

Land for Sale

On August 8, 1846, President James K. Polk signed a legislative act which authorized the establishment of an additional land office in Iowa, for the sale of public lands lying between townships seventy-six and eighty-three north inclusive. This area was henceforth to be known as the "Iowa District". A little later the same year, the President designated Iowa City as the site of this land office, and appointed Dr. Enos Lowe of Des Moines County as Receiver and Charles Neally of Muscatine as Register.

This was but one step in the transfer of the land owned by the government to private ownership. The broad acres of Iowa were all once a part of the public domain. The methods by which the greater part of this land eventually came into private hands, what price was paid for it, how funds were obtained for payment of the purchase price, when and where the transfers were made, and who signed the papers of transfer are items of more than passing interest.

The distribution of the public lands was effected chiefly by one of four methods — public land sales, private entries, preëmption, and Fed-

eral grants for various purposes. In the beginning it was the policy of the government to obtain as much revenue as possible from its public lands and at the same time promote settlement of the public domain. From 1796 to 1820 a minimum price of two dollars per acre was maintained. By 1820 the popular demand for cheap western lands led the government to reduce the price to \$1.25.

When the Indians withdrew from eastern Iowa in 1833 and title to the land was acquired by the Federal government, Congress ordered surveys by the usual system, dividing the land into townships, ranges, sections, and parts of sections, but there were no land offices in Iowa prior to 1838, and no land could be purchased. The settlers who pushed in ahead of the land office officials were in reality "squatters". But for the most part they were squatters in good faith, with the hope of building homes in the new West.

According to "squatter law", every man was allowed to stake a claim of 160 acres on any of the unoccupied land. To hold his claim he was required to commence improvements by building a house, fencing, or plowing, in order to show his good faith. It was understood that, at the proper time, each settler would be permitted to purchase from the Federal government the land which he had selected, occupied, and improved, but the

very early settlers were not given any legal right of priority of purchase of the land upon which they settled, no matter how long or undisputed may have been their priority of occupancy, or how valuable their improvements.

For the protection of these settlers who desired to purchase the claims which they had selected prior to the land sales, claim associations were organized in several counties. Rules and regulations were adopted by each association to determine the procedure. If disputes arose there were boards or committees to determine the equity of the case without much expense "and woe be unto the man who disobeyed the dictates of the body that set the rules for their observance."

Although the rights of a claim holder were recognized by the pioneers, the first general preëmption law was not passed until 1841, and it applied only to settlers who had "squatted" on their homesteads before a specified date, not to those who should subsequently do so. It was not until 1853 that the right of preëmption applied to settlers on unsurveyed lands.

The Johnson County Claim Association, organized in 1839, was one of the most active associations within the Territory of Iowa. In July, 1842, this extralegal organization declared that its members "would not associate with nor countenance

those who would not respect the claims of others" and they would "neither neighbor, grind, saw, trade, barter, or deal with them in any way whatever, in short we hold them as enemies of justice and good order, and no better than highway robbers."

Soon after Iowa became a separate Territory in 1838 two Federal land offices were opened within the Territory — one at Dubuque and one at Burlington. Lands located in east central Iowa were sold through these offices. Johnson County lands, in those early days, were sold chiefly through the Dubuque office. Subsequently offices were established for a time at Marion and at Fairfield. In 1846 Iowa City became the fifth city in Iowa to be given a Federal land office. In accordance with a proclamation of President James K. Polk this office was opened for official business on November 30th of that year, the day on which the first State General Assembly convened at Iowa City.

The *Iowa Standard*, on September 2, 1846, stated that "Pre-emptors are required to establish their right and pay for their land before the day of sale, or their claims will be forfeited." Thus the early settlers who had taken possession of land with the hope of purchasing it at the minimum price and without competition realized that they

must act quickly if they wished to secure their right to the land they claimed before it was offered at a public auction, although even at the public sale their rights were often protected.

Such early land sales were full of exciting events. It was the custom for settlers to attend the sales in a body, as a protection against any who might seek to secure an improved claim at the expense of the settler who had made the improvements. Moreover, although land was normally purchased for \$1.25 per acre, payment was required at the time of purchase and must be made in either silver or gold currency. The pioneer settler frequently did not have sufficient funds to pay the purchase price and was obliged to borrow it at an extremely high rate of interest. If it became necessary to borrow of a professional lender the almost universal custom was for the "capitalist" to buy the land in his own name and give the claimant a bond for a deed to be delivered at the expiration of one year upon the payment of the money, with interest at an exorbitant rate — frequently fifty per cent.

