Conference, as Peter Cartwright expressed it, "jumped his claim"<sup>1</sup> and Rev. J. M. Jamison on the Palmyra

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<sup>1</sup> The claim of Mr. Cartwright of the Illinois Conference is disputed by Mr. Jamison of the Missouri Conference, who claims to have been the first preacher at Burlington.

circuit extended his work fifty miles up the Des Moines, and during the spring of 1834, preached upon the "Half Breed Tract." In the fall of that year, October, 1834, Rev. Learner B. Stateler was assigned to the Canton (Missouri) circuit, with instructions to attach thereto all the societies on the "Blackhawk Purchase." His work extended to Yellow Springs, Mt. Pleasant, Keosauqua, Ft. Madison and Montrose. His circuit required travel of three hundred and fifty to four hundred miles, over untracked prairies and unbridged streams.

Rev. B. H. Cartwright organized several societies in the neighborhood of Burlington.

The histories of the "Dubuque Missions" and of the Burlington Circuit run in nearly parallel lines from the last date above written, till the year 1839.

October 1st, 1834, Rev. N. S. Bastion succeeded Rev. Barton Randle (Randal) at Dubuque—and he was succeeded by Rev. H. W. Reed, October 1st, 1835.

The first quarterly meeting in Iowa was held at Burlington May 30th, 1835. Rev. Andrew Monroe acted as Presiding Elder from the St. Louis District.

The second quarterly meeting was held at Dubuque, November 14th, 1835, Rev. Alfred Brunson from the Wisconsin side of the river acting as Presiding Elder.

At the session of the Missouri Conference in the fall of 1835, the work in Iowa appeared so unpromising that the Bishop called for volunteers. John H. Ruble, an east Tennessean by birth, ventured "to carry the free gospel to the poor and scattered settlers of Iowa." With Mr. Ruble, John W. Dole was also appointed to Burlington but Mr. Dole does not seem to have accepted the appointment and Mr. Ruble, a single man, established himself at Mt. Pleasant. Fully convinced that it was not good for a Methodist minister to lead a single life he married Miss Diana Bowen February, 1836, who in two months later was left a widow. Mr. Ruble, combined the qualities of intellectual strength, zeal and piety. With his death a happy change came to Methodism in Iowa by the transfer

under authority of the General Conference, May, 1836, of the Iowa churches from the Missouri Conference to the Illinois Conference. In the few months between the death of Mr. Ruble and the session of the Illinois Conference, Rev. West and Rev. Daniel G. Cartwright, who had preached as early as June, 1833, at Rochester, Cedar county, supplied the churches of Burlington circuit. In the fall of 1836, Rev. Norris Hobart was sent to Burlington. A new circuit was organized north and northwest of Burlington, called the Iowa River Mission and Rev. Daniel G. Cartwright was appointed as missionary.

Before the organization of the Iowa River Mission, churches seem to have been planted at Rockingham, four miles from Davenport, and at Maquoketa—to the former of which Rev. Chauncey Hobart was assigned by the Illinois Conference of 1836, and to the latter, Rev. George Smith. It is not known what other churches constituted the Iowa River Mission at this time.

The poverty of the churches is apparent from the fact that the receipts of the Dubuque church from its organization to 1838, did not exceed one hundred dollars annually.

The conference of 1837, meeting at Jacksonville, Illinois, appointed to Dubuque Mission, Rev. Wellington Weighley; to Bellevue, Revs. John Crummer and John Gilliam; and to Rockingham, Rev. Norris Hobart.

Upon the Burlington circuit, in 1837, two additional charges were formed at Mt. Pleasant and at Fort Madison. "Zion Church" edifice was built this same year, and has the distinction of serving as a church, as a capitol for Wisconsin Territory and for Iowa Territory, as a court house, as a city hall, as an academy and as an amusement hall. In the appropriation bills of early legislatures, appear items for rent—so the church was helped by the State toward the payment of debts contracted in erection of its house of worship.

The summer of 1838 witnessed a larger immigration including many Methodists, and churches grew rapidly. At the

Conference of 1838 the churches of northern Iowa numbered seven hundred and forty members, and those of southern Iowa numbered five hundred and ninety-four members.

From this time we must content ourselves with naming the new preachers and the new churches.

1838.

Rev. Garrett G. Worthington, whose table expenses for the year were eighty-five dollars and sixty six cents.

Rev. William Simpson.

Rev. Henry J. Bruce (Brace).

1839.

Bishop Morris organized the "Iowa District" in spite of protests and united in this district the two circuits heretofore existing.

Rev. H. Summers was made Presiding Elder, and William H. Taylor, Joel Arrington, M. H. McMurtrie, James F. Flanders, Thomas W. Pope, I. I. Stewart, Jesse Herbert and Joseph L. Kirkpatrick are added to the list of the clergy.

Fox River, Manchester and Richland are names of new stations.

Rev. T. M. Kirkpatrick reports being present at a quarterly meeting of the Rockingham circuit where Rev. B. H. Cartwright and Rev. Henry J. Bruce (Brace) were the preachers, both married men. The total quarterage reported was a silver dime, which the three found it difficult to divide equitably. Rev. Henry J. Bruce (Brace) was compelled to borrow a coat in which to make himself presentable at Conference in 1840.

1840.

The Illinois Conference was divided into three Conferences—Wisconsin, Rock River and Illinois Conferences. The Iowa churches came under control of the Rock River Conference and so continued until the organization of the Iowa Conference in 1844.

Bartholomew Weed as Presiding Elder and Revs. Chester Campbell, John Hodges, Philander S. Richardson, Henry Hubbard and Washington Wilcox appear as new clergy.

Space will not permit the continuation of the names of new clergy and of new stations, as Methodist churches grew very rapidly.

One name among the clergy who came to the State during the year 1840, deserves more than a passing mention,—Rev. Samuel Clark, to whom a worthy tribute is paid by his son, in the July *Annals of Iowa*. At Xenia, Ohio, during the Harrison campaign, a prominent opponent to the Whig party rose and stalked out of the house, when he noticed Mr. Clark take his place to preach. Mr. Clark at once announced his text “The wicked flee when no man pursueth” before the gentleman was out of hearing. It was not the text he had chosen for the day, but his sermon is spoken of as one of the most forcible sermons ever preached in Ohio.

Another instance of his readiness to meet emergencies is related by Judge Wright as occurring at a camp-meeting near Keosauqua, in 1842. A disciple of Abner Kneeland gave him a text as he entered the pulpit—“The unknown God whom ye ignorantly worship.” “I have never heard,” continues Judge Wright, “nor did any one that heard it, ever hear the equal in power and greatness, and massiveness of argumentation of the sermon Mr. Clark then preached.”

