

ANNALS OF IOWA.

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No. 1.

THE EARLY HISTORY OF IOWA.

BY CHARLES NEGUS.

(Continued from page 326.)

At the first legislature of the territory there was a great deal of sparring between the members of that body, and the governor and secretary of the territory. This difficulty first commenced with the secretary. The council passed a resolution requiring the secretary to furnish their body with knives, stamps, folders, tin cups, &c. The secretary not being able at the time to furnish these articles, addressed a communication to the council on the subject, in which they were informed that the secretary had made arrangements to procure the necessary stationery for the use of the legislature, in Cincinnati, but owing to the low stage of water in the Ohio, the things ordered had not been received. The secretary in his communication said, "The navigation of the Ohio was entirely suspended; this was the act of God, whose holy name is pronounced with deep reverence, and to whose holy will it is our duty to submit. Human power cannot resist the dispensation of His providence, nor can human wisdom counteract His unfathomable designs." The secretary informed the council that he had been to St. Louis, "and returned in spite of every peril;" that "much exertion had been made to procure knives in Burlington, but," said he, "knives of suitable finish

and quality could not be procured in town, nor can sufficient knives of any quality be obtained; and the secretary cannot make knives—if he could, he would do so with expedition and pleasure;” that “it was the earnest and anxious wish of the secretary, that all the members should have knives, and stamps, and folders, and all and singular such thing or things, device or devices whatever, as may facilitate the operation of the hands in yielding assistance to the deliberations of the heads;” that in relation to “that part of the resolution which related to extra inkstands and tin patty-pans, can, and shall be promptly complied with.”

This communication of the secretary greatly insulted the dignity of the council, and the matter was referred to a special committee, of whom Stephen Hempstead (afterwards governor) was chairman. The committee after due deliberations, made their report, in which they set forth that the secretary's communication was “of such a nature as to call forth a severe animadversion upon its tone and spirit;” that “the evident intent of that communication was not only to treat the resolution adopted by the council, with irony and contempt, but at the same time to convey the idea that the articles asked for by the resolution were unnecessary and unimportant.” The report went on to show that the house in which they held deliberations, was not properly furnished; that the secretary had used his influence to prevent the council from obtaining things without his sanction, and “that the honorable secretary of the territory might rest assured that the present legislature will not tamely submit to the insults and derisions of any officer of the territory, and they at all times will defend to the last their honest rights, and the liberty of the people, whom they have the honor to represent.”

This report of the committee was unanimously adopted.

The controversy about knives, &c., though fiercely commenced, did not last long. The secretary, through the intervention of Judge Wilson, apologized to the council and withdrew the objectionable paper, and the council let the insult to their dignity pass without further notice.

But this matter had hardly been adjusted before another difficulty arose implicating the governor with the secretary. The legislature passed a joint resolution "that the secretary of the council and chief clerk of the house, should receive six dollars per day for their services in this assembly, and each of the additional clerks, sergent-at-arms, door keepers, messengers and firemen, should receive three dollars per day, to be paid by the secretary of the territory, upon the presentation of a certificate of their services, signed by the presiding officer of the house in which they served, and countersigned by the secretary or clerk. The secretary, doubting whether this would be a sufficient authority for him to pay out money, referred the matter to the governor, and the governor gave him his opinion in writing, in which he took the ground that the secretary ought not to disburse the public moneys, under that authority. And the secretary being sustained in his views as to the disbursing of the public moneys, by the written opinion of the governor, sent to the legislature a communication informing that body that he did not feel authorized to pay out money under such authority, and to sustain his views sent with the communication the written opinion of the Governor.

This counseling of the governor was considered by most of the members of the legislature, as interfering with their prerogative, and a matter of so great importance that there was a joint convention of the two houses held, to devise ways and means by which to protect their rights against the supposed encroachments of the governor. This convention passed resolutions expressive of what they considered to be the rights of the legislature, and in their discussions many of the members severely animadverted upon the part which the governor had taken in this matter.

