

This unprecedented result was accompanied by the startling announcement that Jackson county, for the first time in its history, had failed to support the democratic ticket.

The sequel is obvious. The Cedar county candidate was elected by a large majority, toward which Jackson county contributed her proportionate share, a result due, in some measure, to the absence of the Garry Owen vote.

PIONEERS OF MARION COUNTY.

BY WM. M. DONNEL.

CHAPTER IX.

(Continued from page 136.)

COUNTY OFFICERS — FIRST SESSION OF COMMISSIONERS' COURT — FIRST BUSINESS TRANSACTED — CHANGING THE NAME OF THE COUNTY SEAT — THE ROSE ANN MCGREGOR CASE.

The officers chosen at the first election (the first Monday of September, 1845), were the following:—

Conrad Walters, William Welch, David Durham, *County Commissioners*.*

*The election at which these officers were chosen was a *special* election, and their terms of office expired at the August election in 1846. Then, by an old act of the territorial code, regulating the terms of county commissioners, the one receiving the highest number of votes served three years, the next highest two, and the lowest, one. At the regular election (at the date above mentioned), Samuel Tibbet received the highest number of votes, David Durham the next, and Hugh Glenn the lowest. By authority of an act of the state legislature in 1846-7, the county was required to be divided into commissioners' districts, which was accordingly done at the April term, 1847. All that part of the county north of the river was made to constitute one district, and, in 1847, Thomas Pollock was elected therein to take the place of Hugh Glenn. All that part of the county south of the river and east of the line between ranges nineteen and twenty constituted the second district; and all south of the river and west of said line, constituted the third. Martin Neel was elected commissioner from the second, in 1848, and Miles Gordon from the third, in 1849, as will appear in a list of county officers in another place. At the same date, all of Warren county, which then belonged to Marion, was declared "Warren Precinct," and all the territory west of Warren, also belonging to Marion, was called "Black Oak Precinct."

Sanford Doud, *Commissioners' Clerk*.

Francis A. Barker, *Probate Judge*.

James Walters, *Sheriff*.

David T. Durham, *Treasurer*.

Reuben Lowry, *Recorder*.

Isaac B. Power, *Surveyor*.

Green T. Clark, *Assessor*.

Wellington Nassaman, *Coroner*.

About two hundred votes were polled at this election, and the probable population of the county was about twelve hundred.

For some reason, Sanford Doud, elected as county commissioners' clerk, failed to appear and be qualified in due time, and Lysander W. Babbitt was appointed in his stead, at the first meeting of the board, which was on the 12th of September, 1845. The records, in Mr. B.'s hand, from which we obtained the matter for a large portion of this chapter, are still to be seen in the office of the probate judge, in a good state of preservation.

At the date above mentioned, the commissioners met at Knoxville for business. That place had just been selected by the commissioners appointed in the act given in the preceding chapter, as the seat of justice for Marion county. The house in which the first session was held is described as a "claim pen," made of linn poles, about twelve by sixteen feet square, chinked and daubed in the usual manner of enclosing such buildings, covered with "clapboards," and a square hole cut in the side wall for a window, that could boast of neither sash nor glass. This cabin stood in what is now block thirty-three, in the east part of the city.

As a matter of historical record, we here introduce a *verbatim* copy of the first entry made upon the minute book of this court. The first meeting of the first commissioners' court was, certainly, a sufficiently important event in the history of the county, all circumstances considered, to be distinctly remembered, and the tone of the preamble seems to have emanated from a due appreciation of this fact:—

“Be it remembered, That on the 12th day of September, A. D. 1845, Conrad^v Walters, David^v Durham, and William^v Welch, county commissioners, duly elected and qualified within and for the county of Marion, in the territory of Iowa, met at Knoxville, the seat of justice for said county, for the purpose of holding a called session of the county commissioners' court of said county.”

The court was then opened by L. C. Conray^v, deputy sheriff, and the only important business transacted related to the county seat. The two commissioners who had made the location presented their report, which was received and placed upon file. It was dated August 25th, and designated the north-west quarter of section seven, township seventy-five, range nineteen,* as the most suitable place for the seat of justice for Marion county. This was on a high, level prairie or plateau, about one mile south of the exact center of the county, and in the near neighborhood of excellent timber, so that no better location for the convenience of the people then, and for all time to come, could have been selected. For those living north of the Des Moines river it may be deemed more or less inconvenient to reach it at certain seasons of the year, when that stream is an obstruction to travel; but this difficulty could not have been overcome by any other location; it was one that could not be moved, but might be materially modified by ferries and bridges.

Within the last few years, some of the citizens north of the river have spoken favorably of dividing the county and erecting a new one from the strip of territory lying between Des Moines and Skunk rivers, consisting of parts of Mahaska, Jasper, and Marion counties, thus obviating the necessity of crossing either of those streams to reach their county seat. But it appears evident that the expense of organizing a new county of such a narrow, irregular shape, and maintaining its government at, necessarily, the same cost of larger counties,

* Though the country had not yet been sectionized, the locality above described could be easily ascertained by its nearness to the north-west corner of the township, lying only one mile south of that point.

would be much greater than that required to build a substantial bridge at each of two or three convenient places across the Des Moines and Skunk; or, if bridge building is found to be impracticable, let a portion of the business requiring the attendance of the people living there, at the county seat, be transacted at some given point north of the river. This is a digression from the true line of our history, but, in our opinion, not less important. We deprecate a division of the county as tending to no beneficial results.

The locating commissioners suggested the name of Knoxville for the county seat, in honor of the memory of General Knox, a distinguished leader in the war for independence, and the authorities of Knoxville afterwards complimented the commissioners by naming two of the principal streets crossing east and west, Montgomery and Robinson.

The name of Knoxville proved generally satisfactory to all concerned except to one individual — L. W. Babbitt — who seems to have had a preference for odd or uncommon names. Some time after, when he kept the post office there, he thought the liability of mistaking Knoxville, Iowa, for some other place of the same name — for instance, the one in Tennessee — in the posting of mail matter, would justify him in obtaining a change of the name. So, having business in Iowa City on the occasion of the first session of the state legislature, in the winter of 1846-7, he there took the opportunity, on his own responsibility, to solicit an act of that body legalizing the change. Having drafted a bill to that effect, he presented it, and had the satisfaction of seeing it adopted. On his return home, he first stated to D. T. Durham, who attended to the post office and clerkship during his absence, that such was the fact — that Knoxville was no more Knoxville, but Osceola. But so soon as this unauthorized transaction was publicly known, the people were much displeased thereat, and not in the least disposed to pocket the joke. As speedily as possible, a petition was extensively circulated and signed, asking for the repeal of this change, and sent to Iowa City by the hand of James Willes, who delivered it to Hon. Simeon Reynolds, representative from Marion. Mr. R.,

in response thereto, drafted and presented a bill to repeal the name of Osceola, but, by an oversight (which was also the fault of the petition), failed to reinsert the name of Knoxville. The act passed; but now, a worse joke was apparent, from the fact that the repeal of the last name did not restore the former, and, therefore, Knoxville was neither Knoxville nor Osceola. But, after the joke had run a brief season, the matter was readjusted, and Knoxville was herself again.

