

ANNALS OF IOWA.

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(Continued from page 15.)

Soon after the meeting of the legislature in 1839, the proceedings of that body were interrupted by the death of William B. Conway, the secretary of the territory; and at that time there were no provisions by statute for any person to discharge the duties of that office in case of a vacancy. To meet this emergency, the legislature passed a joint resolution, appointing Charles Weston a fiscal agent, making it his duty to take charge of the office of the secretary, and perform the duties of that office, so far as practicable, until the vacancy should be filled by appointment from the president. James Clark, the conductor of the *Gazette*, received the appointment to fill the vacancy occasioned by the death of Conway, and immediately entered upon the duties of his office.

The death of Conway, and the appointment of Clark, so interrupted the chain of business in the secretary's office, that on the adjournment of the legislature, Clark, as the disbursing agent, was not able to pay the members their *per diem* allowance for services during the session. Before he could disburse money, Clark had to notify the president of his acceptance of the office, give bond, and receive a draft to draw the money from the treasury of the United States.

Many of the members had not the means to pay their bills and get home without receiving their pay, and the secretary, whose duty it was to pay them, at the time of the adjournment, had not money with which to pay them; and it was not probable he would get the necessary documents to enable him to get the money for several weeks. This, to many of the members, was a serious difficulty. To relieve the members of this difficulty, Van Antwerp, who at that time held the office of receiver, in the land office at Burlington, proposed to the legislature to furnish Clark with the requisite amount of money to meet the expenses of the legislature, if they would indemnify him against any loss by so doing. Upon this proposition the legislature passed a joint resolution, requesting Van Antwerp to advance to the secretary of the territory, from the public moneys in his hands, sufficient amount to pay the members and officers of that session, and pledged the faith of the territory to him for any amount he might advance to the secretary for that purpose, and instructed the governor to refund to him the money so advanced, out of the money he might receive, for the purpose of defraying the expenses of the legislature. So that, in this way, the members were enabled to get their pay, and relieve themselves of a financial difficulty, which for a while was very embarrassing.

There was none of the lands purchased from the Indians in Iowa brought into market till 1838; and although there had been many settlements made previous to that date, the fee simple title to the lands was in the United States, and the only title the settlers had was that of possession, or claim-title.

On the 12th of June, 1838, congress passed an act, making what afterwards composed the states of Wisconsin and Iowa, a district for a surveyor of public lands, and established his office at Dubuque. This country, previous to this time, had been in the Ohio district, and the surveyor general's office was kept at Cincinnati. This act made it the duty of the surveyor of Ohio to deliver all the maps and other documents relating to the public lands and private land claims in the new district, to the surveyor of this district.

Albert Gallatin Ellis, of Green Bay, was appointed in June, 1838, the first surveyor general of Wisconsin and Iowa. Elijah Duple, who had long been a clerk in the office at Cincinnati, brought from that office to Dubuque the maps and other documents which properly belonged to the new office, and became the chief clerk of the office.

Ellis only served about a year as surveyor general, when he resigned, and George W. Jones was appointed in his place. The maps and other things belonging to the new office were removed, and all other necessary arrangements were made, so that this office was opened for business in the latter part of the season.

Congress also, at the same time divided the country west of the Mississippi into two land districts, one of which was composed of all the lands south of the east and west line dividing townships seventy-seven and seventy-eight, which was immediately south of the township in which Davenport is located, and was called the Des Moines land district, the office of which was located at Burlington. Augustus C. Dodge, a son of Gov. Dodge, was appointed register, and Verplank Van Antwerp, of New York, receiver of the office at Burlington; and the lands north of this line were called Dubuque land district, and the office for this district was established at Dubuque. Joseph W. Worthington, of North Carolina, was appointed register, and Thomas McKnight, of Dubuque, receiver of the latter office. All the lands of the Black Hawk purchase of 1832, and those of Keokuk's reserve in 1836, and most of the lands of the purchase of 1837, were surveyed under the direction of the surveyor general at Cincinnati, before the office at Dubuque was opened for business.

