

# ANNALS OF IOWA

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## THE WILSONS OF DUBUQUE<sup>1</sup>

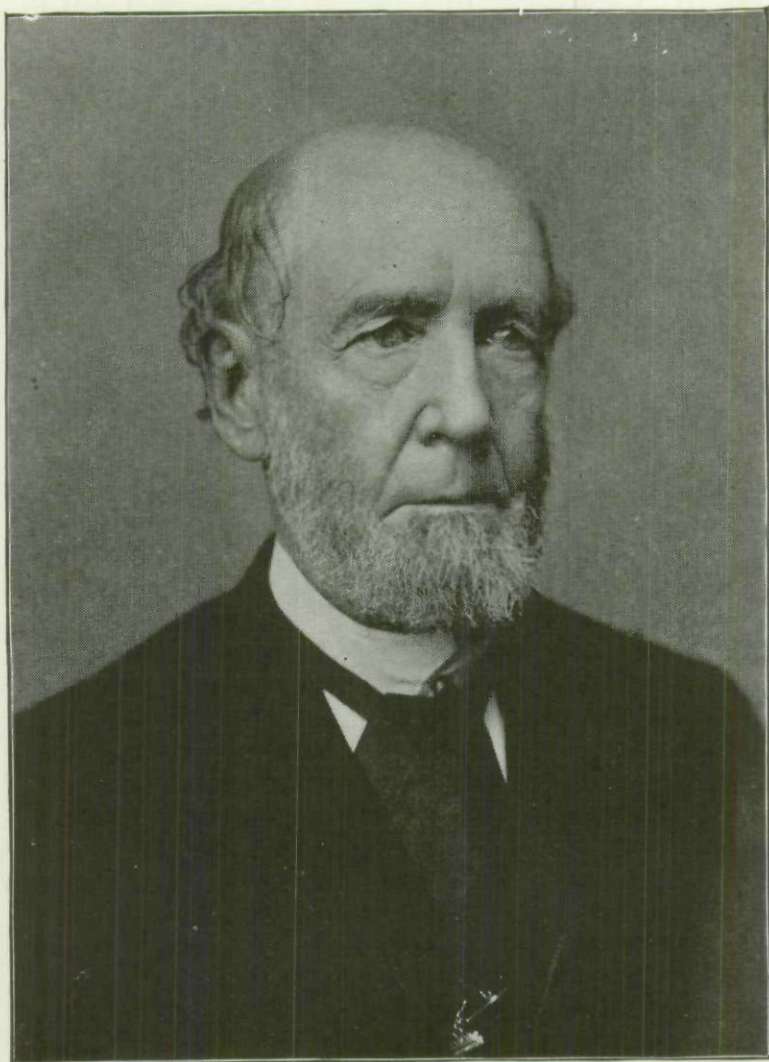
BY M. M. HOFFMAN, LITT. D.

Against the centuried sky line of Iowa's history as a Territory and a State there loom up the silhouettes of various eminent persons who individually left their impress upon the slowly evolving organism of this western commonwealth. But probably no family—as a family—influenced the flow of stirring events of territorial and early statehood days more than did the Wilson brothers of that pristine period.

Of the five Wilson brothers, two had no direct connection with Iowa: Peter, who resided in Washington, D. C., where he was an agent in the Treasury Department, and Samuel, who became a notable lawyer in California in the years before and immediately after the Civil War, and whom Edward H. Stiles rated as “the greatest land lawyer in that State, particularly along the line of Spanish grants.” The three other brothers, Thomas S., David S., and George, started on their road to renown with the establishment of the Iowa Territory. Lawyers, legislators, jurists, soldiers, educators, and editors they were—probably nowhere in Iowa's history is there such a blending of distinguished performance in one family, and during this centennial year a glance at their careers will be as appropriate as it is interesting.

