

WILLARD BARROWS' DEFENSE

OF HIS

ORIGINAL SURVEY OF SALT CREEK TOWNSHIP, DAVIS COUNTY,
IOWA

(From the Archives of the State Land Office, Des Moines, Iowa)

Rockingham,¹ Iowa, March 12, 1844.

Sir:

Your communication of the 5th inst. enclosing a copy of letter from the commissioner [of the] General Land Office, and also a copy of a letter from Stephen Holcomb preferring charges against me as a deputy surveyor, have this day been received. In reply I can say, in broad and decisive terms, they are false, unjust and unfounded. But you will bear with me while I state to you the difficulties attendant upon my recent survey upon the Des Moines River. If any complaint is made it should come most assuredly from *me*,² and not the *settlers*. I am one among the many who first settled in Iowa, have long been engaged in the public surveys, and can well enter into the feelings of the pioneer, and far be it from me, had I the power, to add a single obstacle to his struggles in a new country. The first charge preferred against me is, "that I refused to close lines in many instances, when men would stand ready to commence work or building as soon as the lines would be closed." To this part of the charge I plead guilty; and many times has the progress of my survey been interrupted by the collection of two contending parties as claimants for the land, and often armed for deadly combat. Under such circumstances I have frequently left the field, and either returned to camp, or to some other portion of the survey; but *never* completed a line under such circumstances, or any other, for a *horse or fifty dollars!*

The next and only charge is, "that in the township in which I reside (says Mr. Holcomb) it is impossible to find any section lines run *through* except in case he has been paid for it by some individual." I cannot believe that Mr. Holcomb (a man with whom I have no acquaintance) here means to say that the bal-

¹Rockingham was laid out as a town in 1836 about four miles down the Mississippi River from Davenport, and was a rival of Davenport for several years. It passed out of existence many years ago.—Editor.

²The frequent use of italics and some old-fashioned spelling are as in the original manuscript letter.—Editor.

ance of the lines of the township, *were* not run at all, or that they were run incorrectly; but that I received pay for running *all* lines from different individuals—a charge which Mr. Holcomb will most assuredly be called upon to answer to me, if he is a man worthy of notice.

Had this survey been performed under the ordinary circumstances attending my usual surveys, free of perplexities, trouble and excitement by the people, I might possibly be led to apprehend some error in my work; but never since I have had the honor of being employed as a deputy, have I bestowed such unwearied care and exertions to complete my work in the most correct and workmanlike manner; knowing as I did the great interest of the settler, and their constant anxiety for the result of the public surveys in regard to the location of their farms and other improvements. You must be well aware, Sir, of the great excitement prevalent upon the first of May last in regard to that country, the time specified by law that the Indian title became extinct; that nearly the whole of that country was claimed up, between 12 o'clock midnight, and daylight the next morning, and that lawsuits and quarrels ensued, unknown in the annals of the settlement of any country. This state of things still existed when I arrived upon the ground, and they looked forward to the time when the public surveys should be made for a renewal of hostilities under cover of the new Preemption Law, by which the first settler upon the land, *after the lines were closed*, would be entitled to the right of the preemption. To add to the difficulties and dismay of the settlers, they now learned for the first time that they were not entitled to the benefit of preemption because they had made a settlement before the surveys were completed; consequently the contending claimant (who probably might be an interloper, or claim speculator in the country) had a decided advantage over the actual settler. This state of things caused the inhabitants to follow, daily, my survey, and I can safely say that in any of the settled portions of the country embracing my district not a single day passed that I was not annoyed by a throng of men around my compass, quarreling, running across the chain, and not unfrequently causing a remeasurement of lines. It was with the utmost difficulty that I could keep the attention of my chainmen

to their business. In one township alone where there was much excitement, my resurvey and corrections could not have cost less than fifty dollars; yet I bore with it patiently in consideration of the anxiety of the settler, until my monuments were destroyed by some of the contending parties, and new ones made to mislead the opposite party. I had to reexamine my work and erect new ones. It was at this time that I addressed you by special messenger, requesting farther instructions in relation to the outrage, and my constant perplexity. In compliance with your orders I endeavored in vain to detect the offenders, and by your special instructions doubled my diligence to perform the work in the most efficient manner possible. To add still more to [I could add still more concerning?] the difficulties I had to encounter, although I am well aware, they were such as I had nothing to do with except out of courtesy and respect to the settler for his misfortune.

Private surveys had been made of nearly the whole settled portions of the country, by extending the lines from the Old Purchase into the new one. Many of these had been done by a former deputy surveyor, who it appears had assured the settler of the correctness of his lines and that the public survey must correspond thereto; and their *farms* and improvements might be made in accordance with his survey, with safety. From this survey, which was run by an assumed variation, both Mr. Burt, who run the township lines, and myself, differed in many places very widely; and whenever my lines did not correspond with those already run, I was condemned as an *ignorant* surveyor, or charged with partiality and favouritism; threatened with being reported if I did not alter lines and suit the convenience of the settler. And it was currently reported before I left the ground that they would have a resurvey and one that would correspond to their *farms*. The whole timbered country is so blazed up with claims and former surveys that it is almost impossible to trace a line without the compass. It was not unfrequently the case that through the *ignorance* of the people of the method of performing the public *surveys* and in their anxiety to preempt the land, cabins would be erected *after* the random line was run and *before* it was corrected, and not unfrequently have I had lines to run over and correct *after* the settler had built his cabin; in

such cases, I was often charged with having done it to favour one or the other party. Mr. Holcomb has undoubtedly been misinformed or prejudiced against me by some of the contending parties, for he does not seem to have been a sufferer himself by *my oppression of the people*, in the loss of a horse or fifty dollars. It has always been my custom to take with me into the field an extra compass, both for security against accident and to supply the frequent demand of the settler to run private lines.