These new land offices were opened for business soon after they were established, and an opportunity given to settlers on the public lands to prove up their pre-emption rights to lands they claimed, and in the latter part of the summer and fall all these lands were brought into market, and offered to be sold at public sale to the highest bidder. One dollar and twenty-five cents per acre was the minimum price at which any of the

lands would be sold, and at the public sale the person who would bid this amount, or more, became the purchaser. The lands were offered for sale in eighty acre tracts, and no less or larger quantity was offered at public sale at once. After the lands had been once offered at public sale to the highest bidder, and there was no purchaser found, then it could be entered in forty acre tracts at the minimum price, by any one who wished to make a purchase. Although the lands were offered at public sale to the highest bidder, they very seldom brought more than the minimum price, and particularly the lands claimed by settlers. The settlers being aware that if rival bidding was permitted in any one instance, it might become a general thing, and for self-preservation they formed strong combinations to protect each other, in order to procure the lands on which they had settled, at the lowest price. In some few instances attempts were made to bid on the lands claimed by the settlers, but, as a general thing, the parties who attempted it were summarily and decisively disposed of, and they were glad to retire from the contest.

The receipts of the land office at Burlington amounted to nearly a half a million of dollars within the first year after the office was opened. In the Dubuque district the receipts were not so large.

Most of those who came to Iowa before railroads were built, came by the river, and after a long and weary journey down the Ohio and up the Mississippi, they were inclined to stop at the first landings, and the southern part of Iowa, probably, from this cause, at first settled up much more rapidly than the northern portion. After the whites were permitted to cross over to the west bank of the Mississippi, the resources of Iowa were soon much known to the states, and immigration rapidly came from the east to the west; and the country settled up beyond the expectation of every one, and Iowa increased in population almost without a parallel. And owing to the increase in the price of land, most of the first settlers, who were of industrious and frugal habits, became wealthy, and in their declining days lived at their ease.

In 1839, congress made provisions for opening and bridging in Iowa, what were called military roads. One of these roads started from Dubuque, and passed through the county seats of Jones, Johnson, Washington and Henry counties, and thence to the northern boundary of the state of Missouri, to a point where it was thought would be most suitable for its extension to Jefferson City and St. Louis; and it provided for opening and bridging another road from Burlington through the counties of Des Moines, Henry (then Henry and Jefferson) and Van Buren, to the Indian Agency, near the river Des Moines. Subsequently there was an appropriation made by congress for a road from Muscatine to Iowa City.

For many years after the first settling of the country, the thoroughfares from place to place were but very little more than what they were by nature, and the travel, made them. Most of the streams crossed by these roads were bridged, which very much improved the facilities for traveling, and, compared with other roads in the territory, were extensively used. Appropriations were made for opening these roads by government, professedly for military purposes, so that troops, in case of war with the Indians, or were needed for other purposes, could be quickly moved from one portion of the territory to another. These bridges were built in a good substantial manner, under the direction of government engineers, and in the first settling of the country, were of very great benefit to travelers.

During the summer of 1840, the United States caused the census to be taken by the marshal, Francis Gehon, and the population at that time was found to be 43,114. After the census reports were made out, the governor thought proper to convene the legislature, for the purpose of making a new apportionment of its members. The legislature met in July, and made the following distribution of its members, which shows what portions of Iowa were most attractive to the first settlers.

Under this apportionment Lee county had two members of the council, and three representatives. The county of Van

Buren had two members of the council, and three representatives. The county of Des Moines had one member of the council, and five representatives. Henry county had one councilman, and three representatives. Jefferson county had one councilman, and one representative. The counties of Washington and Louisa had one councilman, and two representatives. The counties of Muscatine and Johnson had one member of the council, and two representatives. The counties of Cedar, Linn and Jones had one councilman, and two representatives. The counties of Scott and Clinton had one councilman, and two representatives. The counties of Dubuque, Jackson, Delaware and Clayton, had two members of the council, and three representatives.

There was but very little done at this session of the legislature, except the passing of local acts. There was a law enacted authorizing a vote in the territory on a proposition for taking the preparatory steps to form a state government. This vote was taken at the next election in 1840, but the popular sentiment at that time was in favor of territorial government. In 1840 there was much political excitement. The democratic party had had the ascendancy in the federal government for the past twelve years, and public patronage had been generally bestowed upon the members of that party; and particularly in Iowa, the federal offices were filled with democrats. Van Buren's administration had become unpopular with the people, and the whig politicians being anxious for place, there were great efforts made in 1840 to change the policy of the administration. Van Buren was the democrat, and Harrison the whig candidate for president. Public sentiment seemed to rapidly turn against Van Buren, and in favor of Harrison, and the result was that the latter was elected by a large majority. As soon as the result was known, there became a general scramble among the whigs for office, and nearly all the old officers throughout the country, from secretary of state down to the smallest post office, were turned out and whigs appointed in their places. And all the democrats in the territory that could be, were turned out of their offices,

to give place for whigs, which were mostly filled by strangers from the states.