The attacks made upon the governor at the fore part of the session probably caused him to be a little prejudiced in his feelings towards the members, and less disposed to yield his opinion of what he conceived to be right, to the wishes of that body, than he would have been had there been no misunder-

standing between them. And from the time of this joint convention, instead of reconciling the strife which had been engendered between his excellency and the legislature, the quarrel became sharper, and more bitter, until the adjournment.

Governor Lucas being an old man, and having occupied the gubernatorial chair in Ohio, thought himself better versed in making laws, and what was for the best interests of the territory, than most of the members of the legislature, who were young men and inexperienced as legislators, and all laws which they passed that did not entirely meet with his approbation, he vetoed. And by the provisions of the organic act of the territory, it was necessary that the governor should approve of all bills passed by the legislature, before they could become laws, so that his veto was absolute, and no act of that body could become a law without his consent. For the purpose of harmonizing differences, there was a joint committee appointed by both branches of the legislature to consult with the governor and prepare a bill to regulate the intercourse between the legislative and executive parties of the territorial government. After a consultation with his excellency, a bill was prepared by the committee, with such restrictions and provisions as met with his approbation; but when it was brought before the legislature there were some very material alterations made in the bill, which were very obnoxious to the governor, and when it was presented to him for his approval, he refused to sign it, and returned it to the house in which it originated; and in his veto message he laid down the rules by which he would be governed in relation to acts presented to him for his approval.

He informed the legislature that all bills submitted to him would be carefully examined, and, if approved, would be deposited in the secretary's office; but he said if "special objections are found, but not sufficient to induce me to withhold my assent from the bill, a special note will be endorsed with my approval. Bills that may be considered entirely objectionable, or of doubtful policy, will be returned to the legislative

assembly with my objections, at such times and in such manner as I may from time to time deem most advisable."

This veto message fanned the flame of strife already enkindled, and many of the members became very bitter towards his excellency.

Among the many acts vetoed by the governor, was an act requiring him, when a bill was presented to him for his approval, to inform the legislature of his approval thereof, or if he did not approve of it, to return the bill with his objections; an act authorizing the postmaster at Davenport to have the mail carried from that place to Dubuque twice a week in two-horse post coaches; a joint resolution making the secretary of the territory a fiscal agent of the legislature, authorizing him to pay out money without an appropriation, to the members and officers of the legislature.

The feelings of the members were so bitter towards the governor because he kept them in check by his vetoes, that there was a special committee appointed in the house, on vetoes, of which James W. Grimes (afterwards governor and U. S. senator) was the chairman. The organic act provided that the governor "shall approve of all laws passed by the legislative assembly, before they shall take effect." On this provision of the law the committee made a lengthy report, in which they took the ground that the words "shall approve all laws" meant that it was his imperative duty under the organic law, to approve of all acts passed by the legislature of the territory, and that the mere fact of the governor vetoing them, or withholding his approval, did not prevent the acts of the legislature from becoming laws, but was a neglect of duty on the part of the governor.

And this report of the committee was concurred in by the House by a vote of sixteen to six—Bailey, Beeder, Brierly, Coop, Frierson and Paterson, voting against it.

These acts, and the abuse of the legislature, did not intimidate the governor in the discharge of his duties, being actuated with a desire to do what he supposed was right, and let those of the future judge of the wisdom of his course.

When the members of the legislature found they could not control the governor by resolutions, reports of committees, and abusive speeches, their next move was to remove him from office.

Bankson introduced a resolution in the house, in which was set forth that whereas it was known to the legislature "that Governor Lucas had been writing notes and explanations on sundry laws adopted by the legislature," and also setting forth that these acts of his were "an unwarrantable encroachment upon the judicial department of the territorial government, as well as an insult and rude invasion of the rights of the legislature,"

"Therefore, resolved, that Robert Lucas is unfit to be the ruler of a free people, and that a select committee be appointed to prepare a report and memorial to the president * * * * praying in strong terms for his immediate removal from office."

This resolution was adopted by a vote of twelve to ten, and Bankson, Hall, Summers, Taylor and Nowlin, were appointed the committee. The committee, after due deliberation, made their report requesting the president for various reasons* to remove the governor from his office.