He died in 1858.

The first religious service held in Iowa City was in the fall of 1839, conducted by Rev. J. S. Kirkpatrick. The church was organized in 1840, under Rev. G. G. Worthington and the church edifice was erected in 1842.

As the Indians removed in 1842, settlements were made up the Des Moines River, and in the spring of 1843, the Des Moines District was formed by division of the Burlington District. The missions founded were Farmington, Pittsburgh, Soap Creek, Muchakinock,<sup>1</sup> Des Moines, Fairfield and Birmingham.

Henry Summers was first Presiding Elder of the Des Moines District.

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<sup>1</sup>Wapello county.

At this date, 1843, the membership reached 3,626 and Iowa Territory was honored with a session of the Rock River Conference at Dubuque, August 23rd, 1843.

1844.

This was a memorable year in Iowa Methodism.

The General Conference of this year determined upon the organization of the "Iowa Conference." This was effected at Iowa City, August 14th, 1844.

The charter members were Revs. H. W. Reed, George B. Bowman, Bartholomew Weed, J. G. Whitford, Wm. Simpson, I. I. Stewart, Joseph S. Kirkpatrick, Henry Summers, T. M. Kirkpatrick, Joel Arrington, Andrew Coleman, Jesse L. Bennett, Sidney Wood, David Worthington, Isaac Searles, S. W. Ingham, and Moses F. Shinn.

Three districts, Dubuque, Burlington and Des Moines, were organized. The members of the churches numbered 5,463 at the first report of the Conference.

The question of education was prominent in this Conference. There were two rival claimants for the endorsement of the Conference. The Mt. Pleasant Collegiate Institute and the Iowa City College. The Conference lost its opportunity for building up one strong school which, in the field of higher education, should for all time represent the denomination. It was a mistake by no means peculiar to Methodists. The first named school grew into the Iowa Wesleyan University—the second was merged into the Mt. Vernon Collegiate Institute and then became Cornell College. Upper Iowa University, Simpson College and Methodist University have been added to the list.

1845.

Missionary operations were started in Marion, Monroe and Lucas counties; also at Fort Des Moines and the regions beyond.

The first sermon preached in Des Moines was by Rev. Ezra Rathbun, in the spring of 1846.

The German Methodist work was inaugurated by Rev. Dr.

Nast in 1835, but no distinct German mission was organized till 1844, in Keokuk County.

The records of the Methodist Episcopal Church in Iowa are complete since the organization of the Iowa Conference, in 1844, and this brief sketch must suffice.

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### BAPTIST CHURCH.

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FOR facts herein set forth credit is due to Rev. Charles E. Brown, of St. Joseph, Missouri.

THE first Baptist Church, west of the Mississippi River, north of the State of Missouri, was organized in a little log cabin, nine miles west of the present city of Burlington, upon June 20th, 1834, one year after the completion of the first "Black Hawk Purchase." It was called the Long Creek Church and consisted of eleven members—now Danville Church. A little more than five years later the first Baptist Association, called the Des Moines Association, was organized upon a prairie lawn near the log cabin.

Early in June, 1839, Rev. Rudolphus Weston, of Carthage, Illinois, made a trip up the Mississippi River preaching as he proceeded, until he reached the place now known as LeClaire. Here he founded a church June 10th, 1839, and called it Bath Baptist Church in memory of the early New York home of its first members. Services were held for several years in a private house. The people living along the road between the houses of two prominent members knew when a meeting was to be held by seeing "Sister Palmer riding a favorite old horse and Brother Palmer walking by her side." Mr. Weston was called to the pastorate and accepted the call. A serious illness while on his way to this new field prevented his entering upon the work.

During the early spring of 1839, Rev. Calvin Greenleaf preached for two months at Davenport. He was succeeded



by Rev. Titus Gillett, who also preached at Rock Island. A church was organized September 14th, 1839 and for several months was ministered to by a young man—Oliver Emerson, of Ohio, but on account of his views regarding the Lord's Supper, he was not ordained and afterwards became a Congregational minister.

In June, 1841, Rev. Ezra Fisher, of the Baptist Home Missionary Society began his labors in Davenport and Muscatine—in less than a year leaving Davenport.

August 9th, 1840, a church was organized at Dubuque by Rev. Warren B. Morey, a missionary residing at Galena, Illinois. Rev. Barton Carpenter became pastor of the church in the spring of 1841. During his pastorate of three years, the first church edifice for Baptist worship in the Territory was erected—the second soon after at Davenport.

June 26th, 1841, the church at Iowa City was organized with Rev. W. B. Morey as its first pastor. His field was extended to Marion in Linn county and to the Cedar River. Rev. Dexter P. Smith became pastor in 1845.

October 30th, 1841, Rev. E. Fisher organized a church at Bloomington (now Muscatine) and was its first pastor.

The State Baptist Association was organized at Iowa City in the month of June, 1842, when an arrangement was made for a meeting at Davenport to form an association of churches north of the Iowa River similar to the Des Moines Association in southeastern Iowa.

September 16th, 1842, the Dubuque Association was organized at Davenport in the chamber of a small frame building on Front street. The churches represented were Bath, 1839; Davenport, 1839; Dubuque, 1840; Bloomington, 1841; Iowa City, 1841; Forks of the Maquoketa, 1842.

One other church existing on the line between Jones and Delaware counties, with Rev. Ira Blanchard, as pastor, was not represented. Seven churches in all.

Rev. C. E. Brown, pastor of Maquoketa Church gives a sketch of some of the difficulties attending travel. "When

the time came to prepare to go to Davenport, our good brother Doolittle would furnish a horse, but the wagon we had for the trip to the meeting of the State Association at Iowa City, had left the settlement. The horse I could ride; but that would not fill the bill. All were anxious that Mrs. Brown should go, so I secured the loan of the hind wheels and axle-tree of a Hoosier lumber wagon, went to the fence and got poles suitable for thills, and with a board on wooden pegs, we were soon ready for the forty mile trip. We had a bundle of oats for a cushion and enjoyed the ride across the prairies and through groves unmarred by the vandalism of man." The prototype of the common road cart of to-day.