The Wilson family home was in Steubenville, Ohio, and there the brothers were born, sons of Peter Miller and Frances Stokeley Pope Wilson. On the paternal side, the family name Mueller, anglicized Miller, was an inheritance from an

<sup>1</sup>The sources from which the data in this article have been secured: Letters and materials in the possession of the Douglas Ryan family of Dubuque (Mrs. Douglas Ryan was a daughter of David S. Wilson); A. T. Andreas, *Illustrated Historical Atlas of the State of Iowa*, 1875; Child's *Dubuque County History*, 1880; F. T. Oldt, *History of Dubuque County*, 1911; E. H. Stiles, *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa*, 1916; L. D. Ingersoll, *Iowa and the Rebellion*, 1866; J. Brigham, *Iowa: Its History and Its Foremost Citizens*, 1915; Vol. I; *The Annals of Iowa*, 3rd Series, Vols. IV and X; B. F. Shambaugh, *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*; J. C. Parish, *George Wallace Jones*.



*Your friend*  
*J. S. Wilson*

JUSTICE OF THE FIRST SUPREME COURT OF THE  
TERRITORY OF IOWA

immigrant ancestor, Gottfried Mueller, a German who joined William Penn's colony. Of Miller's two sons, one was with Wolf at Quebec, and later, with the other son, served in the American army in the Revolution. The Wilson brothers' maternal grandfather was Thomas Stokeley, a native of Edenton, North Carolina, a captain of Pennsylvania troops in the Revolution, and an original settler of Steubenville, Ohio. Peter Miller Wilson died in 1827, and left a comparatively young widow with eight children, and she, with a determined spirit and little help from the estate of a wealthy father, brought up her children most creditably.

Named after the maternal grandfather was Thomas Stokeley Wilson, born on October 13, 1813. A neighbor boy and schoolmate was Edwin M. Stanton and as children they slept with their "heads resting together on the lap of the schoolmistress." Stanton became the famed Secretary of War under Abraham Lincoln, and all his life remained a close friend of the Wilsons, especially of Thomas. The latter was graduated from Jefferson (now Jefferson and Lee) College of Pennsylvania in 1832, and after reading law commenced its practice in Steubenville in 1834. Two years later, in the fall of 1836, he travelled with his wife to Prairie du Chien where his brother George was an officer serving at Fort Crawford. As the last autumn steamboat had already left for the south, the young people put their baggage and themselves into a canoe, and thus were conveyed to Dubuque, stopping the first night at Cassville, Wisconsin, and arriving the second night at Dubuque.

At the time young Thomas Wilson and his wife arrived on the western shore of the Mississippi there were but two counties in that vast area of Wisconsin Territory west of the river, Dubuque and Des Moines. Dubuque County included all the district running from, and embracing, Davenport on the south to the present Minneapolis, Minnesota, on the north. Thomas Wilson soon acquired a practice in Dubuque, which at that time claimed but three resident lawyers; one of his first cases was against Antoine Le Claire, the founder of Davenport, in regard to possession of a farm adjacent to that town. In 1837 the young lawyer was appointed prosecuting attorney of Dubuque County by Governor Dodge of Wisconsin



Territory, and at the same time was made by the court prosecuting attorney of Grant County (now in the State of Wisconsin and across the river from Dubuque). In the same year he was elected president of the board of trustees of the town of Dubuque, and in January of 1838 he was appointed by the Wisconsin territorial legislature as one of the three commissioners to settle the titles and claims to the Half-Breed Tract.

\* Success and fame continued rapidly for the rising frontier lawyer, for early in 1838, when it became apparent that the Iowa Territory was to be created, he was nominated against W. W. Chapman (concerning whom, see ANNALS OF IOWA, April, 1938), for the office of Territorial Delegate to Congress by several mass meetings in the northern districts. Determining to prosecute the campaign for this office by visiting the southern part of the Territory, Wilson engaged a passage on a steamboat bound for Burlington, but hardly had he placed foot on deck of the steamer when the boat-clerk showed him a copy of the *Missouri Republican* which contained the news that he had been appointed by President Van Buren one of the three judges of the first Territorial Supreme Court of Iowa. Wilson then declined the nomination for Congress, cancelled his passage, and accepted the four year judicial appointment to the new Iowa court.

