

## CLAIM OF BAZIL GIARD

By EDGAR R. HARLAN

A copy (translation) of the grant made by Lieutenant Governor Trudeau, a copy of the legal process, and a copy of the United States patent to the land, signed by President Van Buren, February 7, 1839, were exhibited at the fifteenth annual meeting of the State Historical Society of Iowa, June 23, 1873, at a commemoration of the two hundredth anniversary of the discovery of Iowa. The patent is the first given by the United States to any land in Iowa. It was sustained by the United States Supreme Court in 1856, against those holding under a "half breed" claim. A similar patent was given to the assigns of Basil Girard (sic) in 1844. These are the only instances in which a land title in Iowa is derived from Spain; in both cases the land fell to creditors of the original grantees.—*Iowa: The First Free State in the Louisiana Purchase*, By William Salter, 1905, p. 47.

We had not seen an authenticated record of the Giard claim before we encountered it in our state archives March 14, 1929. We herewith set out with the enclosures a copy of the certified record.

Recorder's Office,  
St. Louis, Missouri, 12th July, 1843.<sup>1</sup>

Sir:

I herewith enclose a copy of a letter from the Commr. of the Genl. Land office to me, and a copy of the copy of his letter to E. S. Haines Esq. Surveyor General at Cincinnati, which accompanied it both dated the 21st January 1841, relating to the claim of "Bazil Giard" of 6808½ arpens of land.

As the "separate plat" of that claim spoken of in the Commrs. letter, has not been received at this office; and thinking it probable that the Survey has not been executed, owing to no adequate description thereof having been furnished to the Surveyor General at Cincinnati, or to yourself: I herewith send you a full transcript of the claim as it appears on the books in my office,—excepting that the petition and concession are given in *English*, as translated from the French record thereof in this office,—marked A,—When the Survey is executed, you will be pleased to transmit a certified copy thereof to this office, as directed in the Commrs. letter to Surveyor Genl. Haines.

Very respectfully Sir,  
Your Obedt. Servant

To

James Wilson Esq.  
Surveyor General  
Dubuque, Iowa Territory

F. R. CONWAY,  
U. S. Recorder of Land titles  
in the State of Missouri.

<sup>1</sup>We follow the style of spelling, capitalization, etc., used in the original documents.

General Land Office,  
January 21st, 1841

Sir:

Herewith I enclose a copy of my letter of this date to the Surveyor General at Cincinnati, relative to the "Bazil Giard" claim embraced in Recorder Bates' Report of 2d Feby. 1816 (D. Greens Amer. State papers, Vol. 3, p. 293)

If the "Separate plat" has been received by you, or when you may receive it, I request that the Patent Certificate may be issued & returned to this office.

Very Respectfully,  
Your Obt. Servant,  
(Signed) JAS. WHITCOMB,  
Commissioner.

F. R. Conway Esqr.  
Recorder of Land Titles  
St. Louis,  
Missouri.

General Land Office,  
January 21st, 1841

Sir:

In my letter of the 16th June 1837, to your predecessor, in reference to the Survey of the "Bazil Giard" claim which is laid down on the plats in this office, of Town 95 Ranges 3 & 4 West of the 5th mer: (Iowa). I requested that he would "forward a particular plat of it, with the field notes to the Recorder of Land Titles at St. Louis, Missouri.

I request that you will inform me whether or not such a "Separate plat" has been sent to the Recorder. If not, that you will be pleased immediately to transmit a certified copy of it to the officer mentioned.

Very respectfully,  
Your Obt. Servant,  
(Signed) JAS. WHITCOMB,  
Commissioner.

E. S. Haines, Esqr.  
Surveyor General  
Cincinnati  
Ohio

"A"

Frederick Bates, Esqr. Recorder of Land Titles in the Territory of Louisiana: Sir: take notice, that Bazil Giard, claims title to a tract of land of six thousand eight hundred eight and half arpents, being equal to one league square, situate in the District of Saint Charles in the Territory of Louisiana, upon the west bank of the Mississippi river, nearly opposite to the Village of Prairie Du Chien, bounded as set

forth in a plat and Survey thereof herewith delivered, claimed in virtue of a Spanish Grant, Cultivation and improvement, and by the laws of Congress in such cases made and provided. St. Louis June 23rd, 1807.

BAZIL GIARD, by his Agent, R. Easton.