August 31st, 1842, Rev. C. E. Brown as a missionary, organized a church at the Forks of the Maquoketa. He had come from New York in May preceding, under the pledge of a salary of one hundred dollars and whatever could be obtained upon the field. A log cabin was erected for his residence, into which he moved before doors or windows were in place. To secure stove pipe he had to ride to Dubuque, a distance of forty miles. On account of the severity of the winter 1842-3 he was compelled to go to Davenport where he remained, with the exception of a visit to his home in New York, till 1847, returning then to Maquoketa whose church he found in a comatose state.

During the summer of 1843, Mr. Brown made a missionary tour up the Mississippi. Previous to his leaving Davenport a man with a halter tied around his shoulders called upon him with the statement that he was hunting stray horses and a Baptist minister to come to Camanche and baptize himself and wife, his brother and several others who had become Christians in a revival there. His missionary tour, therefore, extended as far north as Camanche, where he organized a church late in June, 1843.

Near the same time Rev. W. B. Morey, of Iowa City, organized a church at Marion and another at Cedar River.

The good nature and quiet humor of Rev. C. E. Brown;

from whose reminiscences the above statements have been compiled, appear throughout his narration. One instance will suffice, and at the same time will confirm the impression that the clergy are not averse to the pleasures of the table. He says at the time of the organization of the Dubuque Association, the question of the time for holding its annual meetings was discussed. Two considerations presented themselves.—

1. They must avoid, if possible, the sickly season.
2. They would meet if possible, at a time when vegetables were at their best and when chickens had reached the period of delicate fatness.

“But as all these, sickly times, and fat chickens, and fresh vegetables came at the same time of the year, of the two evils we concluded to take the least and have the chickens and take our chances with the ague.”

The opportunity for a feast of good things must have had a strong temptation to those who could rely upon not more than one hundred dollars in cash for a year's services.

The time for annual meetings was determined on as the Friday before the third Sunday in September—“until wise men came from the east and changed it to the great detriment of the spiritual and devotional parts of the meeting.”

As the reminiscences of Rev. C. E. Brown have their location largely upon the field of his own labors, north of the Iowa River, the compiler is compelled to gather information from other sources regarding the field south of the Iowa River within the bounds of the Des Moines Association. So far he has been unsuccessful, except with reference to the church at Keokuk which was organized February 5th, 1847. Its first pastor was Rev. J. N. Seeley. During the same year a church edifice was begun, and to secure aid in its building the pastor spent several weeks among older churches outside the State. He returned with “forty-four dollars and twenty-two cents in cash, two common stoves with eight joints of pipe, one keg of nails, a small roll of calico, and a bible and hymn book for the pulpit,”—a liberal donation for the time when the pas-

tor was only promised three hundred dollars for a year's salary provided one hundred and seventy-five dollars could be obtained from the Missionary Society of the church.

(Letters written have not been answered and the sketch is therefore imperfect.)

State Association met as follows: 1843, at Davenport; 1844, at Mt. Pleasant; 1845, at Bloomington; 1846, at Iowa City.

Churches aside from those already noted were reported at Washington, Burlington, Columbus City, Brighton and Jefferson.

Clergymen not named above appear as follows: H. Johnson, A. Sherwood, A. P. Tannyhill, and — Spainhower.

Colleges in the State under Baptist control, have been Burlington Collegiate Institute, Central University at Pella, Des Moines University at Des Moines.

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## CHRISTIAN CHURCH.

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THE compiler is indebted for information regarding the Christian Church, to Rev. N. A. McConnell, of Greeley, Iowa, Rev. A. M. Haggard, of Colfax, to James Howie, Esq., of Dubuque, and to "*The Iowa Pulpit*," one article in which was prepared by Rev. J. R. Vawter, of Des Moines.

THE authorities alluded to do not agree in all points as to the early movements of the church in the Territory of Iowa.

Mr. Howie claims that the first Christian Church in Iowa was organized at the mouth of Catfish Creek, two and one-half miles from the present Dubuque postoffice, in 1834. It consisted of forty members with John Baugh as pastor.

Rev. N. A. McConnell gives the Dubuque Church organized in 1835 as the first in the Territory, with Elder Lancaster as its pastor. He says that there were other preachers who did not give their time wholly to preaching. James Brown

lie at Long Grove, Scott county, Mordcai Mobley at Dubuque, James Rumboldt also in Scott county, Dr. John Ross, Lost Creek, Lee county. This last named gentleman is also claimed as a "zealous Methodist" and probably does not belong in this list.

Rev. Mr. Vawter claims that the first service of the Christian Church held in Iowa was at the cabin of Isaac Briggs, near Lost Creek, Lee county, in 1836, with David R. Chance as preacher and that in July of that year the Lost Creek Church was organized with a membership of eight persons. The *Christian Oracle* in giving an account of the fiftieth anniversary of the Lost Creek congregation in 1886, also gives a transcript of the record of the organization of the church at Dubuque in 1835.

Of the churches now in existence, the preponderance of testimony favors that of Dubuque as the first organized, with Elder Lancaster as the first settled pastor of the denomination.

The Lost Creek Church has the honor of erecting the first church edifice of the Christian denomination.

The Dubuque Church purchased from the Congregationalists the "Old Stone Church" about the year 1840. No information has been obtained in regard to other church edifices previous to 1846.

Church organizations had been effected after those of Dubuque and Lost Creek, at Davenport, Mt. Pleasant, Marion, Oskaloosa and Fort Madison. The list of preachers indicates also the location of churches at other points.

— Lancaster at Dubuque, David R. Chance at Lost Creek, Peter Shook at Eddyville, Charles Rigdon at Oskaloosa, John Rigdon at Wapello, Henry Mott at Oskaloosa, S. H. Bonham at Frank Pierce, — Thompson at Lost Creek, Arthur Miller, Levi Flemming, H. H. Hendrix, H. P. Gatchell, James Brownlie at Long Grove, Charles Levan at Davenport, Aaron Chatterton, H. C. Mott, J. W. Gill and N. A. McConnell. The list embraces known pastors previous to 1850. Of those coming before 1846, Rev. Peter Shook is the only survivor.

The first State meeting worthy of the name, was held in Marion, May 23rd—26th, 1850. At this meeting thirty-nine congregations were reported with a membership of 2,009.

The first organ of the denomination was published in 1850, at Mt. Pleasant, called "*The Western Evangelist*" and edited by Rev. Daniel Bates.

Mr. Haggard writes, "we take a little pride in the fact that we are the only one of the six or eight strongest evangelical denominations so called that is strictly American in its rise or origin."

A church was organized at Richmond, Keokuk county, 1840 (?) and a church edifice built in 1847.

