

AN ADDRESS

IN COMMEMORATION OF THE MEETING OF THE FIRST LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IOWA,
NOVEMBER 12, 1838.

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[Delivered in the Congregational Church of Burlington, Nov. 11, 1900.]

The name of Iowa first appeared a little more than two centuries ago as that of bands of Indians who roamed over the vast region between Lake Michigan and the Missouri river. They were nomads, not like the Arabs, with flocks and herds and some measure of civilization, but in a low stage of savagery, living by the chase and by fishing. They occupied from time to time small villages scattered here and there upon water-courses of the region. They were found upon the Milwaukee river in Wisconsin, and upon rivers that still bear their name in this State; the Iowa, that has a tortuous course of more than two hundred miles, and the Upper Iowa. For a more continuous period since the discovery of the country than any other tribes, the Iowa Indians had villages in Iowa. Hence the State bears their name.

Upon early maps the interior of North America had been named "New Spain," but no white man looked upon the soil of Iowa until on the 17th day of June, 1673, James Marquette and Louis Joliet entered the Mississippi from the Wisconsin river, and they beheld the bluffs where the city of McGregor now stands. "We entered the Mississippi with a joy I cannot express," says Marquette. In the eight following days they passed down along the shores of Iowa, seeing no man and no trace of any man until on the 25th of June they observed human footprints in the sand on the west side of the river. Thereupon, they left their canoes and followed the trail of those footsteps. Going about six miles, they came to two Indian villages on the Des Moines river. Here they were kindly received, and entertained with a dog-feast. These Indians called themselves "Illinois." They were bands of a

tribe bearing the name of the river where were their chief villages. Longfellow has put Marquette's narrative of his reception into the closing scene of "Hiawatha."

On the 30th of June the discoverers proceeded down the Mississippi. They went as far as the Arkansas, and returning passed up the Illinois river and over to Lake Michigan. They prepared maps of their discovery. Upon Marquette's map the Mississippi is named "R de la Conception;" what is now Iowa is only marked by two faint lines to indicate rivers, by "Peourea," "Moingouena," indicating the Indian villages visited, and by the names of distant nations, "Oton-tanta," "Pana," "Maha," "Panoutet," suggesting the Otoes, Pawnees, and "Omahaws," as they were called later, and the Iowas under a name given them by the Sioux. The four tribes were of Dakota stock, the Illinois were of Algonquin. Marquette's map was first published in "Discovery and Exploration of the Mississippi Valley," by John G. Shea, 1852.

Joliet's map was sent to Paris, where a rough copy was published by Thevenot, 1681. Upon this map the Mississippi is called "Buade," in honor of Buade Frontenac, patron of the voyage of discovery, Governor of New France.

The next European upon the border of Iowa was Louis Hennepin. In the spring of 1680, with two Frenchmen, he ascended the Mississippi from the mouth of the Illinois river. He carried presents to ingratiate himself with the Indians. Game and fish were found in abundance. A party of Miamis were met crossing from the west to the east of the Mississippi, on whom it was afterwards learned a band of Sioux were seeking revenge for killing their chief's son. Near the mouth of the Wisconsin river, stopping to cook a turkey and repair their canoe, that band of Sioux came down upon them with hideous clamor. Hennepin told them that the Miamis had escaped across the river, and would be out of their reach. Whereupon the band took Hennepin captive, and returned up the Mississippi.

In the course of the summer (1680), while Hennepin was

moving about among the Sioux villages, another French explorer appeared upon the scene. Du Luth, whose name is preserved in the city at the head of Lake Superior, had threaded his way through the wilderness and swamps between that lake and the Mississippi, and fell in with Hennepin. In the fall they went together down the Mississippi to the Wisconsin, and up that river, and over to Green Bay and Mackinaw, retracing from the mouth of the Wisconsin the route by which Marquette and Joliet had come to the Mississippi seven years before.