Charles Mason of Burlington was at the same time appointed Chief Justice of the Supreme Court, and a little later Joseph Williams of Pennsylvania was selected for the remaining seat on that tribunal. Wilson's and Mason's commissions took effect from the 3rd of July, 1838, as they were both residents of the newly created territory, but Williams did not arrive from Pennsylvania until much later. Wilson was continued in office later by renewals of his appointment by Presidents John Tyler and James K. Polk. Judge Wilson was the first of the three judges to exercise his functions; the first court ever held in Iowa after its territorial organization was held by him in September, 1838, in Prairie La Porte (Guttenberg today), Clayton County, in the northern judicial district which had been assigned to Wilson. Only twenty-five years of age at this time and many years the junior of his

two associates on the supreme bench, his youthful appearance was often the cause of amazement to those who came in official contact with him. Professor Theodore S. Parvin relates that when he was in Burlington, the territorial capitol, in the summer of 1838, he was anxious, because he was secretary to the first governor, Robert Lucas, as well as because he had reached his majority, to be admitted to the bar. Justices Mason and Williams being absent, he accompanied Governor Lucas on his tour of inspection of the river towns to Dubuque, to be sworn in and admitted to practice by Judge Wilson. Meeting Wilson at the door of his home, Parvin mistook him for the son of what he presumed was an older judge, and he asked for his father. "I have no father," exclaimed the embarrassed Wilson who immediately realized Parvin's mistake. "Could it be possible that this young man was one of the Supreme Judges!" wrote Parvin years later. When he left Dubuque he carried with him a certificate of admission "to practice in all courts of record in the Territory aforesaid," which was written out and signed by "T. S. Wilson, one of the associate judges of the Supreme Court in and for the Territory of Iowa," there being then no printed blanks for that purpose. This original certificate, the first admission of an attorney in the Iowa Territory, has found a permanent lodgement in the Aldrich Collection in the State Historical Building at Des Moines.

Peculiarly enough, one of the very first cases to come before the new Supreme Court was perhaps by all odds the most important in its connotations, and it was due to the juridical perspicacity of Judge Thomas Wilson that it was brought up before the high tribunal of the Territory. This case is the only striking precursor of the famous Dred Scott trial that is found on existing court records today. Ralph, a negro, brought from Missouri by his master to Dubuque to work in the mines there, was arrested as a fugitive slave because he had failed to make the payments which he had promised as the price of his freedom. A farmer, seeing the arrest, procured from Judge Wilson a writ of *habeas corpus*, and Ralph was brought into Dubuque for the trial. Wilson, upon examination of the facts, was so impressed with the import-

ance of the affair and its latent implications that he immediately transferred the case directly to the Supreme Court of the Iowa Territory. The three Democratic judges freed Ralph, deciding "slave property cannot exist without slavery" and "that the man who after the Missouri Compromise Act of 1820 permitted his slave to become a resident here cannot exercise ownership over him in this [free] Territory." It was a momentous decision, overruled later by the Dred Scott decision, but finally vindicated in the Civil War by the American people.

Judge Thomas Wilson continued his work on the Supreme Court with the same industry and the same soberness of judgment all through the eight years Iowa remained a Territory. In 1846, when Iowa became the twenty-ninth state, he was continued on the bench, becoming a member of the first Supreme Court of the State of Iowa. From this he resigned in October of 1847, doffing his gloriously unspotted robes to begin again the private practice of law.