Another church is reported as organized in Jackson county in 1844 by Rev. B. F. Chastain.

The denomination has taken a prominent place in educational work and maintains "Drake University" at Des Moines, and "Oskaloosa College" at Oskaloosa.

The *Christian Standard* and *The Christian Oracle* are the Iowa representatives of the Christian Church.

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## PROTESTANT EPISCOPAL CHURCH.

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THE brief statement following is the result of information gathered from documents in the possession of S. N. Watson, D. D., of Iowa City, and from a history of Trinity Episcopal Church of Muscatine compiled by J. P. Walton.

FROM a diary kept by Bishop Kemper<sup>1</sup> it appears that he passed up the Mississippi River in the summer of 1838. July 14th he writes, "I am again in a new country, and am now farther north than I have ever been since I was a Bishop. Into the new Territory of Iowa the people are rapidly flocking. I hope to be at Dubuque the 19th."

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<sup>1</sup>Rev. Jackson Kemper was sent as an evangelist from Pennsylvania to territory north of 36° 30'. He was made Bishop of Indiana and Missouri in 1836—of Wisconsin and Iowa later, and in 1853 of Wisconsin.

Under date of July 23rd, he continues, "a week ago Mr. Minard, Mr. Gear and myself went in a steamboat to Dubuque where we spent a day and I preached." This was probably the first Protestant Episcopal Church service held in Iowa.

Early in 1839, Matthew Matthews, with his son and two brothers, with their wives and children, came to Bloomington and organized the first Episcopal Church in Iowa. Mr. Walton suggests as its model the family church noted in Gen. vii, 13. Bishop Kemper visited this church September 30th, on a tour from Galena through Dubuque, where he preached September 19th and 22nd, and thence passed down the east side of the Mississippi to Stephenson (Rock Island), crossing to Davenport in a sail-boat. He preached at Stephenson and Davenport September 29th but "found no Episcopalians at either place." After stopping at Bloomington a short time he proceeded down the river to Keokuk, and St. Louis.

The following year, 1840, October 22nd, the Bishop officiated at Dubuque, and October 31st at Bloomington to the church now consisting of seven members. "November 1st administered the communion and solemnized the rite of baptism to two children of the Matthews family."

Mr. Matthews had appropriated a good lot near the public square for a church edifice, and had drawn some lumber upon the lot, but was unwilling that a missionary should be sent until the edifice was completed. The Bishop promised one hundred dollars to pay last bills in its erection.

Leaving Bloomington November 4th, Bishop Kemper visited Grandview, Harrison, Wapello, Florence, Yellow Springs (at which place he found a clergyman from Virginia, Rev. Zachariah Goldsmith cultivating a farm and preparing to open a school the next spring) and Burlington.

During the month of July, 1840, services were held at Rockingham just below Davenport, and following these a church was organized at Davenport, which became so prosperous under the rectorship of Rev. G. H. Goldsmith as to

promise during the year 1841, the sum of five hundred dollars for missionary work in Iowa.

Though steps were taken toward the erection of a church edifice at Bloomington, in 1840, it is probable that the church in Davenport was the first *completed* and *occupied* in 1841.

The first service held in the Bloomington Church before its completion, was the funeral service of Mr. Matthews, its most liberal donor, March 16th, 1842. It was conducted by the Rev. John Stocker, the Presbyterian clergyman of the place.

The history of the building of the Bloomington Episcopal Church is somewhat peculiar. The edifice "was a frame building, twenty-two by fifty feet, one and three quarter stories high, with eight side windows, each having fifteen lights of eight by ten glass, with a small vestry room about seven by nine feet in the clear. The lower story was eight feet high and had a row of square columns extending along the center aisle. The pews were made of black walnut, painted white. Walnut was the best wood to be had for them, but it was too common without having it painted." The upper story was added by the Masonic fraternity, and was occupied as a lodge room till 1854. By reason of the Masonic occupancy, Bishop Kemper refused to consecrate the building. This was the first church edifice erected in Muscatine county for any denomination and was used by the Presbyterians through courtesy of the Episcopal society. The Presbyterian bell mounted upon the vestry served the purpose of both congregations. The first sermon was preached in the church by Rev. G. H. Goldsmith, May 1st, 1842.

Bishop Kemper upon his occasional visits to the family of Mr. Matthews, took occasion to urge the founding of a college in Iowa. His labors bore fruit at a later date in the establishment of Griswold College.

The only history obtainable of territorial days is found in Bishop Kemper's diary and in Mr. Walton's history of the Muscatine Church. The clergymen whose names appear are Rev. Zachariah Goldsmith, Rev. G. W. Goldsmith, of Daven-



port, Rev. Samuel Sherwell who came to Burlington, May 12th, 1843, from New York and who was deposed from the ministry after fair trial in 1844, and Rev. James Keeler, an elderly man, who as it was thought turned over his "barrel of sermons" rather too frequently, and who was at one time presented with several quires of paper accompanied by a polite request that he would prepare some new sermons. The congregation increased somewhat as those who had given the hint desired to observe its effect. At the time of the opening of the Bloomington Church for regular services, no Bible suitable for the reading desk could be found nearer than St. Louis and the ladies of the church collected money enough to procure one.

As with churches of other denominations, there was no rapid increase in numbers until the "iron horse" crossed the Mississippi and immigrants came rapidly in its train.

The church was organized at Iowa City, 1847, by Rev. A. Louderbach, of Davenport.

It was not till August 17th, 1853, that a preliminary Convention was called to organize the diocese of Iowa. Seven churches only were represented. The clergy present were:

Rev. John Batchelder, missionary for Des Moines county.

Rev. A. Louderbach, rector at Davenport.

Rev. William Adderly, rector at Burlington.

Rev. R. D. Brooke, rector at Dubuque.

Rev. John Ufford, rector at Muscatine.

Rev. Samuel Goodale, rector at Cedar Rapids.

Rev. C. C. Townsend, missionary at Iowa City.

Ten parishes and stations were reported.

At the first annual meeting May 31st, 1854, Bishop Kemper was present. Rev. George Denison appears in addition to those named above—and the mission at Iowa City is not represented.

One hundred and fifty-seven communicants are reported from eight churches.

The organization of the diocese was not perfected until the

coming of Bishop Henry Washington Lee from the rectorship of St. Luke's Church of Rochester, New York, October 18th, 1854.

Rev. Samuel Watson came to the State with Bishop Lee and was prominent in the organization of churches in both the eastern and western parts of the State. 1857 was a fruitful year in the establishment of churches.