That seems like a hard bargain and it was, indeed, a lucrative return upon the investment, but it was sometimes a great accommodation to the borrower. It might be the only way by which he could possibly obtain title to the land. If he

bought the land, he could scarcely hope to make a profit of fifty per cent the first year, but some of the settlers had money due them which would be paid during the year. Others could borrow in the East at a little later date and at a much lower rate of interest and thus re-finance their loan at the end of one year. Still others sold half their land for enough to pay for the entire tract.

Occasionally a settler was obliged to have his loan extended for a second year at the exorbitant rate of interest. As a rule, however, the increase in land values following settlement was such that the settler who purchased and held his land found it a good investment, even though he was obliged to pay a high rate of interest for a few years. "All is well that ends well", and only rarely did the settlers have cause to complain of the treatment they received from the "bloated bondholders".

If the pioneer settler had money on hand to meet his needs at the time of the sale, it was probably only because the family had exercised extreme frugality and self denial. The day of the sale was awaited by the settler with great anxiety "and every dollar was carefully hoarded up for the approaching trial, since this was the time when he hoped to gain title to his land against all those who might oppose him in its peaceful possession." Those were dull times for the town merchants.

The Iowa City office, which was destined to be the scene of many pioneer interests, was located in block 23, on the southeast corner of Johnson and College streets — a site which later became the home of two presidents of the University, President Charles A. Schaeffer and President George E. MacLean. Beyond these brief facts, little is now known of this early office. If any historian, local chronicler, or pioneer settler left an adequate description of the physical aspects of the office, the rules of procedure, or the manner in which the officers conducted the business, such records have not been discovered.

It is on record, however, that "complete sets of new books" were opened for this office, and that 575 tracts of land were sold within the first ten months "to residents of almost every county of the State and of various States from Maine to Missouri."

The President's proclamation designated that 345,632 acres should be placed on sale at the Iowa City office. More land was added later. During the fiscal year 1846-1847, 4,162.47 acres of this land were sold for a cash price of \$5,203.08. Sales were increased to more than ten times that amount the next year, when 44,896.61 acres were sold for \$58,665.75. The fiscal year of 1853-1854 marked the peak period at this office, with

sales totaling 701,037.87 acres. By 1856, when the office was closed, 1,317,163.79 acres had been sold at Iowa City. Little wonder that the phrase, "doing a land office business", came to have a significant meaning among the pioneers. The surveyors, like scouts, "pointed out the outposts and the land officials directed the army of occupation. The goal of every member of the army was land — a farm at \$1.25 an acre. It is a humble figure. But what millions have contemplated it in their visions and heartened their hopes for a home!"

Despite the absence of detailed reports relative to the appearance of the office and the methods employed in transacting business at the Iowa City office, some idea of what transpired may be obtained by reading the reports of other offices. A pioneer settler, in describing an early land sale in Burlington, which he believed "was characteristic of those held elsewhere", said:

"As the time of the sale approached anxiety became somewhat intense. The 'bird was yet in the bush and not in the hand.' Maps of townships advertised were prepared, distinct, and of large size. On each legal subdivision of the various sections the name of the man who held a recognized claim to it was distinctly written. One man was appointed to bid for each township, no

one else to utter a word, but all were to attend as a kind of body-guard to see that everything went off right. On the day of the sale, by the courtesy of the Register, the township bidder was allowed to take his place, map in hand, by the side of the auctioneer. As the first tract was cried the bidder responded, '\$1.25,' the government minimum. The auctioneer glanced at the crowd and quietly said, 'sold!' The name of the purchaser was given from the map, and the clerk made the record. The same proceeding followed with each succeeding tract, until the township was finished, following sections in numerical order. Not a loud word had been spoken except by auctioneer and bidder. Had Goliath or Samson undertaken any interference by an over-bid, there would have been an experience that would have been a high price for life, if that even had been spared. This being distinctly understood, no one was rash enough to risk the consequences."

Perhaps at times business may have been transacted in a less orderly fashion, due to the pressure and excitement of obtaining title to the coveted land. An early newspaper of Dubuque reveals that at a land sale in that city applicants stood in line before the door of the land office from Saturday evening until Monday morning. It is not surprising that some became quarrelsome.