These discoveries were at once followed by a rush of adventurers to the region for trade with the Indians, or in search for mines, or to plant missions. Prominent among these adventurers were Nicholas Perrot,* Le Seuer, and Father Marest.

Meanwhile, on the 9th of April, 1682, La Salle took possession at the mouth of the Mississippi of the whole country watered by its tributaries, in the name of Louis XIV. By that act the soil of Iowa fell under the authority of France. In the exercise of that authority, "in order to make incontestable his Majesty's right to the countries discovered by his subjects," Denonville, Governor of New France, ordered Nicholas Perrot to take formal possession of the Upper Mississippi country, as he did on the 8th of May, 1689.

Meanwhile Le Seuer discovered mines which he thought of great value in the Sioux country. To obtain miners for working them he went to France, and after many mishaps returned with a party of miners. They arrived at the mouth of the Mississippi in December, 1699, and in the spring started up the river and in the course of the summer (1700) passed along the border of Iowa. They encountered upon the river parties of Canadian voyageurs, and on the 30th of July a Sioux war-party intent to avenge the killing of some of their people by the Illinois. Telling them that the King

*A more full account of Perrot is given on pp. 610-613 of this number of THE ANNALS.

of France did not want the river any longer polluted with blood, Le Seuer gave them presents and induced them to return. He also met "Ajavois" or "Ainoves," another form of "Ioways." They, too, were at war with other tribes.

On the 13th of August Le Seuer passed the lead mines "on the right and left bank" of the Mississippi, then and long after known as "Perrot's mines." On the 5th of September he passed Bad Axe river, just above the boundary line between Iowa and Minnesota. Continuing in his voyage, he passed up to St. Peter's river, and up that river to Blue Earth river, where he made an "establishment." Here he again met "Ioways," with Indians of other tribes.

In those closing years of the 17th century, England and France were at war. Each had colonies in America, and these colonies embroiled themselves and their respective Indian allies in the barbarities and cruelties of the war. Louis XIV cherished a warm and ambitious regard for New France and Louisiana. He gave their affairs his personal attention and liberal support. No English sovereign gave similar consideration to the English colonies in America. Those colonies grew from their own independent and self-reliant spirit. As against the despotic imperialism of Louis XIV, they were firm supporters of the Revolution of 1688, which brought William III to the throne of England. The contest raged fiercely in America, as in Europe. In this country it was confined chiefly to the frontiers of the Hudson, Connecticut, and Merrimack rivers. The French forts and "establishments" upon the lakes and the Mississippi were abandoned, and the troops called to the St. Lawrence. So far as the Indians of this region took part, it was on the British side. Upon the final close of the war on this continent, with the fall of Quebec (1759), and the treaty of Paris (1763), what is now Iowa in common with the whole country between the Mississippi river and the Rocky Mountains was transferred to Spain, and remained in the possession of Spain until its retrocession to France by secret treaty (1800), and its pur-

chase by the United States in 1803. Meanwhile, wandering bands of Indians continued to roam over the soil of Iowa. The vast prairies were known as "buffalo meadows." They were the hunting grounds of tribes who fought each other, as well as the buffaloes, elks, bears, and other game.

The aborigines, whom the first discoverers of Iowa found here, roamed about in small and scattered bands, and were in the lowest stage of savagery. Students of Indian history make this distinction between savagery and barbarism, that savages know nothing of the art of pottery, or use of stone or adobe in building. That was the condition of the aborigines of Iowa. Neither knew they to construct a chimney. They had no arts or trades. Their only tools or implements were shells, fish-bones, the bones and sinews of animals, and clubs or spears of wood. Their clothing was of skins which they decorated with feathers and bears' claws. The only skill or genius of construction they displayed was in their light and graceful canoes of birch-bark, which were, aside from journeys on foot, their only mode of transportation. The rivers were their highways. They had no horses, cows, sheep, pigs, or chickens. They knew not the use of milk as food. They had no wax, oil or iron.