At the second session of the board of county commissioners, which was on the second Monday of October, a subject of peculiar interest was brought up, by an order, which is said to have been originated by the noted Babbitt, whose exploits have, somehow, rendered him a prominent personage in this history. Said order required that all blacks or mulattos residing in the county should appear before some justice of the peace and give bonds for their good behavior, or be expelled from the county. This order was, in accordance with an act of the territorial legislature, entitled "An Act to regulate blacks and mulattos," dated June 21, 1839. But, in order to a more comprehensive introduction to the subject, we here insert clauses of said act bearing more directly upon the case in hand:—

"SECTION 1. *Be it enacted, &c.*, That from and after the first day of April next, no black or mulatto shall be permitted to settle or reside in this territory, unless he or she shall produce a fair certificate from some court within the United States, of his or her actual freedom, which certificate shall be attested by the clerk of said court, and the seal thereof annexed thereto by the said court, and give bond, with good and sufficient security, to be approved of by the board of county commissioners of the proper county in which such person of color may reside, payable to the United States, in the penal sum of five hundred dollars. * * * * *

"SECTION 2. If any negro or mulatto, coming into this territory as aforesaid, shall fail to comply with the provisions of the first section of this act, it shall be and is hereby made the duty of the county commissioners in any county where such

negro or mulatto may be found, to summon him, her, or them to appear before some justice of the peace to show cause why he, she, or they shall not comply with the provisions of this act. * * * * *

And if such negro or mulatto shall still fail to give the bond and security required by the first section of this act, * * * * * it shall be the duty of the county commissioners of such county to hire out such negro or mulatto for six months, for the best price in cash that can be had. The proceeds of such hiring shall be paid into the county treasury of the proper county, for the use of such negro or mulatto, in such manner as shall be directed by the board of county commissioners aforesaid."

A history of the case may now be in order, and may not prove wholly uninteresting, even to those personally acquainted with the facts. It was known that there was a negro (or, rather, a negress) in the county, else such an order would have been regarded as an idle formality.

Some time in 1844 or 1845, a man named Thomas McGregor^v came from Illinois to what is now the north-east corner of Indiana township, and called upon Mr. George^v Henry, a settler in that neighborhood, and asked his assistance in selecting a claim. Mr. H. readily gave him the required assistance, after which, McGregor asked the privilege of moving into the house with him till he could get a cabin fixed up on his claim. Mr. Henry, being desirous of accommodating those who were to become his neighbors, and, inasmuch as the family of Mr. McGregor was small, consisting of only the man and his wife, he readily assented to that arrangement also. But when the guests arrived, the astonishment of Mr. Henry may, possibly, be imagined, when he first beheld in Mrs. McGregor a full-blooded African, about as dark as the darkest of the race, possessing all the charms that could be summed up in a figure of ample proportions, and features of combined brilliancy and prominence. As a matter of course after this discovery, he lost no time in reconsidering his promise. He was not disposed to encourage further "domestic relations" with this in-

teresting pair, and honestly signified to Mac that his mind had undergone a change on the subject. So the latter, with his lovely spouse, was compelled to seek some other shelter. Not finding a house, they camped out, as they had previously done, until their cabin was built. But the nature of their relationship was such that they were not permitted to long enjoy it in peace. It was taken for granted that they were living in violation of a statute of the territory forbidding matrimonial connection between blacks and whites, and, for this offense, were arrested and brought before Justice Levi ^vBainbridge, on Lake prairie, and tried. Not being very well pleased with the rulings of this court, they took a change of *venue*, and their case was turned over to Justice Mike ^vMorris, who happened to be present. After giving it a hearing, Mike referred the matter to the Mahaska county grand jury — this being previous to the organization of Marion — where it ended, the jury not finding a true bill against the offenders.

But the end was not yet. This was only a brief truce in the tribulations of this unfortunate couple. As we have seen, the lady was deemed an offender against another statute, and that statute made it the duty of the county commissioners to take action in the premises; hence the order noticed on another page. But, for some reason, Mrs. ^vMcGregor did not heed the threatening mandate; she was either not aware of its existence, or determined to risk the consequences of disregarding it. But another soon followed, of a more specific character, to the effect that ^vRose Ann McGregor should appear and give the required bonds, on or before the 29th of January, or "*be sold to the highest bidder.*" But even this failed to bring the stubborn Rose Ann to terms. The fearful penalty of non-compliance therewith, though it may have caused the culprit to tremble in anticipation, moved her not otherwise. It was, therefore, found necessary to bring into action the practical force of law, and the sheriff was armed with authority to bring Rose Ann bodily to the seat of justice. Armed with this authority, and attended by his deputy, Dr.

L. C. Conrey, the two proceeded to the residence of the McGregors. Apparently, this visitation had been expected by the wary Rose Ann; for, when the officers reached the house they found the doors barred, and their application for admittance pointedly refused. Not wishing to perpetrate any violence in the execution of their duty (and, perhaps, actuated by a sense of caution, for Rose Ann was reported to be the possessor of a gun, a good marksman, and, to quote the words of our informant, "some in a bear fight"), they resorted to a little strategical compromise, by which the besieged promised to go to town the next morning. But the officers, having no faith in this promise, retired a few rods from the house and secreted themselves behind a shock of corn fodder, to watch the movements of their intended prisoner, and seize her if a favorable opportunity presented. Presently they saw her emerge from the house, with gun in hand, and survey the premises with a cautious glance. Seeing no danger, she returned within doors, where she left the gun, and immediately reappeared, going to the woodpile for fuel. Now was the best opportunity to nab her. The two men started at their utmost speed, intending, if possible, to get between her and the house; but "the race is not always to the swift." Rose Ann soon discovered them, and so far outran them that she had time to bar the door before they reached it. Here, now, was a crisis that required prompt decision, activity, and nerve; such a thing as being out-generaled by a nigger could not be thought of. Parley was out of the question; and what sort of a report should they make on returning to Knoxville without their prisoner? Their reputation was at stake, and, rather than risk it they would risk their lives. So Walters ordered the Doctor to make a battering-ram of an old sled tongue that happened to be lying near at hand, and batter in the door. The order was immediately obeyed, and, as the door swung back, Walters bounded into the room and caught the determined Rose Ann in the act of raising the hammer of her gun. The Doctor followed, and seized the weapon just in time to save his own life, for it was already aimed at him with the

evident intention of firing. Having disarmed the prisoner, she had no other choice but to surrender unconditionally. The doctor then fired off the gun, the report of which indicated a heavy charge, very probably intended for the use she attempted to make of it.

The battle now over, and the victory so fortunately won, the victors immediately set out on their return to headquarters with the prisoner. It was growing late in the evening, and some haste was necessary to reach town before dark; so, in order to make the better speed, and, perhaps, also prompted by a feeling of generosity, the Doctor mounted Rose Ann on his horse, he going before, leading the way in the narrow Indian trail that, as we have heretofore stated, was then about the only kind of road in the county.