John Chambers, of Kent cky, was appointed governor; O. H. Stull, of Virginia, was made secretary; James Wilson, of New Hampshire, received the appointment of surveyor general; and the land offices and other places were mostly filled by men not citizens of the territory. These appointments were made very soon after the new administration came into power, and the appointees, early in the season, moved into the territory, and entered upon the duties of their respective offices.

In the fall of 1841 Gov. Chambers was instructed by the president to hold a treaty with the Sacs and Foxes, with a view of purchasing all their lands in Iowa, and moving the Indians out of its limits. In pursuance of these instructions, the governor called the Indians together at their agency near the Des Moines river to make their payment, due them by the provision of former treaties, and to hold a council for the purpose of purchasing their lands. On this occasion there were between two and three thousand Indians assembled. The United States government ordered a company of dragoons to the agency, for the purpose of keeping order, and a good many whites from the settlements, some on business, and some for curiosity, assembled at the agency, and altogether, there was a large assembly of people, which with the governor and his suite, made quite an imposing scene. The Indians were fed on the occasion at the expense of the government, and all seemed to be in good spirits. They engaged in various sports, and seemed to regard it as a general holiday. Among these sports was one which they called smoking for horses. This was done by placing a large number of their men in a row, squatted down in a stooping posture, with their backs bare, when one of their number, leading a horse in one hand, and holding a switch in the other, would come within a reaching distance of those squatted down, and strike some one of the number with all his might over the bare back some three or four times. If the Indian hit with the switch cringed, or gave any indication of being hurt, the one with the switch

passed him by, and repeated the same performance on the back of another one, till he found one who would stand the castigation without flinching, and to him he gave the horse, when the receiver would rise from his squatting posture, mount the horse, and ride off with the cheers of the company. This was a very interesting ceremony with the Indians, and they became much excited with it. Those who succeeded in bearing the whip without flinching, seemed to think they had achieved great honor, while those who did not, felt themselves degraded. In this way there was quite a number of horses changed hands in a short time.

The Indians were kept together for council nearly a week, and every effort in his power was made on the part of the governor and his suite to effect a purchase of their lands, and provide a home for them in the north. But the Sacs^v and Foxes, either from a fear of the Siou^vx, or because they did not like a cold climate, hesitated about coming to any definite terms.

One morning when the chiefs were called together, it having rained the evening before, the air was quite chilly, and there was a cold, cutting wind blowing from the north-west, and the governor, when he came into the council, remarked to Keokuk that it was very cold, to which the shrewd old chief quickly replied, "that the Great Spirit had caused it to turn cold, that His people might have a foretaste of what they would have to experience if they sold their lands and moved north." This little incident had its weight, and was probably the means of preventing the purchase of their lands at that time, for the great obstacle seemed to be their objection to moving north. So this treaty proved a failure, much to the regret of those who were anxious to occupy some of the choice spots in the Indian country.

Only a small portion of Johnson county was embraced in the first purchase.

After the Indians moved to the west side of the Mississippi, there was a trading house established in the south-east part of the county, on the Iowa river, in Keokuk's^v reserve, near the western line of the first purchase. This trading house which

was under the superintendence of John Gilbert, was probably the first settlement in the county. Gilbert was a native of the state of New York, a good scholar, was possessed of business talents, and a man of more than ordinary ability. His real name was said to be John W. Prentice. He had been unsuccessful in business in his native state; this, with other circumstances, caused him to change his name and residence and come west. He entered into the employ of the Green Bay Trading Company, learned the Indian language, had the confidence of the company, and was sent to various points to trade with the Indians, and as a trader came among the Sacs and Foxes. He died in March, 1839.

In the fall of 1836, Gilbert, while on a visit to the town of Rock Island (then called Stephenson), fell in with Philip Clark and Eli Myers, and they went home with him. These men had traveled on horseback from Indiana, for the purpose of seeing the country and selecting a place in which to settle with their families. They were pleased with the country in the vicinity of the trading house, and that fall selected their claims and built cabins, preparatory for opening farms, and returned home. The next spring, accompanied by several of their neighbors, they moved out with their families; and they may be reckoned among the first permanent settlers of this county.