The bands of Illinois and Miami Indians, who were found upon the Des Moines and Mississippi at the time of the discovery of Iowa, soon returned east of the Mississippi. For one hundred and fifty years after Marquette, the country remained a favorite hunting ground for different tribes, chief among them were the Iowas, the Sioux, the Missouris, the Otoes, the Omahaws, and the Pawnees. The Sacs and Foxes came later, after they had been severely worsted in wars with the French and with other tribes in the region of the lakes and of Green Bay, when they came in the latter part of the 18th century to the banks of the Mississippi. The idea of their owning Iowa by long hereditary possession, or by right of conquest, is fabulous. Bands of them came and established a few villages, because they found the land deserted of

its previous occupants, and it was open before them. The idea of a title to land, or of land purchase, was an incongruity foreign to an Indian mind. To him land was free as air or sunlight, and no more subject to bargain or sale. When we speak of Indians selling their land, of our people buying their land, we speak wholly from the standpoint of the white man, from the language of what we call civilization, and in fact of what is the beginning of civilization.

By the treaty of Paris (1763) this region fell to Spain. But the Spanish government never interfered with the Indians who were here. It only granted licenses to a few traders in furs, and made two small grants of land on the banks of the Mississippi, to traders, one in what is Lee county, at Montrose, the other in Clayton county.

With the Louisiana Purchase by President Jefferson in 1803, what is Iowa fell to the United States. Lewis and Clark passed along our western border in 1804, and Lieutenant Pike along our eastern border in 1805. In the war of 1812 with Great Britain the Sacs and Foxes took the British side, and attacked and burned Fort Madison, which the United States had built in 1808. After the close of that war the different Indian tribes in this region made treaties of peace and friendship with the United States, and, though they had wars with one another, no serious disturbance with the United State arose until the Black Hawk war of 1832. Black Hawk was the leader of what was known as the "British band," in distinction from the peace party, of which Keokuk was chief. The Black Hawk war terminated in his utter rout and defeat, and in a treaty, by which a long strip of our territory was thrown open to settlement by the white people on and after the 1st day of June, 1833. Then began the transformation of our soil from a savage wilderness to cultivated fields and golden harvests; to homes of industry and order, to barns bursting with abundance, to schools and churches, and to cities of fair renown.

In advance of the beginning of this transformation, it

should never be forgotten that by an Act of Congress, approved by President Monroe, slavery was prohibited upon this soil, and the vexing question that had threatened the life of the nation was so predetermined and settled, that Iowa became the first free State of the Louisiana Purchase.

After being made a part of Michigan territory in 1834, and of Wisconsin territory in 1836, the Territory of Iowa was created in 1838, and the first legislative assembly of the territory convened in this city sixty-two years ago, on the 12th of November. A census taken in 1836 showed that in three years 10,531 persons had come to Iowa. In 1838 the census showed a population of 22,859. Pursuant to law, by appointment of the Governor, Robert Lucas, previously the Governor of the State of Ohio, an election for members of the legislative assembly was held September 10, and the assembly convened in Burlington on the 12th day of November.

That day was a day of great interest in Burlington, to which the people had looked forward with eager expectation. The territorial legislature of Wisconsin had met here previously, and the people west of the Mississippi river congratulated themselves on having a separate government of their own. The people had come from every portion of the country. The prohibition of slavery here, which had been enacted in 1820, did not prevent a large emigration from the southern states. It encouraged many to come who disapproved of slavery, who came for the very reason that the land was dedicated to Freedom. There were more members who were natives of those states in the first legislative assembly than there were who were natives of the northern states. The whole number of members was 39, of whom 9 were from Virginia, 8 from Kentucky, 1 from Tennessee, 1 from Maryland, and 2 from North Carolina, making 21, a majority of the whole number. The New England states furnished five members: 1 from Connecticut, 2 from New Hampshire, 2 from Vermont. New York furnished 4, Pennsylvania 4, Ohio 4, Illinois 1, making 18. The assembly consisted of a council