As it happened, the sheriff had business in another direction, and accompanied them only part of the way; consequently, the deputy was left in sole charge of the prisoner. Having been so completely conquered, and afterwards so kindly treated to a means of conveyance, it was not supposed that she would become treacherous or troublesome on the way. But Rose Ann was not to be won by any such evidences of kindness, so long as she was subjected to the humiliating condition of a prisoner for no fault except race and color. She was disposed to take advantage of her captors' confidence, and she did. A short time after the sheriff left them,—the Doctor walking a few steps in advance,—Rose Ann suddenly turned about and dashed homeward on a full gallop, to the astonishment and mortification of her captor, who looked after her a moment without any decisive purpose what to do about it. But he concluded to pursue her at all events, and did so as rapidly as he was able. On the way he found his pill bags which he was then in the habit of carrying with him, being in the practice of medicine; they had bounded off in the extraordinary flight of the captive. After a mile or two of pursuit, the Doctor became weary, and turned in for the night at the residence of John Welch.

Next day Rose Ann made her appearance at court with

the required bond, duly signed by herself, with Thomas McGregor (her husband) and Amos Strickland as sureties.

Thus ended this troublesome case. One of the actors in the play (which we may properly style a farce), in relating the incidents of the capture, says that he felt quite conscientious in the performance of his duty, believing, as the great apostle did when persecuting the church, that he was doing God's service. But the persecuted pair did not remain long in the neighborhood. It was supposed by some that McGregor's interest in his ebony spouse was of a pecuniary character, and that his intention was to take her to Missouri for sale; yet, this was not apparent, in his attempt to settle with her in a free state.

CHAPTER X.

COUNTY REVENUE — WARRANTS — STATIONERY — FIRST COUNTY SEAL — BUYING THE COUNTY SEAT — BUILDING COURT HOUSES — THE FIRST COURT HOUSE — PRECINCTING THE COUNTY — ROAD DISTRICTS — FIRST JURIES — FIRST DISTRICT COURT — BOARDING HOUSES — SLEEPING IN THE COURT ROOM — A SKETCH OF JUDGE WILLIAMS.*

Isaac B. Powers, county surveyor, platted the town of Knoxville shortly after it was located.† George Gillaspay was appointed auctioneer to sell lots, and the first sale came off on the 21st of October, 1845, and the second in April, 1846. In those days, as has been heretofore stated, money was far from being plentiful; besides, the prospect of speculation in town property in that wild, open country, far away from any important outlet or means of communication, was not encouraging, so that few investments were made.

The proceeds of these sales were immediately absorbed by

*Since the above was written, we have been informed of the death of Judge Williams, near Fort Scott, Kansas, aged sixty-nine years.

†It was re-surveyed in November, 1846, by Claiborn Hall, who was then county surveyor, for the purpose of correcting some inaccuracies of the former survey.

the expenses of location, survey, and sales, and also for the erection of a court house, the need of which was now being keenly felt, as we shall further notice in due time.*

Besides the sale of these lots there was no other source of revenue till about the close of 1846, or during the winter of 1846-7, when the first taxes were collected. Previous to the organization, the county had been assessed by authority of Mahaska,† and the legislature had authorized the officers of that county to collect the taxes of this assessment after the separation, which the citizens of Marion persistently and successfully refused to pay. There was then but little real estate taxable, and when the taxes were collected at the date mentioned above, they amounted to the small sum of *three hundred dollars!*

At about this time the finances of the county were found to be in a deplorably embarrassed condition. Debts had rapidly accumulated from the date of its organization. Three elections had been held during this time, the expenses of which were paid in warrants, till these promises to pay had so far outfigured the revenue that they dwindled away to the meagre sum of thirty-seven and one-half cents to the dollar. In these the county officers were paid, if paid at all, with the slight hope that they would eventually be redeemed at their full face. The salary of officers then being nearly the same as now, there could be little to prompt aspirants for places aside from the mere honor pertaining thereto. Indeed, to such a strait had money matters come, that the officers were compelled to purchase their needed stationery on credit, at exorbitant prices, and become personally responsible for the payment of the same. The board of commissioners found it necessary to send to Oskaloosa for one quire of foolscap, a bundle

*Owing to the want of suitable offices, the county officers kept their books and performed their official work at their dwellings and boarding-houses.

† This assessment was made in the spring of 1845, as the law then directed. Green T. Clark, who had been elected county assessor, not having any official work to do, went away on business, and did not return in time to serve in the next assessment. George Gillaspay, who had previously applied for the office was then appointed by the commissioners, and assessed the county in the spring of 1846.

of quills,— steel pens had not come into use then,— and a bottle of ink ; but, before they could obtain them, these officers were compelled to become personally responsible for the debt, which could not have been seriously burdensome, even at a period of financial depression. Many of these warrants were sold to shavers to pay these debts. Those who bought these warrants made a profitable investment of their money, paying thirty-seven and a half to forty cents per dollar, receiving six per centum on their full face, till the county redeemed them at par.

An official seal was also needed by the board of commissioners, and, there being no means of obtaining one specially made for the purpose, they legalized one out of the eagle side of a twenty-five cent United States silver coin. With a stick and mallet an impression could be made of the bird of liberty, which mark served as a token of the official authority of that court. The first seal of the probate court was the eagle side of a five cent coin.

The land on which the county seat was located was occupied as a claim by L. C. Conrey. There were no improvements on it, except the cabin that was required to hold it ; but so soon as the location was made, Mr. C. surrendered his title gratuitously for the benefit of the county ; but it necessarily yet remained the property of the government. It was supposed that enough funds could be spared from the revenue arising from the sale of lots to enter it as soon as it should be subject to entry ; but such was the all-prevailing poverty of both town and county that two hundred dollars could not be raised for that purpose. At the January session in 1847, the commissioners appointed Thomas Pollock an agent to borrow the money ; but, owing either to its scarcity, or the want of confidence in the financial stability of the the county, he failed to obtain it. In this emergency a Rev. Mr. Gibson came to the rescue with a land warrant, which he offered to apply on time ; but, owing to some obstruction, of the nature of which the author is not informed, the warrant could not be used. At length, however, Dr. Weir, a resident of Fair-

field, where the land was subject to entry, entered it on time, and thus ended the strife, securing to Marion county, in due time, a clear title to her shire town.

By the organizing act, Marion county was added to the second judicial district, and the first term of the district court for the county was fixed for March, the following year. But the county was yet without any kind of a court house, except the cabin in which the commissioners met, described in another place. So at their session in January, 1846, that body inaugurated a movement toward the erection of a temple of justice. To this end they authorized their clerk to receive proposals for a building twenty-four by thirty feet square, two stories high, to be completed on or before the 20th of May following. The lowest bidder was Lewis M. Pearce, who proposed to do the job for four hundred and fifty dollars. His bid was accepted on the 29th of the month, and he immediately commenced the work. The heavy frame timbers had to be culled from the forest, and the lumber to be sawed, and all the materials conveyed, much of them from a distance of several miles, to the building-ground. All this labor occupied much more time and money than was stipulated in the contract, and the building was not completed till some time in autumn, and at a cost to the county of a little more than six hundred dollars.*

This comparatively temporary structure remained in use as a court house till 1858, when it was relieved from public service by the new one. Since that time it has been variously occupied; part of the time the upper story being used as a printing office, from which the "Democratic Standard" was issued, and part of the time as a private dwelling. In June, 1864, it was sold at auction by order of the board of supervi-

*Mr. Pearce's contract was only for the wood-work, and the cost of the building in excess of his bid was for plastering and finishing, which was not completed till some time in 1848. This correction was made upon information received since the above was written.