His partners in his new law firm in Dubuque were two outstanding Iowa attorneys, the Hon. Platt Smith and his own brother, David S. Wilson. One of the most important cases tried by Judge Wilson during this period was the one which was known as the Dubuque Claims Case, which became the most notable and momentous lawsuit in north-eastern Iowa history. The Chouteaus of St. Louis, a powerful and wealthy family and the legal heirs of Julien Dubuque, pressed their claims to large sections of land in the present Dubuque and Jackson counties, which if successful would have dispossessed hundreds of farmers and city dwellers of their holdings, amounting to millions of dollars. The case went through the federal courts and was even aired several times on the floors of both the Senate and House in Washington by the Missouri and Iowa members of the United States Congress. Finally, in 1853, under the title *Chouteau vs Maloney*, the suit came up before the United States Supreme Court. There Judge Thomas Wilson, defending the Iowa settlers in a suit which went back to the Spanish grants and Spanish laws of the previous century, crossed swords in a brilliant legal duel with the celebrated Reverdy Johnson of Mary-



land. Wilson won the unanimous decision of the court. For his two years' service in this most momentous suit, which included two winters' sojourn in Washington, Wilson stated many years later at a bar banquet given in his honor in Dubuque on January 19, 1885, that he received the enormous fee of two hundred dollars!

It was natural that a man of Thomas Wilson's talent and ability should be sought out for high positions of trust. In December of 1846 he missed—by the narrow margin of two votes—being elected the first United States Senator from Iowa by the legislature at Iowa City. Immediately after retiring from the State Supreme Court the following year he threw himself into the senatorial fight, becoming a strong contender against George Wallace Jones. This commenced a long and bitter political feud between the two gentlemen who, surprisingly, were related by marriage, Wilson's brother, Samuel of California, having married Jones' niece. In December, 1848, in the Democratic caucus Jones defeated Wilson by a single vote. But the Judge continued his pursuit of the senatorial toga. In the northern part of the state, and especially in Dubuque, men joined one or another of the Democratic factions of the then dominant party, and the powerful Wilson and Jones families and their friends and their newspapers were marshalled against one another even as the Montagues and Capulets in the days of yore. In 1853 Wilson was again Jones' rival, and five years later the combat was on again, for the fourth time, fiercer than ever. But by the years 1858-59 the slavery question had split the Democratic party, and the combination of old time Whigs and new Republicans was now a majority in the state. Both Jones and Wilson received votes in the legislature, but James W. Grimes was elected as a Republican Senator from Iowa.

Wilson's judicial life, however, had in the meantime been resumed and he continued on in his distinguished career. In April of 1852 he was elected without opposition Judge of the District Court and later was twice re-elected. He held the first courts ever held in the counties of Clayton, Delaware, Jones, Allamakee, Winnishiek, Black Hawk, Bremer, Chickasaw, Fayette, and Clinton. In November of 1852 he and

Judge J. J. Dyer opened and conducted what was probably the first law school in Iowa, the Dubuque Law School. A tuition fee of thirty dollars was charged for the five-months term which ended the following March, and which included general instructions, lectures, and moot courts. In November, 1853, the school opened up for its second year with the tuition fee raised to forty dollars and with Judges Wilson and Dyer assisted by the Rev. Joshua Phelps as instructor. The school continued until 1855.

With the outbreak of the Civil War came a period of pronounced change and clouded fortunes. Wilson was an anti-Lincoln Democrat, and together with Senators Dodge and Jones, and other prominent Democrats, was forced into temporary oblivion. He was defeated for re-election to the District bench in the fall of 1862 mainly by the soldiers' vote. When his term expired he had had altogether more than twenty years of service as a judge.

Again resuming his private practice he was still kept in the public gaze. In 1866 he was elected to the State Legislature and was re-elected in 1868. It was in this year that he was tendered the Democratic nomination for United States Senator, but despite the lure of this honor he declined. His late years he spent in the practice of his profession, never amassing wealth, but always remarkable for his ability, his industry, and his stellar virtue and honesty. At his death in Dubuque, which occurred on May 16, 1894, it was pointed out at the elaborate and imposing ceremonies held by the bar in his memory, that he had had a continuous service as lawyer and judge for a period of sixty years—from 1834 to 1894. Of all the great figures of the new Iowa Territory of 1838, the only one to survive him—and that, by two years—was his ancient political foe, General George W. Jones, also of Dubuque.