*This report set forth, that he has refused to place his signature to laws the most salutary and essential to the public good, without even designing to make known to your memorialists his objections thereto.

That he has withheld others of equal importance, without giving your memorialists to understand what, or whether any executive action has taken place in regard to them, and that, too, as your memorialists believe, with a view to subject their entire action to his will.

That he has virtually declared himself paramount to your memorialists the representatives of the people, by expressly avowing in official communications to your memorialists, that independent of his excellency they have no power.

That he has usurped the judicial authority by assuming to dictate, in notes appended to his approval of many laws, the construction which should be given to such laws.

He has refused officially, in a coarse and uncourteous manner, to inform the legislative assembly what laws had received his sanction.

He has refused to consider recommendations of appointments for office, from members from the district, or county, in which the applicants reside, and indirectly avowed his determination not to regard such recommendations.

He has refused to converse with, or speak to members of the legislative assembly when waiting on his excellency in relation to public business with which they were charged by the body to which they belonged.

He has from the commencement of the session of the legislative assembly, on various occasions, and to all manner of persons, anticipated the actions of the executive depart

There was a majority in both branches of the legislature who were opposed to the governor, and the memorial was adopted and forwarded to the president.

In these proceedings the governor was not without some friends who strongly opposed the adoption of the report of the committee, and they claimed the privilege "to forward a counter memorial to the president on the same subject, and to spread their protest on the journal of the house;" but their request was refused, when eight of the members of the house, in their private capacity, got up a protest in which they reviewed the memorial, and denied or explained most of the charges preferred against the governor, so that from the protest, or some other cause, President Van Buren did not see proper to remove the governor from his office, and he held it till there was a change in the administration of the federal government.

The difficulties which had arisen between Governor Lucas and the legislature, from his too frequent use of the veto power, and the complaints made by the latter, induced Congress to make some amendments to the law organizing the territory; and on the third of March, 1839, they passed two

ment in regard to public measures, before they were regularly or officially before him and that, too, in a manner indicative of a design to make the legislative assembly subservient to his will, regardless of their own conviction of duty, and their responsibility to their constituents. And those declarations have been made in many instances to strangers, and visitors to our territory, who have no interest in common with us.

While he has been officiously scrupulous in relation to disbursements of money for the payment of the usual expenses of the legislative assembly, he at the same time sent his own bills to the secretary for payment, without the authority of law.

He has declared to members of the legislative assembly his determination to veto all laws for which he would not vote as a member of the assembly, thereby placing his isolated opinion in opposition to that of the representatives of the people, as well in matters of mere expediency, as principle.

He has appointed and nominated to office, persons from abroad, who were neither domiciled among, nor had they any interest in common with the people of Iowa, and some of the persons thus nominated or appointed, were connected with his excellency by intimate ties.

He has manifested such a total want of ability, not only to govern in time of peace but more especially to command in time of war, as is justly calculated to inspire your memorialists, and their constituents, with alarm for the security of their country, bordering as it does, on the very confines of savage, warlike, and powerful tribes.

"Wherefore, in consideration of the above recited facts, the president is asked to remove his excellency, Robert Lucas, from the office of governor of Iowa territory."

acts by which it was provided, that every bill passed by the council and house of representatives should be presented to the governor, and if he approved it, the same should become a law; if not he should return it with his objections to the house in which it had originated, for reconsideration, and if both branches of the legislature passed it by a two-thirds vote, it should then become a law without the approval of the governor.

They also made provisions for authorizing the legislature to pass laws permitting the people to elect the sheriffs, judges of probate, justices of the peace, and county surveyors.

There was likewise a law passed authorizing the delegate (William W. Chapman) who was elected at the time of organizing the territory as representative to congress, to hold his seat till the eleventh day of October, 1840, and made provisions that the next representative, after Chapman's term expired, should only hold his seat till the fourth of the next March, after which the term should be the same as other members of congress, for the period of two years.

The legislature was not slow in taking advantage of these acts of congress, for at their next session, about the first thing that claimed their attention was to make provisions authorizing the people to elect their sheriffs, judges of probate, justices of the peace, and county surveyors; and by these acts the governor was very much curtailed in his power and influence in the territory.