The lumber for this court house was sawed by Andrew Foster, at his mill near the mouth of English creek, nine miles from Knoxville. Mr. Pearce took the framing timber from his claim on Walnut creek, east of Athica, and about eight miles from Knoxville.

sors, and was purchased by A. B. Miller for nine hundred and twenty-eight dollars, and is still his property. It still stands where it was first erected, opposite the north-west corner of the square, and part of the lower story is at present occupied by B. F. Williams as a marble factory, and another part by Rufus Eldredge, produce dealer. The upper story is occupied by a family.

The new court house was built by Steven Woodruff, at a cost to the county of nineteen thousand dollars. It is a substantial two-story brick building, seventy by forty-eight feet, with an entry door at each end, and a hall about ten feet wide extending between each. This hall is flanked on either side by a tier of rooms appropriated to the various county offices. Two broad stairways, and a narrow one from the clerk's office, lead to the upper story or court room, a large apartment, well lighted, and furnished with seats enough to accommodate four hundred persons. This house stands in the center of a well enclosed square, and is surrounded by a fine growth of young cottonwoods.

On the 13th of March, 1846, the first district court convened. Joseph Williams, district judge, made his appearance at the time specified for holding court, but, as we have said, there was no place worthy the name of court house in which to hold it. The commissioners, however, had made such temporary preparations for the occasion as circumstances permitted. There was a hewed log house in the neighborhood, about sixteen by eighteen feet square, owned by Dr. Conrey, that offered the best if not the only prospect for a court room. This the commissioners purchased, and employed George W. Harrison to move to the west side of the square, near where Reaver's grocery now stands, and fit up for the purpose. In further preparation for this important event, jurors had to be selected. To do this in the order prescribed by law, it was necessary to district the county into voting precincts, and select from each the number of jurors in proportion to its number of electors supposed or known to be mentally qualified to perform the service of jurors. On the second day of March these

precincts were described and named as follows. For the sake of convenience we abbreviate from the original record, and also place the name before the description : —

“*Lake Precinct.* Town 77, and all of 75 and 76, range 18, north of the Des Moines river; election at the house of Samuel Peters. *Judges* — Samuel Peters, Asa^vKoons, and Jacob C. Brown.”

This, it will be observed, included what is now Lake Prairie township.

“*Red Rock.* Town 77, and all of 76, range 19, north of the river, and all of 77, range 20, east of the old Indian boundary line, and north of the river; election at Robert D. Russell’s. *Judges* — James^vChestnut, Claiborn^vHall, and Reuben^vMatthews.”

This included all of the present township of Summit, part of Polk, and about one tier of sections off the east side of Red Rock.

“*Gopher Prairie.* All west of the old Indian boundary line and north of the river; election at Asa^vHugh’s. *Judges* — Alfred^vVertrice, Asa^vHugh’s, and Joshua^vLindsey.”

This included the remainder of Red Rock township, and all of Perry.

“*Pleasant Grove.* All of Marion county, and the attached portion thereof south of the river and north and west of White Breast creek; election at Wm.^vGlenn’s. *Judges* — Wm. M. Young, John P.^vGlenn, and Wm. Glenn.”

This included the present townships of Union, Swan, and Pleasant Grove, parts of Polk, Knoxville, and Franklin, the north-west corner of Dallas, and all of Warren county lying between the above named streams.

“*Knoxville.* Town 75, range 19, and all of 76, range 19, south of the river, and east and south of White Breast creek, and all of 75 and 76, range 20, east of the old Indian boundary line; election at the place of holding district court. *Judges* — Lawson G.^vTerry, Landon^vBurch, and Moses^vLong.”

This included the larger portion of Knoxville township and the south-east corner of Polk.

“*English*. All of the county and attached portions thereof west of the old Indian boundary line, and south and east of White Breast creek; election at Wm. ^vTibbet’s. *Judges* — Wm. Tibbet, Elisha B. ^vRyan, and Samuel ^vNicholson.”

This included what is now the south-west and some of the west part of Knoxville township, the larger portions of Washington and Dallas, and part of Warren county.

“*Round Grove*. Town 74, range 19, and all of 74, range 20, east of the old Indian boundary line; election at Alexander ^vMay’s. *Judges* — Alexander ^vMay, John T. ^vPierce, and Jeremiah ^vGullion.”

This embraced all of what is now Indiana township, and about one and a half tiers of sections off the east side of Washington.

“*Cedar*. Town 74, range 18, and all of 75, range 18 south of the river; election at Jasper ^vKoons’s. *Judges* — Joseph ^vClark, David T. ^vDurham, and Francis A. ^vBarker.”

This embraced all of Liberty township, and all of Clay except what belongs to town 76, range 18.*

These precincts continued in use until the population rendered smaller divisions necessary, when township organizations were substituted from time to time, with numerous changes, till they finally assumed the geographical phase shown by the large and beautiful map of the county, gotten up by Messrs. Shirwood and Pyle, in 1855. These township organizations will be detailed at some length, in the order of date, in another part of this book.

During the following month (April 14) the county was also divided into road districts, and a supervisor appointed for each. Several of the precincts described above were each constituted a road district, numbered as follows: —

No. 1. Town 77, range 18, and all of 76, range 18, north of

*It is apparent that this point was entirely overlooked by the commissioners and not assigned to any precinct. It is the north-west corner of Clay.

We have been particular in these descriptions to enable the reader, by the help of the map, to find the localities of these precincts and get an idea of the civil geography of the county at that date. We hope the details will not be deemed too tedious to be interesting.

a line running west of the south-east corner of section 12. *Supervisor*, Samuel Peter.

No. 2. All of town 76, range 18, south of a line running west from the south-east corner of section 12, and north of the river; and all of town 75, range 18, north of the river. *Supervisor*, Wm. Welch.

No. 3. Red Rock precinct; *Supervisor*, Claiborn Hall.

No. 4. Gopher Prairie precinct; *Supervisor*, Joshua Lindsey.

No. 5. Pleasant Grove precinct; *Supervisor*, Wm. M. Young.

No. 6. Knoxville precinct; *Supervisor*, Lewis M. Pierce.

No. 7. English precinct; *Supervisor*, Wm. Tibbet.

No. 8. Round Grove precinct; *Supervisor*, David Sweem.

No. 9. All of towns 75 and 76, range 18, south of the river; *Supervisor*, John Wise.

No. 10. Town 74, range 18; *Supervisor*, Hugh Glenn.

As has already been noticed, few legally established roads then existed, and comparatively little work of the kind was required to be done, which may account for the size of the districts.

The following are the names of the grand and petit jurors impaneled for the first term of the district court, March 13th, 1846. We have taken pains to ascertain, so far as possible, who of the number still live, and who are dead, with dates and places, which we append to the list:—

GRAND JURORS.