David Stokeley Wilson, born on March 19, 1824, was more than ten years younger than Thomas. When he was six his father died and at the age of fifteen, having completed his high school course, he left Steubenville to join his distinguished brother in Dubuque, arriving in Iowa the year after its territorial inception, in 1839. He read law in the Judge's offices for two years, and then, although only seventeen years



of age, he took over with Andrew Keesecker, the *Miner's Express*, which was the successor of the first newspaper in Iowa, the *Du Buque Visitor*, started in 1836. David Wilson acted as editor and Keesecker as printer, and from 1841 to 1845, when the *Express* was sold, the journalistic venture was a decided success both editorially and financially.

Returning to the study of law with his brother, the younger Wilson, arriving at his majority in 1845, became a candidate for Dubuque's seat in the lower house of the Iowa Legislature and was elected. He took an active oral and written part in the then pending question of the new State and its Constitution. In an eloquent speech in Iowa City in which he advocated including most of what is now Minnesota within the confines of the proposed State of Iowa, he expressed a popular thought: "Who can set metes and bounds to the future glory of the young Lion of the west?" The outbreak of the Mexican War soon after this cut short his legislative career, for he accepted from Governor James Clarke of the Territory of Iowa a commission as lieutenant of volunteers, and with Captain Morgan, he raised a company of men who marched to Fort Atkinson on the Turkey River to relieve the regulars there for service in Mexico. During his service of two years on this military reservation he was busied in assisting the removal of the Winnebago tribes from Iowa to Long Prairie in the Minnesota Territory.

Upon his return to Dubuque he was shortly admitted to practice as a counsellor-at-law and was almost immediately elected to the office of county prosecuting attorney, and this post he filled for two consecutive terms. The rising land prices in the West at this time drew him and some of his friends and relatives into business and speculation, but the great fortune which he acquired was wrecked in the general collapse of 1857. In the meantime, however, he had continued to develop his law practice, and in the same year in which he had lost his wealth, 1857, he was elected to the State Senate for a four year term. When Governor Kirkwood called the extra session of 1861 because of the outbreak of the Civil War, David Wilson was requested by the legislature to deliver an address on the right of a state to secede from the federal

Union. Up to this time a zealous Democrat with no sympathy for Lincoln's attitude, he now in preparation of this address disagreed with the views of his brother, Judge Thomas Wilson, and became a "War Democrat," entirely sympathetic with the cause of the Union. Wilson's address became the great war-document of Iowa of that day. After he delivered the address a second time on May 23, 1861, before a great mass meeting of the people of Des Moines, the *Iowa State Journal* of Des Moines printed the oration in the form of a pamphlet of twenty-six pages and thousands of copies of it were distributed throughout Iowa. Even a hasty perusal of it today reveals the profound study Wilson had made of the messages and state papers of Washington, Jefferson, Monroe, and Jackson, of the Virginia and Kentucky Resolutions, of the opinions of Clay and Webster and even of the leading Secessionist authorities of that day, and it further reveals the masterful manner in which he presented his eloquent arguments for the Union.

David Wilson then began to translate his words into action. The loyalty of an Irish regiment that was then undergoing organization in Iowa was being challenged and attacked. Wilson, at the request of several leading citizens of Dubuque, departed for Washington where on his arrival he interviewed the old friend of the Wilson family, Secretary of War Stanton, and from him immediately obtained permission for the mustering of the Irish regiment into the United States service.