The organ of the denomination is *The Iowa Churchman*, published at Davenport.

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### PRESBYTERIAN CHURCH.

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CREDIT is due Rev. J. B. McBride, of Princeton, Iowa, for information regarding some of the earliest clergy in the Territory of Iowa.

His notes have been supplemented by items taken from the Minutes of the General Assembly of the Presbyterian Church in the United States, and from such private sources as were within reach.

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THE first Presbyterian Church in the territory now known as Iowa, was formed at West Point, Lee county, June 24th, 1837, by Rev. Launcelot G. Bell and Rev. Samuel Wilson.

The former was a preacher in Tennessee in 1830, came to Illinois in 1837. Both were members of the Schuyler, Illinois, Presbytery.

The first Presbyterian clergyman to locate in the Territory was Rev. John Stocker, a native of Vermont, who thought the State a good State to be born in and to emigrate from" and so came "clear to the very front," stopping on the way for a time in Indiana, where he became a member of the Old School Presbytery of Logansport. From Monticello, Illinois, he came early in 1839, to Bloomington (Muscatine) and upon the 6th day of July, 1839, organized the second Presbyterian Society of the Territory. This society did not affiliate with

either wing of the Presbyterian Church until nearly three years after its organization. Mr. Stocker continued to minister to them from 1839 to 1845. A large portion of his people left the church and entered into relations with the New School body in 1842.

Mr. Stocker is described as a small, light built man, genial, affable, and always at home with any proper company, always made all about feel that he was no burden to them. "Mrs. Stocker was a tall, slim, strong-minded woman, haughty and aristocratic, so far as she was able to be, but very much of a lady to those she considered her equals."

Mr. Stocker held services all over the country and for three years he had a monopoly of the preaching. He died in 1848, in Muscatine, though he had been out of active service for three years.

Mrs. Stocker survived her husband a few years, supporting herself by teaching school in the old energetic way.

Soon after the organization of the Bloomington society, Rev. Launcelot G. Bell took part in organizing the church of Kossuth, August 4th, 1839, and also one at Mt. Pleasant, April 25th, 1840, and at Iowa City in August, 1840. Mr. Bell seems to have been quite prominent in Presbyterian circles till the time of his death, in 1868.

He preached the opening sermon at the organization of the first Presbytery of Iowa at Muscatine, November 6th, 1840. He was moderator of the Synod of Iowa, which was organized at Muscatine, October 14th, 1852 and also moderator of the Synod of Southern Iowa, organized at Fairfield, October 8th, 1857.

For several years he was pastor of the Presbyterian Church at Fairfield. From 1850 to 1853, Mr. Bell was principal of a Female Academy in Fairfield, and at the same time acted as pastor of the churches at Shiloh and Libertyville. In the year 1864, he had removed to Monmouth, Illinois, and was without a charge.

Mr. Bell was a zealous advocate of parochial schools of a

high grade and thought the church committed a grave mistake in not making an effort to establish such schools in Iowa.

In the later years of his life he visited Iowa in the interest of a school which his son-in-law, Rev. O. J. King, was endeavoring to establish in southwest Iowa.

Until 1853, the Presbyterian churches of Iowa were under the supervision of the Synod of Illinois. Mr. Bell was delegate from the Presbytery of Iowa in 1842 and 1848. Closely associated with Rev. L. G. Bell in the organization of the Presbytery of Iowa, November 6th, 1840, were Rev. Michael Hummer, Rev. J. M. Fulton and Rev. Enoch Mead.

Rev. John Stocker came to the Presbytery from Logansport, Indiana, and Rev. Salmon Cowles from the Presbytery of St. Clairsville, Illinois. Rev. Salmon Cowles probably did more missionary work than any other clergyman of his time. He began as a missionary in Alabama as early as 1821. He must have been somewhat advanced in years when he came to the Territory of Iowa.

In 1846, Mr. Cowles is reported as in the employ of the Home Missionary Board, whose faithful servant he had been for several years (since 1840 at least). He then had charge of twelve stations with an aggregate membership of one hundred and sixty-six. The next year, still an itinerant, he entered upon another field with a membership of thirty-two. The next year he looked after eleven stations, including the town of Marion, with a total membership of eighty-one.

In 1853, he was settled as pastor of Unity Church, Wapello county. Two years later he assumes the oversight of the academy at West Point, in connection with Rev. W. C. Hollyday—Mr. Cowles also supplying the church—the first organized in Iowa. The school was not prosperous, though Mr. Cowles was sanguine of its ultimate success. He died at West Point, 1868.

He is spoken of as a man of great earnestness, industry and perseverance. He was a most efficient instrument in planting Presbyterianism in Iowa.

At the organization of the Iowa Presbytery, churches were reported at Burlington, Ft. Madison, Round Prairie, Davenport, Mt. Pleasant, Iowa City, Spring Creek and Rockingham. The years immediately following the second Black Hawk Purchase (1837) were specially fruitful in church building by all denominations.

In 1841, there were twelve churches and six ministers.

In 1842, there were eighteen churches and seven ministers.

A New School Presbytery was organized, April 28th, 1842, called Des Moines Presbytery, with four ministers enrolled, viz: Rev. W. W. Woods, Rev. W. C. Rankin, Rev. Charles R. Fisk and Rev. James A. Clark. At this meeting Rev. A. T. Rankin was received from the Presbytery of Cincinnati. The names of churches are not mentioned.

The Iowa Presbytery had:

In 1843, nine ministers and twenty-two churches.

In 1844, eight ministers and twenty-one churches.

In 1845, nine ministers, and twenty-six churches.

In 1846, eight ministers and twenty-eight churches.

In 1847, nine ministers and twenty-six churches.

In 1848, eleven ministers and twenty-nine churches.

In 1849, fourteen ministers and twenty-nine churches.

In 1850, thirteen ministers and thirty-two churches.

In 1851, eleven ministers and twenty-two churches.

In 1852, six ministers and thirteen churches only were reported, but this year being the year of the organization of the Synod of Iowa, no delegates were sent to the Synod of Illinois.

At the first annual meeting of the Synod of Iowa, three Presbyteries, Iowa, Cedar and Des Moines, reported twenty-five ministers and forty-three churches.

The clergymen most prominent in the history of Presbyterianism before the organization of the Synod of Iowa, in addition to those already named, were: Revs. F. A. Pratt, J. C. Sharon (deceased 1869), James S. Fullerton (deceased 1874), J. D. Mason, James G. Shinn, John M. Fulton, Thomas H. Dinsmore, John Hudson, Samuel McCune, Joshua T. Phelps.