1. Stanford Doud, *foreman*, lives in _____ county; was state senator from that county in 1866 and 1867.
2. John B. Hamilton; lives in Texas.
3. Asa Koons; died at his residence in Clay, in 1847.
4. Wilson Stanley; lives near Denver.
5. Samuel Buffington; moved to Mahaska county.
6. Ed Billops; went to California in 1849.
7. Joseph S. West; lives in Summit.
8. Osee Matthews; went to Idaho in 1867.

9. James Chestnut; died on his return from California in 18—.
10. Andrew Storts; lives in Marion township.
11. John P. Glenn; dead.
12. Conrad Walters; lives in Knoxville.
13. Alexander May; lives in Indiana township.
14. Thomas Gregory; died in Clay in 1849.
15. Benajah Williams; died in Mahaska county.

PETIT JURORS.

1. Jacob C. Brown; lives in Monroe, Jasper county.
2. Nathan Bass; died on his way to California, in 1849.
3. Granville Hendrix; unknown.
4. George Gillaspy; lives in Ottumwa.
5. Claiborn Hall; lives near Athens, Illinois.
6. Alfred Vertrice; went to California.
7. John Whitlatch; lives in Indiana township.
8. Wm. Buffington; lives in Mahaska county.
9. Wm. Glenn; dead.
10. Elijah Wilcot; dead.
11. Reuben S. Lowery; killed in Kansas by a falling tree.
12. David Sweem; died in Indiana township, in 1867.

This court convened at the time and place already mentioned, Judge Joseph Williams, presiding; also attended by the following named persons as attorneys: Edward H. Thomas, prosecuting attorney; John W. Alley, — Bissell, a young lawyer, who was afterwards engaged in mercantile business in Libertyville, Jefferson county, where he died in 1851, Thomas Baker, of Oskaloosa, — Calkin, — Gray, — Peters, Henry Temple, and E. G. Stanfield. The latter was prosecuting attorney at the second term, and is still a resident of Knoxville.

This term lasted but three days, during which all the cases on the very limited docket were disposed of, the history of which would hardly prove of sufficient interest to repay a perusal. From the brief records, however, we quote — “United States *vs.* Henry Hall.” This was the first case tried, being

one of an assault and battery, appealed from a justice of the peace. The case was dismissed, and the defendant discharged. The second case reads — “United States *vs.* F. M. Clipton; recognized to keep the peace, and discharged on paying costs, amounting to seventeen dollars and fourteen and three-quarters cents.” There was also tried an appeal from the Mahaska county district court, a civil case, in which “Edward H. Thomas *vs.* the board of commissioners of Mahaska county.” This was the same Thomas who attended as prosecuting attorney. Having sued for attorney’s fees, and, Mahaska county being a party, he could hardly expect justice from a jury of that court, and appealed his case to that of Marion, by whom he was awarded judgment for three hundred and twenty-five dollars.

As there were no jury rooms attached to the temporary building used as a court house, the jurors were compelled to make the best shift that circumstances allowed. The grand jury retired to the residence of Dr. Conrey, a small linn log cabin, that was also open as a boarding-house; whilst the petit jury held their consultations in the open air, at a convenient distance from the court house, each jury being attended by a bailiff.

As may be supposed, attendants at court were subjected to some inconveniences, consequent to the lack of boarding accommodations. Besides the boarding-house kept by Dr. Conrey, there was another place of entertainment at the south-east corner of the square, dignified with the name of tavern, kept by L. M. Pierce. L. W. Babbitt also owned a house in town to which, in due time, he made an addition for the accommodation of boarders. Yet, in these limited quarters, beds could not be supplied for all of even the smallest number required to compose a district court, which could not have been less than thirty persons, not counting plaintiffs and defendants, with their array of attorneys and witnesses. So many as could be fed at tables and lodged in comfortable beds were thus cared for, much to their satisfaction, though the fare was not epicurian to the last degree, nor even sumptuous. But,

for the surplus number, the only shift was to take what is termed in steamboat travel, steerage, or deck passage, by bringing their own beds and victuals with them; they made the court house floor their camping ground, where they could enjoy the rough fare quite independent of the restraints of hotel life as it then existed in Knoxville.

In those days men were not disposed to complain of the privations incident to frontier life. Experience had taught them to regard such as an unavoidable state of things, and gave them no choice but to accept of them as cheerfully as though there was nothing lacking. The evenings were passed with a cheerfulness and hilarity peculiar to frontier life, where there is, usually, comparative freedom from the conventional restraints of older and more fashionable society. Pecuniarily, and, consequently, socially, men were nearly upon an equality. Ignorance was no bar to the social circle, though there was then, as there always has been, and always will be, a material difference in the mental attainments of the accepted members of society. Only the morally debased received no encouragement to participate in the interchange of jest and merriment that constituted much of the entertainment of the company. Men could play pranks upon each other, fire volleys of sarcastic wit at each other, and jestingly make each other the subjects of ridicule, without causing an open rupture. Then they could change the programme to stories, anecdotes, and songs, and thus restore all equanimity of feeling that might have been lost in the rough but not offensive badinage that had been exchanged. If these social entertainments were made more or less lively by the enlivening influence of a spirit called by the Indians *skooti-appa* (fire-water, *alias* whisky), it must be remembered that popular sentiment had not yet voted the custom of indulging in the ardent a crime. Whisky could be easily obtained, was comparatively cheap, and was more generally used,* notwithstanding which, beastly drunkenness was not regarded with favor.

*Though the above statement may be mainly true, Judge Williams was heard to remark, much to the credit of those who attended the first district court, that it was the first court he had ever held where whisky had not preceded him.

Thus, these men could partake of a supper of cold corn-dodgers and meat with, perhaps, the addition of baked beans, or a tart made of some kind of wild fruit, and then, after a time spent in social confab, stretch themselves upon their straw cots on the ground floor of the little court room, and compose themselves to sleep with the happy contentedness unsurpassed, if even equalled, by that obtained from the sumptuous fare of a first-class hotel.

In the presence of Judge^v Williams at one or the other of the boarding-houses, these pastimes were, if possible, less irksome to the company. With an inexhaustible fund of wit, humor, and music, he was at no loss for means of amusement, and took much delight in affording it. As the Judge was a somewhat noted character, more particularly for eccentricity than for legal attainments — though, we believe, he had the reputation of being a good judge — we deem it proper to close this chapter with a brief sketch of him.

With regard to his history we know but little, either previous to the time at which we are writing, or since. At that time he was about fifty years of age, and had worn the ermine many years. In a territorial act fixing the terms of the district courts, approved January, 1839, we find his name as appointee over what was then called the second district, composed of the counties of Louisa, Muscatine, Cedar, Johnson, and Slaughter. He was a person of remarkably good conversational powers, and delighted in telling anecdotes. His musical talent was much above the average, both for vocal and instrumental. Often, after delivering a temperance lecture,* full of eloquence, and interspersed with humorous passages, he would sing a favorite song called "Little Billy Peal," with an effect seldom surpassed, calling up an applause of such hearty, boisterous delight as has seldom greeted a star actor. He was master of most musical instruments, but for drawing tunes out of that sweetest toned of all, "the fiddle and the

^v*Judge Williams lectured on temperance at Oskaloosa during the first session of court there, and was the first person that organized a temperance society in the frontier counties.

bow," he was particularly distinguished in this attainment. In addition to his vocal talent as a singer, he possessed that wierd, mysterious power of using his voice as a ventriloquist, and could imitate the cry of various kinds of animals so correctly that the uninitiated could not fail being deceived. He would sometimes imitate the squalling of a belligerent cat to the great alarm and mystification of the ladies, who could neither discover the brawlers nor learn from whence the noise came.

