

voyage, for this is the main source of the Mississippi." "Crossed the lake 12 miles to the establishment of the North-West Company," "and was received with marked attention and hospitality by Mr. Hugh McGillis, the Superintendent."

(To be Continued.)

SKETCHES OF HISTORY AND INCIDENTS CONNECTED WITH
THE SETTLEMENT OF WAPELLO COUNTY, FROM 1843 TO
1859, INCLUSIVE.

BY G. D. R. BOYD, OTTUMWA.

[The following Historical Sketches of Wapello County are a continuation of "Sketches of the Sac and Fox Indians and the Early Settlement of Wapello County," written by Hon. Uriah Biggs, and published in previous numbers of the ANNALS; taking up the subject at or near the time when it was dropped by that gentleman, and bringing it down to a recent date—incidentally, we suppose, for we have no authority for believing any concert between the writers.—EDITOR.]

The whites were first permitted to make settlements in Wapello County on the 1st day of May, 1843, in accordance with the provisions of a treaty made with the Indians, by which this part of the territory was ceded to the whites. Being anxious to take possession of the best locations, thousands were ready on the ground, and had been waiting for many days to make "claims" in the "New Purchase." Their white tents and wagon covers were strung all along the line that had hitherto separated the white and Indian country, presenting more the appearance of a large army than the peaceable and quiet settlement of a colony of hard-working immigrants. Many of them did not wait for daylight, but as soon as the time arrived for the taking effect of the treaty, they crossed the line and marked their claims off at the dead of night. These first locations were made at and in the vicinity of Dahlonga, Agency City and Ottumwa, and the rich prairie intervening between Dahlonga and Agency. The evils resulting from this scramble on the night of the 30th of April, for the most valuable locations, were felt for many years. Such hasty and irregular proceedings resulted in numerous conflicts of boundaries, which were extremely difficult of adjustment, and these engendered quarrels, litigation,

and not unfrequently, as we shall see hereafter, very serious and sometimes fatal personal difficulties. A spirit of reckless daring was prevalent among our early settlers, and insult and wrong and aggression in every shape, was met in every instance with physical force and summary chastisement. Resort was very seldom had to the law to settle difficulties and disputes, but disputants met and adjusted their little differences without the aid of justices and juries, witnesses, lawyers, &c.; and if the more refined sense of the reader at this time will condemn, as barbarous and uncivilized, such a course, he must acknowledge that our early settlers had the advantage of not being tax-burdened for the payment of criminal prosecutions, as now, and the guilty malefactor did not go "unwhipt of justice," as now.

But we must return to our first organization politically. An act of the Legislature passed Feb. 14, 1844, provided for the organization of Wapello County on the first day of the following March, and for that purpose the Clerk of the District Court, (H. B. Hendershott,) was authorized to order a special election of county officers. For the purposes of organization, the same act appointed James M. Peck, sheriff.— Three commissioners, Joseph B. Davis of Washington County, John H. Randolph of Henry, and Solomon Jackson of Lee, were appointed to locate the County Seat. They performed that duty by making the location at Louisville. The county was attached to the first judicial district, and the county of Kishkekosk (now Monroe,) and all the territory belonging to the whites west of that county was attached to the county of Wapello for election, revenue, and judicial purposes. In April the special election was held, which resulted in the choice of Lewis F. Temple, James M. Montgomery, and Charles F. Harrow, commissioners, Charles Overman commissioners' clerk, Jos. Hayne sheriff, H. Jeffries Judge of Probate, M. J. Spinlock recorder, William Dewey surveyor, and Thos. Foster treasurer. The wheels of county affairs were set in motion and its official government commenced by an extra session of the Board of Commissioners, held at the

County Seat on Monday the 20th day of May, 1844, and the following June the Board again met and organized some townships, fixed places for holding elections, &c. At this session a sale of town lots was ordered in Louisville, and a ferry license granted to J. P. Eddy, the original founder and proprietor of Eddyville. The first tax was levied by the Board on the 4th of July, as follows: Five mills on all personal property, and a poll tax of fifty cents for county purposes, one mill for territorial purposes, and a road tax of fifteen cents on \$100.00.