The site on which Iowa City was laid out was in the same purchase which was made on the 21st of October, 1837, and by the provisions of this treaty, the Sacs and Foxes were not required to give up possession of these lands till eight months after it was ratified by the senate of the United States, which was not done and proclaimed till the 21st of February, 1838; so that the Indians were rightfully in possession of the land when the capital was located. The town was laid out and surveyed under the direction of Thomas Cox, who was a member of the first legislature, and quite a noted character in the early days of Iowa. He was assisted in the survey by John Frierson, and the map of the town was drawn by L. Jackson. The surveyors commenced their work in the latter

part of June, but owing to the thick growth of timber on most of the grounds, the survey was not completed so that the lots could be sold, till the 18th of August, 1839. At this date, after due notice, there was held a public sale of lots. About the time of the first sale of lots, Walter^VButler and family came to the town and erected a building for a hotel, which may be regarded as the first public house erected at this point, and in early days he was regarded as one of the leading men of the place.

As yet, there were no laid out roads in this part of the country, and but few beaten paths by which the traveler could direct his course; and strangers frequently missed their way while crossing the large prairies, and this was particularly the case in traveling between the capital and Dubuque. To remedy this difficulty, Lyman^VDillon was employed to mark out this route; and with his prairie team he plowed a furrow the whole distance between the two places.

On the 1st of January, 1840, there were about twenty families settled in Iowa^VCity, and on the 11th of this month the contract for building the capitol was let to Rayne & Co., the individuals who had built the capitol at Springfield, Illinois, Skean and^VMcDonald, of this firm, came on in the following April with a large number of hands and commenced the work, which, with other improvements, gave the city quite a business-like appearance.

By the provisions of the treaty of the 21st of October, 1837 the United States were "to expend in breaking up, and fencing grounds, twenty-four thousand dollars," for the use of the Indians. And to carry out this agreement, in the summer of 1839, the general government, about sixteen miles west of Iowa City, broke up and put under substantial fence about a section of land. This was near where Poweshiek had located his village, and was for the use of his band. But this expenditure of money did the Indians but very little good, for through their neglect the fences were burned up, and the whole improvement soon went to waste.

On the 20th of June, 1841, the citizens of Iowa City were greatly elated by the arrival of the steamer Ripple, under the command of Captain Jones. This was the first steamer that ever thus far ascended the Iowa river. The occasion was celebrated by a public dinner and other festivities, in which about seventy-five persons participated.

The legislature, which met at Burlington in the fall of 1840, on the 13th of January, 1841, passed an act which required the next legislature to convene on the first Monday of the next December at Iowa City, provided the public buildings would be so far completed that the legislative assembly could be accommodated in them, or that other suitable buildings should be furnished, free of rent. In either case the governor was to issue his proclamation convening the legislature at that place.

After it was known that a law had been passed authorizing the convening of the legislature at Iowa City, early in the season of that year, Dr. N. Jackson, an old gentleman who had had some experience in an editorial life, went to Iowa City and started a democratic paper called the "Iowa City Argus," which was the first newspaper ever published at that place. Soon after the appearance of the Argus, William Crum started a whig paper, called the "Iowa Statesman."

Ver Plank Van Antwerp, who, in the early days of the territory took an active part in politics, and under the Van Buren administration held the receiver's office in the land office at Burlington, was ambitious of maintaining his political standing in the territory. And having been turned out of office by the new administration, and having no particular business to which he could turn his attention, associated himself with Thomas Hughes, who was a practical printer, and had been engaged in publishing a paper at Muscatine, went to Iowa City, and on the 4th of December, 1841, published a paper called "The Iowa City Capital Reporter."