At this point we beg leave to introduce a couple of anecdotes bearing upon his notoriety as a musician:—

Many years ago, on the occasion of a convention at Iowa City, in the interest of a proposed railroad from Muscatine to that place, Judge Williams and Le Grand Byington were in violent opposition to each other upon some points of which we are not informed, nor does it matter, so far as the interest of this sketch is concerned. After the convention, a young amateur in the art of drawing produced a caricature representing Joe Williams seated astride an enormous bull playing a clarionet. The bull was on the railroad, with tail erect and head down, pawing up the dirt, and prepared to combat the further progress of a locomotive which was close upon him, upon which was Le Grand Byington as engineer, and from the whistle of which ascended the words, "Music hath charms, but cannot soothe a locomotive."

On another occasion, being that of an election of supreme judge and United States senator by the state senate, Judge Williams was before the democratic caucus for the former, and George W. Jones (sometimes called Nancy Jones, and known as a dancing master), for the latter place. Their competitors of the same party were S. C. Hastings, formerly president of the territorial council, for the judgeship, and Judge Johnson, of Lee county, for the senate. These last named gentlemen were at Iowa City just previous to the time of election, laboring earnestly with the members of the senate to secure their choice. But at the caucus, which came off during the night preceding the day of election, it was decided to elect Williams

and Jones. When this decision became known to the disappointed aspirants, Johnson and Hastings, they were greatly disgusted at the want of discrimination on the part of the caucus. With this view of the case, they regarded their own defeat as decidedly humiliating, and, under the heat of wine, retired together to condole with each other over their misfortune. Arm in arm they walked to and fro, uttering wailing complaints of the manner in which they had been treated by the party. "Johnson," said Hastings, by way of consolation to his companion, "I am aware that your case is pretty hard; but it's not half so hard as mine. You were beaten by a dancing-master and a gentleman; but I was beaten by a d—d fiddler!"

But we hardly dare to close this chapter without relating an instance of his peculiar power as a ventriloquist. It occurred during the first term of the district court at Knoxville. Most of those attending court then boarded at Babbitt's; and it so happened that one night the little boarding-house was so full that it was barely possible for all to find sleeping room. The Judge, with lawyers Knapp, Wright, and Olney, were supplied with beds in the lower story, whilst the jurors and numerous other attendants found room to stretch themselves on the loose upper floor, using blankets, coats, and whatever else they had provided for beds. When, after much ado, they had all got settled down for a nap, they were suddenly startled by the terrific squawling of what appeared to be a couple of tom-cats in mortal combat in the room. Instantly all hands were up and in search of the supposed disturbers; but no cats could be found, and the surprised boarders returned to their beds without any very satisfactory conjectures as to the whereabouts of the nocturnal brawlers. But they had hardly composed themselves again for rest, when the loud and boisterous growling and snapping of a couple of belligerent bull-dogs, apparently in their very midst, brought them all up standing. And then followed an uproar such as language could convey but an indistinct idea of — the dogs maintaining the combat with mingled growling, barking, and

whining, and the men endeavoring, with all the noise they could make, to oust them from the room. How they came to be there was a wonder, indeed; but the evidence of their presence was too unmistakable to admit of a doubt, even in the total darkness. Presently the fight ceased, and with that the general uproar abated. Then came a solution of the mystery. The Judge and lawyers could no longer restrain their merriment at the expense of the frightened and mystified lodgers up stairs, but let it come in a gush of laughter, that quickly reminded some of the company that the Judge was a ventriloquist, and had undoubtedly just played them one of his mysterious tricks. But so far from being offended at it, they took a sensible view of its ludicrousness, and all joined heartily in the laugh.

CHAPTER XI.

LIST OF COUNTY COMMISSIONERS, PROBATE JUDGES, COUNTY JUDGES, AND COUNTY SUPERVISORS.

Before closing the political history of our county, it would be proper to give a list of some of the officers who were elected subsequently to the first whose names have already been given.

It was stated that when the term of the first board of county commissioners had expired, the terms of the succeeding members were regulated by the comparative number of votes polled for each at the election by which they were chosen. As three were required to constitute the board, it was enacted that the one who received the highest number of votes at the regular election in August, 1846, should serve three years, the next highest two, and the lowest one, so that a new member would be elected yearly. After the county was divided into commissioners' districts, as has been described, a member was elected from one or another of these districts yearly, so that no district elected a commissioner oftener than once in three years, thus keeping a quorum of two experienced members constantly in office.

At the first regular election, Hugh^v Glenn and Samuel^v Tibbett were elected to fill the places of Conrad^v Walters and Wm. Welch, David^v Durham holding over another year.

August, 1847, Thomas^v Pollock in place of Mr. Durham.

August, 1848, Martin^v Neel, in place of Hugh^v Glenn.

August, 1849, Miles^v Jordan, in place of Thomas^v Pollock.

August, 1850, James M.^v Brous, in place of Samuel Tibbet.

In 1851 the commissioner system was abolished and substituted by the office of county judge, as will be further noticed after we have given a list of probate judges; as follows:—

September, 1845 (special election), Francis A.^v Barker.

August, 1847, Claiborn^v Hall.

August, 1849, Thomas^v Collins.

August, 1850, Warren D.^v Everett.

In 1851 the offices of probate judge and county commissioners were abolished by an act of the legislature, and both merged into that of county judge, and the following is a list from that to the present date:—

Joseph^v Brobst, elected August, 1851; re-elected in 1853.

F. M.^v Frush, elected August, 1855; re-elected in 1857, and held the office till January 1, 1861.

Wm. B.^v Young, elected October 1861; re-elected October, 1863, and held the office till January, 1866.

Joseph Brobst, elected October, 1865; re-elected October, 1867, and held the office till January, 1869, when the office was repealed* and substituted by that of circuit judge.

By an act of the legislature, the office of county supervisor was created to assume the duties previously performed by the county judge. One member elected from each township constituted a board of supervisors. The first board was elected on the second Tuesday of October, 1860, and held their first session on the first Monday of January following.

* By this act Judge^v Brobst was appointed *ex-officio* auditor till January 1, 1870.

John B. Hamilton was then clerk of the district court, and, by virtue of this office, was also clerk of the board of supervisors.