#### TRANSLATION OF PETITION AND CONCESSION

Bazil Giard's petition.—To Charles Dehault Delassus, Lieutenant Colonel of the Spanish troops & Governor of Upper Louisiana and its dependencies, &c &c. Humbly shows that your most obedient servant, the named Bazil Giard, subject of his Catholic Majesty, has since fifteen years, occupied a tract of land, situated about half a league from the river Mississippi, and has constructed buildings thereon, and made considerable expenses to improve the said land—The petitioner, who has a wife and three children, humbly asks from your goodness the concession for the said land, according to the privileges granted to the faithful subjects of his Catholic Majesty; and your petitioner, respectfully requests that you will inform yourself from the Citizens of St. Louis as to his Conduct and Character, since he became a subject of the King of Spain; and he hopes that said information will be such as to justify you in Granting his demand—and your petitioner shall feel it his duty, ever to pray for the preservation of your person. With all consideration and respect, your obedient servant.

Prairie Du Chien, October 15th, 1800.

BAZIL GIARD.

Saint Louis of Illinois, this 20th of November 1800—We Don Charles Dehault Delassus, Lieutenant Colonel of the armies of H. C. M. and Lieutenant Governor of the Western part of Illinois and dependencies &c—In virtue of the satisfactory reports to us made, as to the good conduct of the petitioner, and his fidelity to the Spanish Government since he is settled upon the domain of H. C. M.—do grant his demands, in order that he may peacefully enjoy his property, as well himself as his heirs, until he applies for the concession to my lord the Intendant by handing to us his petition, wherein he shall specify the number of arpens of land, he is settled upon, in order that a regular title may be furnished him, similar to all those which are granted in the name of H. C. M. to his faithful subjects.—And moreover, we recommend to the said petitioner to help with all means in his power, the travellers who should pass at his house, as he has done hitherto—and to preserve a good understanding between the Indian nations and our government, as well as to inform us with the greatest care of all the news which he shall gather, and which could affect the peace and property of our settlements. Done by us, in the Hall of our Government, the day and year as above—in faith whereof we have signed and affixed our seal.

CHARLES D. DELASSUS.

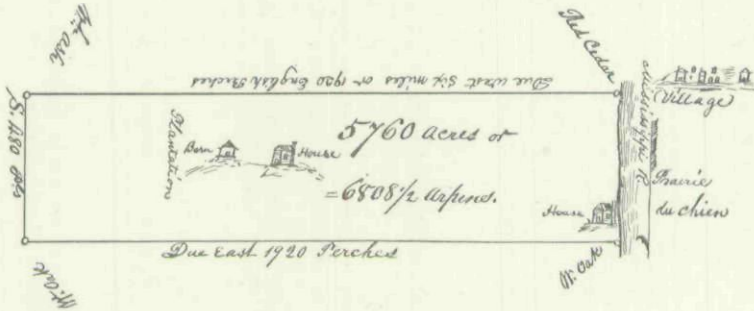
St. Louis, 11th July 1843.

I have correctly translated the foregoing petition and concession from the french record thereof, on pages 517 & 518 of Record book C, in the



office of the United States Recorder of Land Titles in the State of Missouri.

(Signed) ADOLPHE RENARD.



I do certify that the above Plat represents 5760 acres or 6806; arpens of land, being equal to one league square, situate in the Territory of Louisiana and District of St. Charles, on the West bank of the Mississippi river, opposite to the Village of Prairie Du Chien, which I platted at the request of the claimant. 3rd May 1807.

See Record Book C, page 518.

WM. RUSSELL, Sur.

Wednesday, May 25, 1808. Board met pursuant to adjournment. Present: The Hon. John B. C. Lucas, Clement B. Penrose & Frederick Bates.—Transcribed from testimony perpetuated on the rough minutes at a meeting of the Board on the 15th April 1808.

Bazil Giard, by his agent, Rufus Easton, claiming one league square of land situate in the District of St. Charles on the west bank of the Mississippi river nearly opposite the village of Prairie Du Chien—Produces to the Board a notice of said claim dated the 23d June 1807, a Concession from Don Carlos Delassus, Lieutenant Governor of Upper Louisiana, dated the 20th November 1800, by which it appears that said Lieutenant Governor Don Carlos Delassus grants to him such quantity of land as he, claimant, demands in his petition dated 15th October 1800, to wit: such quantity as has heretofore been granted to faithful subjects according to law and usages, and also a Plat representing said claim, dated 3rd May 1807.—Nicholis Boilvin, sworn says that seven years ago he was on the place claimed, that there was then on the place a small cabin and a piece of ground enclosed with a brush fence, about ten acres, that a hired man of Claimants was then residing on the place, and that there was corn and other things growing on the land at same time, that he has known claimant as a trader living at Prairie Du Chien twenty six years.