When Keokuk and his associates, after making the treaty of 1837 for the purchasing of another tract of land, came back from the east, Black Hawk did not return to their village on the Des Moines river, but spent the winter on Devil creek, in Lee county. The old man, doubtless feeling his degradation, preferred to be isolated from those whom he had been accustomed to command, and erected his lodge for the winter in the settlements some forty miles from the boundary of the Indian country, where with his own family, and a few favorite braves, they made a temporary residence. His family consisted of his wife, two sons, Nash-she-ar-kuk and

Sam-e-sett, a daughter, Nan-ne-qua, and her husband. Black Hawk's companions passed their time mostly in hunting deer, turkeys and prairie chickens, which were very abundant and afforded them a good supply of provisions, while he spent most of his time in fixing his cabin and exercising his skill with mechanical tools. In the spring of the year 1838, he removed into the Indian country, and built his lodge on the Des Moines river, a short distance above the old Iowa Indian village, where was subsequently laid out the town of Iowaville. "Here he had a very comfortable bark cabin, which he furnished in imitation of the whites, with chairs, a table, a mirror and mattresses. His dress was that of the other chiefs with the exception of a broad-brimmed black hat, which he usually wore." He kept a cow and adopted many of the habits of civilized life. During the summer he cultivated a few acres of ground, and raised quite a crop of corn, melons, and other vegetables. His lodge was often visited by the whites who were always received by the old chief hospitably, and treated to the best his cabin afforded.

On the fourth of July, 1838, the citizens of Fort Madison got up a celebration and gave Black Hawk a special invitation to attend, which was accepted, and the old man was decidedly the lion of the day. At the dinner table he was complimented with the following toast:

"Our illustrious guest, Black Hawk—may his declining years be as calm and serene as his previous life has been boisterous and full of warlike incidents. His attachment and friendship to his white brethren may fully entitle him to a seat at our festive board."

In reply to which he arose and said:

"It has pleased the Great Spirit that I am here to-day. I have eaten with my white friends. The earth is our mother; we are now on it, with the Great Spirit above us—it is good. I hope we are all friends here. A few winters ago I was fighting against you; I did wrong, perhaps, but that is past; it is buried—let it be forgotten. Rock River was a beautiful

country ; I liked my towns and my cornfields, and the homes of my people ; I fought for it—it is now yours ; keep it as we did ; it will produce you good crops. I thank the Great Spirit that I am now friendly with my white brothers ; we are here together, we have eaten together, we are friends. It is His wish and mine ; I thank you for your friendship. I was once a great warrior, I am now poor ; Keokuk has been the cause of my present situation ; but do not attach blame to him. I am now old ; I have looked upon the Mississippi river, I have been a child ; I love the great river ; I have dwelt upon its banks from the time I was an infant, I look upon it now. I shake hands with you, and as it is my wish, I hope you are my friends.”

Early in October, 1838, the commissioner for adjusting claims with the Sac and Fox tribes, was to meet them at Rock^v Island, and most of the Indians were there on the first of the month. Black Hawk had been taken sick with a violent bilious fever, and was unable to go with them, and on the third of October, after a sickness of only seven days, he died. His wife, who was much devoted to him, was deeply distressed during his sickness. She seemed to have a presentiment that he was about to leave her, and said some days before he died : “ He is getting old ; he must die. Monotah (God) calls him home.” After he was dead his corpse was dressed in the uniform which had been given him when at Washington, and placed upon a bier, made of two poles with bark laid across them, and carried by four braves to his grave, “ followed by his family and about fifty of the tribe ” (the chiefs all being absent), who were deeply affected at the death of their once powerful and distinguished chief. “ The grave was six feet deep, and of the usual length, situated upon a little eminence, about fifty yards from his wigwam. The body was placed in the grave in a sitting posture, upon a seat constructed for the purpose. On his left side the cane given him by Henry Clay was placed upright, with his right hand resting upon it. Many of the old warrior’s trophies were placed in the grave, and

some Indian garments, together with his favorite weapons." The grave was then covered with plank, and a mound of earth several feet high, "sodded over with blue grass sod," raised over the spot. At the head of the grave there was raised a flag-staff bearing the national flag, and at the foot there was placed a post on which there was inscribed in Indian characters, many of the warrior's heroic deeds, and his age, which was supposed to be about seventy-two years; and the whole was inclosed with a picket fence about twelve feet high.