The first business of the board was to regulate the terms of its members, so that half the number should be limited to one year, and the other half to two years; but as there were fifteen members, the odd number was placed in the list of short terms. The clerk prepared the ballots, and the members drew as follows:—

NAMES.	TOWNSHIPS.	TERMS.
✓Joseph Brobst,	Knoxville,	2 years.
✓Wm. P. Cowman,	Perry,	1 year.
✓D. F. Smith,	Franklin,	1 “
✓H. R. Clingman,	Dallas,	1 “
✓Wm. Blain,	Union,	2 years.
✓Geo. W. Martin,	Polk,	2 “
✓Daniel Sherwood,	Indiana,	2 “
✓John F. Baldwin,	Summit,	1 year.
✓Edwin Baker,	Red Rock,	2 years.
✓Joseph Clark,	Clay,	1 year.
✓J. B. Davis,	Liberty,	2 years.
✓E. F. Grafe,	Lake Prairie,	2 “
✓Bromfield Long,	Washington,	1 year.
✓J. A. Logan,	Swan,	1 “
✓J. Thornburg,	Pleasant Grove,	1 “

Our limits will hardly permit a full list of all the county officers who were elected and served from 1845 to the present date; nor do we deem such a list of much historical importance in a work more especially designed to record the early history of the county. Hence, we have named the incumbents of such offices as seemed to be of leading importance in the transaction of county affairs; and what relates to them or others of noteworthy interest, later than 1848, will appear in an appendix. We, therefore, proceed with the more legitimate thread of our narrative.

CHAPTER XII.

A LEGAL MISTAKE—BRIEF SKETCH OF LYSANDER W. BABBITT
—FIRST POST OFFICE AT KNOXVILLE—“LAKE PRAIRIE” P.
O.—INCONVENIENCE OF MAIL FACILITIES—A HISTORICAL
INCIDENT—SECTIONING THE LANDS—FIRST LAND ENTERED
—DES MOINES RIVER LAND—FOWLER LANDS.

At the second term of the district court, a circumstance occurred, slightly embarrassing to the few criminal prosecutions that came before it through the findings of the grand jury, which occurred in this wise: It was the business of the commissioners to select the jurors, and, after the proper number was drawn by the sheriff, it was the duty of the clerk to certify to the list. In this instance L. W. Babbitt, who, we should have stated, was appointed clerk of the district court by the judge, at the first term, instead of designating that office in his signature to the certificate of jurors, signed himself “Ex-officio Clerk of the Board of County Commissioners.” This was right so far as it went, but in consequence of not adding “Clerk of the District Court,” it was decided by that court that such a signature amounted to no legal signature at all; that the jurors were not legally drawn; that they were not jurors, and that their doings were null and void. So, all the indictments made out by that jury were, to use a phrase common in legal proceedings, quashed. It is, however, due to Mr. B. to state that the error was not intentional. Owing to the fact that no attempt was made to secure new indictments, it is safe to judge that the cases were of no vital importance.

As the career of Mr. Babbitt, connected with the early history of Marion county, may appear somewhat conspicuous, and as his name may not be mentioned in any future part of this work, we here take occasion to give what little we know relative to his history.*

* We wrote to Mr. B. for information on this point, but failing to obtain an answer, we are dependent upon other sources for these meagre and, perhaps, inaccurate accounts.

He was born in the state of New York about 1810, came to Iowa at an early day, and was a citizen of Burlington in 1840, where he worked at the business of gunsmith, and also held some office. In 1842 he, with two others, went to the head waters of the Des Moines river on a trapping expedition, where they remained during the winter. On their return in the spring, as they were descending the river in a canoe, they were robbed of most of their furs by the Indians. On the first of May, 1843, they landed at what is now Coalport, where Babbitt remained long enough to take a claim, embracing the present site of the village and the bluffs below it, containing inexhaustible beds of coal.

Having secured his claim, Mr. B. repaired to Burlington for his wife, and was surprised to find her in mourning for him, and preparing to sell his property, with the view of returning to her former home. The report had reached her some time previously that he had been murdered by the Indians, and his failing to return within a reasonable time seemed to confirm this report beyond a doubt. He concluded, however, not to stop the sale of the property, but took the matter into his own hands, and soon after moved to his claim. Here he fitted up a temporary shop where he employed himself in repairing guns, sharpening plow-shears, and doing other jobs in the smith trade, till he was called to the clerkships already mentioned.

He is described as a person of small stature, active movements, prepossessing manners, quick apprehension, and retentive memory. He was, evidently, ambitious of political promotion, for which his energy and talents fitted him, and carried him, to some extent. During his official term at Knoxville he began the study of law, and so far mastered the rudiments of that profession, that he was admitted to the bar in 1847. In 1846 he was appointed the first postmaster at Knoxville, and his commission authorized him to give out a contract for carrying the mail to Oskaloosa and back once a week,*

*David Durham took this contract, extending from July 1st, 1846, to July 1st, 1850,—four years. He commenced in June, and made two trips during that month gratuitously, as the department did not commence paying till July.

but it was not till some time in June of that year that the first mail arrived, and the office was opened at Babbitt's house. He held the office till 1849, when he was succeeded by James M. Walters. In 1853 he left the county,* and is at present editor of the *Council Bluffs Bugle*, which instrument he blows vigorously in the interests of his party. Since his residence there he has, several times, represented Pottawatamie county in the state legislature.

Some time previous to the establishment of a post office at Knoxville, one had been established on Lake Prairie, and called by that name. Augustus Blair received a commission as postmaster here, but, failing to qualify, David T. Durham circulated a petition asking for the appointment of Wm. Stanley. This was after the establishment of the post route between Oskaloosa and Knoxville, passing this office. In due time Mr. S. received his commission, and retained it till he sold to the Hollanders and moved to Red Rock, in 1847, when A. B. Miller took charge of the office till it was moved to Pella, during the winter of 1847-8.

In relation to offices established in other parts of the county, see history of the townships.

Previous to the establishment of these offices, mail facilities were so inconvenient that the people of Marion county were comparatively isolated from the rest of the world. The nearest post office was at Oskaloosa, a distance of from fifteen to thirty miles, which precluded all thought of regular or frequent correspondence by mail. Only the most urgent necessity induced a settler to suffer the delay and expense of going to and returning from the post office, though the difficulty was sometimes slightly obviated by the chance of sending by persons passing and re-passing to mill, or on some other business. Otherwise, no matter how desirous the recent immigrant might be to soften the loneliness of his condition in a wilderness so remote from the friends and scenes of his nativity, to hear from them at regular intervals, even once a month, the

*He received the appointment of register of land office at Council Bluffs, under President Pierce.

distance to the post office was found to be nearly, if not quite, an insurmountable obstacle thereto. Therefore, the establishment of means of regular mail communication within the county was regarded as next in importance to that of convenient milling privileges. It was like opening a prison door temporarily closed against intercourse with the outside world; and, after being so deprived, no people had better cause to appreciate this one great blessing of a civil government.

At the convention which came off at Iowa City in 1846, on the occasion of the formation of the first state constitution, preparatory to our admission into the Union as a state, John Conrey, of Knoxville, was our chosen delegate, representing, besides Marion, the counties of Jasper, Iowa, Poweshiek, Warren, Polk, and all the territory attached to them within the bounds of the purchase. No convention had been held for the purpose of nominating candidates to be elected to this office, but they were chosen by the common consent of the leading members of the opposing parties. Rev. James L. Warren, also of Marion, was chosen by the whigs. During the canvass, I. C. Curtis, also a whig at that time, not seeming favorably disposed towards the choice of his party, announced himself as a candidate, and succeeded in obtaining a few votes, by which Warren was defeated, Conrey being elected by a majority of about ten. After this, Curtis became identified with the democratic party. We record this as a historical incident that it seems hardly proper to omit, and not intending it to be prejudicial to the reputation of Mr. Curtis, who is now a citizen of a distant state.