Pierre Dorion, Senr. sworn, says that in 1796, claimant had a plantation on this side of the river Mississippi, on a Bayou nearly opposite to Prairie Du Chien, which was generally reputed to be the plan-

tation of claimant, that claimant had on the place a House for his farmer, and also had stock on the place—saw a crop of corn growing at same time.—In the following year deponent was also on said place, which was then cultivated and inhabited by said farmer; that claimant has lived at Prairie Du Chien as a trader since 1779, that claimant has an Indian woman and children, does not know the number, but knows that he, claimant, raised them as his own.

Robert Dickson, sworn says that said land was inhabited and cultivated by some of claimants people ten years ago and ever since, for his use, and that there was a House and Barn on said land, that claimant had at least fifty acres in cultivation eight years ago and ever since, that claimant has never been disturbed in his possession by the Indians around him, that he has heard several Indians say that the land belonged to the claimant, that claimant resides a part of his time on the land claimed, Says that the original petition to the Lieutenant Governor, was written by him, deponent, at the time it bears date.—Laid over for decision.

Board adjourned till friday next nine o'Clock A. M.

JOHN B. C. LUCAS,  
CLEMENT B. PENROSE.

See Commissioners minutes book No. 3, pages 200 & 201.

Tuesday, June 5th 1810. Board met.

Present: John B. C. Lucas, Clement B. Penrose and Frederick Bates, Commissioners.

Bazil Geard, claiming one league square of land. See Book No. 3, page 200. It is the opinion of the Board that this claim ought not to be confirmed.

The Board adjourned till tomorrow 3 o'Clock, P. P.

JOHN B. C. LUCAS,  
CLEMENT B. PENROSE,  
FREDERICK BATES.

See Commrs. minute book No. 4, pages 363 and 366.

Recorder's Office,  
St. Louis, Missouri, 11th July, 1843

The foregoing is correctly copied from the book and pages therein referred to on file of record in this office—excepting the petition and concession, which are correctly copied from a translation made from the records in this office, by Adolphe Renard, Esq. Clerk and translator of the French & Spanish languages in the office of the U. S. Surveyor of Public Lands for the States of Illinois & Missouri.

F. R. CONWAY  
U. S. Recorder of Land Titles  
in the State of Missouri.

Opinions of the Recorder of Land Titles for Missouri terr. as to claims entered under act of 13th June 1812 & proven before 1st Jany, 1814 as provided by the act of the 3d March 1813.—Comprehending also the claims in the late District of Arkansas which by act of 2d Aug: 1813 were permitted to be entered until 1st Jany. 1814, and proven until 1st of July 1814.—Together with the extensions of quantity provided by 4th Sec. of the act of 3d March 1813, and confirmations under the act of 12th April 1814.

Warrant or order of Survey	Survey	Notice to the Recorder by Whom	Quantity Claimed
Con. fr C. D. Delassus, Lt. Gov. 20th Nov. 1800	Special Location	Bazil Giard	6898½ arpens
Where situated	Poss'n. Inhn. & Culn.	Opinions of the Recorder	
Nearly opposite Prairie Du Chien St. Charles	Poss'n, Inhn. & Culn. fr 1796 to 1808	Confirmed — if Indian right extinguished C. p. 517, Rept. 185	

Recorder's Office, St. Louis, Missouri,  
10th July 1843.

I certify that the above is correctly copied from book No. 2, page 39 except the caption, which is correctly copied from Book No. 1, page No. 1, being two of the "five small books," with the following endorsement on the first and also on the fifth book, believed to be the hand-writing of Frederick Bates, to wit: "These five small books are originals, in the proper hand-writing of the undersigned, being his decisions on land claims, since the adjournment of the late Board. "They were arranged & fairly transcribed for report to the Commissioner of the General Land Office, but not yet recorded in the books, because they have no authority till sanctioned by Government. St. Louis Nov. 1, 1815.

Frederick Bates. Recorder Land Titles." All on file in this office.

F. R. CONWAY

U. S. Recorder of Land Titles  
in the State of Missouri.

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