But his remains were not permitted to rest in quietude in their narrow abode to which his friends had consigned them. A Dr. Turner, a resident of Lexington, Van Buren county, from pecuniary motives, disinterred them and carried away all the bones, with the trophies and habiliments which had been deposited in the grave, with a design of taking them through the country to exhibit for money. The whole nation, and particularly the family of Black Hawk, were very much incensed at the desecration of the grave of the distinguished chief.

After it was found out that the remains of Black Hawk had been taken away from the place of their deposit by some white man, about fifty of the principal Indians of the nation visited Governor Lucas at Burlington, and had a council with him. Nash-e-ar-kuk, the son of Black Hawk, in relation to his father, said to Governor Lucas: "I wish to speak with you about the white people, and let you know the white people have taken away my father's remains from the grave. I do not like it, and there is not any one of my father's family that likes it. We did not think any white man would be guilty of this. They came in the summer and took away his head, and they have come since in the fall and taken away his body. We wish the governor to try and find out who has done it."

A person who was present at this conference says:

"Although not a chief, young Black Hawk appeared to be the chief among the *nobility*. When he stood up to speak of the desecration of his father's sepulcher, and stealthily remov-

ing his father's head in the summer, and coming again and taking away the remainder of his body at another time, we imagined him to be a complete personification of *grief*, telling to a sympathizing audience his tale of woe. The recital of this sacrilegious act sent a thrill of horror through the whole assembly, which was very large and respectable."

Gov. Lucas, upon being informed of the outrage upon the grave of Black Hawk, immediately took measures to have the wrong redressed. He succeeded in getting possession of the remains, but not in punishing the offender. The governor informed the friends of the deceased that he had obtained his bones, and that they were at his office ready to be delivered to them. They expressed much gratitude to the governor for what he had done, but on account of some superstitious notions entertained by the Indians, they never took them away. The bones, clothes, and some other things which had been deposited in the grave, were kept in the office of the governor at Burlington, for some time, and were afterwards given in charge of the Historical Society formed at that place, and in a conflagration were consumed by fire, with many other valuable collections of the society.*

The Sac and Fox Indians, having disposed of all their lands bordering on the Mississippi, most of the nations located themselves in the valley of the Des Moines river; and the general government thought it advisable to establish an agency nearer this settlement than the old one at Rock Island, and during the summer of 1838, buildings were erected and there was an agency established in that part of the Indian country of which Wapello county was subsequently composed, and near the site of the town of Agency City. Gen. Joseph M. Street, who previous to the establishment of this agency had been Indian agent for several years, was appointed to take charge of this station.

* The author of this sketch of Black Hawk has spent much time and labor to get a true knowledge of facts, and finds many conflicting statements about the last events of this great warrior, especially in those written of recent date. The statements as to the time of his death on pages 50 and 420 of the Annals, are certainly incorrect. The history here furnished has been gathered from statements which were written about the time the incidents happened, and are believed to be correct.

At this place, under the direction of Gen. Street, a large frame house was erected for the use of the agent, a blacksmith shop, a gunsmith shop, and other buildings necessary for the agency, at the expense of the government. And Gen. Street also made a large farm near his residence, on the Indian lands. And not far from the agency house there was built a large two-story log dwelling house, and stables and other buildings necessary for farming purposes, and a large tract of land fenced and put into cultivation for raising produce for the Indians, which were occupied and carried on by individuals in the employment, and under the pay of the United States. This was called the "pattern farm." The object of the government in carrying on this farm, was to set the Indians a pattern in agriculture, and induce them to turn their attention to cultivating the soil. Besides these improvements there were other buildings put up, and farms made at private expense by those connected with the agency, or the trading establishments. Joseph Smart, who was interpreter for the Indians and had a squaw for his wife, built a large log house near the agency house, in which he lived and kept public entertainment for the accommodation of those who visited the agency. And about four miles below, where the town of Eddyville was subsequently laid out, John Goodell, the interpreter for Hard Fish's band, built a house and made quite an extensive improvement.