Another pioneer who was familiar with conditions attending public land sales has said: "The place of sale presented the most exciting aspect; great crowds of settlers came in from the section of the district that was to be sold in order to be on the ground when the bid was made by the one appointed to do this work. One man was appointed from the township; he held in his hand a list of all the lands with the respective claimants' names attached and as the parcel was called in the sale, he bid it off in the name of the one who waited for the opportunity to clear his title. Considerable time was necessary to complete these sales, and it is said by those who know that they sometimes continued for three weeks. But what was that to the man who was to become the lord of the soil in a short time, provided he had been able to save the necessary amount to make the required payment."

It was a sad occasion when some "claim jumper" was able to secure the land of the rightful settler, but this seldom occurred for, if occasion demanded, "these fellows were roughly treated" by the sympathizing neighbors of the rightful claimant. Says a pioneer writer: "It was here that the money-lender did some good, even though his rate of interest was at times enormous. He may have saved the day for the man who had

his hopes fixed upon a choice piece of good land, that is now so far beyond the reach of the young man, who would till the soil by preference."

When land sales were called they usually continued for a period of two or three weeks unless all the land designated by the President's proclamation were sooner disposed of, as was rarely the case. When the public auction closed the lands remaining unsold were subject to private sale. Thereafter any individual might call at the land office and privately purchase such land as he might desire, within the area designated. Frequently, too, pioneer settlers purchased land of earlier settlers or of speculators. Land warrants, given to men who had performed military service in various wars, could frequently be purchased of non-residents for less than the minimum price of government land. Such warrants could then be used to secure public land up to the number of acres indicated.

Members of colonies or groups such as the Dutch at Pella, the Swedenborgian colony in Iowa County, or the Amana Society sometimes purchased land individually or for the colony. When the first settlers came to Pella, their leader, Henry P. Scholte, secured the aid of a Baptist circuit rider at Fairfield to help him select and purchase choice lands in Marion County.

The Swedenborgian colonists came to Iowa about 1850 and a considerable number of them bought land at the Iowa City office. Thus, a land patent was issued to William Wolbers, who appears as one of the trustees of the colony, on April 11, 1851. This was for 120 acres of land in Section 18, Township 81 North, Range 9 West in what was later Lenox Township, Iowa County.

When the Amana Colony was settled "there was little government land left for direct entry and most of the land was purchased from early settlers or land speculators." The land office was still operating at Iowa City when the first settlers came to Amana, but it was closed the following year.

A quarter section of Johnson County land was purchased by C. J. Swartzendruber, prominent Mennonite settler, in 1851, for a land warrant, probably bought from a soldier of the Mexican War for \$145 or about 90 cents per acre. It may seem strange now that more pioneers did not purchase land at this low price. But even \$145 was difficult to obtain in those days. Moreover, no one could foresee that Johnson County land might some day be worth \$300 per acre.

Whether lands were purchased at public or private sale, by individuals for their own use or for the use of others, if they were purchased di-

rectly from the government, patents were issued soon after the purchase and signed by the President of the United States. Patents for lands in the Iowa City area if issued from the Dubuque, Marion, Burlington, or Fairfield offices prior to 1846 may have been signed by Martin Van Buren, William Henry Harrison, John Tyler, or James K. Polk.

In 1846 when the Iowa City office was first opened President Polk was in office and the first patents issued through this office were signed by him. Later patents issued from this office may have been signed by Zachary Taylor, Millard Fillmore, or Franklin Pierce — at least their signatures appear on the documents but it may be that even then authorized ghost writers copied the signatures of Presidents, since the work of signing so many patents would have taken a great deal of time.

In August, 1852, a Federal land office was opened at Fort Des Moines, and in July, 1856, the Iowa City office was discontinued. Subsequently Federal land sales in this area were consummated chiefly through the Des Moines office.

The county recorder's office in Iowa City reveals an interesting case in which land in what is now Union Township, Johnson County, was originally transferred, in July, 1853, to John Wig-

field, a soldier in the War of 1812, the patent being signed by President Millard Fillmore. Because of an error in execution, the patent was reissued to Alonzo C. Denison, an assignee, by President Woodrow Wilson in April, 1919.

In this centennial year it is of interest to recall that a considerable number of families in eastern Iowa reside on farms that their ancestors purchased of the government one hundred or more years ago. In Johnson County alone more than twenty such farms have been located, and certificates have been issued to the families that have resided there for a hundred years. Land owners who have preserved patents that were issued to their ancestors or other pioneer settlers in the years between 1846 and 1856 may find among them documents that were issued through the land office at Iowa City and signed by President James K. Polk, Zachary Taylor, Millard Fillmore, or Franklin Pierce. The patent may be cherished as a relic and souvenir of the century, but the land which it represents is more valuable than the autograph.

JACOB A. SWISHER