The first building used for the sessions of the Commissioners Court, and which was occupied by their clerk in vacation, was a very ordinary "log cabin" of limited dimensions, one story high, built of round unhewn logs, chinked with clay and sticks and covered with clapboards. It was situated between 4th and 5th streets, immediately east of the public square, on a lot now the property of Mr. Inskēep, in Otumwa. The old log house was torn down and removed some years since, and the spot would now scarcely be recognized by the "oldest inhabitant" as the place from whence formerly emanated the acts of those entrusted with the guardianship of the civil affairs of the people of the county,—the place where roads were legally located, ferrys and dram-shops licensed, allowances made for juries and baliffs, judges and clerks; for commissioners and their clerks, attaches, etc; in short, the grand fountain head of county organization, wherein assembled the combined wisdom, the helmsmen, the *real, live, genuine gubernators* of the sovereign County of Wapello. But the last remnant of that rude temple of sovereignty, has been some years since swept away—not a vestige remains to mark or perpetuate the remembrance of that interesting locality, and in a very short time those who now retain the remembrance of its whereabouts, will like it, have passed away, and like it their dust will mingle in common with the mother earth of both.

Litigation, the natural offspring of every associated community, soon made its appearance in the settlements of Wap-

ello County. As before stated, it was attached to the first judicial district, over the courts of which at that time presided the Hon. Chas. Mason, (since Commissioner of Patents at the Federal Capital.) A term of the District Court was appointed to be held at Ottumwa on Monday the 15th day of Sept. 1844. Some forty causes had accumulated upon the docket in the short space of four months, and litigants, lawyers, jurors, dram-shop keepers, boarding-house keepers, &c., looked forward to the coming term of court with considerable anxiety, and all anticipated being in some manner or other personally benefitted by *The Court*. In due time, Monday the 18th arrived, but the judge came not, and thereupon as we are informed by an eye witness, those present dispersed about town, and the first day of the first term was occupied in general "loafing." The non-arrival of the judge on the second day was the occasion of considerable impatience, and sundry individuals did some "hard swearing,"—an emphatic manner that some of our early settlers had become addicted to, of giving expression to their most ordinary sentiments, and a smaller vice that the associations and experience of succeeding years has not entirely obliterated.

Upon this said second day of the term there were some few exhibitions of pugilism also, as the Vasser's and the Crawford's occasionally met and exchanged compliments, drinks, &c. Scattered about in the evening a very few might have been seen "lying around loose," taking their rest, after if not an eloquent, a laborious and a successful plea at the *bar*.

Upon the third day Judge Mason arrived. He was accompanied by L. D. Stockton, the attorney of the District, (afterwards upon the Supreme bench). Court was called and the necessary preliminary business immediately disposed of.—The officers of court consisted of H. B. Hendershott, clerk, and Joseph Hayne, sheriff. The following gentlemen were sworn as the first grand jury of the county: James Weir, foreman, G. W. Knight, Seth Ogg, T. H. Pendleton, Henry Smith, William Brim, Lewis F. Temple, John Humphries, P. C. Jeffries, F. Lindsey, Wm. Puckett, W. C. M'Intire, Jas.

R. Boggs, John Murray, Isom Garrett, Shannon Hackney, Phil. Lee, Thomas Wright, W. A. Winsell, Peter Barnett, Richard Fisher, and Jacob T. Hackney. The judge gave his charge to the Grand Jury, which though brief, was characterized with that force, clearness and precision, for which Judge Mason is proverbially noted.

And now, the scales of Justice were fully and fairly suspended upon the soil where roamed but a few years before the undisputed possessors, the eloquent Keokuk with his swarthy tribe of savages.

The room occupied by the District Court at this time, is yet standing. It was at that time a respectable looking hewn log house, a story and a half high, covered with shingles and neatly chinked. Compared with the room occupied by the Commissioners, it was a splendid building,—about the best that Ottumwa then afforded. It was some years since converted into a ware-room, and the place where justice was first administered to the Wapellos is now a dilapidated sway-backed looking repository of divers goods, wares and merchandize. This building, this primitive fountain-head from whence flowed the first streams of justice for the people of Wapello, that sent abroad its equitable decisions, its mandates and executions “without fear or favor,” gently settling their disputes, and gently, very gently curbing the tumultuous and riotous disorders of the times, is situated in the rear of Mr. Thomas Devin’s store on Front street, in Ottumwa. And now, our official organization is complete; the Commissioners Court is in full operation, and the protecting and equitable arm of the law is thrown around the people. We feel considerably relieved and would fain believe that the rubicon of these sketches is safely passed.

As before stated, the first settlements were made at Dahlonga and Agency City. In a very short time all the most desirable “claims” were taken up along the Des Moines River from Iowaville or Black Hawk to Eddy’s Ferry, now Eddyville. The settlement and cultivation of other portions of the county, was slow and gradual, and some years elapsed

before any considerable number of persons fixed their habitations north of Little Cedar, now one of the richest and most populous portions of the county. This was the case also with those parts now known as Green, Cass and Polk Townships, all now very thickly settled and in a comparatively high state of cultivation. Some of them have already outstripped in wealth and population their older settled and more fortunate neighbors.