Stanton then took occasion to offer Wilson, because of the latter's experience during the Mexican War, a commission as colonel, and asked him to return to Iowa to raise a cavalry regiment for service in the South. Wilson's law practice was highly lucrative at this time and his political future showed brilliant promise, but turning his back to everything except the War, he accepted the commission, and during 1862 he worked zealously at raising and training a splendid body of soldiers, the Sixth Iowa Cavalry Regiment. The regimental rendezvous was near the city of Davenport, and among his officers Wilson had several former senatorial colleagues and a number of "War-Democrats" of his own Union persuasion. Colonel Wilson was disappointed in his hopes of being sent

to the southern battle-front, for the Sioux Indian uprising with its bloody massacres had just occurred in Minnesota, and his regiment was ordered to Dakota. There he served during 1863 under General Alfred Sully and on September 3 of that year he and his command took part in the "short, sharp and severe" battle of White Stone Hill. Several hundred Indians were killed or captured, Colonel Wilson's fine horse, presented to him by the citizens of Dubuque, was shot under him, and Wilson was commended by General Sully for "bravery and cheerful obedience." Later in the fall Colonel Wilson built Fort Sully on the Upper Missouri, and during the following winter and spring his command protected the communications and settlers along the Missouri all the way to Sioux City, Iowa. This comparative inaction, however, and his deep disappointment at not being sent to the South caused Wilson to resign his commission and he returned to Dubuque in June, 1864.

Shortly thereafter he left for California where he joined his talented brother, Samuel M. Wilson, in a law partnership in San Francisco. Two years later he crossed the continent to Washington, D. C., and was engaged there in practice before the federal courts for several years. Returning to Dubuque, he was appointed in June of 1872 Circuit Judge to fill an unexpired term, and two months later he was appointed District Judge to fill another vacancy. In the fall of 1874 he was elected by a large majority to the same judicial office and served with ability until January 1, 1879. Judge David Wilson was one of the most popular citizens of Dubuque, and in view of his retirement from the bench, the Dubuque bar late in 1878 broke one of its precedents and gave a splendid banquet in his honor. His brother, the old Supreme Court Justice, Thomas S. Wilson, presided, and Oliver P. Shiras, in a few years destined to be the brilliant United States Judge for Northern Iowa, delivered the congratulatory address. Judge David Wilson died in April, 1881.

George Wilson, the eldest of the brothers, (born January 20, 1809) was the first Wilson to come to the Upper Mississippi Valley, and the first one of them to set foot on Iowa soil—years before it became the Territory of Iowa. Educated in



the United States Military Academy at West Point, he was while there a classmate of Robert E. Lee, a schoolmate of Joseph E. Johnston and a roommate of Merewether Lewis Clark. Graduating from there in 1830 he was sent to Fort Crawford at Prairie du Chien on the Mississippi as a second lieutenant in the First Infantry. Part of his service there was during the hectic and exciting days of the Black Hawk War, and in the decisive battle of Bad Axe he commanded a company and took an active part.

In the fall of 1832, after the signing of the Black Hawk Treaty, a number of settlers crossed the Mississippi River and took possession of the old Dubuque Mines. As this was a clear violation of the treaty, Lieut. Wilson was sent down to the Iowa mining country with a small detachment of soldiers to eject the invaders. Just as he at this period held the Dubuque soil with the sword against intruders, so did his brother, Judge Thomas S. Wilson, twenty years later, but with forensic word as his weapon, hold the Dubuque soil intact before the United States Supreme Court against the claims of the Chouteau heirs. But as the wealth in the Dubuque hills constantly beckoned them on, more and more trespassers rushed in, and finally, during the winter, Lieut. Jefferson Davis marched down on the ice of the river the entire distance with re-enforcements to compel obedience. Lieut. Wilson believed in a kindly policy towards these pioneer Iowa settlers and may even have winked at the operations of certain miners. At any rate the task seemed distasteful to him and he obtained a three months' furlough on April 1, 1833. His service at Prairie du Chien was so pleasant, however, that his alluring letters back to Steubenville brought the other Wilsons to the West.