D. V. Smock, R. T. Dinsmore (deceased 1854), Justice T. Umsted.

All are reported as connected with the Old School wing of the church. About the time of the organization of the New School Presbytery, Congregationalism obtained a standing in the Territory of Iowa, and drew to its membership many Presbyterians of New School tendencies.

Two Presbyterian churches existed in Iowa City, Old School holding its meetings in the Assembly Chamber of the State Capitol—New School occupying for the same purposes the Senate Chamber. During the summer, when doors were left open, the clergymen faced each other and it was humorously remarked by one "now we begin to see, eye to eye."

On the subject of education, there had been on the part of Presbyterian clergymen from their first coming to the Territory decided interest, as has been already stated. The school at West Point was discontinued when the Synod withdrew its favor transferring the same to what is known as Lenox Institute, at Hopkinton, Delaware county. Parsons College followed the Female Seminary at Fairfield.

While the school at West Point grew into "Des Moines College" Rev. J. C. Sharon was Professor of Languages and Rev. T. H. Dinsmore Professor of Mathematics. In 1853 the number of professors was increased by addition of Rev. F. B. Dinsmore.

Coe College at Cedar Rapids is under Presbyterian control.

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### CONGREGATIONAL CHURCH.

IN THE TERRITORY OF IOWA, 1838-1846.

WILLIAM SALTER, D. D.

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Prior to the organization of the Territory of Iowa, July 4th, 1838, a few Congregational clergymen had visited the "Black Hawk Purchase," which was first a part of Michigan Territory, 1834-5, and afterwards of Wisconsin Territory, 1836-7.

They were the Rev. Wm. P. Apthorp, Rev. Asa Turner, Rev. Julius A. Reed. These clergymen were natives of New England, and graduates of Yale College. They brought to the interior of the continent those principles and institutions of christianity which the Pilgrim Fathers two centuries earlier brought over the ocean and planted in the then wilderness of the new world. Rev. Asa Turner wrote to some brethren whom he invited to this work: "Come with the spirit of your Pilgrim Fathers, and plant their principles in this rich soil. Do not be ashamed of your mother as soon as you cross the Alleghanies, as many of our good brethren are. The principles of church government planted on Plymouth Rock are, in my apprehension, the same as those taught by the Savior and His apostles, and I am free to wish they might spread over this great valley."

The first Congregational Church in Iowa was organized at Denmark, Lee county, May 5th, 1838, then Wisconsin Territory.

Rev. Asa Turner and Rev. Julius A. Reed, gave all their after lives to the planting of the gospel in Iowa, and their ashes rest in its soil, the former living to the age of eighty-six years, the latter to eighty-one years. Rev. Reuben Gaylord came to Iowa in 1838, and Rev. Zerah K. Hawley in 1839; they were natives of Connecticut, and also graduates of Yale. Rev. Charles Burnham, a native of New Hampshire, Rev. John C. Holbrook, a native of Vermont, Rev. Oliver Emerson and Rev. Allen B. Hitchcock, natives of Massachusetts, came in 1841. All the above named clergymen are deceased with the exception of the Rev. Dr. Holbrook, pastor for seventeen years at Dubuque, who recently preached on his eighty-sixth birthday, January 7th, 1894, with much of his former vigor, at Stockton, California.

At the call of the Rev. Asa Turner, pastor at Denmark, eleven students in the Theological Institution at Andover, Massachusetts, of the class of 1843, organized an "Iowa Band," and came to Iowa, nine, in 1843, and two in 1844.

They were, in the order of age, Harvey Adams, Edwin B. Turner, Daniel Lane, Erastus Ripley, James J. Hill, Benjamin A. Spaulding, Alden B. Robbins, Horace Hutchinson, Ephraim Adams, Ebenezer Alden, Jr., William Salter. They were all college graduates. Rev. William A. Thompson came in 1843 from the Theological Department of Yale College. Rev. David Knowles, the first Welsh preacher in Iowa, came in 1845.

Such were the men, with a few others, whose stay was only transient, that laid the foundations of the churches of the Congregational order in Iowa. They were the earnest advocates of education, of temperance, of the moral order of human life, and of the abolition of slavery. They identified religion with intelligence, with virtue, with liberty, with righteousness of life, with the bettering of the world. In their labors they faced opposition and endured hardness. They began their work in humility and poverty. They worshiped God in the cabins of the pioneers, in barns and log school-houses, in blacksmith shops, in groves under the dome of the sky. From those beginnings, and from similar sacrifices and toils of the pioneer clergy of other denominations, has come the miracle of Time, this advanced commonwealth of Iowa, rich already in the best institutions of modern civilization, richer still in hope and promise for times afar:

“The General Association of the Congregational Churches and Ministers<sup>1</sup> of Iowa” was organized at Denmark, November 6th, 1840, with Rev. Asa Turner as Moderator.

Successive meetings were held as follows during territorial days:

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<sup>1</sup>The Congregational clergy seem to be distinguished for longevity and for long pastorates. Of those named by Dr. Salter as here in territorial days, Ephraim Adams, Harvey Adams, John C. Hollbrook, Alden B. Robbins, William Salter, are still living.

Dr. Robbins is residing at Muscatine, whose church he served as pastor for fifty years.

Dr. Salter is now in his forty-ninth year as pastor of the church at Burlington. Dr. Salter was pastor at Maquoketa from 1843 to 1846. J. L. P.



April 30th, 1841, Fairfield, Asa Turner.	Moderator.
Nov. 4th, 1841, Hartford (Danville) Julius A. Reed.	“
May 19th, 1842, Davenport, Julius A. Reed,	“
October 6th, 1842, Brighton, Charles Burnham,	“
April 13th, 1843, Denmark, Charles Burnham.	“
Sept. 14th, 1843, Iowa City, John C. Holbrook,	“
October 3rd, 1844, Brighton, Reuben Gaylord,	“
June 12th, 1845, Muscatine John C. Holbrook	“
June 4th, 1846, Dubuque, Daniel Lane,	“

Of eighty-eight clergymen still connected with Ministerial Associations of the State, whose date of ordination is known, eleven have been in the ministry *more than fifty years* and one, Rev. M. N. Miles, for nearly sixty years.

Colleges under Congregational control are, Iowa College at Grinnell and Tabor College at Tabor.

The organ of the denomination in the State is “*Congregational Iowa*,” published at Grinnell.

## UNITED PRESBYTERIAN CHURCH.

BY JAMES DAWSON, WASHINGTON, IOWA.