In the present case I had one, and myself or assistant very frequently used it not only in running lines, but several town sites were laid off into lots, for which last jobs my price generally was fifty dollars; and for the want of cash, or the accommodation of the settler, as was agreed upon, I sometimes took a horse or something else in payment; from which circumstance, alone, I can only conceive the idea of Mr. Holcomb that I ever received money from a settler to close a government line when it was my imperative duty so to do, free of compensation except by the government; for most assuredly there are no lines left in my district unsurveyed; and if Mr. Holcomb meant in his charge against me to say that there were portions left unsurveyed (and I believe the commissioner so understood his letter) it carries a contradiction upon its very face, for I know of no township in my district so destitute of settlers that I was not daily thronged and followed closely, in most every line run, and the land claimed or preempted as soon as the lines were closed. A great interest was felt by the people to see how my lines were run, differing from those already run by former surveys. No line could have been omitted had I been so disposed without the positive knowledge of the settler, and certainly Mr. Holcomb will not pretend to say that I run *all* the lines and got fifty dollars for *each*! I cannot think that it would follow as a matter of course, because Mr. Holcomb did not *see* all the lines that they were *never run*. Neither can I think it would be justice to require an examination of the survey at my expense, on so trivial and vague a charge got up most probably by some dissatisfied claimant who has settled, contrary to an express law of Congress, upon the public domain before the land was surveyed.

Mr. Vandever, another deputy whose district lay adjoining

to mine, experienced the same difficulties with the settlers as myself; and if I am not mistaken addressed you upon the subject at the time. Complaints against other deputies in that section of the country were loud, and ever will be, when the settler is allowed upon the land before the survey is made.

I was credibly informed, and it is my firm belief, that those dissatisfied with the survey are such as desire a *new survey* to enable them to drive from their homes those who have made a settlement by the present survey, and preempt their land under a new one, for if a new survey could be obtained the present preemptions would not hold of course. And many who are apprehensive of the lands coming into market the ensuing season would have the time prolonged by a new survey, &c.

The first part of Mr. Holcomb's charge, that I refused to run a line where the contending parties were present and ready to commence work, is correct. I well remember once in particular of the parties appearing upon the ground armed with rifles for the purpose of preventing each other from preempting. I knew under such exciting circumstances there was great liability for my chainmen to make mistakes, and probable bloodshed between the parties. I felt justified in leaving the ground, and suppose that I had a perfect right to manage my survey without the knowledge or interference of the settlers.

Whatever I have here set forth in regard to my recent survey can be substantiated by the hands employed upon the work. I am well aware that what I have written, or what I might say in regard to the conduct of the people in my district, may be deemed by you unnecessary and perhaps irrelevant, yet I ask it as a privilege to place before you my difficulties in performing the work assigned me. If any one has been the looser, or in any way oppressed, it is myself and not the settler. I had a perfect right upon the ground, and the *settler* had not, until I left it, and any difficulty arising among the claimants from my doing my duty should not operate to my disadvantage. I have never performed a survey with such care and precision since I have been employed in the government service, which I believe is eight years, and never before have I been charged with default, or abuse of the trust reposed in me.

I cannot think, Sir, but that great injustice would be done

me to order an examination of the work upon which the complaint charges, unless he can point out more particularly the default, and then if I cannot satisfy you by my own *oath* and that of my *hands* employed upon the work (who certainly have as much knowledge of the correctness of it as the settler) I should consider myself *culpable*.

If what is herein set forth is not sufficient to satisfy your mind that it is unnecessary for you to take further steps in regard to the matter, I will take the trouble to obtain such proof against the charges set forth as you may desire. In the mean time, you will please notify me when I may see you at your office, that a personal interview may be had in which I may more fully be able to show the injustice of such an attack upon my character as a public surveyor.

Very Respectfully,

Sir,

Your Obt. Servt.,

W. BARROWS.

Hon. Jas. Wilson,
Surveyor Genl.,
Dubuque,
Iowa.

The affidavits required by the Commissioner in this work will be transmitted in due time.

NEW GOVERNOR OF IOWA

James Clarke, Esq., editor of the *Burlington Gazette*, has received a commission from the president of the United States appointing him to the office of governor of Iowa Territory. This makes the fifth member of the Dodge family who are now in possession of fat offices. Their aggregate salaries is about \$14,000! That family is pretty well provided for by the government.—The *Davenport Gazette*, November 27, 1845. (In the Newspaper Division of the Historical, Memorial and Art Department of Iowa.)

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