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A BIOGRAPHICAL SKETCH OF CAPTAIN HOSEA B.
HORN, OF BLOOMFIELD, DAVIS COUNTY, IOWA.

BY THE FORMER EDITOR OF THE ANNALS.

Captain HOSEA B. HORN, whose personal history is here briefly sketched by a friend, was born near Harrodsburg, the seat of justice of Mercer County, Kentucky, on the 3d of December, A. D. 1820. His father, named John, and his grandfather, Phillip Horn, were of German descent, and natives of Frederic County, Maryland. Both were farmers, the grandfather having fought in the army of the Revolution; and both of them were one year in the war of 1812, and at the battle of New Orleans, after their removal to the country near Harrodsburg, Ky., where the family settled, in the year 1800, when John was six years old.

The mother of Captain Horn was the daughter of Turner Bottom, of English parentage and birth, in Henrico County, Virginia, whence he emigrated to Mercer County, Ky., in 1794, where she was born the following year.

As Kentucky afforded but few facilities for education, during young Horn's boyhood, he never had the advantages of common school education, nor of attending any school, being chiefly instructed by his mother at home, and self-taught by reading and study, till apprenticed to Mr. Jesse Head, of Har-

rodsburg, Ky., in the printing business, at the age of fifteen. In the printing office, he had some assistance from others in the same employment, and by personal attention to books through early life, he acquired what may well be termed self-education. His father having removed to Indiana in 1839, being a young man of nineteen, he entered the office of the Clerk of the Circuit Court of Bartholomew County, in that State, where he remained about five years.

In the Spring of 1844, with Mr. H. C. Child, he edited and published a weekly political newspaper in Columbus, Ind., devoted to the cause of the Whig party, and advocating the election of Henry Clay to the Presidency of the United States. And, in the Autumn of 1845, he disposed of his interest in that paper, removed to Davis County, Iowa, where he was admitted to the bar, having studied law during the time he was Deputy Clerk.

On the 9th day of December, 1847, Captain Hosea B. Horn was married to Miss Margaret Weaver, the daughter of Judge Abram Weaver, and sister of Col. James B. Weaver, now commanding the 2d Iowa Volunteer Infantry. And, in all the social relations of life, Mr. Horn has always maintained a character unsullied for integrity and uprightness.

In 1850, Captain Horn made a trip overland to California, from ill-health, and returned the following Winter by Central America and Cuba. Having taken notes of travel from the Missouri River to the Pacific Ocean, they were published by Messrs. Colton & Co., of New York, as "Horn's Overland Guide to California." On his return to Bloomfield, Davis County, Iowa, he engaged in mercantile business until 1860.

In 1852, he was honored with the nomination of Whig candidate for the office of State Treasurer of Iowa; and, although the Whig party was then in the minority, yet Mr. Horn was favored with the largest number of votes of any of the Whig candidates.

In 1854, while engaged in merchandizing, as above stated, he nevertheless found leisure to prepare and publish a Form Book for Justices of Peace and Constables, the first work of the kind issued in this State.

In 1855 and 1856, Mr. Horn also edited the American newspaper at Bloomfield, and the Republican paper there in 1858.

During the Summer of 1862, when the disloyal and marauding men of Missouri, on the Southern Border of Iowa, were threatening the invasion of this State, Governor Samuel J. Kirkwood gave Mr. Horn special authority to organize the militia of Davis County. And, immediately after, the General Assembly of Iowa, in extra session, with great unanimity, authorized the organization of the "Southern Border Brigade." Mr. Horn was chosen and commissioned as Captain of Company A, in the Second Battalion; and the companies composing that Battalion selected him as Major, or officer of the highest rank in the Brigade. But Governor Kirkwood, from motives of economy and the kind of service required, concluded to have no higher rank than Captain commissioned.

It may be added, that Mr. Horn held the office of Postmaster at Bloomfield, under President Zachary Taylor; and also has been Justice of the Peace there; Commissioner to Superintend the Draft in Davis County, in 1862, and Enrolling Officer in 1863, under the Conscript Act of Congress.

To his fellow-citizens and townsmen, the writer of this imperfect sketch is much indebted for the following summary view of his general character, and estimation at home:

"As a professional man, he has never devoted his entire energy and labor to his legal studies. Yet, as an Attorney, we believe, he compares with the majority of the members of the bar, who have given the law their more undivided attention. His moral character is good. His influence has always been exercised on the side of temperance and sobriety. Though not a member of any church, yet he has liberally contributed to the erection of church edifices, and supported the ministers of the various denominations. He was an officer in the first Sabbath School in the town, and a charter member of the first Division of the Sons of Temperance organized in the county. As a man of truth and veracity, he has as many friends, perhaps, as any of the leading men of our community."

It is hardly necessary to add, that Captain Horn has gratuitously devoted much time and labor to the collection and

preparation of the "History of Davis County," the publication of which is concluded in this number of the "ANNALS OF IOWA," which, with other literary and military efforts, will constitute a signal monument of his patriotic character while living, and a lasting memorial of his virtues, when departed.

Seruis in cælum redeat.

S. S. H.

HISTORY OF DAVIS COUNTY, IOWA.

BY CAPT. HOSEA B. HORN, OF BLOOMFIELD.

CHAPTER II.

CLAIM LAWS.

The history of America furnishes ample proof that the several countries of which this Continent forms a part, were, by common consent of the whole civilized world, considered as lost goods, if ever owned by any people. It seemed to be the opinion of all, that, all that was necessary to place the title in such as were disposed to become possessed thereof was to find a place unoccupied, and when found, to occupy it. If the possessor's title should be questioned by any, it devolved upon him to make it good either by conquest, or purchase. And upon this principle and custom the *claim laws* of Iowa were founded.

At a very early day in Iowa, perhaps in January, 1839, the Council and House of Representatives of the territory passed a law recognizing the right of settlers on the public lands, and virtually declaring the *club laws* of the respective neighbors in full force and binding. That act provided that any settler could maintain an action in any of the courts for trespass, *quare clausum fregit*, ejection forcible entry and detainer, or forcible detainer, the same as if the *claim* had been sold by the general government, and owned by the plaintiff in

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