THE first organizations of this church were under the title of Associate Reformed Church, or Associate Presbyterian Church. The name was not changed to United Presbyterian until 1855.

The Associate Presbyterian Church had six organizations in Iowa previous to 1846.

1. The Pisgah Church, at Crawfordsville, Washington county, organized October 14th, 1838. Its first pastor was Rev. William Smith, 1841-1849.
2. Birmingham Church, Van Buren county, organized 1841. First pastor was Rev. D. Lindsay, 1842-1854.
3. Morning Sun (Virginia Grove) Church, organized 1841. First pastor was Rev. J. Duff, 1844-1847.

4. Washington Church, organized October 14th, 1841, with eleven members. First pastor was Rev. G. C. Vincent, 1841-1847. Mr. Vincent preached the first sermon ever heard in Washington, February 7th, 1841.

5. Columbus City Church was organized 1844. Its first pastor was Rev. W. H. Andrew, 1848-1851.

6. Pleasant Valley Church (Dutch Creek Association), organized 1846. First pastor was Rev. J. T. Tate, 1854-1870. Rev. John Scott labored also in these churches.

The *Associate Reformed Presbyterian Church* had three organizations in the Territory of Iowa:

1. New London. 2. Washington. 3. Brighton. The clergymen were Rev. Wm. Graham, Rev. S. F. Vannatta. Rev. — Sturgeon and Rev. — Patterson.

Later, churches appear as follows: Keokuk Associate Reformed, 1853, with Rev. Wm. Bayse as pastor, 1853-1861.

Keokuk Associate, 1855, with James Brown, D. D., as pastor, 1856-1875.

The *United Presbyterian Church* was organized at Washington in 1855, the successor of the Associate Church, organized 1841. Rev. S. F. Vannatta ministered to this church and the Brighton Church, 1855-1863.

#### CHURCH EDIFICES.

The Associate Congregation of Washington (now First United Presbyterian Congregation) erected a building in 1842 at a cost of about two hundred dollars. The first sermon heard in Washington a year before, was delivered in a room sixteen feet square and all persons living within five miles were present and found plenty of room, and your humble servant led the singing without either pipe organ, flute or fiddle.

Some years later a second edifice was erected, costing one thousand dollars and this has given place to one costing sixteen thousand dollars.

The Associate Reformed Church (now second U. P. Church) erected a church edifice in 1856, which is now replaced by one costing fifteen thousand dollars.

But with these evidences of prosperity, we recall early days in which both ministers and people were compelled to practice much self-denial in order to sustain their churches.

As an illustration of what economy will do—Rev. G. C. Vincent came to Washington in 1841, without any money in his pocket. He preached two-thirds of his time at Washington and one-third at Grandview, upon a yearly salary of three hundred dollars. When he left us in 1847, he paid all his debts and carried with him the sum of six hundred dollars, saved after supporting his family. The membership increased during these seven years from eleven to one hundred and twenty-eight.

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Mr. James Dawson, to whom we are indebted for the above facts has been a resident of Washington county for fifty-five years. He has been a ruling elder in the church for fifty-three years and is the only living elder elected as early as 1841. His election was upon the day of the organization of his church, October 14th, 1841.

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HISTORY OF THE SETTLEMENT OF FRIENDS IN  
THE TERRITORY OF IOWA,  
WITH SOME SUBSEQUENT INCIDENTS.  
BY LAWRIE TATUM.

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THE first Friends who immigrated to the Territory which became the State of Iowa in 1846, appear to have been Isaac Pigeon and family, who located in Henry county, in 1835, near where Salem was subsequently built. He was soon followed by Henry W. Joy; Gideon, Thomas and Stephen Frazier; Stephen, John and Nathan Hockett and their families; also Wm. Hammer and others, all of whom located in that vicinity in 1835.

In eighth month, 1837, they commenced holding religious service in the dwelling house of Henry W. Joy.

Thomas Frazier was their first minister. In sixth month, 1839, a meeting-house was used for church purposes. It was made of hewed logs, twenty-two by forty-four feet, divided into two rooms with sliding partition.

While Iowa was still a Territory, Cedar Creek and East Grove meetings were organized a few miles from Salem. Joseph D. Hoag was the minister at East Grove.

The prominent Friends during those early years were, Thomas Frazier, Joseph D. Hoag, Elwood Ozbun, Seborn Dorland and Reuben Dorland. The latter was a prominent school teacher, exerting an influence that is felt to this day.

The next settlement of Friends appears to have been at Pleasant Plain, Jefferson county, to which place William Pick-erell and family moved in 1837. In 1839 and 1840 he was joined by Isaiah Hinshaw, Amos Hoskins, John Jones, John Beals, Wm. Pickering, Jesse Arnold, Phineas Huston, Joseph Roberts and their families. By 1846 there were further additions of John Andrews, Jonathan McConnell, and their families, with a number of others. Lydia McConnell was their first minister. All of the above were prominent in church affairs; also Benjamin C. and Mary Andrews. Of later years the latter was an efficient clerk of the Women's Yearly Meeting of Friends.

They commenced holding church service in their private houses in 1840. In early spring of 1841, they built a meeting-house of hewed logs, eighteen by twenty feet, with clap-board roof.<sup>1</sup> The room was warmed with charcoal burned in the center on a square of earth left without flooring.

The first Friend who located in Mahaska county was Jesse Arnold, who took "a claim" fifth month, first, 1843, the day that the "New Purchase" was opened for settlement. A month or two later, Wm. Powell, Thomas Stafford, and Brantley Stafford settled in the same vicinity, near where Os-

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<sup>1</sup>Clapboards were a kind of shingles split out of native timber three feet long. Two layers were placed on together, so as to break joints, and they were usually kept to their place with heavy poles placed on them.

kaloosa was afterwards located. In 1844, David Crispen settled in the same vicinity.

The first meetings were held in Thomas Stafford's house (a double log-cabin) in 1845. They had no resident minister, and the meetings were sometimes held in silent waiting upon the Lord, and their spiritual strength was renewed. Joseph D. Hoag, a minister from Salem, visited them in the autumn of 1845. As the women filled the house, a large fire of logs was made on the outside, and the men stood around it. The minister stood in the door and preached the first Quaker sermon in Mahaska county. Subject, *The Fall of Man and Restoration through Christ*. Agnes Sopher was their first resident minister. A meeting-house was built in 1847 or 1848.

Oskaloosa has since become an important center for Friends. The yearly meeting-house and Penn College have been located there.