During a period of seven years from 1844 to 1851, our statistical information is extremely limited and almost wholly disconnected. From the County Records it is impossible to ascertain a correct statement of the population and wealth of the county for any of those years. Nor do we deem it very important. The increase was very gradual, and proportionably about the same for each of those years. The population of the county in 1844, was about 800; in 1848, 7,000; in 1850, 8,471. During this period there are a great many incidents that demand notice, as being intimately connected with the first settlement of the county, and showing the temper of the people and the state of society in those early days. The most important event connected with the early history of this county, was the organization of the "Claim Regulators," an organization we believe, peculiar to the first settlement of Iowa, and which was, as is well known, the *lex loci* throughout this part of the country, from the appearances of the first infant colony of settlers until all the public lands were entered, and the necessity of its existence only ceased by the extinction in this manner of the old pre-emption claim rights. These organizations pervaded the entire community, and in many places there would be two or three clubs of this character in one township. At these club meetings mutual protection was pledged and joint assistance guaranteed to every *bona fide* settler who had a land "claim," and summary vengeance was threatened to be inflicted upon the stranger, the speculator or even their own neighbor who should dare infringe upon the claim laws, or have the audacity to purchase from the government any lands which had already been

claimed or taken possession of by one of their own number. This pre-emption law gave the claim-holder the exclusive privilege of entering the land whereon he had made a residence within a given period,—we believe one year,—but if at the end of that time the occupant did not pay for it, then any other person was privileged to do so, and he not only became the possessor of the land, but all the improvements hitherto made by the delinquent claimant. Very few of those settlers were enabled to pay for their lands within the time specified, and to forcibly resist the operations of greedy speculators, who continually manifested an impatient avidity for immoderate gain at the expense of the hard-working settlers whose inability to enter their lands within the given time, was almost universal, was the immediate and primary object of the “Claim Club laws.”^v

But however pure the motives of those who belonged to this organization, and however moderate they were in enforcing its mandates, it was yet liable to abuses, and neither the justice nor the policy of its measures can be defended. It was fundamentally wrong, and struck at the very root of our most sacred and cherished institutions, being a forcible resistance to the legally established laws of the land, a premeditated opposition to municipal regulations, and a determination to carry out their own designs in violation of law and the well established principles of sound policy and good government. It was the action of a mob, of a faction upon whose caprice and passions and wild ungovernable prejudices there was no restraint, no check, no limit. All such organizations are fundamentally wrong. The mild voice of reason pleading subordination to established authority, and the cause of a more enlarged and a more permanent interest is drowned in these assemblies by the clamors of an impatient thirst for immediate and summary revenge. The supreme majesty of the law is a proposition that should receive the assenting voice of every good citizen, and the direful consequences of its violation should ever be uppermost in his thoughts that he may cherish toward it a due attachment and be able to set a due value upon the proper means of preserving it.

Yet we doubt not but that the operations of these club laws in some instances proved salutary, and that in those days under the circumstances, it became *apparently* necessary to make an occasional example in order to admonish and terrify others, but it opened a boundless field for abuse, established a dangerous precedent, and there is a contagion in precedents which few men have sufficient force of mind to resist; besides which, these organizations were wrong *malum in se*.

A few incidents such as the "Dahlonga war," the case of Abner Overman, and the murder of Dr. Wright, will fully illustrate the character and results of these "club laws."

(To be Continued.)

THE EIGHTH REGIMENT IOWA INFANTRY AND ITS COLONEL,
JAMES L. GEDDES, AT SPANISH FORT, ALABAMA.

BY SANFORD W. HUFF, M. D.

April 8th, 1865, another signal victory over the Confederate forces was achieved in the capture of Spanish Fort, the stronghold of the approaches to the coveted military point, Mobile. The telegraph that day was eloquent with messages of the victory, and millions of hearts were gladdened by the news, regarding it as another not inconsiderable of the many heavy blows that were being dealt at the resources of the Confederate government, and another step toward its long hoped for surrender, and peace to the country.

A few days, and the newspapers teemed with the reports of army correspondents, descriptive of the splendid part performed by the different troops of the investing army—accounts as various as the correspondents were numerous; and by these accounts the bodies of troops engaged in the final, victorious charge were many, as many as the number of corps and division headquarters where correspondents were *kept*, and in whose interests they wrote. Hence it is perhaps known only to a few who were personally cognizant of the fact, that this victory is chiefly due to the intrepid conduct of

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