Government also caused to be erected two grist mills for the use of the Indians; one on Sugar creek, about two miles below Ottumwa, on the north side of the Des Moines, which was under the care of Jeremiah Smith, sen., who opened a large farm near the mill. The other mill was built on the south side of the Des Moines, on Soap creek. The former mill was carried away by the flood soon after it was built, but the latter remained for many years after the country was settled by the whites, and became the property of James Jordan. In addition to these improvements by white men, three of the Indian chiefs, Keokuk, Wapello and Appanoose, had each a large field enclosed, the two former on the west side of the river, about three miles below Ottumwa, near their vil-

lage; the latter had his village on the present site of Ottumwa, and had a field enclosed immediately below.

The same year that the agency was located at this place, the Ewings and Phelps, two old Indian trading firms, established trading houses on the east bank of the Des Moines. The Ewings's house was about two miles below Ottumwa, and under the superintendence of — Hunt; while the Phelps's house was about a mile below the Ewings's and was under the management of William Phelps. Soon after these trading posts were established, J. P. Eddy obtained a license, and opened a trading house on the site where the town of Eddyville was subsequently laid out. Near this location, on the east side of the river, was the village of Hard Fish, and on the west side of the river, about a mile above, was the village of Wab-e-kei-shiek, the prophet. The Indians under these chiefs were those who were formerly the friends, and adhered to Black Hawk.

At this agency, established by the government through Gen. Street, councils were held and business transactions carried on with the Indians till after they sold their lands and moved away. There had been a council of the Indians at the agency to settle the mode by which the Indians should receive their annuities. Gen. Street had been unwell for some time, and during the sitting of the council became so much indisposed that he was unable to sit with them, till it closed. But his friends did not think him dangerously ill, and on the afternoon of the day on which the council adjourned, he took a ride. Shortly after his return to the house he was attacked with a fit of apoplexy, which carried him off in a very few minutes, and he ended his earthly career Tuesday evening, May the 5th, 1840, in the fifty-eighth year of his age.

Gen. Street was first appointed Indian agent in 1827, and continued in the employment of the government as their agent with different tribes up to the time of his death. While stationed at Prairie du Chien he had the agency of the Winnebagoes and the Menominees, and used great efforts to improve the moral and intellectual condition of these tribes.

Through his influence schools were established among them, and they were furnished with implements of husbandry, and were instructed in the mechanical trades. The Indians regarded him as their devoted friend, and were very much distressed at his death.

The relations of the deceased were about to take his remains to a settled part of the country for interment for fear that the lands about the agency might subsequently pass into the possession of those who would have no respect for his remains, and his grave might be disturbed. But the Indians were desirous that he should be buried in their country, and on learning the apprehensions of his friends gave their solemn pledge that his grave should be respected. And this pledge was faithfully kept, for when they disposed of their lands to the United States, they peremptorily refused to sign any treaty unless there was a reservation of land to Mrs. Street including the grave of her husband. And in accordance with the desire of the Indians, Gen. Street was buried at the agency, near the dwelling house, on a spot of ground which had been inclosed for a garden.

(To be continued.)

HISTORY OF LINN COUNTY.

BY F. SNYDER, LE CLAIRE, SCOTT CO., IOWA.

The writer makes no pretensions as to *minutiae* in writing history of this kind, as his sketch of Jackson county, published in Vol. VII. of the Annals, will show. But his observations, and what he has learned concerning the history of Linn county during the past ten years, may be worthy of note, leaving a more particular description of the county to some "old settler."

Linn was one of the sixteen counties represented in the first legislative assembly of Iowa, which convened at Burlington, November 12, 1838. The population in that year was 205, which has increased to nearly *thirty thousand* in 1869. Linn county is bounded on the north by Buchanan and Delaware

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