with 13 members, and a house of representatives with 26. The council met in the basement of Old Zion church, as it was afterwards called; the house of representatives in the upper story. Des Moines county had eight members, three in the council and five in the house, a larger representation than any other county. Jesse B. Browne, of Lee county, was president of the council. He had been a captain in the United States dragoons, under General Henry Dodge, and was six feet and seven inches in height, the tallest man in the assembly. Wm. H. Wallace, of Henry county, was speaker of the house. The oldest and the youngest member of the assembly were from Des Moines county, Arthur Inghram, sixty years of age, and James W. Grimes, twenty-two. Fourteen of the members were under thirty years of age, three of whom came to high and honorable positions in the subsequent history of the State. Stephen Hempstead, of Dubuque, became the second Governor of the State. Serrano Clinton Hastings, of Muscatine, was a member of six territorial legislatures, in one of which, 1845, he was president of the council, he was one of the first two Representatives to Congress from Iowa, 1846-7, Chief Justice of Iowa in 1848, and afterwards Chief Justice of California. James W. Grimes was the third Governor of the State, 1854-8, and United States Senator, 1859-1869.

Such were the men who were called to frame the first laws of Iowa. They gave themselves to the task with vigor and industry, and completed it in seventy days. Mr. Grimes was chairman of the judiciary committee in the House of Representatives, and all the laws passed through his hands. Their clearness of statement, their freedom from verbiage and ambiguity, is largely due to his critical sagacity and judicious revision, in which he had also the assistance and cooperation of Mr. Hastings, of Muscatine, who was a member of the same committee. By judges learned in the law that code is to this day held in high honor and esteem. Pursuant to an act of the last general assembly of the State, it has been reprinted this year by the Historical Department of

Iowa, under the careful eye of Mr. Charles Aldrich, the accomplished curator of that department. The laws provided for the administration of justice by courts, for roads and ferries, for common schools and academies, for the punishment of crime, for the erection of a penitentiary at Fort Madison, for the establishment of the seat of government in Johnson county, with a proviso that "for three years the sessions of the legislative assembly shall be held in the town of Burlington." A strenuous effort was made to locate the seat of government at Mount Pleasant, but it was defeated largely through the determined opposition of Thomas Cox, a representative from Dubuque, Jackson, and Clayton counties.

The Governor of the territory was a man of high personal character, firm and unyielding in his convictions of duty, and an ardent supporter of education and moral order. With the experience of years and of public service as Governor of the State of Ohio, he had an overweening confidence in himself to direct matters of legislation, and entrenched so much upon the rights and prerogatives of the general assembly as to bring on a bitter controversy with a large majority of the members of the assembly. Fifteen of them, who belonged to his own political party, were so indignant at his course that they petitioned President Van Buren for his removal from office. Foremost among them were Mr. Hempstead, of Dubuque, and Mr. Hastings, of Muscatine. Among those not of the Democratic party, Mr. Grimes was the leader of the opposition to the course of the Governor. The controversy resulted in an Act of Congress (March 3, 1839), amending the organic law of the territory and curtailing the Governor's power.

By the action of the legislative assembly the Supreme Court of the territory held its first session in this city on the 30th of November. During the same month occurred the first land sales in Iowa; at Dubuque, November 5, and in Burlington, November 19. Those were occasions of the most lively interest. They attracted a large concourse of people

eager to secure a title to their homes from the United States. The receipts at the United States land office in this city during that month were \$295,000. The late General A. C. Dodge was Register of the land office, and he once told me that, when shipping silver dollars in kegs to the United States sub-treasury at St. Louis, he employed Mr. E. D. Rand to transport them from the land office to the steamboat.