In 1844, Lawrie Tatum located near where Springdale now is in Cedar county. John H. Painter and family with Stephen Dean located there in 1845. Religious service was not held until 1849. J. A. Grennell was the first minister there. It became a large settlement of Friends. It is probable that there were a few other settlements of Friends in the Territory, but the limited time for procuring the history of them, has prevented the writer from ascertaining the facts.

Up to the present time some of the most influential and prominent members of the church have been David Hunt, Elwood Ozbun, Joseph D. Hoag, Lindley M. Hoag, Mary Pinkham, Rodema Newlin, John Henry Douglas, Charles Hutchinson, John Bond, John Y. Hoover, John Pennington, Matilda Adkinson, Isom P. Wooton, Lawrie Tatum, Benjamin Trueblood, Absalom Rosenburger, and Barclay Hinchman.

According to the United States census of 1890, there were seventy-four church organizations of Friends in Iowa; seventy-three church edifices, with seating capacity of 19,795; value of church property \$102,632; membership, 8,146. The present membership is probably nine thousand.

Iowa yearly meeting of Friends is held in Oskaloosa in the fore part of ninth month. The first session was held in 1863. Delegates of men and women are appointed by quarterly meetings to attend, but it is a mass-meeting. Ministers and lay members, men and women are all entitled to a voice in the meeting. Men and women are alike eligible to the ministry when the church believes that they are called of God to the service.

In 1868, the subject of making an effort to do something for the benefit of the Indians was brought before Iowa yearly meeting, and a small committee was appointed to have the subject in charge. The yearly meeting proposed to the other yearly meetings of Friends in the United States to appoint committees to unite with them in considering the subject, and take such action as might seem best. After other yearly meetings appointed their committees, they met and canvassed the subject, and then asked an interview with President Grant in the spring of 1869, which he courteously granted. They then suggested to him to take into consideration the propriety of appointing religious men for Indian agents, rather than mere politicians, with the thought that a religious agent would, so far as practicable, surround himself with religious employees, and the Indians be honestly dealt with, so far as the authority of the agents extended, which had not always been the case in Indian agencies.

After hearing their plea he said, "gentlemen, your advice is good; I accept it. Now give me some names of Friends for Indian agents, and I will have them appointed." This prompt action of President Grant was unlooked for by the committee, and after considering the subject, they responded to his wish.

The Central Superintendency comprising the Indians in Kansas, and the wilder tribes of the Indian Territory, numbering seventeen thousand in all, was placed under the charge of Friends. Enoch Hoag of Muscatine, Iowa, was appointed superintendent, and under him were nine agents. Two of these, Brinton Darlington and Lawrie Tatum were of Iowa.

The former had charge of the Cheyenne and Arapahoe Agency in central western part of Indian Territory. The latter was assigned to the Kiowa and Comanche Agency in the southwestern part of the Territory. This was the commencement of "The Peace Policy" of President Grant.

The result was so satisfactory that the President requested other churches to make nominations for the Indian service. Consequently nearly, or quite all of the Indian agents in the various Territories were members of the prominent religious denominations during his administration.

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## CHURCH OF UNITED BRETHREN.

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W. M. BEARDSHEAR, D. D.

THE first organization in Iowa was made in the house of Mr. Edgington in Henry county, the fourth Sunday of October, 1841.

Rev. John Burnes had settled in Lee county as early as 1836 and preached occasionally as opportunity offered.

In the same year Rev. Christian Troup settled in Linn county, and preached among the settlers, as circumstances would allow. These men were not regularly settled pastors, but served as missionaries. They may be considered as the first pastors in our church history in Iowa.

The first house for public worship was erected some time between 1844 and 1850, according to Rev. W. L. Shuey, but the exact date and location can not be ascertained.

Western College at Toledo was founded in December, 1850 at Western and afterwards removed to Toledo.

There is no denominational organ published in Iowa. The *Religious Telescope*, published at Dayton, Ohio, is the accredited organ.

## UNIVERSALIST CHURCH.

REV. C. E. PERKINS.

THE First Universalist Society of Iowa City<sup>1</sup> was organized November 6th, 1841, at the house of Edward Foster.

The first pastor was Rev. A. B. Gardiner. He was succeeded by Revs. Messrs. Libby, Kelso, Peck, Bunn, Westfall, Weedhouse, Sanford, Francis, Kinney and Miss Chapin. How many of this list were in charge of the church during territorial days, I am unable to say.<sup>2</sup>

## GERMAN EVANGELICAL LUTHERAN CHURCH.

THE Synod of this church, embracing parts of Illinois and Missouri, and Iowa was organized in 1854, with four pastors.

They have now a Theological Seminary at Dubuque, a College at Clinton and a Normal School at Waverly. The Synod is composed of more than sixty churches.

## MORMON CHURCH.

THESE people reside at Lamoni, Decatur county. Their origin dates back to Nauvoo, Illinois, in the year 1846. They removed from Nauvoo to Wisconsin and thence to Plano, Illinois, thence to Iowa in 1883. Their leader was Joseph Smith, Jr. So far as known, all members are monogamists.

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<sup>1</sup>So far as can be learned, this was the first society in the Territory of Iowa.

<sup>2</sup>From other sources, it is learned that Mr. Gardiner began services here as early as 1839 and that his immediate successor was a Rev. Wm. Fisher, who was pastor when the brick church was erected corner of Iowa Avenue and Dubuque street, and remained till 1844 and was succeeded by Rev. Mr. Westfall. The others named were pastors at a later date or were supplies for a brief time.



### JEWISH CHURCH,

No congregation has been traced to territorial days. Solomon Lyons, Esq., of Keokuk, reports a Benevolent Society organized at Keokuk, 1856, and that Davenport had a synagogue at an earlier date. In 1862, under Rabbi Rosenthal permanent quarters were erected at Keokuk.

### METHODIST PROTESTANT CHURCH.

ORGANIZED at Iowa City, May 4th, 1841. House of worship erected 1841.

Further information not obtainable, except that the church edifice passed into the hands of the Christian Church and was taken down a few years since.

### AMISH MENNONITES.

This people settled in Iowa in 1846. Their first church was organized at Amish in 1857 and their first pastor was Elder Jacob Swartzendruber.

### UNITARIAN CHURCH.

THE earliest organization was effected at Keokuk in 1853.

### AMANA SOCIETY.

THIS organization came into Iowa in the year 1855.

### ENGLISH LUTHERAN CHURCH.

No congregation organized before 1846.

















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