We now proceed to a brief record of the sectionizing and sale of the public lands in the county. We regret that our information on these subjects is comparatively limited, for we would take pleasure in giving the amount surveyed from time to time, and the amount entered the first year after the sales commenced. The county was sectionized by ranges. Range 18, and the north half of 19, was sectionized during the winter of 1846-7, and the remainder of the county at different dates. The south half of the county was assigned to the Fair-

field land district, and the north half to that of Iowa City. The first land offered for sale was that first surveyed and the first entered in this tract, and, consequently, the first in the county was section 29, town 74 (Liberty township), range 18, by Josiah Brobst, in May, 1847. The claimants were not generally prepared to enter their lands as fast as they came into market, and it was not till some time in 1848 that any considerable amount was taken up; and it was at this critical period that the greatest antagonism existed between the claimants and buyers, some accounts of which have been given. But soon after these troubles subsided, and the fertility of the soil and the beauty of the country became known to some extent, and local conveniences were established, population poured in, and the lands were rapidly taken up. But the greatest increase of population by immigration was between the years 1850 and 1855, after which little choice land remained in possession of the government. In 1860 there was none.

At the present time, some small tracts contiguous to the Des Moines river are owned by the state, being remnants of what was donated by the government to be expended in improving the navigation of that stream. A brief history of this ill-fated enterprise may not be out of place here:—

By an act of congress, dated August 8th, 1846, every alternate section of the public lands on each side of the Des Moines river, within five miles of it (except the sixteen of any township coming within the tract), was granted to the state for the purpose above stated. This grant was all made within the bounds of the new purchase, and extended west as far as Fort Des Moines, which was deemed to be at the head of navigation.

A survey of this river had been made by Samuel R. Curtis and others, and slack-water navigation by dams and locks, on the principle of those used in canals, was thought practicable to facilitate the floating of steamboats when otherwise the water would be too shallow for that purpose during the dry season; and the enterprise was not only regarded practicable,

but profitable as a means of commerce in reaching the productions of the Des Moines valley, whose fertility betokened an abundance in due time, and, also, of reaching the coal that was known to exist in the banks and in the vicinity of that stream, and the beautiful red building-stone near Red Rock.

In the winter of 1846-7 the legislature took charge of the grant, and fixed the minimum price of the lands at two dollars per acre, except what was already pre-empted, and made so much of it as was included in Marion county subject to pre-emption in the spring of 1848, which was some time previous to that fixed for public sale. But this law not meeting with general approval, or failing to effect its desired purpose, was repealed at the next session (1848-9), and the price reduced to its original standard.

In 1848 the first board of public works was elected, consisting of a president, secretary and treasurer, who had the superintendence of the proposed undertaking. The members of the board were: Hugh W. Sample, president; Charles Corkery, secretary; and Paul Bratten, treasurer. They appointed Col. Samuel R. Curtis, engineer, who made a survey of the river, and located points for the several dams. During the year following a new board was elected, consisting of Col. Wm. Patterson, president, Col. Jesse Williams, secretary, and George Gillaspay, treasurer; and they appointed Guy Wells, of Keokuk, engineer, in 1850. In 1851-2 the legislature repealed the act enabling the election of a board, and authorized the governor to appoint a commissioner and register instead. In accordance with this law, Gen. V. P. Van Antwerp was appointed commissioner, and George Gillaspay, register; but Mr. G. declined serving, and Paul C. Jeffries was appointed. In 1853-4 these officers were made elective by the people, and Josiah H. Banny was elected commissioner, and George Gillaspay, register. Two years later, Edwin Manning was elected commissioner, and Wm. Drake, register; and at the close of their term, the whole thing was turned over to the care and keeping of a New York company. But, as the enterprise was finally abandoned, after much of the grant had been squan-

dered in the pretended erection of locks and dams at various points, what remained went back to the state, and was appropriated to the building of a portion of the Des Moines Valley^v Railroad. Only one dam was located in Marion county, at⁴ Rousseau, where a large quantity of rock was blasted in preparation for its erection; and the excavation in the cliff, on the south side of the river, and the loose boulders thrown from it, will long remain a mark of a project wild enough in its conception, but better calculated to put money into the pockets of certain individuals.

From the first, many settlers had little confidence in the enterprise; and, as the lands appropriated were mostly timbered, and without any resident agents to look after them, the timber was, in numerous instances, freely used for fencing and building purposes, thus more directly serving the purpose that nature originally designed it for. Little, if any of these lands now remain unclaimed by individuals.

One or two instances of extensive land monopolies seem worthy of mention in this connection.

At an early day, Willliam D. Ewing^v entered several thousand acres of land in the state, a portion of which was located in this county, principally on the dividing ridge between Des^v Moines and Skunk^v rivers. Some of this is now occupied by his immediate heirs.

Another was that of the Fowler heirs (some thirty-six in number). It was, for some time, a subject of litigation in court, and was finally settled in 1866 or 1867. We quote a brief history of the case from the *Iowa Voter*, of December 10, 1868:—

“About the close of the war with Mexico, one Joseph Fowler, of New Orleans, bought one hundred and seventy-five land warrants, or claims for warrants, for very small sums, from our soldiers as they were on their way home. The entries under these warrants were made by Samuel^v Fowler, of Missouri, in trust for Joseph Fowler, about the 29th of December, 1848; and the lands lie in Marion, Monroe, and Lucas counties. It seems that Mr. Fowler was

among the first to enter in this region, and had his choice. He selected mostly timbered land, and got it as nearly in a body as might be. The lands so entered in this county are in Washington and Indiana townships. These one hundred and seventy-five quarter-sections made a very considerable monopoly, and retarded the settlement of the country very much. After the entries were made, Joseph Fowler died; and Samuel Fowler deeded the land to his heirs, of whom there are many. We believe there has been some dispute connected with transfers of these lands, on account of an apparent or supposed dower interest of Mrs. Fowler in them. The timber lands have been robbed considerably by settlers around them, who found no opportunity for purchasing. The greater portion of the Fowler land in this county has now been sold to settlers."

Since the above account was published, we have been informed that the object of Joseph Fowler in entering this large tract was purely, or in part, benevolent. Having a large number of poor relations living in Maryland, he conceived and adopted this plan to secure them homes in the west, where they might have a chance to better their circumstances. At the time of his death he was on his way, by sea, to gather them up to transfer them to their new homes.

THE MYSTERIOUS GRAVE.

BY ELIPHALET PRICE.

There is a high, bald, mountainous promontory, situated immediately at the junction of the Volga and Turkey rivers, whose summit is crowned with a solitary grave, which, at an earlier period of time was visited annually by a venerable Indian of the Sauk nation, who, after carefully removing the

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