While Lieut. Jefferson Davis was paying his addresses to Sarah Knox Taylor, the daughter of Col. Zachary Taylor, the commanding officer of Fort Crawford, Lieut. George Wilson was courting Miss Street, the daughter of General Joseph Montfort Street, agent for the Winnebago Indians. Miss Street and Miss Taylor were devoted friends. When Wilson married Miss Street in 1835, their attendants were Major Ethan Allen Hitchcock, grandnephew of Ethan Allen

of Ticonderoga fame, and Miss Taylor, and the officiating minister was the Rev. David Lowry, the superintendent of the government school for the Winnebagoes on the Yellow River in present upper Iowa.

Resigning from the army at the end of 1837, Wilson became a candidate for a seat in the Wisconsin Territorial Legislature and was elected, partly by the help of the votes of former soldiers of Fort Crawford. In 1839 he and his family moved to Dubuque where he became Clerk of the United States Court under his brother, Judge Thomas S. Wilson, and at the same time operated a farm near the city. About 1841 he joined his father-in-law, General Street, at the Sauk and Fox Agency on the Des Moines River near the present site of Ottumwa, and was placed in charge of the Indian Pattern Farm. It was during these years that George Wilson was the first Adjutant of the Militia of the Territory of Iowa. In 1849 when his old commander, Zachary Taylor, became President, he had hopes of being appointed Surveyor General of Iowa, but was given the office of Register of the Land Office at Fairfield. In 1851 he moved to Lexington, Missouri, to engage thenceforth in the business of banking.

Although it was denied by one of his sons but affirmed by others of his family that he had enrolled himself in the army of the Confederacy during the Civil War, it is certain that the former Iowa adjutant's military talents were employed in drilling and training troops. And as the war continued to rage in Missouri, he remained in the South but sent his family to Dubuque to live at the home of his brother, Judge David Wilson. While David Wilson was leading the Iowa cavalry in the defence of the Union, his nephew Joseph, George's son, slipped away from the Wilson home in Dubuque and arrived safely in the South to fight actively in the cause of the Rebellion.

George Wilson passed away at Lexington on March 3, 1880, and the sword which he carried through the Black Hawk War now rests in the Historical Department of Iowa in Des Moines.

To Judge Thomas Wilson's home in Dubuque the widowed mother from Steubenville came to reside in 1842. When Frances Stokeley Wilson died there in 1868 she had already

seen her great grandchildren growing up on Iowa soil. And today when any complete commemorative saga of Iowa's territorial centennial is recited, the name of the Wilsons of Dubuque will find its honorable place among the mention of the distinguished builders of the commonwealth.

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### TERRITORIAL NOTES

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**HINT TO EMIGRANTS.**—The Milwaukee (Wisconsin) *Sentinel* cautions immigrants from the East to bring their own bank notes along with them, and not exchange them with the brokers for western funds. New - York & New England money is as good as gold throughout the west—10 or 20 per cent better than notes of chartered Banks of that region, and not to be compared with Wildeat. Our Friends will govern themselves accordingly.—The *New Yorker*, New York, N. Y., June 16, 1838.

**FOR IOWA.**—The Cincinnati *Union* of the 4th, says that an agent is in that city from Europe, who reports that a company of Prussians, numbering about 30,000, is preparing to emigrate to this country next spring, and that the location now fixed upon is Iowa.—The *Davenport Gazette*, November 27, 1845.

**FALSE BANK PLATE.**—A plate has been engraved in this city, purporting to be of the "Farmer's and Mechanic Bank, Burlington, Wisconsin Territory!"—There is no such Bank. Let the public be on their guard against taking these notes.

We have just received information from the police that a Mr. James Brown from Wisconsin Territory, came to this city and had plates engraved for \$5, 10, 20, 50, and \$100 bills, purporting to be of the Farmer's and Mechanic Bank of Burlington, Wisconsin Territory. He has left the city and has taken with him bills to the amount of \$200,000. Let the public through the county look out.—*N. Y. Herald*, quoted in the *Iowa News*, Dubuque, (Iowa), Wisconsin Territory, February 17, 1838.



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