Notwithstanding the great whig triumph which had been achieved the year before at the presidential election, the legislature of Iowa was largely democratic. At the meeting of the legislature there arose a fierce and bitter quarrel between

the proprietors of the two democratic papers and their friends, about who should have the job of doing the incidental print for the session; and several ballots were taken by the legislature without being able to elect a printer. At last, the democrats being desirous of having a paper to represent their party permanently established at the seat of government, and being satisfied that two papers of the same kind in politics could not be sustained, undertook to compromise the difficulty. And the proprietors of the two papers were induced to leave the dispute to their mutual friends, to settle their claims to the public patronage. The arbitrators agreed upon a compromise of the matters of difference, by deciding that the proprietors of "The Capital Reporter" should have the job of printing, on condition that they would purchase Jackson's press at a price fixed by themselves. Hughes and Van Antwerp thought the price exorbitant, but concluded to purchase the establishment at the price fixed, and combine the two offices into one. Van Antwerp, who conducted the editorial department of the paper, being naturally a man of high spirits, and desirous of having everything his own way, was not well pleased with the regimen he had to submit to, in order to get the public printing and permanently establish his paper. His feelings had become somewhat soured towards those democrats who had opposed his wishes and befriended Jackson, and after the matter of public printing was finally settled, Van Antwerp published in his paper some very severe strictures upon the course pursued by those who had befriended his opponent. And among the number whom the editor of the Reporter undertook to chastise through the columns of his paper, for what he deemed to be derelictions of democratic principles, was M. Bainbridge, a member of the council, from Dubuque. Bainbridge was one of the leading members of the council, and at a former session had been president of that body; and towards him the editor seemed to particularly vent his spleen, and said of him some very severe things. Bainbridge did not feel like quietly submitting to the castigations dealt out by Van Antwerp, but sought redress, and, one day meeting Van Antwerp in the

hall leading to the council chamber, commenced a personal attack upon him. Van Antwerp undertook to defend himself with a pistol, but before he could get it in a position to use, Bainbridge, being much the stronger man, wrenched the pistol out of his hand. Just at this time, Secretary Stull, hearing the noise, rushed from his office into the hall, and seeing Bainbridge take the pistol from Van Antwerp, bawled out at the top of his voice, "To the victor belongs the spoils." Bainbridge having deprived Van Antwerp of his weapon, was about to give him a severe drubbing, but the noise had attracted a number of the members of the legislature to the hall, and they separated the combatants before any serious injury was done to either party.

The last legislature which met at Burlington, about the close of the session, reviewed the acts concerning Iowa City and the capitol, and instead of three commissioners, they created the office of superintendent of public buildings, and territorial agent. The law which had been passed fixing the average price of lots at three hundred dollars was repealed, and the territorial agents, in conjunction with other persons, were to value the unsold lots in the city so as to make their average value two hundred dollars apiece. Chauncy Swan was appointed superintendent, at a salary of a thousand dollars a year, and Jesse Williams was appointed territorial agent, at a salary of seven hundred dollars.

At the organization of the territorial government, congress made an appropriation of twenty thousand dollars for the purpose of erecting the capitol building, and subsequently gave the section of land on which the town of Iowa City was laid out. The twenty thousand dollars, with all the proceeds of the sale of lots had been expended, and the territorial agent had borrowed five thousand and five hundred dollars from the Dubuque Bank, to assist in pushing forward the work on the capitol, but up to the time for the meeting of the legislature, the building had not progressed so that any part of it could be finished for use. The wall on the east side had been raised to the bottom of the cornice, it being thirty-five feet from the

ground; the west front and ends were thirty feet from the ground, and it was estimated it would cost a thousand dollars to raise them to the square. The foundation of the east portico was completed, and there was material enough purchased and on hand to nearly put on the roof and inclose the building, but it was estimated that it would take thirty-three thousand three hundred and thirty dollars to complete the entire building, and fifteen thousand dollars to finish two rooms forty-three feet long, by twenty-two and a half feet wide, so that they could be used for legislative halls. Great efforts were made to so far complete the capitol building that it could be used by the legislature the coming winter, but as soon as it was ascertained that it could not be done, rooms were furnished at private expense, and tendered to Gov. Chambers, and on the 1st of November he ordered the furniture used at Burlington to be removed to Iowa City, and issued his proclamation convening the legislature at the new capital. Iowa City at this time was quite a small place; there being but a few houses, the accommodations for members of the legislature and those who had occasion to visit the capital were not as commodious and extensive as many of them had been accustomed to in their native states. Provisions were scarce and hard to be got, and the requisites for comfortable entertainment in almost every respect were very limited, and there were great complaints by those who visited the place about the fare they received. The editor of the Hawkeye, James G. Edwards, fond of good living, wrote for his paper some very severe strictures on the landlords of the place, and complained that he could not get even a "drumstick of a chicken" at the dinner table, such being the scarcity of viands, and the number of hungry persons to feed.

(To be continued.)

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