In conclusion, I shall be pardoned if I add that it was in the stirring days of that November, on the 25th of the month, a few Christian people in this town met in a house then used for a school, taught by Mr. J. Park Stuart, which stood on the ground now occupied by the county jail, and organized this church with twelve members, the Rev. James A. Clark, a graduate of Yale College, 1834, who had been sent to Iowa by the American Home Missionary Society, the same society that sent me in 1843, preaching and assisting in the service. He was then stationed at Fort Madison and was invited to remove here, but preferred to remain in our neighboring city. Prominent among the members were Mr. and Mrs. James G. Edwards, Mr. and Mrs. William H. Starr, Mr. Joseph Bridgman, who a few years afterward removed to Muscatine. Mr. Edwards was a native of Boston and son of a Revolutionary soldier, who fought at Bunker Hill. He was the founder of the *Burlington Hawk-Eye*. His wife, with no children of her own, had a mother's heart that embraced scores and thousands of other people's children. Mr. Starr built the houses that stand immediately north of this church. He was a classmate in Yale College with Rev. Mr. Clark. The lives of those good men and women and their associates were incorporated and interwoven with the foundations on which rest our institutions of social and religious order. Let us honor their memory by continuing and perpetuating their work, by advancing the city of Burlington and the State of Iowa higher and ever higher in things that ennoble and enrich human life.

From a population of 22,859 in 1838, the census of 1900 shows a population of 2,251,899 in Iowa. With such a his-

tory as we have behind us in the nineteenth century, who shall fix a limit to the progress of the Commonwealth in the twentieth century? May those who have entered into this inheritance, and those who shall enter into it, guard well the sacred trust, and make the future history of Iowa one of the noblest chapters in the Book of Time!

NEW PUBLICATIONS.

McLOUGHLIN AND OLD OREGON by Eva Emery Dye. Chicago. A. C. McClurg & Co. pp. 381.

This is a graphic chronicle of startling occurrences that give more than romantic interest to the history of Oregon. The hero of the book, though misrepresented and maligned both in the British parliament and in the American congress, in one as treacherous to British interests, in the other as false to American interests, was one of nature's noblemen. Born on the St. Lawrence, head of the Hudson Bay Company west of the Rocky Mountains, governor in baronial style of Fort Vancouver, on the Columbia river, friend of Jason Lee, and Whitman, and the American pioneers, and at last making his home and finding his grave among them on the Willamette, John McLoughlin's memory is vindicated, and he is honored as the "Father of Oregon."

A number who had been pioneers of Iowa were also pioneers of Oregon. Among them were Berryman Jennings, the first school-teacher in Iowa (on the Half-Breed tract, Lee county); Morton McCarver, one of the three brothers-in-law who laid out the city of Burlington, Iowa, in 1834, afterwards founder of Sacramento, Cal., of Tacoma, Washington, and missing Portland, Oregon, by only ten miles; W. W. Chapman, the first delegate to Congress from Iowa Territory, 1839-'41, who said "he came all the way from the States for the purpose of burning Fort Vancouver;" Samuel R. Thurston, a lawyer of Burlington and city solicitor (1846), who became the first delegate from the Territory of Oregon to Congress; Delazon Smith, a member of the Convention which formed the State Constitution of Oregon in 1857, and one of the first U. S. senators from Oregon, 1859; and George H. Williams, judge first Judicial District of Iowa, 1847-'52, chief justice, Oregon Territory, 1853, U. S. Senator from Oregon, 1865-'71, Attorney General of the U. S., 1872-'75. Of Mr. Thurston the author says:

A young fire-eater from the States, of surpassing oratory, espoused the anti-Hudson's Bay cause, and rode on the popular wave to Congress. Congress had looked for some lean and bearded trapper from the far-away West, and was startled by the youth, beauty, boldness, and eloquence of Oregon's first delegate, a boy from Maine, scarce two years out, (graduate of Bowdoin College, 1843). They leaned to catch the fiery invective of this brilliant but misinformed young man, who pictured Dr. McLoughlin, the

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